

# HOUSE BILL No. 1091

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-2-17.

**Synopsis:** Personal leave for employees. Provides that certain employees of certain employers are entitled to take: (1) 24 hours of paid leave; and (2) 16 hours of unpaid leave; in a 12 month period.

**Effective:** July 1, 2014.

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January 9, 2014, read first time and referred to Committee on Employment, Labor and Pensions.

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Second Regular Session 118th General Assembly (2014)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1091

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, 2014]:  
4 **Chapter 17. Employee Personal Leave**  
5 **Sec. 1. This chapter applies after June 30, 2014.**  
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. (a) As used in this chapter, "employee" means an**  
9 **individual who:**  
10 **(1) has been employed at least six (6) months by an employer**  
11 **from whom the employee has requested leave under this**  
12 **chapter; and**  
13 **(2) has worked an average number of hours per week equal to**  
14 **at least eighty percent (80%) of a full-time equivalent**  
15 **position.**  
16 **(b) The term does not include an independent contractor (as**



1 described in IC 22-3-6-1(b)(7) or IC 22-3-7-9(b)(5).

2 **Sec. 4. As used in this chapter, "employer" means the state or:**

- 3 (1) an individual;  
 4 (2) a partnership;  
 5 (3) an association;  
 6 (4) a limited liability company;  
 7 (5) a corporation;  
 8 (6) a business trust;  
 9 (7) a municipal corporation (as defined in IC 36-1-2-10); or  
 10 (8) a nonprofit corporation exempt from federal income  
 11 taxation under Section 501(c)(3) of the Internal Revenue  
 12 Code;

13 that employs at least ten (10) employees for each working day  
 14 during each of twenty (20) or more calendar weeks in the current  
 15 or preceding calendar year.

16 **Sec. 5. (a) An employee is entitled to take twenty-four (24) hours**  
 17 **of paid leave in any twelve (12) month period.**

18 (b) A leave described in subsection (a) is subject to the following  
 19 conditions:

20 (1) The employer may require an employee to submit a  
 21 written request to the employer for the leave at least seven (7)  
 22 days before the time desired for the leave if the need for the  
 23 leave is reasonably foreseeable. If the need for the leave is not  
 24 reasonably foreseeable, the employee shall give as much  
 25 notice as is practicable.

26 (2) Leave may not be taken in increments of less than four (4)  
 27 hours.

28 **Sec. 6. (a) In addition to the paid leave allowed by section 5 of**  
 29 **this chapter, an employee is entitled to take sixteen (16) hours of**  
 30 **unpaid leave in any twelve (12) month period.**

31 (b) A leave described in subsection (a) is subject to the following  
 32 conditions:

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

39 (2) Leave may not be taken in increments of less than one (1)  
 40 hour.

41 **Sec. 7. A notice in a form approved by the commissioner setting**  
 42 **forth the rights of employees under this chapter must be**



1 conspicuously and continuously posted by the employer in an area  
2 in which employees are routinely employed.  
3 Sec. 8. The commissioner may adopt rules under IC 4-22-2 to  
4 implement this chapter.  
5 Sec. 9. The commissioner shall enforce this chapter.  
6 Sec. 10. The commissioner may issue any reasonable order to  
7 remedy a violation of this chapter.  
8 Sec. 11. (a) This chapter does not prohibit an employee from  
9 taking a leave granted under any other law.  
10 (b) This chapter does not prohibit an employer from providing  
11 leave in addition to the requirements of this chapter.

