



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001(ss) be amended to read as follows:

- 1 Page 2, between lines 19 and 20, begin a new paragraph and insert:
- 2 "SECTION 2. IC 5-10-6.2 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2023]:
- 5 **Chapter 6.2. Bereavement Leave for Public Employees**
- 6 **Sec. 1. As used in this chapter, "employee" means a person who**
- 7 **is employed full-time or part-time by a state agency or a political**
- 8 **subdivision.**
- 9 **Sec. 2. As used in this chapter, "miscarriage" means the natural**
- 10 **loss of a fetus before twenty (20) weeks of gestation.**
- 11 **Sec. 3. As used in this chapter, "political subdivision" has the**
- 12 **meaning set forth in IC 36-1-2-13.**
- 13 **Sec. 4. (a) As used in this chapter, "relative" means any of the**
- 14 **following:**
- 15 **(1) A spouse.**
- 16 **(2) A parent.**
- 17 **(3) A child.**
- 18 **(4) A sibling.**
- 19 **(5) A grandparent.**
- 20 **(6) A grandchild.**
- 21 **(7) A great-grandparent.**
- 22 **(8) A great-grandchild.**

1 **(9) A person living in the same household.**
2 **(b) For purposes of this section, a relative by adoption,**
3 **half-blood, marriage, or remarriage is considered as a relative of**
4 **whole kinship.**
5 **Sec. 5. As used in this chapter, "state agency" means an**
6 **authority, a board, a branch, a bureau, a commission, a committee,**
7 **a council, a department, a division, an office, an officer, a service,**
8 **or an instrumentality of the executive, judicial, or legislative**
9 **branch of state government. The term includes a state educational**
10 **institution (as defined in IC 21-7-13-32).**
11 **Sec. 6. (a) An employee shall be granted not more than three (3)**
12 **work days of paid leave in the event of the death of a relative or a**
13 **miscarriage experienced by the employee or the employee's spouse**
14 **to:**
15 **(1) attend:**
16 **(A) the funeral; or**
17 **(B) an alternative to a funeral;**
18 **of the employee's relative;**
19 **(2) make arrangements necessitated by the death of the**
20 **employee's relative; or**
21 **(3) grieve:**
22 **(A) the death of the employee's relative; or**
23 **(B) the miscarriage.**
24 **(b) The leave to which an employee is entitled under subsection**
25 **(a) must be completed less than sixty (60) days after the death of**
26 **the relative or the miscarriage.**
27 **Sec. 7. (a) A state agency or a political subdivision shall**
28 **compensate an employee granted leave under this chapter at the**
29 **employee's regular rate of pay for the regular work hours during**
30 **which the employee is absent from work.**
31 **(b) A leave of absence granted to an employee under this**
32 **chapter is in addition to vacation days, sick days, personal days,**
33 **and compensatory time that the employee accrues.**
34 **(c) An employee's service shall be considered uninterrupted by**
35 **a leave of absence under this chapter for purposes of determining**
36 **the following:**
37 **(1) Seniority.**
38 **(2) Salary or salary advancement.**
39 **(3) Performance awards.**
40 **(4) The receipt of a benefit that may be affected by a leave of**
41 **absence.**
42 **SECTION 3. IC 5-10-6.5 IS ADDED TO THE INDIANA CODE**
43 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
44 **JANUARY 1, 2023]:**
45 **Chapter 6.5. Parental Leave for Public Employees**
46 **Sec. 1. As used in this chapter, "employee" means a person who**
47 **is employed by a state agency or a political subdivision.**

1 **Sec. 2.** As used in this chapter, "political subdivision" has the
2 meaning set forth in IC 36-1-2-13.

3 **Sec. 3.** As used in this chapter, "state agency" means an
4 authority, a board, a branch, a bureau, a commission, a committee,
5 a council, a department, a division, an office, an officer, a service,
6 or an instrumentality of the executive, judicial, or legislative
7 branch of state government. The term includes a state educational
8 institution (as defined in IC 21-7-13-32).

9 **Sec. 4.** As used in this chapter, "stillbirth" means a birth after
10 twenty (20) weeks of gestation that is not a live birth.

11 **Sec. 5. (a)** A full-time employee who has been employed by a
12 state agency or a political subdivision for at least six (6) consecutive
13 months shall be granted not more than one hundred fifty (150)
14 hours of paid leave upon any of the following events:

- 15 (1) The birth of the employee's child.
- 16 (2) The birth of a child to the employee's spouse.
- 17 (3) The placement of a child for adoption with the employee.
- 18 (4) The stillbirth of the employee's child.

19 **(b)** A part-time employee who has been employed by a state
20 agency or a political subdivision for at least six (6) consecutive
21 months shall be granted not more than seventy-five (75) hours of
22 paid leave upon any of the following events:

- 23 (1) The birth of the employee's child.
- 24 (2) The birth of a child to the employee's spouse.
- 25 (3) The placement of a child for adoption with the employee.
- 26 (4) The stillbirth of the employee's child.

27 **(c)** Any leave to which an employee is entitled under subsection
28 **(a)** or **(b)** that is not taken:

- 29 (1) less than six (6) months after the birth, placement for
30 adoption, or stillbirth; or
- 31 (2) before the employee's separation from employment with
32 the state agency or the political subdivision;

33 whichever is earlier, is forfeited.

34 **Sec. 6. (a)** A state agency or a political subdivision shall
35 compensate an employee granted leave under this chapter at the
36 employee's regular rate of pay for the regular work hours during
37 which the employee is absent from work.

38 **(b)** A leave of absence granted to an employee under this
39 chapter is in addition to vacation days, sick days, personal days,
40 and compensatory time that the employee accrues.

41 **(c)** If an employee is eligible for leave under the federal Family
42 Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), the leave
43 provided by this chapter runs concurrently with the amount of
44 leave available under the federal Family Medical Leave Act of 1993
45 (29 U.S.C. 2601 et seq.).

46 **(d)** An employee's service shall be considered uninterrupted by
47 a leave of absence under this chapter for purposes of determining

1 the following:

- 2 (1) Seniority.
 3 (2) Salary or salary advancement.
 4 (3) Performance awards.
 5 (4) The receipt of a benefit that may be affected by a leave of
 6 absence."

7 Page 30, between lines 3 and 4, begin a new paragraph and insert:
 8 "SECTION 14. IC 22-2-19 IS ADDED TO THE INDIANA CODE
 9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2023]:

11 **Chapter 19. Child Bereavement Leave**

12 **Sec. 1. As used in this chapter, "child" includes:**

- 13 (1) a biological child;
 14 (2) an adopted child;
 15 (3) a foster child;
 16 (4) a stepchild; or
 17 (5) a child of a person standing in loco parentis.

18 **Sec. 2. As used in this chapter, "department" refers to the**
 19 **department of labor created by IC 22-1-1-1.**

20 **Sec. 3. As used in this chapter, "employee" has the meaning set**
 21 **forth in Section 101(2) of the federal Family and Medical Leave**
 22 **Act of 1993 (29 U.S.C. 2611), as in effect on January 1, 2022.**

23 **Sec. 4. As used in this chapter, "employer" has the meaning set**
 24 **forth in Section 101(4) of the federal Family and Medical Leave**
 25 **Act of 1993 (29 U.S.C. 2611), as in effect on January 1, 2022.**

26 **Sec. 5. As used in this chapter, "miscarriage" means the natural**
 27 **loss of a fetus before twenty (20) weeks of gestation.**

28 **Sec. 6. As used in this chapter, "stillbirth" means a birth after**
 29 **twenty (20) weeks of gestation that is not a live birth.**

30 **Sec. 7. (a) Except as provided in subsection (c), an employee is**
 31 **entitled to use not more than ten (10) working days of unpaid leave**
 32 **to:**

- 33 (1) attend:
 34 (A) the funeral; or
 35 (B) an alternative to a funeral;
 36 of the employee's child;
 37 (2) make arrangements necessitated by the death of the
 38 employee's child;
 39 (3) recover from a miscarriage or stillbirth; or
 40 (4) grieve:
 41 (A) the death of the employee's child;
 42 (B) a miscarriage experienced by the employee or the
 43 employee's spouse; or
 44 (C) a stillbirth.

45 (b) The leave to which an employee is entitled under subsection
 46 (a) must be completed less than sixty (60) days after the death of
 47 the child, a miscarriage, or a stillbirth.

1 (c) If more than one (1) child of an employee dies during a
 2 twelve (12) month period, the employee is entitled to use not more
 3 than thirty (30) working days of unpaid leave during the twelve
 4 (12) month period.

5 (d) An employee may elect to substitute any earned paid or
 6 unpaid leave, including:

- 7 (1) family leave;
- 8 (2) medical leave;
- 9 (3) sick leave;
- 10 (4) annual leave; or
- 11 (5) personal leave;

12 available for use by the employee for any period of the leave to
 13 which the employee is entitled under this chapter.

14 (e) This chapter does not entitle an employee to take leave that
 15 exceeds the amount of leave available under the federal Family
 16 Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

17 Sec. 8. (a) Except as provided in subsection (b), an employee
 18 shall notify the employer of the employee's intent to take leave
 19 under this chapter at least forty-eight (48) hours before the date on
 20 which the employee intends to begin the leave.

21 (b) An employee is not required to comply with subsection (a)
 22 if the employee:

- 23 (1) is unable to provide at least forty-eight (48) hours notice
- 24 under the circumstances; and
- 25 (2) notifies the employer of the employee's intent to take leave
- 26 under this chapter as soon as practicable.

27 Sec. 9. (a) An employer may require an employee who requests
 28 leave under this chapter to submit documentation related to the
 29 child's death, stillbirth, or miscarriage, including any of the
 30 following:

- 31 (1) A death certificate.
- 32 (2) A published obituary.
- 33 (3) A written verification of death, burial, or memorial
- 34 services from a mortuary, funeral home, burial society,
- 35 crematorium, religious institution, or government agency.
- 36 (4) A written verification of a stillbirth or miscarriage.

37 (b) If an employee fails to provide the documentation required
 38 under subsection (a), an employer may consider the employee's
 39 absence from employment unexcused.

40 Sec. 10. (a) An employer may not take an adverse employment
 41 action against an employee because the employee:

- 42 (1) exercises or attempts to exercise the rights provided by
- 43 this chapter;
- 44 (2) opposes employer practices that the employee believes to
- 45 be in violation of this chapter; or
- 46 (3) supports another employee who exercises the rights
- 47 provided by this chapter.

1 (b) For the purposes of this section, an employee exercises the
2 rights provided by this chapter when the employee does any of the
3 following:

4 (1) Files an action or initiates a proceeding to enforce this
5 chapter.

6 (2) Provides or agrees to provide information related to a
7 request for leave under this chapter.

8 (3) Testifies or agrees to testify in an action or proceeding to
9 enforce this chapter.

10 Sec. 11. (a) An employee may file a complaint with the
11 department not later than sixty (60) days after the date of the last
12 occurrence of the alleged violation.

13 (b) The department shall receive and investigate a complaint
14 filed under subsection (a).

15 (c) If the department finds that an employer has violated this
16 chapter, the department may impose a civil penalty not to exceed:

17 (1) five hundred dollars (\$500) for the first violation; or

18 (2) one thousand dollars (\$1,000) for the second violation and
19 each subsequent violation.

20 Sec. 12. All civil penalties collected under section 11 of this
21 chapter shall be deposited in the state general fund.

22 Sec. 13. (a) An employee may bring a civil action against an
23 employer to enforce this chapter.

24 (b) An employee may bring an action under this section
25 regardless of whether a complaint has been filed under section 11
26 of this chapter.

27 (c) A court may order an award of any or all of the following to
28 an individual who prevails in an action under subsection (a):

29 (1) Compensatory damages.

30 (2) Back pay.

31 (3) Court costs.

32 (4) Reasonable attorney's fees.

33 (5) Declaratory or equitable relief, including injunctive relief.

34 Sec. 14. The department shall adopt rules under IC 4-22-2 to
35 carry out the department's responsibilities under this chapter.".

36 Renumber all SECTIONS consecutively.

(Reference is to HB 1001(ss) as printed July 26, 2022.)

Representative Bauer M