

# HOUSE BILL No. 1183

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-2-17; IC 34-6-2-34.5.

**Synopsis:** Employee paid sick leave. Provides that certain employers shall provide paid sick leave to employees of one hour of paid sick leave for every 30 hours of employment, up to a maximum of 40 hours of paid sick leave a year. Provides that the commissioner of labor shall enforce paid sick leave for employees and shall adopt rules to implement paid sick leave.

**Effective:** July 1, 2017.

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January 10, 2017, read first time and referred to Committee on Employment, Labor and Pensions.

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First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1183

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 22-2-17 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2017]:  
4 **Chapter 17. Employee Paid Sick Leave**  
5 **Sec. 1. This chapter is effective beginning January 1, 2018.**  
6 **Sec. 2. As used in this chapter, "commissioner" refers to the**  
7 **commissioner of labor appointed under IC 22-1-1-2.**  
8 **Sec. 3. As used in this chapter, "domestic or family violence"**  
9 **has the meaning set forth in IC 34-6-2-34.5.**  
10 **Sec. 4. As used in this chapter, "department" means the**  
11 **department of labor created by IC 22-1-1-1.**  
12 **Sec. 5. As used in this chapter, "employee" means a person**  
13 **employed or permitted to work or perform any service for**  
14 **remuneration or under any contract of hire, written or oral,**  
15 **express or implied, but does not include an independent contractor**  
16 **(as described in IC 22-3-6-1(b)(7) or IC 22-3-7-9(b)(5)).**  
17 **Sec. 6. As used in this chapter, "employer" means and includes**



1 every person, firm, partnership, association, corporation, limited  
 2 liability company, receiver, and any agent or officer of any of the  
 3 preceding, employing any person in Indiana, but does not include  
 4 the following:

5 (1) The federal government, including the United States  
 6 military service.

7 (2) A railroad.

8 (3) The state, including a quasi-governmental entity.

9 (4) A state educational institution (as defined in  
 10 IC 21-7-13-32).

11 (5) A municipal corporation (as defined in IC 36-1-2-10).

12 **Sec. 7. As used in this chapter, "family member" means:**

13 (1) an employee's child (including a stepchild or grandchild);

14 (2) an employee's spouse or domestic partner;

15 (3) an employee's parent;

16 (4) an employee's parent-in-law;

17 (5) an employee's sibling;

18 (6) an employee's sibling-in-law;

19 (7) an employee's grandparent (including a  
 20 great-grandparent); or

21 (8) another individual related by blood or affinity whose close  
 22 association with the employee is the equivalent of a family  
 23 relationship.

24 **Sec. 8. As used in this chapter, "health care service" has the**  
 25 **meaning set forth in IC 11-10-3-6(b)(2).**

26 **Sec. 9. (a) An employer shall provide paid sick leave for an**  
 27 **employee. The paid sick leave shall accrue from the first day of**  
 28 **employment of the employee.**

29 **(b) Paid sick leave provided under this section shall accrue:**

30 (1) at the rate of one (1) hour for each thirty (30) hours of  
 31 employment with the employer; and

32 (2) without regard to whether the hours of employment  
 33 described in subdivision (1) are paid to the employee at a  
 34 regular or an overtime rate of pay.

35 **(c) The following apply to the paid sick leave provided under**  
 36 **this section:**

37 (1) An employee may use paid sick leave beginning on the  
 38 ninety-first calendar day after the day the employee first  
 39 reports for employment.

40 (2) An employee may not use during a pay period paid sick  
 41 leave accrued during the same pay period.

42 (3) Paid sick leave must be taken in one (1) hour increments.



1           **(4) An employee may not receive more than forty (40) hours**  
 2           **of paid sick leave in a calendar year.**

3           **(5) An employee is entitled to carry over and use in the next**  
 4           **or a subsequent calendar year paid sick leave in any amount**  
 5           **accrued in a calendar year but not used during that calendar**  
 6           **year.**

7           **Sec. 10. An employee may use paid sick leave provided under**  
 8           **section 9 of this chapter for the following purposes:**

9           **(1) To care for an illness or injury or to obtain health care**  
 10           **services for the employee.**

11           **(2) To care for a family member who is ill or injured or to**  
 12           **assist a family member receiving health care services.**

13           **(3) To allow for the care of a family member when a school**  
 14           **attended by a family member is closed due to a public health**  
 15           **emergency declared under IC 10-14.**

16           **(4) To address a business closure due to a public health**  
 17           **emergency declared under IC 10-14.**

18           **(5) To address the effects of domestic or family violence (as**  
 19           **defined in IC 34-6-2-34.5) against the employee or a family**  
 20           **member.**

21           **(6) For additional purposes, including:**

22           **(A) attendance at meetings at the school of a child or**  
 23           **grandchild of the employee related to the health or**  
 24           **disability of the child or grandchild; or**

25           **(B) compliance with quarantine requirements during a**  
 26           **public health emergency declared under IC 10-14.**

27           **Sec. 11. (a) Subject to section 9 of this chapter and subsection**  
 28           **(b), an employee is entitled to take any amount of accrued paid sick**  
 29           **leave in any year.**

30           **(b) Paid sick leave described in subsection (a) is subject to the**  
 31           **following conditions:**

32           **(1) The employer may require the employee to submit a**  
 33           **written request to the employer for the paid sick leave at least**  
 34           **seven (7) days before the time desired for the paid sick leave**  
 35           **if the need for the paid sick leave is reasonably foreseeable. If**  
 36           **the need for the paid sick leave is not reasonably foreseeable,**  
 37           **the employee shall give as much notice as is practicable.**

38           **(2) The employer may require the employee to provide**  
 39           **certification of the need for the use of the paid sick leave when**  
 40           **the employee is away from employment duties for at least**  
 41           **three (3) consecutive days. The certification may be provided**  
 42           **by the employee after the employee has returned to**



- 1           employment duties.
- 2           **Sec. 12.** Notwithstanding any provision of this chapter, paid sick
- 3 leave shall be administered in a manner consistent with the Family
- 4 and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), as
- 5 amended and in effect on January 1, 2018.
- 6           **Sec. 13.** An employer may not:
- 7           (1) interfere with the rights of an employee under this
- 8 chapter;
- 9           (2) discriminate or retaliate against an employee for:
- 10           (A) the exercise or attempted exercise of the rights of the
- 11 employee under this chapter; or
- 12           (B) complaining about the failure of the employer to follow
- 13 this chapter; or
- 14           (3) use paid sick leave taken by the employee in accordance
- 15 with this chapter against the employee in an absence control
- 16 policy.
- 17           **Sec. 14.** A labor agreement entered into before January 1, 2018,
- 18 continues in full force and effect until the date of termination of the
- 19 agreement. A labor agreement entered into after December 31,
- 20 2017, must contain provisions for paid sick leave in the manner set
- 21 forth in section 9 of this chapter.
- 22           **Sec. 15. (a)** Notwithstanding any other provision of this chapter,
- 23 this chapter does not require an employer to provide additional
- 24 paid sick leave if the employer provides an equivalent amount of
- 25 paid sick leave or paid time off that is available to be used for the
- 26 same purposes and under the same conditions as provided for by
- 27 sections 10 and 11 of this chapter.
- 28           (b) This chapter does not prohibit an employer from providing
- 29 paid sick leave or other compensation in addition to or in excess of
- 30 the requirements of this chapter.
- 31           **Sec. 16. (a)** Except as provided in subsection (b), an employer is
- 32 not required to provide compensation to an employee for accrued
- 33 and unused paid sick leave upon termination, resignation,
- 34 retirement, or other separation from employment with the
- 35 employer.
- 36           (b) If an employee separates from employment with the
- 37 employer and is rehired by the employer within one (1) year from
- 38 the date of separation, previously accrued and unused paid sick
- 39 leave time shall be reinstated by the employer. The employee shall
- 40 be entitled to use the previously accrued unused paid sick leave
- 41 upon rehiring, subject to the use limitations and conditions set
- 42 forth in this chapter.



- 1           **Sec. 17. The commissioner shall enforce this chapter.**
- 2           **Sec. 18. (a) A notice setting forth the rights of employees under**  
3 **this chapter must be conspicuously and continuously posted by the**  
4 **employer in an area in which employees are routinely employed.**  
5 **The commissioner shall approve the form of the notice and**  
6 **determine the languages in which the notice must be given.**
- 7           **(b) The commissioner shall develop and implement an outreach**  
8 **and public information program to inform employees of the rights**  
9 **afforded under this chapter. Materials and notification concerning**  
10 **this chapter shall be made available in languages to be determined**  
11 **by the commissioner.**
- 12           **Sec. 19. The commissioner may adopt rules under IC 4-22-2 to**  
13 **implement and administer this chapter.**
- 14           **Sec. 20. It is unlawful for any person to:**
- 15               **(1) interfere with, obstruct, or hinder any inspector or agent**  
16 **of the department while the inspector or agent performs**  
17 **official duties; or**
- 18               **(2) refuse to properly answer questions asked by an inspector**  
19 **or agent of the department.**
- 20           **Sec. 21. The commissioner may issue any reasonable order to**  
21 **remedy a violation of this chapter.**
- 22           SECTION 2. IC 34-6-2-34.5, AS AMENDED BY P.L.171-2007,  
23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2017]: Sec. 34.5. "Domestic or family violence" means,  
25 except for an act of self-defense, the occurrence of at least one (1) of  
26 the following acts committed by a family or household member:
- 27               (1) Attempting to cause, threatening to cause, or causing physical  
28 harm to another family or household member.
- 29               (2) Placing a family or household member in fear of physical  
30 harm.
- 31               (3) Causing a family or household member to involuntarily  
32 engage in sexual activity by force, threat of force, or duress.
- 33               (4) Beating (as described in IC 35-46-3-0.5(2)), torturing (as  
34 described in IC 35-46-3-0.5(5)), mutilating (as described in  
35 IC 35-46-3-0.5(3)), or killing a vertebrate animal without  
36 justification with the intent to threaten, intimidate, coerce, harass,  
37 or terrorize a family or household member.
- 38 For purposes of **IC 22-2-17-10 and** IC 34-26-5, domestic and family  
39 violence also includes stalking (as defined in IC 35-45-10-1) or a sex  
40 offense under IC 35-42-4, whether or not the stalking or sex offense is  
41 committed by a family or household member.

