

SENATE BILL No. 178

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-5-7; IC 35-51-22-1.

Synopsis: Release of employee identifying information. Provides that an employer may not release a current or former employee's identifying information to a third party, or enter into an agreement to release, communicate, or distribute employee identifying information to a third party, unless: (1) the employee consents to the release in writing that is signed by the employee; (2) the release is required by: (A) state law; (B) a court order issued by a court with jurisdiction; (C) a warrant issued by a judicial officer; (D) a subpoena issued in a civil or criminal action; or (E) a discovery proceeding in a civil action; or (3) this provision conflicts with or is preempted by federal law. Provides that a labor organization may not make a request to an employer to release, or enter into an agreement that includes a provision requiring the release of, employee identifying information. Provides that an employer, labor organization, or other person who knowingly or intentionally violates these provisions commits a Class C misdemeanor.

Effective: July 1, 2014.

Banks, Yoder

January 8, 2014, read first time and referred to Committee on Pensions and Labor.



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 a statute 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.

SENATE BILL No. 178

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 22-5-7 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]:
4 **Chapter 7. Release of Employee Identifying Information**
5 **Sec. 1. This chapter does not apply to the extent that it:**
6 **(1) conflicts with; or**
7 **(2) is preempted by;**
8 **federal law.**
9 **Sec. 2. As used in this chapter, "employee identifying**
10 **information" means any of the following for a current or former**
11 **employee:**
12 **(1) The employee's name.**
13 **(2) Home address or address where the employee is physically**
14 **located.**
15 **(3) Social Security, driver's license, or other identification**
16 **number.**



- 1 (4) Home telephone number.
- 2 (5) Mobile telephone number.
- 3 (6) Electronic mail address.
- 4 (7) Shift times.
- 5 (8) Work schedule.
- 6 (9) Any record the employer is required to keep in the normal
- 7 course of business under an applicable federal or state statute,
- 8 regulation, or rule.

9 **Sec. 3. As used in this chapter, "labor organization" means:**

- 10 (1) an organization;
- 11 (2) an agency;
- 12 (3) a union; or
- 13 (4) an employee representation committee;

14 that exists, in whole or in part, to assist employees in negotiating
15 with employers concerning grievances, labor disputes, wages, rates
16 of pay, or other terms or conditions of employment.

17 **Sec. 4. (a) Except as otherwise provided in subsection (b), an**
18 **employer may not:**

- 19 (1) release, communicate, or distribute employee identifying
- 20 information to a third party; or
- 21 (2) enter into an agreement to release, communicate, or
- 22 distribute employee identifying information to a third party.

23 **(b) Subsection (a) does not apply to a release, communication,**
24 **or distribution of employee identifying information whenever any**
25 **of the following occur:**

- 26 (1) The employee requests or consents in writing to the
- 27 release, communication, or distribution of the employee
- 28 identifying information. A request or consent under this
- 29 subdivision must be signed by the employee.
- 30 (2) State law requires the release, communication, or
- 31 distribution of the employee identifying information.
- 32 (3) The release, communication, or distribution of the
- 33 employee identifying information is:
 - 34 (A) ordered by a court with jurisdiction; or
 - 35 (B) required by:
 - 36 (i) a warrant issued by a judicial officer;
 - 37 (ii) a subpoena issued in a civil or criminal action; or
 - 38 (iii) a discovery proceeding in a civil action.

39 **Sec. 5. A labor organization may not:**

- 40 (1) make a request to an employer to release employee
- 41 identifying information; or
- 42 (2) enter into an agreement that includes a provision



1 **requiring the release of employee identifying information.**
2 **Sec. 6. An employer, labor organization, or other person who**
3 **knowingly or intentionally violates section 4 or 5 of this chapter**
4 **commits a Class C misdemeanor.**
5 SECTION 2. IC 35-51-22-1, AS AMENDED BY P.L.107-2012,
6 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 22:
8 IC 22-1-1-22 (Concerning the department of labor).
9 IC 22-2-2-11 (Concerning wages, hours, and benefits).
10 IC 22-2-7-7 (Concerning wages, hours, and benefits).
11 IC 22-3-1-5 (Concerning worker's compensation system).
12 IC 22-4-11.5-10 (Concerning unemployment compensation
13 system).
14 IC 22-4-19-6 (Concerning unemployment compensation system).
15 IC 22-4-29-14 (Concerning unemployment compensation system).
16 IC 22-4-34-3 (Concerning unemployment compensation system).
17 IC 22-4-34-4 (Concerning unemployment compensation system).
18 IC 22-4-34-5 (Concerning unemployment compensation system).
19 IC 22-4.1-4-4 (Concerning department of workforce
20 development).
21 IC 22-4.1-21-38 (Concerning postsecondary proprietary
22 educational institution accreditation).
23 IC 22-5-1-1 (Concerning unlawful labor practices).
24 **IC 22-5-7-6 (Concerning unlawful labor practices).**
25 IC 22-6-2-13 (Concerning labor relations).
26 IC 22-7-1-3 (Concerning labor organizations).
27 IC 22-8-1.1-24.2 (Concerning occupational health and safety).
28 IC 22-8-1.1-49 (Concerning occupational health and safety).
29 IC 22-9.5-10-1 (Concerning Indiana fair housing).
30 IC 22-11-14-3 (Concerning building and safety regulations).
31 IC 22-11-14-6 (Concerning building and safety regulations).
32 IC 22-11-14.5-9 (Concerning building and safety regulations).
33 IC 22-11-14.5-10 (Concerning building and safety regulations).
34 IC 22-11-14.5-11 (Concerning building and safety regulations).
35 IC 22-11-14.5-12 (Concerning building and safety regulations).
36 IC 22-11-15-6 (Concerning building and safety regulations).
37 IC 22-11-17-3 (Concerning building and safety regulations).
38 IC 22-11-17-4 (Concerning building and safety regulations).
39 IC 22-11-18-5 (Concerning building and safety regulations).
40 IC 22-11-20-6 (Concerning building and safety regulations).
41 IC 22-15-4-7 (Concerning building and equipment laws).
42 IC 22-15-7-9 (Concerning building and equipment laws).

