

TITLE 910 IAC 3 - Indiana Civil Rights Commission
LSA Document #XX-XXX

I. Description of Rule

a. History and Background of the Rule

The Indiana Civil Rights Commission (“ICRC”) enforces provisions of the Indiana Civil Rights Act codified at IC 22-9 and has rule making authority under IC 22-9-1-6. In addition, pursuant to IC 22-9-5, ICRC is charged with investigating and enforcing complaints of employment discrimination against disabled persons and is required to adopt rules to carry out that charge under IC 22-9-5-27. Pursuant to that authority, ICRC enacted 910 IAC 3 to establish practice and procedures before the commission for addressing complaints of employment discrimination against disabled persons. These rules provide the necessary guidance for navigating these types of discrimination complaints through ICRC.

These rules were initially adopted prior to any requirement of a regulatory analysis. Not only do these rules provide parties with guidance on navigating the complaint process, they also ensure that ICRC remains compliant with its workshare agreements with its federal funding partner, the Equal Employment Opportunity Commission (“EEOC”). In fact, Indiana’s civil rights laws related to this area of employment discrimination must be similar in nature to federal rules so ICRC can receive complaint processing funds for those complaints dual-filed with ICRC and the EEOC.

b. Scope of the Rule

910 IAC 3 establishes practices and procedures before ICRC for addressing complaints of employment discrimination against disabled persons.

c. Statement of Need

These rules provide guidance for the parties and assist with regulatory compliance and implementation. Based on legislative changes under HEA 1003 (2024), coupled with the directives contained in Executive Order 25-17, ICRC has identified several changes for these rules in Article 3, as well as in Articles 1 and 2, that combined will ultimately reduce the regulatory footprint by over 45%. ICRC is therefore seeking to amend the current version of the rules to comply with those directives while also ensuring that it remains compliant with its federal funding partner.

d. Statutory Authority for the Proposed Rule

ICRC has rule making authority under IC 22-9-1-6 and IC 22-9-5-27.

e. Fees, Fines, and Civil Penalties

The proposed rule does not add or increase any fines, fees, or civil penalties.

II. Fiscal Impact Analysis

a. Anticipated Effective Date of the Rule

The pre-amended rules are currently in effect. The proposed amendments are anticipated to take effect no later than January 1, 2027.

b. Estimated Fiscal Impact on State and Local Government

Because the amendments are not substantive but intended only to reduce the regulatory footprint by reducing verbiage, ICRC does not anticipate a meaningful fiscal impact on State and local government finances. However, the rules themselves are statutorily mandated by IC 22-9-5-27, and they are additionally needed to maintain compliance with ICRC's EEOC workshare agreement, which provides significant funding to help cover ICRC's annual expenses.

c. Sources of Expenditures or Revenues Affected by the Rule

As noted above, ICRC does not expect the proposed rule to affect any sources of revenue or expenses.

III. Impacted Parties

These rules impact citizens and businesses in Indiana; however, amending these rules will not create any new or increase any impact or burden on those parties. Further, these rules do not create any additional regulatory burdens not contained in the Indiana Civil Rights Law but merely provide the guidance and procedures for effectuating those laws as they pertain to employment discrimination against disabled persons.

Based on data from 2020 to 2024 published by the U.S. Census Bureau, Indiana has roughly 10.5% of its population under the age of 65 that live with a disability.¹ This represents a significant number of Hoosiers who may face potential discrimination in the workplace. In fact, of the complaints filed in 2025 with ICRC, the highest number of all protected classes involved individuals with a disability. Roughly 35% of all cases filed with ICRC involved someone with a disability, which was slightly higher than the next category of race, color, and national origin combined.

IV. Changes in Proposed Rule

The current rules provide guidance and procedures for parties to navigate the discrimination complaint process for cases involving employment discrimination against disabled persons. The proposed amendments to 910 IAC 3 are non-substantive in nature and designed to reduce the regulatory footprint of the rules based on the legislative changes under HEA 1003 (2024) and the directives contained in Executive Order 25-17.

The proposed changes to 910 IAC 3 are as follows:

¹[https://www.census.gov/quickfacts/fact/table/IN/PST045224#:~:text=Table title:%20Table%20Table content:%20header:%20%7C%20Population%20%7C,16%20years+%2C%202020%2D2024%20%7C%20:%2063.7%25%20%7C](https://www.census.gov/quickfacts/fact/table/IN/PST045224#:~:text=Table%20title:%20Table%20Table%20content:%20header:%20%7C%20Population%20%7C,16%20years+%2C%202020%2D2024%20%7C%20:%2063.7%25%20%7C)

- 910 IAC 3-1-1 Purpose. Amend to remove unnecessary language.
- 910 IAC 3-1-2 Applicability. Amend to remove reference to statutory subsection (c) and incorporate by reference CFR provisions.
- 910 IAC 3-1-3 Construction. Amend to substitute pronoun “those” for “the standards” to reduce language.
- 910 IAC 3-2-1 Applicability. Amend to reference Indiana Code to incorporate definitions by reference.
- 910 IAC 3-2-2 “Commerce” defined. Amend to repeal/delete section in its entirety as unnecessary.
- 910 IAC 3-2-3 “Direct threat” defined. Amend to reduce language by incorporating by reference CFR provision.
- 910 IAC 3-2-4 “Disability” defined. Amend to repeal/delete section in its entirety as unnecessary.
- 910 IAC 3-2-5 “Employment agency” defined. Amend to repeal/delete section in its entirety as unnecessary.
- 910 IAC 3-2-6 “Essential functions” defined. Amend to reduce language by incorporating by reference CFR provision.
- 910 IAC 3-2-7 “Has a record of such impairment” defined. Amend to reduce language by incorporating by reference CFR provision.
- 910 IAC 3-2-8 “Industry affecting commerce” defined. Amend to repeal/delete section in its entirety as unnecessary.
- 910 IAC 3-2-9 “Major life activity” defined. Amend to reduce language by incorporating by reference CFR provision.
- 910 IAC 3-2-10 “Person” defined. Amend to repeal/delete section in its entirety as unnecessary.
- 910 IAC 3-2-11 “Physical or mental impairment” defined. Amend to reduce language by incorporating by reference CFR provision.
- 910 IAC 3-2-12 “Qualification standards” defined. Amend to reduce language by incorporating by reference CFR provision.
- 910 IAC 3-2-13 “Qualified individual with a disability” defined. Amend to repeal/delete section in its entirety as unnecessary.
- 910 IAC 3-2-14 “Reasonable accommodation” defined. Amend to reduce language by incorporating by reference CFR provision.
- 910 IAC 3-2-15 “Substantially limits” defined. Amend to reduce language by incorporating by reference CFR provision.
- 910 IAC 3-2-16 “Undue hardship” defined. Amend to repeal/delete section in its entirety as unnecessary.
- 910 IAC 3-3-1 Discrimination prohibited. Amend to add explanatory subsection on rule’s purpose, incorporate by reference CFR provisions, and delete much of section as no longer necessary to reduce overall language.
- 910 IAC 3-3-2 through 910 IAC 3-3-10. Amend to repeal/delete all sections in their entirety as they are no longer necessary given the incorporation by reference in 910 IAC 3-3-1 of the CFR provisions.
- 910 IAC 3-3-11 Medical examinations and inquiries specifically permitted. Amend to incorporate by reference CFR provisions and delete much of section as unnecessary to reduce language.
- 910 IAC 3-3-12 Defenses. Amend to incorporate by reference CFR provisions and delete much of section as unnecessary to reduce language.

- 910 IAC 3-3-13 through 3-3-15. Amend to repeal/delete all sections in their entirety as they are no longer necessary given the incorporation by reference of CFR provisions.
- 910 IAC 3-3-16 Smoking. Amend to delete unnecessary phrase “any provision.”
- 910 IAC 3-3-17 Infectious and communicable diseases; food handling jobs. Amend to repeal/delete section in its entirety as no longer necessary given the incorporation by reference of CFR provisions.
- 910 IAC 3-3-18 Health insurance; life insurance; other benefit plans. Amend to remove unnecessary language.

V. Benefit Analysis

a. Estimate of Primary and Direct Benefits.

Because the proposed amendments to the rules are non-substantive, the benefits underlying the existing rules are maintained. Those benefits are numerous but difficult to monetize. The primary, direct benefit from these rules is the implementation of the State’s public policy of providing all citizens equal opportunity and access in the area of employment for disabled persons. This protects disabled citizens and provides a level playing field for them in employment. This ensures that such citizens can be employed without being discriminated against based on their disability. The value of this benefit cannot be easily monetized or quantified as it has both economic and non-economic considerations; however, there is no doubt the benefit from equal access and opportunity is significant.

b. Estimate of Secondary and Indirect Benefits.

These rules also provide the processes that serve the state’s public policy of protecting regulated entities from unfounded charges of discrimination. When regulated entities have complaints filed against them, these rules provide the process ICRC’s uses to review the cases and determine if a discriminatory act occurred. This includes initial jurisdictional determinations, which often result in the regulated entity not having a complaint against them filed; this saves the regulated entity the time and resources it would have needed to otherwise defend against and respond to the complaint.

All parties benefit from these rules as they provide the necessary guidance and procedures for parties to navigate the discrimination complaint process. This benefits members of the general public by informing them on how to file discrimination complaints if they believe a discriminatory act has occurred.

c. Cost Savings to Regulated Industries.

The regulated community also benefits from the rules so they can understand how to maintain compliance with civil rights and fair housing laws. Many of these laws also have federal counterparts these regulated entities are required to follow, so there is often no additional action or training needed for compliance.

VI. Cost Analysis

a. Estimate of Compliance Costs for Regulated Entities

Because the rules are currently in place, there is no additional cost associated with the non-substantive amendments. Further, there are comparable provisions on the federal level. As such, the proposed amendments do not require parties to engage in any new behavior or procedures. Moreover, the proposed amendments will not add any new costs to ICRC or other agencies.

b. Estimate of Administrative Expenses Imposed by the Rules

These proposed amendments do not add any new administrative expenses.

c. The fees, fines, and civil penalties analysis required by IC 4-22-2-19.6

These proposed amendments do not add any new fees, fines, or civil penalties.

d. If the implementation costs of the proposed rule are expected to exceed the threshold set in IC 4-22-2-22.7(c)(6)

The implementation costs for these rules do not exceed the threshold set in IC 4-22-2-22.7(c)(6).

VII. Sources of Information

a. Independent Verification or Studies

As indicated in footnote above, ICRC obtained information from census data to identify potential impacted parties to help with the cost-benefit analysis.

b. Sources Relied Upon in Determining and Calculating Costs and Benefits

In addition to the foregoing, ICRC reviewed internal reports and metrics. Because the proposed amendments do not result in any new costs, other sources were not consulted.

VIII. Regulatory Analysis

These rules provide guidance and procedures for parties to navigate the discrimination complaint process as created under the Indiana Civil Rights Laws for employment discrimination against disabled persons. It is public policy of the State to provide these citizens equal opportunity and access in the area of employment. The benefits derived from equal opportunity and access for such citizens outweigh the minimal costs associated with amending the existing rules to reduce the regulatory footprint.

IX. Contact Information of Staff to Answer Substantive Questions

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Additional Information for OMB and SBA Review

The following information is required for OMB and State Budget Agency (SBA) review but will not be published along with the regulatory analysis.

X. Redline Draft of Proposed Rules

The Proposed Rule is attached separately.