
FIRE PREVENTION AND BUILDING SAFETY COMMISSION
Department of Homeland Security

Written Interpretation of the State Building Commissioner

Interpretation #: CEB-2021-44-2014 IBC-1103.2.3

Building or Fire Safety Law Interpreted

675 IAC 13-2.6 2014 Indiana Building Code (IBC) Section 1103.2.3 Employee work areas. Spaces and elements within employee work areas shall only be required to comply with Sections 907.5.2.3.2, 1007, and 1104.3.1 and shall be designed and constructed so that individuals with disabilities can approach, enter, and exit the work area. Work areas, or portions of work areas, that are less than 300 square feet (30 m²) in area and located 7 inches (178 mm) or more above or below the ground or finish floor where the change in elevation is essential to the function of the space shall be exempt from all requirements.

Issue

Whether an area used exclusively for hired entertainers' performances, and not for any public use or accommodation, is considered an employee work area under Section 1103.2.3 of the *2014 IBC*.

Interpretation of the State Building Commissioner

Yes. An area used exclusively for hired entertainers' performances, and not for any public use or accommodation, is considered an employee work area under Section 1103.2.3 of the *2014 IBC*.

Rationale

Section 1103.2.3 of the *2014 IBC* provides an exemption from all accessibility requirements for certain raised or lowered employee work areas. In determining whether a given space qualifies for exemption under this regulation, the work area must meet three criteria:

- the work area must be smaller than 300 square feet in area;
- the elevation of the work area must be 7 inches or more above or below the surrounding floor or grade level; and
- the change in elevation must be essential to the function of the work area.

At dispute here is the meaning of "employee work area", a term defined in Section 202 of the 2014 IBC as "all or any portion of a space used only by employees and only for work". This definition has two implications: first, the space may not be utilized by the public; and second, when the space is utilized, it must be only for the performance of the employees' work. The way in which a person is employed (direct hire, independent contractor, owner, etc.) is not intended to be addressed in the regulation and, being well beyond the scope of building codes, is considered irrelevant. For purposes of this section, employee work areas extend to areas used by independent contractors, owners, or other workers, and is generally intended to eliminate areas that are used in any way by the public or that are used by employees for the performance of nonwork functions.

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