

IC 22-9 **ARTICLE 9. CIVIL RIGHTS**

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IC 22-9-1 **Chapter 1. Civil Rights Enforcement**

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IC 22-9-1-0.1 **Application of certain amendments to chapter**

Sec. 0.1. The amendments made to section 6 of this chapter by P.L.14-1994 do not affect:
(1) rights or liabilities accrued; or
(2) proceedings begun;

before July 1, 1994. Those rights and liabilities accrued and proceedings begun shall be imposed and enforced under prior law as if P.L.14-1994 had not been enacted.

As added by P.L.220-2011, SEC.369.

IC 22-9-1-1 **Title of chapter**

Sec. 1. This chapter shall be known as the Indiana Civil Rights Law.

Formerly: Acts 1961, c.208, s.1; Acts 1963, c.173, s.1; Acts 1971, P.L.357, SEC.1. As amended by P.L.86-2018, SEC.191.

IC 22-9-1-2 **Public policy; construction of chapter**

Sec. 2. (a) It is the public policy of the state to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations, and acquisition through purchase or rental of real property, including but not limited to housing,

and to eliminate segregation or separation based solely on race, religion, color, sex, disability, national origin, or ancestry, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

(b) The practice of denying these rights to properly qualified persons by reason of the race, religion, color, sex, disability, national origin, or ancestry of such person is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of this state and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, disability, national origin, or ancestry through reasonable methods is the purpose of this chapter.

(c) It is also the public policy of this state to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, and lending institutions from unfounded charges of discrimination.

(d) It is hereby declared to be contrary to the public policy of the state and an unlawful practice for any person, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, or ancestry.

(e) The general assembly recognizes that on February 16, 1972, there are institutions of learning in Indiana presently and traditionally following the practice of limiting admission of students to males or to females. It is further recognized that it would be unreasonable to impose upon these institutions the expense of remodeling facilities to accommodate students of both sexes, and that educational facilities of similar quality and type are available in coeducational institutions for those students desiring such facilities. It is further recognized that this chapter is susceptible of interpretation to prevent these institutions from continuing their traditional policies, a result not intended by the general assembly. Therefore, the amendment effected by Acts 1972, P.L.176, is desirable to permit the continuation of the policies described.

(f) It is against the public policy of the state and a discriminatory practice for an employer to discriminate against a prospective employee on the basis of status as a veteran by:

(1) refusing to employ an applicant for employment on the basis that the applicant is a veteran of the armed forces of the United States; or

(2) refusing to employ an applicant for employment on the basis that the applicant is a member of the Indiana National Guard or member of a reserve component.

(g) This chapter shall be construed broadly to effectuate its purpose.

Formerly: Acts 1961, c.208, s.2; Acts 1963, c.173, s.2; Acts 1965, c.214, s.1; Acts 1967, c.276, s.1; Acts 1969, c.298, s.1; Acts 1971, P.L.357, SEC.2; Acts 1975, P.L.256, SEC.1. As amended by P.L.5-1988, SEC.116; P.L.23-1993, SEC.130; P.L.136-2014, SEC.2.

IC 22-9-1-3 Definitions

Sec. 3. As used in this chapter:

(a) "Person" means one (1) or more individuals, partnerships, associations, organizations, limited liability companies, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons.

(b) "Commission" means the civil rights commission created under section 4 of this chapter.

(c) "Director" means the director of the civil rights commission.

(d) "Deputy director" means the deputy director of the civil rights commission.

(e) "Commission attorney" means the deputy attorney general, such assistants of the attorney general as may be assigned to the commission, or such other attorney as may be engaged by the commission.

(f) "Consent agreement" means a formal agreement entered into in lieu of adjudication.
(g) "Affirmative action" means those acts that the commission determines necessary to assure compliance with the Indiana civil rights law.

(h) "Employer" means the state or any political or civil subdivision thereof and any person employing six (6) or more persons within the state, except that the term "employer" does not include:

- (1) any nonprofit corporation or association organized exclusively for fraternal or religious purposes;
- (2) any school, educational, or charitable religious institution owned or conducted by or affiliated with a church or religious institution; or
- (3) any exclusively social club, corporation, or association that is not organized for profit.

(i) "Employee" means any person employed by another for wages or salary. However, the term does not include any individual employed:

- (1) by the individual's parents, spouse, or child; or
- (2) in the domestic service of any person.

(j) "Labor organization" means any organization that exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment or for other mutual aid or protection in relation to employment.

(k) "Employment agency" means any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(l) "Discriminatory practice" means:

- (1) the exclusion of a person from equal opportunities because of race, religion, color, sex, disability, national origin, ancestry, or status as a veteran;
- (2) a system that excludes persons from equal opportunities because of race, religion, color, sex, disability, national origin, ancestry, or status as a veteran;
- (3) the promotion of racial segregation or separation in any manner, including but not limited to the inducing of or the attempting to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, or ancestry;
- (4) a violation of IC 22-9-5 that occurs after July 25, 1992, and is committed by a covered entity (as defined in IC 22-9-5-4);
- (5) the performance of an abortion solely because of the race, color, sex, disability, national origin, or ancestry of the fetus; or
- (6) a violation of any of the following statutes protecting the right of conscience regarding abortion:
 - (A) IC 16-34-1-4.
 - (B) IC 16-34-1-5.
 - (C) IC 16-34-1-6.

Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations, employment, or the extending of credit (as defined in IC 24-4.5-1-301.5) shall be considered unlawful unless it is specifically exempted by this chapter.

(m) "Public accommodation" means any establishment that caters or offers its services or facilities or goods to the general public.

(n) "Complainant" means:

- (1) any individual charging on the individual's own behalf to have been personally aggrieved by a discriminatory practice; or
- (2) the director or deputy director of the commission charging that a discriminatory practice was committed against a person (other than the director or deputy director) or a class of people, in order to vindicate the public policy of the state (as defined in section 2 of this chapter).

- (o) "Complaint" means any written grievance that is:
 - (1) sufficiently complete and filed by a complainant with the commission; or
 - (2) filed by a complainant as a civil action in the circuit or superior court having jurisdiction in the county in which the alleged discriminatory practice occurred.

The original of any complaint filed under subdivision (1) shall be signed and verified by the complainant.

- (p) "Sufficiently complete" refers to a complaint that includes:
 - (1) the full name and address of the complainant;
 - (2) the name and address of the respondent against whom the complaint is made;
 - (3) the alleged discriminatory practice and a statement of particulars thereof;
 - (4) the date or dates and places of the alleged discriminatory practice and if the alleged discriminatory practice is of a continuing nature the dates between which continuing acts of discrimination are alleged to have occurred; and
 - (5) a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance alleged in the complaint, together with a statement as to the status or disposition of the other action.

No complaint shall be valid unless filed within one hundred eighty (180) days from the date of the occurrence of the alleged discriminatory practice.

(q) "Sex" as it applies to segregation or separation in this chapter applies to all types of employment, education, public accommodations, and housing. However:

- (1) it shall not be a discriminatory practice to maintain separate restrooms;
- (2) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and
- (3) it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one (1) sex only.

(r) "Disabled" or "disability" means the physical or mental condition of a person that constitutes a substantial disability. In reference to employment under this chapter, "disabled or disability" also means the physical or mental condition of a person that constitutes a substantial disability unrelated to the person's ability to engage in a particular occupation.

- (s) "Veteran" means:
 - (1) a veteran of the armed forces of the United States;
 - (2) a member of the Indiana National Guard; or
 - (3) a member of a reserve component.

Formerly: Acts 1961, c.208, s.3; Acts 1963, c.173, s.3; Acts 1967, c.276, s.2; Acts 1969, c.298, s.2; Acts 1971, P.L.357, SEC.3; Acts 1972, P.L.176, SEC.2; Acts 1974, P.L.111, SEC.1; Acts 1975, P.L.256, SEC.2. As amended by Acts 1978, P.L.123, SEC.1; P.L.37-1985, SEC.44; P.L.111-1992, SEC.1; P.L.8-1993, SEC.292; P.L.23-1993, SEC.131; P.L.203-1993, SEC.1; P.L.1-1994, SEC.114; P.L.14-1994, SEC.2; P.L.164-1997, SEC.1; P.L.35-2010, SEC.3; P.L.136-2014, SEC.3; P.L.213-2016, SEC.27.

IC 22-9-1-4 Civil rights commission; creation

Sec. 4. (a) There is hereby created a civil rights commission composed of seven (7) members, not more than four (4) of whom shall be members of the same political party, to be appointed by the governor. In making such appointments, the governor shall take into consideration all interests in the community including but not limited to the interests of minority groups, employers, labor, and the public.

(b) Except as provided in IC 4-21.5-2, IC 4-21.5 applies to the commission.

(c) Successors to all members of the commission shall be appointed for terms of four (4) years, excepting when appointed to fill a vacancy, in which case such appointment shall be for the unexpired term.

(d) Members of the commission may be removed by the governor for cause but for no other reason.

(e) The members of the commission shall be paid per diem and travel expenses and other necessary and reasonable expenses for attendance at meetings and hearings of the commission.

Formerly: Acts 1961, c.208, s.4; Acts 1963, c.173, s.4; Acts 1969, c.298, s.3; Acts 1971, P.L.357, SEC.4. As amended by P.L.7-1987, SEC.99.

IC 22-9-1-5 Civil rights commission; appointment of members; meetings

Sec. 5. The members of the Commission shall be appointed within thirty (30) days after the effective date of this chapter and the first meeting thereof shall be called by the member first appointed within sixty (60) days after the effective date of this chapter.

At its first meeting and at each annual meeting held thereafter, the Commission shall organize by the election of a chairman and vice chairman from its membership, each of whom, except those first elected, shall serve for a term of one (1) year and until his successor is elected.

The Commission shall hold one (1) regular meeting each month, and such called meetings as its chairman may deem to be necessary. The April meeting shall be the annual meeting.

Formerly: Acts 1961, c.208, s.5; Acts 1971, P.L.357, SEC.5. As amended by P.L.86-2018, SEC.192.

IC 22-9-1-6 Civil rights commission; powers and duties

Sec. 6. (a) The commission shall establish and maintain a permanent office in the city of Indianapolis.

(b) Except as it concerns judicial review, the commission may adopt rules under IC 4-22-2 to implement this chapter.

(c) The commission shall formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or local subdivisions thereof to effectuate such policies. The several departments, commissions, divisions, authorities, boards, bureaus, agencies, and officers of the state or any political subdivision or agency thereof shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any matter before the commission.

(d) The commission shall receive and investigate complaints alleging discriminatory practices. The commission shall not hold hearings in the absence of a complaint. All investigations of complaints shall be conducted by staff members of the civil rights commission or their agents.

(e) The commission may create such advisory agencies and conciliation councils, local or statewide, as will aid in effectuating the purposes of this chapter. The commission may itself, or it may empower these agencies and councils to:

(1) study the problems of discrimination in the areas covered by section 2 of this chapter when based on race, religion, color, sex, handicap, national origin, or ancestry; and

(2) foster through community effort, or otherwise, good will among the groups and elements of the population of the state.

These agencies and councils may make recommendation to the commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for reasonable and necessary actual expenses.

(f) The commission may issue such publications and such results of investigations and

research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religion, color, sex, handicap, national origin, or ancestry.

(g) The commission shall prevent any person from discharging, expelling, or otherwise discriminating against any other person because the person filed a complaint, testified in any hearing before this commission, or in any way assisted the commission in any matter under its investigation.

(h) The commission may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and require the production for examination of any books and papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena issued under this section shall constitute a contempt. All hearings shall be held within Indiana at a location determined by the commission. A citation of contempt may be issued upon application by the commission to the circuit or superior court in the county in which the hearing is held or in which the witness resides or transacts business.

(i) The commission may:

(1) before July 1, 2020, appoint administrative law judges other than commissioners; and

(2) after June 30, 2020, request assignment of an administrative law judge (as defined in IC 4-21.5-1-2);

when an appointment is deemed necessary by a majority of the commission. The administrative law judges shall be members in good standing before the bar of Indiana and shall be appointed by the chairman of the commission. An administrative law judge appointed under this subsection shall have the same powers and duties as a commissioner sitting as an administrative law judge. However, the administrative law judge may not issue subpoenas.

(j) The commission shall state its findings of fact after a hearing and, if the commission finds a person has engaged in an unlawful discriminatory practice, shall cause to be served on this person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring the person to take further affirmative action as will effectuate the purposes of this chapter, including but not limited to the power:

(1) to restore the complainant's losses incurred as a result of discriminatory treatment, as the commission may deem necessary to assure justice; however, except in discriminatory practices involving veterans, this specific provision when applied to orders pertaining to employment shall include only wages, salary, or commissions;

(2) to require the posting of notice setting forth the public policy of Indiana concerning civil rights and the respondent's compliance with the policy in places of public accommodations;

(3) to require proof of compliance to be filed by the respondent at periodic intervals; and

(4) to require a person who has been found to be in violation of this chapter and who is licensed by a state agency authorized to grant a license to show cause to the licensing agency why the person's license should not be revoked or suspended.

When an employer has been found to have committed a discriminatory practice in employment by failing to employ an applicant on the basis that the applicant is a veteran, the order to restore the veteran's losses may include placing the veteran in the employment position with the employer for which the veteran applied.

(k) Judicial review of a cease and desist order or other affirmative action as referred to in this chapter may be obtained under IC 22-9-8. If no proceeding to obtain judicial review is instituted within thirty (30) days from receipt of notice by a person that an order has been made by the commission, the commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of the order in circuit or superior court

upon showing that the person is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(l) If, upon all the evidence, the commission shall find that a person has not engaged in any unlawful practice or violation of this chapter, the commission shall state its findings of facts and shall issue and cause to be served on the complainant an order dismissing the complaint as to the person.

(m) The commission may furnish technical assistance requested by persons subject to this chapter to further compliance with this chapter or with an order issued under this chapter.

(n) The commission shall promote the creation of local civil rights agencies to cooperate with individuals, neighborhood associations, and state, local, and other agencies, both public and private, including agencies of the federal government and of other states.

(o) The commission may reduce the terms of conciliation agreed to by the parties to writing (to be called a consent agreement) that the parties and a majority of the commissioners shall sign. When signed, the consent agreement shall have the same effect as a cease and desist order issued under subsection (j). If the commission determines that a party to the consent agreement is not complying with it, the commission may obtain enforcement of the consent agreement in a circuit or superior court upon showing that the party is not complying with the consent agreement and the party is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(p) In lieu of investigating a complaint and holding a hearing under this section, the commission may issue an order based on findings and determinations by the federal Department of Housing and Urban Development or the federal Equal Employment Opportunity Commission concerning a complaint that has been filed with one (1) of these federal agencies and with the commission. The commission shall adopt by rule standards under which the commission may issue such an order.

(q) Upon notice that a complaint is the subject of an action in a federal court, the commission shall immediately cease investigation of the complaint and may not conduct hearings or issue findings of fact or orders concerning that complaint.

Formerly: Acts 1961, c.208, s.6; Acts 1963, c.173, s.5; Acts 1965, c.214, s.2; Acts 1967, c.276, s.3; Acts 1969, c.298, s.4; Acts 1971, P.L.357, SEC.6; Acts 1974, P.L.111, SEC.2; Acts 1975, P.L.256, SEC.3. As amended by Acts 1978, P.L.6, SEC.33; Acts 1979, P.L.31, SEC.13; P.L.37-1985, SEC.45; P.L.7-1987, SEC.100; P.L.111-1992, SEC.2; P.L.1-1993, SEC.187; P.L.23-1993, SEC.132; P.L.203-1993, SEC.2; P.L.14-1994, SEC.3; P.L.1-1994, SEC.115; P.L.2-1995, SEC.84; P.L.100-2012, SEC.59; P.L.136-2014, SEC.4; P.L.136-2018, SEC.126; P.L.205-2019, SEC.25.

IC 22-9-1-7 Educational programs

Sec. 7. In order to eliminate prejudice among the various racial, religious, and ethnic groups in this state and to further goodwill among such groups, the commission, in cooperation with the state department of education and the universities and colleges of the state, and such other universities and colleges as are willing to cooperate, is directed to prepare a comprehensive educational program, designed to emphasize the origin of prejudice against such minority groups, its harmful effects, its incompatibility with American principles of equality and fair play, and violation of the brotherhood of man.

Formerly: Acts 1961, c.208, s.7. As amended by P.L.20-1984, SEC.196.

IC 22-9-1-8 Civil rights commission; director

Sec. 8. The governor shall select and appoint a director who shall be secretary of the commission and chief administrative officer for the commission. The director shall devote his entire time and effort to the administration of the provisions of this chapter and shall not engage in or have any interest in any business or activity which may create a conflict of interest. The salary of the director shall be fixed by the governor with the approval of the

budget agency.

Formerly: Acts 1961, c.208, s.8. As amended by P.L.144-1986, SEC.178.

IC 22-9-1-9 Civil rights commission; director; oath of office

Sec. 9. The director and the members of the commission before entering upon the discharge of their official duties shall each take and subscribe to an oath of office which shall be endorsed upon their respective certificates of appointment.

Formerly: Acts 1961, c.208, s.9.

IC 22-9-1-10 Public contractors; public utility franchises

Sec. 10. Every contract to which the state or any of its political or civil subdivisions is a party, including franchises granted to public utilities, shall contain a provision requiring the contractor and his subcontractors not to discriminate against any employee or applicant for employment to be employed in the performance of such contract, with respect to his hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his race, religion, color, sex, disability, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of the contract.

Formerly: Acts 1961, c.208, s.10; Acts 1971, P.L.357, SEC.7; Acts 1975, P.L.256, SEC.4. As amended by P.L.23-1993, SEC.133.

IC 22-9-1-11 Investigation of complaints; recommendations to legislature

Sec. 11. In addition to its power to investigate the discriminatory practices referred to in this chapter, the commission may receive written complaints of violation of this chapter or other discriminatory practices based upon race, religion, color, sex, national origin, or ancestry and to investigate such complaints as it deems meritorious, or to conduct such investigation in the absence of complaints whenever it deems it in the public interest. It may transmit to the general assembly its recommendations for legislation designed to aid in the removing of such discrimination.

Formerly: Acts 1961, c.208, s.11; Acts 1974, P.L.111, SEC.3. As amended by P.L.144-1986, SEC.179.

IC 22-9-1-12 Repealed

Formerly: Acts 1961, c.208, s.11a; Acts 1967, c.276, s.4; Acts 1969, c.298, s.5; Acts 1971, P.L.357, SEC.8; Acts 1974, P.L.111, SEC.4; Acts 1975, P.L.256, SEC.5. Repealed by Acts 1978, P.L.123, SEC.3.

IC 22-9-1-12.1 "State agency" defined; local government; ordinances; exclusive jurisdiction; transfer of complaints; appeals

Sec. 12.1. (a) As used in this section, the term "state agency" means:

- (1) every office, officer, board, commission, department, division, bureau, committee, fund, agency; and
- (2) without limitation by reason of any enumeration in this section:
 - (A) every other instrumentality of the state, every hospital, every penal institution, and every other institutional enterprise and activity of the state, wherever located;
 - (B) the state educational institutions; and
 - (C) the judicial department of the state.

"State agency" does not mean counties, county offices of family and children, cities, towns, townships, school corporations (as defined in IC 20-18-2-16), or other municipal corporations, political subdivisions, or units of local government.

(b) Any city, town, or county is hereby authorized to adopt an ordinance or ordinances, which may include establishment or designation of an appropriate local commission, office, or agency to effectuate within its territorial jurisdiction the public policy of the state as declared in section 2 of this chapter without conflict with any of the provisions of this

chapter. Any city or town may adopt such an ordinance or ordinances jointly with any other city or town located in the same county or jointly with that county. A city ordinance that establishes a local commission may provide that the members of the commission are to be appointed solely by the city executive or solely by the city legislative body or may provide for a combination of appointments by the city executive and the city legislative body. The board of commissioners of each county is also authorized to adopt ordinances in accordance with this section. An agency established or designated under this section has no jurisdiction over the state or any of its agencies.

- (c) An ordinance adopted under this section may grant to the local agency the power to:
- (1) investigate, conciliate, and hear complaints;
 - (2) subpoena and compel the attendance of witnesses or production of pertinent documents and records;
 - (3) administer oaths;
 - (4) examine witnesses;
 - (5) appoint hearing examiners or panels;
 - (6) make findings and recommendations;
 - (7) issue cease and desist orders or orders requiring remedial action;
 - (8) order payment of actual damages, except that damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions, or fringe benefits;
 - (9) institute actions for appropriate legal or equitable relief in a circuit or superior court;
 - (10) employ an executive director and other staff personnel;
 - (11) adopt rules and regulations;
 - (12) initiate complaints, except that no person who initiates a complaint may participate as a member of the agency in the hearing or disposition of the complaint; and
 - (13) conduct programs and activities to carry out the public policy of the state, as provided in section 2 of this chapter, within the territorial boundaries of a local agency.

(d) Any person who files a complaint with any local agency may not also file a complaint with the civil rights commission concerning any of the matters alleged in such complaint, and any person who files a complaint with the civil rights commission may not also file a complaint with any local agency concerning any of the matters alleged in such complaint. Any complaint filed with the commission may be transferred by the commission to any local agency having jurisdiction. The local agency shall proceed to act on the complaint as if it had been originally filed with the local agency as of the date that the complaint was filed with the commission. Any complaint filed with a local agency may be transferred by the local agency to the commission if the commission has jurisdiction. The commission shall proceed to act on the complaint as if it had been originally filed with the commission as of the date that the complaint was filed with the local agency. Nothing in this subsection shall affect such person's right to pursue any and all other rights and remedies available in any other state or federal forum.

(e) A decision of the local agency may be appealed under the terms of IC 4-21.5 the same as if it was a decision of a state agency.

As added by Acts 1978, P.L.123, SEC.2. Amended by Acts 1979, P.L.230, SEC.1; P.L.7-1987, SEC.101; P.L.111-1992, SEC.3; P.L.4-1993, SEC.259; P.L.5-1993, SEC.272; P.L.1-2005, SEC.188; P.L.2-2007, SEC.307.

**IC 22-9-1-13 Employment of persons with physical disability;
discrimination; promotion or transfer; physical
accommodations**

Sec. 13. (a) The prohibition against discrimination in employment because of disability does not apply to failure of an employer to employ or to retain as an employee any person who because of a disability is physically or otherwise unable to efficiently and safely

perform, at the standards set by the employer, the duties required in that job.

(b) After a person with a disability is employed, the employer shall not be required under this chapter to promote or transfer such person with a disability to another job or occupation, unless, prior to such transfer, such person with a disability by training or experience is qualified for such job or occupation.

(c) This section shall not be construed to require any employer to modify any physical accommodations or administrative procedures to accommodate a person with a disability.
Formerly: Acts 1975, P.L.256, SEC.6. As amended by Acts 1978, P.L.123, SEC.1; P.L.226-1985, SEC.1; P.L.23-1993, SEC.134.

IC 22-9-1-14 Repealed

As added by P.L.203-1993, SEC.3. Repealed by P.L.2-1995, SEC.140.

IC 22-9-1-16 Election of civil action

Sec. 16. (a) A respondent or a complainant may elect to have the claims that are the basis for a finding of probable cause decided in a civil action as provided by section 17 of this chapter. However, both the respondent and the complainant must agree in writing to have the claims decided in a court of law. The agreement must be on a form provided by the commission.

(b) The election may not be made if the commission has begun a hearing on the record under this chapter with regard to a finding of probable cause.

As added by P.L.14-1994, SEC.4. Amended by P.L.167-1996, SEC.1.

IC 22-9-1-17 Filing of civil action; relief; trial by court

Sec. 17. (a) If a timely election is made under section 16 of this chapter, the complainant may file a civil action in a circuit or superior court having jurisdiction in the county in which a discriminatory practice allegedly occurred.

(b) If the court finds that a discriminatory practice has occurred the court may grant the relief allowed under IC 22-9-1-6(j).

(c) A civil action filed under this section must be tried by the court without benefit of a jury.

As added by P.L.14-1994, SEC.5. Amended by P.L.100-2012, SEC.60.

IC 22-9-1-18 Hearings by commission; appeals

Sec. 18. (a) If a timely election is not made under section 16 of this chapter, the commission shall schedule a hearing on the finding of probable cause.

(b) Except as provided in subsection (c), IC 4-21.5 governs a hearing under this section.

(c) A proceeding under this section may not continue regarding an alleged discriminatory practice after the filing of a civil action.

(d) IC 22-9-8 governs appeal of a final order issued under this section.

As added by P.L.14-1994, SEC.6.