



January 26, 2021

---

---

## SENATE BILL No. 106

---

DIGEST OF SB 106 (Updated January 25, 2021 4:22 pm - DI 140)

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

**Synopsis:** Minimum wage. Increases the minimum wage paid to certain employees in Indiana as follows: (1) After June 30, 2022, from \$7.25 an hour to \$10 an hour. (2) After June 30, 2023, from \$10 an hour to \$13 an hour. (3) After June 30, 2024, from \$13 an hour to \$15 an hour. Provides that after June 30, 2025, and each subsequent June 30, the hourly minimum wage increases at the same percentage as any increase in the Consumer Price Index for the preceding calendar year. Makes technical corrections and corresponding changes.

**Effective:** July 1, 2021.

---

---

### Mrvan

---

---

January 4, 2021, read first time and referred to Committee on Rules and Legislative Procedure.  
January 25, 2021, amended; reassigned to Committee on Pensions and Labor.

---

---

SB 106—LS 6505/DI 13





January 26, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE BILL No. 106

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 22-2-2-3, AS AMENDED BY P.L.7-2019,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 3. As used in this chapter:  
4 "Commissioner" means the commissioner of labor or the  
5 commissioner's authorized representative.  
6 "Department" means the department of labor.  
7 "Occupation" means an industry, trade, business, or class of work  
8 in which employees are gainfully employed.  
9 "Employer" means any individual, partnership, association, limited  
10 liability company, corporation, business trust, the state, or other  
11 governmental agency or political subdivision during any work week in  
12 which they have two (2) or more employees. However, **except as**  
13 **provided in section 14 of this chapter**, it shall not include any  
14 employer who is subject to the minimum wage provisions of the federal  
15 Fair Labor Standards Act of 1938, as amended (~~29 U.S.C. 201-209~~).  
16 **(29 U.S.C. 201 et seq.)**.  
17 "Employee" means any person employed or permitted to work or

SB 106—LS 6505/DI 13



1 perform any service for remuneration or under any contract of hire,  
2 written or oral, express or implied by an employer in any occupation,  
3 but shall not include any of the following:

4 (a) Persons less than sixteen (16) years of age.

5 (b) Persons engaged in an independently established trade,  
6 occupation, profession, or business who, in performing the  
7 services in question, are free from control or direction both under  
8 a contract of service and in fact.

9 (c) Persons performing services not in the course of the  
10 employing unit's trade or business.

11 (d) Persons employed on a commission basis.

12 (e) Persons employed by their own parent, spouse, or child.

13 (f) Members of any religious order performing any service for that  
14 order, any ordained, commissioned, or licensed minister, priest,  
15 rabbi, sexton, or Christian Science reader, and volunteers  
16 performing services for any religious or charitable organization.

17 (g) Persons performing services as student nurses in the employ  
18 of a hospital or nurses training school while enrolled and  
19 regularly attending classes in a nurses training school chartered  
20 or approved under law, or students performing services in the  
21 employ of persons licensed as both funeral directors and  
22 embalmers as a part of their requirements for apprenticeship to  
23 secure an embalmer's license or a funeral director's license from  
24 the state, or during their attendance at any schools required by law  
25 for securing an embalmer's or funeral director's license.

26 (h) Persons who have completed a four (4) year course in a  
27 medical school approved by law when employed as interns or  
28 resident physicians by any accredited hospital.

29 (i) Students performing services for any school, college, or  
30 university in which they are enrolled and are regularly attending  
31 classes.

32 (j) Persons with physical or mental disabilities performing  
33 services for nonprofit organizations organized primarily for the  
34 purpose of providing employment for persons with disabilities or  
35 for assisting in their therapy and rehabilitation.

36 (k) Persons employed as insurance producers, insurance  
37 solicitors, and outside salesmen, if all their services are performed  
38 for remuneration solely by commission.

39 (l) Persons performing services for any camping, recreational, or  
40 guidance facilities operated by a charitable, religious, or  
41 educational nonprofit organization.

42 (m) Persons engaged in agricultural labor. The term shall include



- 1 only services performed:
- 2 (1) on a farm, in connection with cultivating the soil, or in
- 3 connection with raising or harvesting any agricultural or
- 4 horticultural commodity, including the raising, shearing,
- 5 feeding, caring for, training, and management of livestock,
- 6 bees, poultry, and furbearing animals and wildlife;
- 7 (2) in the employ of the owner or tenant or other operator of a
- 8 farm, in connection with the operation, management,
- 9 conservation, improvement, or maintenance of the farm and its
- 10 tools and equipment if the major part of the service is
- 11 performed on a farm;
- 12 (3) in connection with:
- 13 (A) the production or harvesting of maple sugar or maple
- 14 syrup or any commodity defined as an agricultural
- 15 commodity in the Agricultural Marketing Act, as amended
- 16 (12 U.S.C. 1141j);
- 17 (B) the raising or harvesting of mushrooms;
- 18 (C) the hatching of poultry; or
- 19 (D) the operation or maintenance of ditches, canals,
- 20 reservoirs, or waterways used exclusively for supplying and
- 21 storing water for farming purposes; and
- 22 (4) in handling, planting, drying, packing, packaging,
- 23 processing, freezing, grading, storing, or delivering to storage,
- 24 to market, or to a carrier for transportation to market, any
- 25 agricultural or horticultural commodity, but only if service is
- 26 performed as an incident to ordinary farming operation or, in
- 27 the case of fruits and vegetables, as an incident to the
- 28 preparation of fruits and vegetables for market. However, this
- 29 exception shall not apply to services performed in connection
- 30 with any agricultural or horticultural commodity after its
- 31 delivery to a terminal market or processor for preparation or
- 32 distribution for consumption.
- 33 As used in this subdivision, "farm" includes stock, dairy, poultry,
- 34 fruit, furbearing animals, and truck farms, nurseries, orchards, or
- 35 greenhouses or other similar structures used primarily for the
- 36 raising of agricultural or horticultural commodities.
- 37 (n) Those persons employed in executive, administrative, or
- 38 professional occupations who have the authority to employ or
- 39 discharge and who earn one hundred fifty dollars (\$150) or more
- 40 a week, and outside salesmen.
- 41 (o) Any person not employed for more than four (4) weeks in any
- 42 four (4) consecutive three (3) month periods.



1 (p) Any employee with respect to whom the Interstate Commerce  
 2 Commission has power to establish qualifications and maximum  
 3 hours of service under the federal Motor Carrier Act of 1935 (49  
 4 U.S.C. 304(3)) or any employee of a carrier subject to IC 8-2.1.

5 (q) A person engaged in services as a direct seller. The term shall  
 6 include only services performed:

7 (1) by a person that is in the trade or business of:

8 (A) selling, or soliciting the sale of, consumer products or  
 9 services to any buyer on a buy-sell basis,  
 10 deposit-commission basis, or similar basis, in any place  
 11 other than in a permanent retail establishment; or

12 (B) selling, or soliciting the sale of, consumer products or  
 13 services in any place other than in a permanent retail  
 14 establishment;

15 (2) when substantially all the remuneration, whether or not  
 16 paid in cash, for the performance of the services is directly  
 17 related to sales or other output, including the performance of  
 18 services, rather than the number of hours worked; and

19 (3) when the services performed by the person are performed  
 20 pursuant to a written contract and the contract provides that  
 21 the person who performs the services will not be treated as an  
 22 employee for tax purposes under the contract.

23 SECTION 2. IC 22-2-2-4, AS AMENDED BY P.L.147-2020,  
 24 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2021]: Sec. 4. (a) No employer having employees subject to  
 26 any provisions of this section shall discriminate, within any  
 27 establishment in which employees are employed, between employees  
 28 on the basis of sex by paying to employees in such establishment a rate  
 29 less than the rate at which the employer pays wages to employees of the  
 30 opposite sex in such establishment for equal work on jobs the  
 31 performance of which requires equal skill, effort, and responsibility,  
 32 and which are performed under similar working conditions, except  
 33 where such payment is made pursuant to:

34 (1) a seniority system;

35 (2) a merit system;

36 (3) a system which measures earnings by quantity or quality of  
 37 production; or

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

39 (b) An employer who is paying a wage rate differential in violation  
 40 of subsection (a) shall not, in order to comply with subsection (a),  
 41 reduce the wage rate of any employee, and no labor organization, or its  
 42 agents, representing employees of an employer having employees



1 subject to subsection (a) shall cause or attempt to cause such an  
 2 employer to discriminate against an employee in violation of  
 3 subsection (a).

4 (c) Except as provided in subsection ~~(d)~~; **(h)**, every employer  
 5 employing at least two (2) employees during a work week shall, in any  
 6 work week in which the employer is subject to this chapter, pay each  
 7 of the employees in any work week beginning on or after June 30,  
 8 2007, **and before July 1, 2022**, wages of not less than the minimum  
 9 wage payable under the federal Fair Labor Standards Act of 1938, as  
 10 amended (29 U.S.C. 201 et seq.).

11 **(d) Except as provided in subsection (h), every employer shall,**  
 12 **in any work week in which the employer is subject to this chapter,**  
 13 **pay each of the employees in any work week beginning after June**  
 14 **30, 2022, and before July 1, 2023, wages of not less than ten dollars**  
 15 **(\$10) an hour.**

16 (e) Except as provided in subsection (h), every employer shall,  
 17 in any work week in which the employer is subject to this chapter,  
 18 pay each of the employees in any work week beginning after June  
 19 30, 2023, and before July 1, 2024, wages of not less than thirteen  
 20 dollars (\$13) an hour.

21 (f) Except as provided in subsection (h), every employer shall,  
 22 in any work week in which the employer is subject to this chapter,  
 23 pay each of the employees in any work week beginning after June  
 24 30, 2024, and before July 1, 2025, wages of not less than fifteen  
 25 dollars (\$15) an hour.

26 (g) Except as provided in subsection (h), every employer shall,  
 27 in any work week in which the employer is subject to this chapter,  
 28 pay each of the employees in any work week beginning after June  
 29 30, 2025, and continuing for each subsequent June 30, an increase  
 30 in the hourly minimum wage set by this section in the same  
 31 percentage as any increase in the Consumer Price Index for Urban  
 32 Wage Earners and Clerical Workers for the preceding calendar  
 33 year.

34 ~~(d)~~ **(h)** An employer subject to ~~subsection (c)~~ **subsections (c)**  
 35 **through (g) (whichever is applicable)** is permitted to apply a tip  
 36 credit in determining the amount of cash wage paid to tipped  
 37 employees. In determining the wage an employer is required to pay a  
 38 tipped employee, the amount paid the employee by the employee's  
 39 employer must be an amount equal to:

- 40 (1) the cash wage paid the employee, which for purposes of the  
 41 determination may be not less than the cash wage required to be  
 42 paid to employees covered under the federal Fair Labor Standards



1 Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20,  
 2 1996, which amount is two dollars and thirteen cents (\$2.13) an  
 3 hour; and

4 (2) an additional amount on account of the tips received by the  
 5 employee, which amount is equal to the difference between the  
 6 wage specified in subdivision (1) and the wage in effect under  
 7 ~~subsection (e)~~: **subsections (c) through (g) (whichever is**  
 8 **applicable).**

9 An employer is responsible for supporting the amount of tip credit  
 10 taken through reported tips by the employees.

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

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

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

17 ~~(f)~~ **(j)** Except as otherwise provided in this section, no employer  
 18 shall employ any employee for a work week longer than forty (40)  
 19 hours unless the employee receives compensation for employment in  
 20 excess of forty (40) hours at a rate not less than one and one-half (1.5)  
 21 times the regular rate at which the employee is employed.

22 ~~(g)~~ **(k)** For purposes of this section the following apply:

23 (1) "Overtime compensation" means the compensation required  
 24 by subsection ~~(f)~~: **(j)**.

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

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

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

39 (B) Payments made for occasional periods when no work is  
 40 performed due to vacation, holiday, illness, failure of the  
 41 employer to provide sufficient work, or other similar cause,  
 42 reasonable payments for traveling expenses, or other expenses,





1 incurred by an employee in the furtherance of the employer's  
2 interests and properly reimbursable by the employer, and other  
3 similar payments to an employee which are not made as  
4 compensation for the employee's hours of employment.

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

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

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

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

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

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

32 (F) Extra compensation provided by a premium rate paid for  
33 work by the employee on Saturdays, Sundays, holidays, or  
34 regular days of rest, or on the sixth or seventh day of the work  
35 week, where the premium rate is not less than one and one-half  
36 (1.5) times the rate established in good faith for like work  
37 performed in nonovertime hours on other days.

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



1 exceeding eight (8) hours) or work week (not exceeding the  
 2 maximum work week applicable to the employee under  
 3 subsection ~~(f)~~ **(j)**) where the premium rate is not less than one  
 4 and one-half (1.5) times the rate established in good faith by  
 5 the contract or agreement for like work performed during the  
 6 workday or work week.

7 ~~(f)~~ **(l)** No employer shall be considered to have violated subsection  
 8 ~~(f)~~ **(j)** by employing any employee for a work week in excess of that  
 9 specified in subsection ~~(f)~~ **(j)** without paying the compensation for  
 10 overtime employment prescribed therein if the employee is so  
 11 employed:

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

35 ~~(f)~~ **(m)** No employer shall be considered to have violated subsection  
 36 ~~(f)~~ **(j)** by employing any employee for a work week in excess of the  
 37 maximum work week applicable to the employee under subsection ~~(f)~~  
 38 **(j)** if the employee is employed pursuant to a bona fide individual  
 39 contract, or pursuant to an agreement made as a result of collective  
 40 bargaining by representatives of employees, if the duties of the  
 41 employee necessitate irregular hours of work, and the contract or  
 42 agreement includes the following:



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

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

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

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

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

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

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

37 ~~(k)~~ **(o)** Extra compensation paid as described in this section shall be  
 38 creditable toward overtime compensation payable pursuant to this  
 39 section.

40 ~~(j)~~ **(p)** No employer shall be considered to have violated subsection  
 41 ~~(j)~~ **(j)** by employing any employee of a retail or service establishment  
 42 for a work week in excess of the applicable work week specified



- 1 therein, if:
- 2 (1) the regular rate of pay of the employee is in excess of one and
- 3 one-half (1.5) times the minimum hourly rate applicable to the
- 4 employee under section 2 of this chapter; and
- 5 (2) more than half of the employee's compensation for a
- 6 representative period (not less than one (1) month) represents
- 7 commissions on goods or services.
- 8 In determining the proportion of compensation representing
- 9 commissions, all earnings resulting from the application of a bona fide
- 10 commission rate shall be considered commissions on goods or services
- 11 without regard to whether the computed commissions exceed the draw
- 12 or guarantee.
- 13 ~~(m)~~ (q) No employer engaged in the operation of a hospital or an
- 14 establishment which is an institution primarily engaged in the care of
- 15 the sick, the aged, or individuals with a mental illness or defect who
- 16 reside on the premises shall be considered to have violated subsection
- 17 ~~(f)~~ (j) if, pursuant to an agreement or understanding arrived at between
- 18 the employer and the employee before performance of the work, a work
- 19 period of fourteen (14) consecutive days is accepted in lieu of the work
- 20 week of seven (7) consecutive days for purposes of overtime
- 21 computation and if, for the employee's employment in excess of eight
- 22 (8) hours in any workday and in excess of eighty (80) hours in that
- 23 fourteen (14) day period, the employee receives compensation at a rate
- 24 not less than one and one-half (1.5) times the regular rate at which the
- 25 employee is employed.
- 26 ~~(m)~~ (r) No employer shall employ any employee in domestic service
- 27 in one (1) or more households for a work week longer than forty (40)
- 28 hours unless the employee receives compensation for that employment
- 29 in accordance with subsection ~~(f)~~ (j).
- 30 ~~(o)~~ (s) In the case of an employee of an employer engaged in the
- 31 business of operating a street, a suburban or interurban electric railway,
- 32 or a local trolley or motorbus carrier (regardless of whether or not the
- 33 railway or carrier is public or private or operated for profit or not for
- 34 profit), in determining the hours of employment of such an employee
- 35 to which the rate prescribed by subsection ~~(f)~~ (j) applies, there shall be
- 36 excluded the hours the employee was employed in charter activities by
- 37 the employer if both of the following apply:
- 38 (1) The employee's employment in the charter activities was
- 39 pursuant to an agreement or understanding with the employer
- 40 arrived at before engaging in that employment.
- 41 (2) If employment in the charter activities is not part of the
- 42 employee's regular employment.



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

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

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

11           (3) does not include job specific training.

12           ~~(q)~~ **(u)** Subsection ~~(f)~~ **(j)** does not apply to an employee of a motion  
 13 picture theater.

14           ~~(r)~~ **(v)** Subsection ~~(f)~~ **(j)** does not apply to an employee of a seasonal  
 15 amusement or recreational establishment, an organized camp, or a  
 16 religious or nonprofit educational conference center that is exempt  
 17 under the federal Fair Labor Standards Act of 1938, as amended ~~(29~~  
 18 ~~U.S.C. 213)~~; **(29 U.S.C. 201 et seq.)**.

19           ~~(s)~~ **(w)** Subsection ~~(f)~~ **(j)** does not apply to an employee of an air  
 20 carrier subject to Title II of the federal Railway Labor Act (45 U.S.C.  
 21 181 et seq.) to the extent that the hours worked by the employee during  
 22 a work week in excess of forty (40) hours are not required by the air  
 23 carrier but are arranged through a voluntary agreement between  
 24 employees to trade or reassign their scheduled work hours.

25           SECTION 3. IC 22-2-2-14 IS ADDED TO THE INDIANA CODE  
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 27 1, 2021]: **Sec. 14. (a) This section applies to an employer that is**  
 28 **subject to the minimum wage provisions of the federal Fair Labor**  
 29 **Standards Act of 1938, as amended (29 U.S.C. 201 et seq.)**.

30           **(b) Except as provided in subsection (c), if the minimum hourly**  
 31 **wage required under section 4 of this chapter is higher than the**  
 32 **minimum wage provisions of the federal Fair Labor Standards Act**  
 33 **of 1938, as amended (29 U.S.C. 201 et seq.), an employer shall pay**  
 34 **the minimum hourly wage required under section 4 of this chapter.**

35           **(c) Subsection (b) does not apply to an employee subject to 29**  
 36 **U.S.C. 206(g) or 29 U.S.C. 213.**



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 106, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Pensions and Labor.

(Reference is to SB 106 as introduced.)

BRAY, Chairperson

