

HOUSE BILL No. 1608

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-1-2-1; IC 22-2.

Synopsis: Overtime compensation for certain employees. Provides that, after December 31, 2019, certain employees must be paid compensation for employment in certain circumstances at a rate not less than 1.5 times the regular rate at which the employee is employed and, under certain circumstances, not less than two times the regular rate at which the employee is employed. Removes outdated language. Relocates language concerning the tip credit. Makes conforming amendments.

Effective: July 1, 2019.

Hatfield, Moed

January 22, 2019, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1608

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 4-1-2-1, AS AMENDED BY P.L.13-2008,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. (a) It is the intent of this chapter that state
4 offices be open and able to conduct public business at all times during
5 an eight and one-half (8 1/2) hour working day.

6 (b) Each employee shall work for a full seven and one-half (7 1/2)
7 hours each working day and provision for a one (1) hour lunch period
8 shall be provided each employee. Lunch hours of employees shall be
9 staggered to permit the conduct of business at all times during a
10 working day. Breaks shall be provided as set forth in IC 5-10-6-2.

11 (c) It shall be lawful for state offices to close their doors for business
12 from the close of the working day each Friday or in the event Friday is
13 a legal holiday, then from the close of the working day on the Thursday
14 which immediately precedes such legal holiday, until the
15 commencement of the working day on the next following Monday, or
16 in the event Monday is a legal holiday, then until the commencement
17 of the working day on the Tuesday which immediately follows such



1 legal holiday. ~~provided;~~ However, that the state library may be kept
 2 open until noon Saturdays in the discretion of the Indiana library and
 3 historical board.

4 SECTION 2. IC 22-2-2-4, AS AMENDED BY P.L.165-2007,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 4. (a) Every employer employing four (4) or more
 7 employees during a work week shall:

8 (1) in any work week beginning on or after July 1, 1968; in which
 9 the employer is subject to the provisions of this chapter; pay each
 10 of the employer's employees wages of not less than one dollar and
 11 twenty-five cents (\$1.25) per hour;

12 (2) in any work week beginning on or after July 1, 1977; in which
 13 the employer is subject to this chapter; pay each of the employer's
 14 employees wages of not less than one dollar and fifty cents
 15 (\$1.50) per hour;

16 (3) in any work week beginning on or after January 1, 1978; in
 17 which the employer is subject to this chapter; pay each of the
 18 employer's employees wages of not less than one dollar and
 19 seventy-five cents (\$1.75) per hour; and

20 (4) in any work week beginning on or after January 1, 1979; in
 21 which the employer is subject to this chapter; pay each of the
 22 employer's employees wages of not less than two dollars (\$2) per
 23 hour.

24 (b) Except as provided in subsection (c); every employer employing
 25 at least two (2) employees during a work week shall; in any work week
 26 in which the employer is subject to this chapter; pay each of the
 27 employees in any work week beginning on and after July 1, 1990; and
 28 before October 1, 1998; wages of not less than three dollars and
 29 thirty-five cents (\$3.35) per hour.

30 (c) An employer subject to subsection (b) is permitted to apply a "tip
 31 credit" in determining the amount of cash wage paid to tipped
 32 employees. In determining the wage an employer is required to pay a
 33 tipped employee; the amount paid the employee by the employee's
 34 employer shall be an amount equal to:

35 (1) the cash wage paid the employee; which for purposes of the
 36 determination shall be not less than the cash wage required to be
 37 paid to employees covered under the federal Fair Labor Standards
 38 Act of 1938; as amended (29 U.S.C. 203(m)(1)) on August 20;
 39 1996; which amount is two dollars and thirteen cents (\$2.13) an
 40 hour; and

41 (2) an additional amount on account of the tips received by the
 42 employee; which amount is equal to the difference between the



1 wage specified in subdivision (1) and the wage in effect under
 2 subsections (b), (f), (g), and (h):

3 An employer is responsible for supporting the amount of tip credit
 4 taken through reported tips by the employees:

5 (d) (a) No employer having employees subject to any provisions of
 6 this section shall discriminate, within any establishment in which
 7 employees are employed, between employees on the basis of sex by
 8 paying to employees in such establishment a rate less than the rate at
 9 which the employer pays wages to employees of the opposite sex in
 10 such establishment for equal work on jobs the performance of which
 11 requires equal skill, effort, and responsibility, and which are performed
 12 under similar working conditions, except where such payment is made
 13 pursuant to:

14 (1) a seniority system;

15 (2) a merit system;

16 (3) a system which measures earnings by quantity or quality of
 17 production; or

18 (4) a differential based on any other factor other than sex.

19 (e) (b) An employer who is paying a wage rate differential in
 20 violation of subsection (d) (a) shall not, in order to comply with
 21 subsection (d) (a), reduce the wage rate of any employee, and no labor
 22 organization, or its agents, representing employees of an employer
 23 having employees subject to subsection (d) (a) shall cause or attempt
 24 to cause such an employer to discriminate against an employee in
 25 violation of subsection (d) (a).

26 (f) Except as provided in subsection (e), every employer employing
 27 at least two (2) employees during a work week shall, in any work week
 28 in which the employer is subject to this chapter, pay each of the
 29 employees in any work week beginning on or after October 1, 1998,
 30 and before March 1, 1999, wages of not less than four dollars and
 31 twenty-five cents (\$4.25) per hour:

32 (g) Except as provided in subsections (e) and (j), every employer
 33 employing at least two (2) employees during a work week shall, in any
 34 work week in which the employer is subject to this chapter, pay each
 35 of the employees in any work week beginning on or after March 1,
 36 1999, and before July 1, 2007, wages of not less than five dollars and
 37 fifteen cents (\$5.15) an hour:

38 (h) (c) Except as provided in subsections (e) (d) and (j), (f), every
 39 employer employing at least two (2) employees during a work week
 40 shall, in any work week in which the employer is subject to this
 41 chapter, pay each of the employees in any work week beginning on or
 42 after June 30, 2007, wages of not less than the minimum wage payable



1 under the federal Fair Labor Standards Act of 1938, as amended (29
2 U.S.C. 201 et seq.).

3 **(d) An employer subject to subsection (c) is permitted to apply**
4 **a tip credit in determining the amount of cash wage paid to tipped**
5 **employees. In determining the wage an employer is required to pay**
6 **a tipped employee, the amount paid the employee by the**
7 **employee's employer must be an amount equal to:**

8 **(1) the cash wage paid the employee, which for purposes of**
9 **the determination may be not less than the cash wage**
10 **required to be paid to employees covered under the federal**
11 **Fair Labor Standards Act of 1938, as amended (29 U.S.C.**
12 **203(m)(1)) on August 20, 1996, which amount is two dollars**
13 **and thirteen cents (\$2.13) an hour; and**

14 **(2) an additional amount on account of the tips received by**
15 **the employee, which amount is equal to the difference between**
16 **the wage specified in subdivision (1) and the wage in effect**
17 **under subsection (c).**

18 **An employer is responsible for supporting the amount of tip credit**
19 **taken through reported tips by the employees.**

20 **(i) (e)** This section does not apply if an employee:

21 (1) provides companionship services to the aged and infirm (as
22 defined in 29 CFR 552.6); and

23 (2) is employed by an employer or agency other than the family
24 or household using the companionship services, as provided in 29
25 CFR 552.109 (a).

26 **(j) (f)** This subsection applies only to an employee who has not
27 attained the age of twenty (20) years. Instead of the rates prescribed by
28 subsections (c) ~~(f)~~; ~~(g)~~; and ~~(h)~~; **(d)**, an employer may pay an employee
29 of the employer, during the first ninety (90) consecutive calendar days
30 after the employee is initially employed by the employer, a wage which
31 is not less than

32 ~~(1) four dollars and twenty-five cents (\$4.25) per hour, effective~~
33 ~~March 1, 1999; and~~

34 ~~(2) the amount payable under the federal Fair Labor Standards~~
35 ~~Act of 1938, as amended (29 U.S.C. 201 et seq.), during the first~~
36 ~~ninety (90) consecutive calendar days after initial employment to~~
37 ~~an employee who has not attained twenty (20) years of age.~~
38 ~~effective July 1, 2007.~~

39 However, no employer may take any action to displace employees
40 (including partial displacements such as reduction in hours, wages, or
41 employment benefits) for purposes of hiring individuals at the wage
42 authorized in this subsection.



1 ~~(g)~~ (g) Except as otherwise provided in this section, no employer
2 shall employ any employee:

3 (1) for a work week longer than forty (40) hours unless the
4 employee receives compensation for employment in excess of ~~the~~
5 **forty (40) hours** above specified at a rate not less than one and
6 one-half (1.5) times the regular rate at which the employee is
7 employed, **except as provided in subdivision (3);**

8 (2) **after December 31, 2019, longer during a workday than**
9 **the prior scheduled time unless the employee receives**
10 **compensation for employment in excess of the prior scheduled**
11 **hours above specified at a rate not less than one and one-half**
12 **(1.5) times the regular rate at which the employee is**
13 **employed; or**

14 (3) **for a work week beginning on or after January 1, 2020,**
15 **longer than fifty-two (52) hours unless the employee receives**
16 **compensation for employment in excess of the hours above**
17 **fifty-two (52) hours specified at a rate not less than two (2)**
18 **times the regular rate at which the employee is employed.**

19 **Subdivisions (1), (2), and (3) may apply in a single work week.**

20 ~~(h)~~ (h) For purposes of this section the following apply:

21 (1) "Overtime compensation" means the compensation required
22 by subsection ~~(g)~~: (g).

23 (2) "Compensatory time" and "compensatory time off" mean
24 hours during which an employee is not working, which are not
25 counted as hours worked during the applicable work week or
26 other work period for purposes of overtime compensation, and for
27 which the employee is compensated at the employee's regular
28 rate.

29 (3) "Regular rate" means the rate at which an employee is
30 employed is considered to include all remuneration for
31 employment paid to, or on behalf of, the employee, but is not
32 considered to include the following:

33 (A) Sums paid as gifts, payments in the nature of gifts made at
34 Christmas time or on other special occasions, as a reward for
35 service, the amounts of which are not measured by or
36 dependent on hours worked, production, or efficiency.

37 (B) Payments made for occasional periods when no work is
38 performed due to vacation, holiday, illness, failure of the
39 employer to provide sufficient work, or other similar cause,
40 reasonable payments for traveling expenses, or other expenses,
41 incurred by an employee in the furtherance of the employer's
42 interests and properly reimbursable by the employer, and other



1 similar payments to an employee which are not made as
2 compensation for the employee's hours of employment.

3 (C) Sums paid in recognition of services performed during a
4 given period if:

5 (i) both the fact that payment is to be made and the amount
6 of the payment are determined at the sole discretion of the
7 employer at or near the end of the period and not pursuant
8 to any prior contract, agreement, or promise causing the
9 employee to expect the payments regularly;

10 (ii) the payments are made pursuant to a bona fide profit
11 sharing plan or trust or bona fide thrift or savings plan,
12 meeting the requirements of the administrator set forth in
13 appropriately issued regulations, having due regard among
14 other relevant factors, to the extent to which the amounts
15 paid to the employee are determined without regard to hours
16 of work, production, or efficiency; or

17 (iii) the payments are talent fees paid to performers,
18 including announcers, on radio and television programs.

19 (D) Contributions irrevocably made by an employer to a
20 trustee or third person pursuant to a bona fide plan for
21 providing old age, retirement, life, accident, or health
22 insurance or similar benefits for employees.

23 (E) Extra compensation provided by a premium rate paid for
24 certain hours worked by the employee in any day or work
25 week because those hours are hours worked in excess of eight
26 (8) in a day or in excess of the maximum work week
27 applicable to the employee under subsection ~~(k)~~ (g) or in
28 excess of the employee's normal working hours or regular
29 working hours, as the case may be.

30 (F) Extra compensation provided by a premium rate paid for
31 work by the employee on Saturdays, Sundays, holidays, or
32 regular days of rest, or on the sixth or seventh day of the work
33 week, where the premium rate is not less than one and one-half
34 (1.5) times the rate established in good faith for like work
35 performed in nonovertime hours on other days.

36 (G) Extra compensation provided by a premium rate paid to
37 the employee, in pursuance of an applicable employment
38 contract or collective bargaining agreement, for work outside
39 of the hours established in good faith by the contract or
40 agreement as the basic, normal, or regular workday (not
41 exceeding eight (8) hours) or work week (not exceeding the
42 maximum work week applicable to the employee under



1 subsection ~~(k)~~ (g) where the premium rate is not less than
 2 one and one-half (1.5) times the rate established in good faith
 3 by the contract or agreement for like work performed during
 4 the workday or work week.

5 ~~(m)~~ (i) No employer shall be considered to have violated subsection
 6 ~~(k)~~ (g) by employing any employee for a work week in excess of that
 7 specified in subsection ~~(k)~~ (g) without paying the compensation for
 8 overtime employment prescribed therein if the employee is so
 9 employed:

10 (1) in pursuance of an agreement, made as a result of collective
 11 bargaining by representatives of employees certified as bona fide
 12 by the National Labor Relations Board, which provides that no
 13 employee shall be employed more than one thousand forty (1,040)
 14 hours during any period of twenty-six (26) consecutive weeks; or
 15 (2) in pursuance of an agreement, made as a result of collective
 16 bargaining by representatives of employees certified as bona fide
 17 by the National Labor Relations Board, which provides that
 18 during a specified period of fifty-two (52) consecutive weeks the
 19 employee shall be employed not more than two thousand two
 20 hundred forty (2,240) hours and shall be guaranteed not less than
 21 one thousand eight hundred forty (1,840) hours (or not less than
 22 forty-six (46) weeks at the normal number of hours worked per
 23 week, but not less than thirty (30) hours per week) and not more
 24 than two thousand eighty (2,080) hours of employment for which
 25 the employee shall receive compensation for all hours guaranteed
 26 or worked at rates not less than those applicable under the
 27 agreement to the work performed and for all hours in excess of
 28 the guaranty which are also in excess of the maximum work week
 29 applicable to the employee under subsection ~~(k)~~ (g) or two
 30 thousand eighty (2,080) in that period at rates not less than one
 31 and one-half (1.5) times the regular rate at which the employee is
 32 employed.

33 **An agreement made before January 1, 2020, continues in full force**
 34 **and effect until the date of termination of the agreement. An**
 35 **agreement entered into after December 31, 2019, must contain**
 36 **payment for overtime hours as set forth in subsection (g).**

37 ~~(n)~~ (j) No employer shall be considered to have violated subsection
 38 ~~(k)~~ (g) by employing any employee for a work week in excess of the
 39 maximum work week applicable to the employee under subsection ~~(k)~~
 40 (g) if the employee is employed pursuant to a bona fide individual
 41 contract, or pursuant to an agreement made as a result of collective
 42 bargaining by representatives of employees, if the duties of the



1 employee necessitate irregular hours of work, and the contract or
2 agreement includes the following:

3 (1) Specifies a regular rate of pay of not less than the minimum
4 hourly rate provided in subsections (c), ~~(h)~~, (d), and ~~(j)~~ (f),
5 (whichever is applicable) and compensation at not less than one
6 and one-half (1.5) times that rate for all hours worked in excess
7 of the maximum work week.

8 (2) Provides a weekly guaranty of pay for not more than sixty (60)
9 hours based on the rates so specified.

10 ~~(o)~~ (k) No employer shall be considered to have violated subsection
11 ~~(k)~~ (g) by employing any employee for a work week in excess of the
12 maximum work week applicable to the employee under that subsection
13 if, pursuant to an agreement or understanding arrived at between the
14 employer and the employee before performance of the work, the
15 amount paid to the employee for the number of hours worked by the
16 employee in the work week in excess of the maximum work week
17 applicable to the employee under that subsection:

18 (1) in the case of an employee employed at piece rates, is
19 computed at piece rates not less than one and one-half (1.5) times
20 the bona fide piece rates applicable to the same work when
21 performed during nonovertime hours;

22 (2) in the case of an employee performing two (2) or more kinds
23 of work for which different hourly or piece rates have been
24 established, is computed at rates not less than one and one-half
25 (1.5) times those bona fide rates applicable to the same work
26 when performed during nonovertime hours; or

27 (3) is computed at a rate not less than one and one-half (1.5) times
28 the rate established by the agreement or understanding as the
29 basic rate to be used in computing overtime compensation
30 thereunder, provided that the rate so established shall be
31 substantially equivalent to the average hourly earnings of the
32 employee, exclusive of overtime premiums, in the particular work
33 over a representative period of time;

34 and if the employee's average hourly earnings for the work week
35 exclusive of payments described in this section are not less than the
36 minimum hourly rate required by applicable law, and extra overtime
37 compensation is properly computed and paid on other forms of
38 additional pay required to be included in computing the regular rate.

39 ~~(p)~~ (l) Extra compensation paid as described in this section shall be
40 creditable toward overtime compensation payable pursuant to this
41 section.

42 ~~(q)~~ (m) No employer shall be considered to have violated subsection



1 ~~(k)~~ (g) by employing any employee of a retail or service establishment
 2 for a work week in excess of the applicable work week specified
 3 therein, if:

4 (1) the regular rate of pay of the employee is in excess of one and
 5 one-half (1.5) times the minimum hourly rate applicable to the
 6 employee under section 2 of this chapter; and

7 (2) more than half of the employee's compensation for a
 8 representative period (not less than one (1) month) represents
 9 commissions on goods or services.

10 In determining the proportion of compensation representing
 11 commissions, all earnings resulting from the application of a bona fide
 12 commission rate shall be considered commissions on goods or services
 13 without regard to whether the computed commissions exceed the draw
 14 or guarantee.

15 ~~(k)~~ (n) No employer engaged in the operation of a hospital or an
 16 establishment which is an institution primarily engaged in the care of
 17 the sick, the aged, or individuals with a mental illness or defect who
 18 reside on the premises shall be considered to have violated subsection
 19 ~~(k)~~ (g) if, pursuant to an agreement or understanding arrived at between
 20 the employer and the employee before performance of the work, a work
 21 period of fourteen (14) consecutive days is accepted in lieu of the work
 22 week of seven (7) consecutive days for purposes of overtime
 23 computation and if, for the employee's employment in excess of eight
 24 (8) hours in any workday and in excess of eighty (80) hours in that
 25 fourteen (14) day period, the employee receives compensation at a rate
 26 not less than one and one-half (1.5) times the regular rate at which the
 27 employee is employed.

28 ~~(s)~~ (o) No employer shall employ any employee in domestic service
 29 in one (1) or more households for a work week longer than forty (40)
 30 hours unless the employee receives compensation for that employment
 31 in accordance with subsection ~~(k)~~: (g).

32 ~~(t)~~ (p) In the case of an employee of an employer engaged in the
 33 business of operating a street, a suburban or interurban electric railway,
 34 or a local trolley or motorbus carrier (regardless of whether or not the
 35 railway or carrier is public or private or operated for profit or not for
 36 profit), in determining the hours of employment of such an employee
 37 to which the rate prescribed by subsection ~~(k)~~ (g) applies, there shall
 38 be excluded the hours the employee was employed in charter activities
 39 by the employer if both of the following apply:

40 (1) The employee's employment in the charter activities was
 41 pursuant to an agreement or understanding with the employer
 42 arrived at before engaging in that employment.



1 (2) If employment in the charter activities is not part of the
2 employee's regular employment.

3 ~~(t)~~ (q) Any employer may employ any employee for a period or
4 periods of not more than ten (10) hours in the aggregate in any work
5 week in excess of the maximum work week specified in subsection ~~(k)~~
6 (g) without paying the compensation for overtime employment
7 prescribed in subsection ~~(k)~~; (g), if during that period or periods the
8 employee is receiving remedial education that:

9 (1) is provided to employees who lack a high school diploma or
10 educational attainment at the eighth grade level;

11 (2) is designed to provide reading and other basic skills at an
12 eighth grade level or below; and

13 (3) does not include job specific training.

14 ~~(v)~~ (r) Subsection ~~(k)~~ (g) does not apply to an employee of a motion
15 picture theater.

16 ~~(w)~~ (s) Subsection ~~(k)~~ (g) does not apply to an employee of a
17 seasonal amusement or recreational establishment, an organized camp,
18 or a religious or nonprofit educational conference center that is exempt
19 under the federal Fair Labor Standards Act of 1938, as amended (29
20 U.S.C. 213).

21 SECTION 3. IC 22-2-18 IS ADDED TO THE INDIANA CODE AS
22 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2019]:

24 **Chapter 18. Overtime Compensation**

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

27 **Sec. 2. As used in this chapter, "employee" means a person**
28 **employed or permitted to work or perform any service for**
29 **remuneration or under any contract of hire, written or oral,**
30 **express or implied, by an employer in any occupation subject to the**
31 **provisions of the federal Fair Labor Standards Act. The term:**

32 (1) includes an employee of the state who is subject to
33 IC 4-1-2-1(b) and an employee of a state educational
34 institution (as defined in IC 21-7-13-32); and

35 (2) does not include an employee exempt or partially exempt
36 from the overtime pay requirements of the federal Fair Labor
37 Standards Act.

38 **Sec. 3. As used in this chapter, "employer" means an employer**
39 **that is subject to the provisions of the federal Fair Labor**
40 **Standards Act but does not include the following:**

41 (1) The federal government, including the armed forces of the
42 United States.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

- (2) A railroad doing business in Indiana.**
- Sec. 4. As used in this chapter, "Fair Labor Standards Act" means the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).**
- Sec. 5. As used in this chapter, "regular rate" means the rate at which an employee is employed and includes all remuneration for employment paid to, or on behalf of, the employee, but does not include the following:**
 - (1) Sums paid as gifts, payments in the nature of gifts made at Christmas time or on other special occasions, or as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency.**
 - (2) Payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause, reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of the employer's interests and properly reimbursable by the employer, and other similar payments to an employee that are not made as compensation for the employee's hours of employment.**
 - (3) Sums paid in recognition of services performed during a given period if:**
 - (A) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not under any prior contract, agreement, or promise causing the employee to expect the payments regularly;**
 - (B) the payments are made under a bona fide profit sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the administrator set forth in appropriately issued regulations, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or**
 - (C) the payments are talent fees paid to performers, including announcers, on radio and television programs.**
 - (4) Contributions irrevocably made by an employer to a trustee or third person under a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees.**
 - (5) Extra compensation provided by a premium rate paid for**



1 certain hours worked by the employee in any day or work
 2 week because those hours are hours worked in accordance
 3 with section 6 of this chapter.

4 (6) Extra compensation provided by a premium rate paid to
 5 the employee, under an applicable employment contract or
 6 collective bargaining agreement, for work outside of the hours
 7 established in good faith by the contract or agreement as the
 8 basic, normal, or regular workday or work week.

9 Sec. 6. After December 31, 2019, an employer may not employ
 10 an employee:

11 (1) longer during a workday than the prior scheduled time
 12 unless the employee receives compensation for employment in
 13 excess of the prior scheduled hours above specified at a rate
 14 not less than one and one-half (1.5) times the regular rate at
 15 which the employee is employed;

16 (2) longer for a work week in excess of the work week agreed
 17 upon between the employee and employer unless the employee
 18 receives compensation for employment in excess of the hours
 19 above the agreed upon work week at a rate not less than one
 20 and one-half (1.5) times the regular rate at which the
 21 employee is employed, except as provided in subdivision (3);
 22 or

23 (3) for a work week longer than fifty-two (52) hours unless the
 24 employee receives compensation for employment in excess of
 25 the hours above fifty-two (52) hours specified at a rate not less
 26 than two (2) times the regular rate at which the employee is
 27 employed.

28 Subdivisions (1), (2), and (3) may apply in a single work week.

29 Sec. 7. A labor agreement entered into before January 1, 2020,
 30 continues in full force and effect until the date of termination of the
 31 agreement. A labor agreement entered into after December 31,
 32 2019, must contain payment for overtime hours in the manner
 33 provided as set forth in section 6 of this chapter.

34 Sec. 8. (a) The department and authorized inspectors and agents
 35 of the department shall:

36 (1) enforce and ensure compliance with the provisions of this
 37 chapter;

38 (2) investigate any violations of any of the provisions of this
 39 chapter; and

40 (3) institute or cause to be instituted actions for compensation
 41 due as provided under this chapter.

42 (b) The commissioner of the department may refer claims for



1 **compensation due under this chapter to the attorney general, and**
2 **the attorney general may initiate civil actions on behalf of the**
3 **claimant or may refer the claim to an attorney admitted to the**
4 **practice of law in Indiana.**

5 **(c) It is unlawful for any person to:**
6 **(1) interfere with, obstruct, or hinder an inspector or agent of**
7 **the department while the inspector or agent performs official**
8 **duties of the department; or**
9 **(2) refuse to properly answer questions asked by an inspector**
10 **or agent of the department.**

11 **Sec. 9. This chapter does not prohibit an employer from**
12 **providing compensation in excess of that required by this chapter.**

