

# SENATE BILL No. 211

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Minimum wage. Increases the state minimum wage from \$7.25 an hour to \$11.25 an hour.

**Effective:** July 1, 2016.

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January 6, 2016, read first time and referred to Committee on Pensions & Labor.

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Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## SENATE BILL No. 211

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 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter:  
3 "Commissioner" means the commissioner of labor or the  
4 commissioner's authorized representative.  
5 "Department" means the department of labor.  
6 "Occupation" means an industry, trade, business, or class of work  
7 in which employees are gainfully employed.  
8 "Employer" means any individual, partnership, association, limited  
9 liability company, corporation, business trust, the state, or other  
10 governmental agency or political subdivision during any work week in  
11 which they have two (2) or more employees. However, **except as**  
12 **provided in section 14 of this chapter**, it shall not include any  
13 employer who is subject to the minimum wage provisions of the federal  
14 Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209).  
15 "Employee" means any person employed or permitted to work or  
16 perform any service for remuneration or under any contract of hire,  
17 written or oral, express or implied by an employer in any occupation,



- 1 but shall not include any of the following:
- 2 (a) Persons less than sixteen (16) years of age.
- 3 (b) Persons engaged in an independently established trade,  
4 occupation, profession, or business who, in performing the  
5 services in question, are free from control or direction both under  
6 a contract of service and in fact.
- 7 (c) Persons performing services not in the course of the  
8 employing unit's trade or business.
- 9 (d) Persons employed on a commission basis.
- 10 (e) Persons employed by their own parent, spouse, or child.
- 11 (f) Members of any religious order performing any service for that  
12 order, any ordained, commissioned, or licensed minister, priest,  
13 rabbi, sexton, or Christian Science reader, and volunteers  
14 performing services for any religious or charitable organization.
- 15 (g) Persons performing services as student nurses in the employ  
16 of a hospital or nurses training school while enrolled and  
17 regularly attending classes in a nurses training school chartered  
18 or approved under law, or students performing services in the  
19 employ of persons licensed as both funeral directors and  
20 embalmers as a part of their requirements for apprenticeship to  
21 secure an embalmer's license or a funeral director's license from  
22 the state, or during their attendance at any schools required by law  
23 for securing an embalmer's or funeral director's license.
- 24 (h) Persons who have completed a four (4) year course in a  
25 medical school approved by law when employed as interns or  
26 resident physicians by any accredited hospital.
- 27 (i) Students performing services for any school, college, or  
28 university in which they are enrolled and are regularly attending  
29 classes.
- 30 (j) Persons with physical or mental disabilities performing  
31 services for nonprofit organizations organized primarily for the  
32 purpose of providing employment for persons with disabilities or  
33 for assisting in their therapy and rehabilitation.
- 34 (k) Persons employed as insurance producers, insurance  
35 solicitors, and outside salesmen, if all their services are performed  
36 for remuneration solely by commission.
- 37 (l) Persons performing services for any camping, recreational, or  
38 guidance facilities operated by a charitable, religious, or  
39 educational nonprofit organization.
- 40 (m) Persons engaged in agricultural labor. The term shall include  
41 only services performed:
- 42 (1) on a farm, in connection with cultivating the soil, or in



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



1 hours of service under the federal Motor Carrier Act of 1935 (49  
2 U.S.C. 304(3)) or any employee of a carrier subject to IC 8-2.1.

3 SECTION 2. IC 22-2-2-4, AS AMENDED BY P.L.165-2007,  
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2016]: Sec. 4. (a) Every employer employing four (4) or more  
6 employees during a work week shall:

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

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

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

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

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

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

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

40 (2) an additional amount on account of the tips received by the  
41 employee, which amount is equal to the difference between the  
42 wage specified in subdivision (1) and the wage in effect under



1 subsections (b), (f), (g), ~~and~~ (h), **and (i).**

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

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

13 (1) a seniority system;

14 (2) a merit system;

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

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

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

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

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

37 (h) Except as provided in subsections (c) and ~~(j)~~; **(k)**, every  
38 employer employing at least two (2) employees during a work week  
39 shall, in any work week in which the employer is subject to this  
40 chapter, pay each of the employees in any work week beginning on or  
41 after June 30, 2007, **and before July 1, 2016**, wages of not less than  
42 the minimum wage payable under the federal Fair Labor Standards Act



1 of 1938, as amended (29 U.S.C. 201 et seq.).

2 **(i) Except as provided in subsections (c) and (k), every employer**  
 3 **employing at least two (2) employees during a work week shall, in**  
 4 **any work week in which the employer is subject to this chapter,**  
 5 **pay each of the employees in any work week beginning on or after**  
 6 **July 1, 2016, wages of not less than eleven dollars and twenty-five**  
 7 **cents (\$11.25) an hour.**

8 ~~(j)~~ **(j)** This section does not apply if an employee:

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

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

14 ~~(j)~~ **(k)** This subsection applies only to an employee who has not  
 15 attained the age of twenty (20) years. Instead of the rates prescribed by  
 16 subsections (c), (f), (g), ~~and (h)~~, **and (i)**, an employer may pay an  
 17 employee of the employer, during the first ninety (90) consecutive  
 18 calendar days after the employee is initially employed by the employer,  
 19 a wage which is not less than:

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

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

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

31 ~~(l)~~ **(l)** Except as otherwise provided in this section, no employer  
 32 shall employ any employee for a work week longer than forty (40)  
 33 hours unless the employee receives compensation for employment in  
 34 excess of the hours above specified at a rate not less than one and  
 35 one-half (1.5) times the regular rate at which the employee is  
 36 employed.

37 ~~(m)~~ **(m)** For purposes of this section the following apply:

38 (1) "Overtime compensation" means the compensation required  
 39 by subsection ~~(k)~~: **(l)**.

40 (2) "Compensatory time" and "compensatory time off" mean  
 41 hours during which an employee is not working, which are not  
 42 counted as hours worked during the applicable work week or



1 other work period for purposes of overtime compensation, and for  
2 which the employee is compensated at the employee's regular  
3 rate.

4 (3) "Regular rate" means the rate at which an employee is  
5 employed is considered to include all remuneration for  
6 employment paid to, or on behalf of, the employee, but is not  
7 considered to include the following:

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

12 (B) Payments made for occasional periods when no work is  
13 performed due to vacation, holiday, illness, failure of the  
14 employer to provide sufficient work, or other similar cause,  
15 reasonable payments for traveling expenses, or other expenses,  
16 incurred by an employee in the furtherance of the employer's  
17 interests and properly reimbursable by the employer, and other  
18 similar payments to an employee which are not made as  
19 compensation for the employee's hours of employment.

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

22 (i) both the fact that payment is to be made and the amount  
23 of the payment are determined at the sole discretion of the  
24 employer at or near the end of the period and not pursuant  
25 to any prior contract, agreement, or promise causing the  
26 employee to expect the payments regularly;

27 (ii) the payments are made pursuant to a bona fide profit  
28 sharing plan or trust or bona fide thrift or savings plan,  
29 meeting the requirements of the administrator set forth in  
30 appropriately issued regulations, having due regard among  
31 other relevant factors, to the extent to which the amounts  
32 paid to the employee are determined without regard to hours  
33 of work, production, or efficiency; or

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

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

40 (E) Extra compensation provided by a premium rate paid for  
41 certain hours worked by the employee in any day or work  
42 week because those hours are hours worked in excess of eight





1 (8) in a day or in excess of the maximum work week  
 2 applicable to the employee under subsection ~~(k)~~ (l) or in  
 3 excess of the employee's normal working hours or regular  
 4 working hours, as the case may be.  
 5 (F) Extra compensation provided by a premium rate paid for  
 6 work by the employee on Saturdays, Sundays, holidays, or  
 7 regular days of rest, or on the sixth or seventh day of the work  
 8 week, where the premium rate is not less than one and one-half  
 9 (1.5) times the rate established in good faith for like work  
 10 performed in nonovertime hours on other days.  
 11 (G) Extra compensation provided by a premium rate paid to  
 12 the employee, in pursuance of an applicable employment  
 13 contract or collective bargaining agreement, for work outside  
 14 of the hours established in good faith by the contract or  
 15 agreement as the basic, normal, or regular workday (not  
 16 exceeding eight (8) hours) or work week (not exceeding the  
 17 maximum work week applicable to the employee under  
 18 subsection ~~(k)~~ (l) where the premium rate is not less than one  
 19 and one-half (1.5) times the rate established in good faith by  
 20 the contract or agreement for like work performed during the  
 21 workday or work week.  
 22 ~~(m)~~ (n) No employer shall be considered to have violated subsection  
 23 ~~(k)~~ (l) by employing any employee for a work week in excess of that  
 24 specified in subsection ~~(k)~~ (l) without paying the compensation for  
 25 overtime employment prescribed therein if the employee is so  
 26 employed:  
 27 (1) in pursuance of an agreement, made as a result of collective  
 28 bargaining by representatives of employees certified as bona fide  
 29 by the National Labor Relations Board, which provides that no  
 30 employee shall be employed more than one thousand forty (1,040)  
 31 hours during any period of twenty-six (26) consecutive weeks; or  
 32 (2) in pursuance of an agreement, made as a result of collective  
 33 bargaining by representatives of employees certified as bona fide  
 34 by the National Labor Relations Board, which provides that  
 35 during a specified period of fifty-two (52) consecutive weeks the  
 36 employee shall be employed not more than two thousand two  
 37 hundred forty (2,240) hours and shall be guaranteed not less than  
 38 one thousand eight hundred forty (1,840) hours (or not less than  
 39 forty-six (46) weeks at the normal number of hours worked per  
 40 week, but not less than thirty (30) hours per week) and not more  
 41 than two thousand eighty (2,080) hours of employment for which  
 42 the employee shall receive compensation for all hours guaranteed



1 or worked at rates not less than those applicable under the  
 2 agreement to the work performed and for all hours in excess of  
 3 the guaranty which are also in excess of the maximum work week  
 4 applicable to the employee under subsection ~~(k)~~ **(l)** or two  
 5 thousand eighty (2,080) in that period at rates not less than one  
 6 and one-half (1.5) times the regular rate at which the employee is  
 7 employed.

8 ~~(m)~~ **(o)** No employer shall be considered to have violated subsection  
 9 ~~(k)~~ **(l)** by employing any employee for a work week in excess of the  
 10 maximum work week applicable to the employee under subsection ~~(k)~~  
 11 **(l)** if the employee is employed pursuant to a bona fide individual  
 12 contract, or pursuant to an agreement made as a result of collective  
 13 bargaining by representatives of employees, if the duties of the  
 14 employee necessitate irregular hours of work, and the contract or  
 15 agreement includes the following:

16 (1) Specifies a regular rate of pay of not less than the minimum  
 17 hourly rate provided in subsections (c), ~~(h)~~, **(i)**, and ~~(j)~~ **(k)**  
 18 (whichever is applicable) and compensation at not less than one  
 19 and one-half (1.5) times that rate for all hours worked in excess  
 20 of the maximum work week.

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

23 ~~(n)~~ **(p)** No employer shall be considered to have violated subsection  
 24 ~~(k)~~ **(l)** by employing any employee for a work week in excess of the  
 25 maximum work week applicable to the employee under that subsection  
 26 if, pursuant to an agreement or understanding arrived at between the  
 27 employer and the employee before performance of the work, the  
 28 amount paid to the employee for the number of hours worked by the  
 29 employee in the work week in excess of the maximum work week  
 30 applicable to the employee under that subsection:

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

35 (2) in the case of an employee performing two (2) or more kinds  
 36 of work for which different hourly or piece rates have been  
 37 established, is computed at rates not less than one and one-half  
 38 (1.5) times those bona fide rates applicable to the same work  
 39 when performed during nonovertime hours; or

40 (3) is computed at a rate not less than one and one-half (1.5) times  
 41 the rate established by the agreement or understanding as the  
 42 basic rate to be used in computing overtime compensation



1           thereunder, provided that the rate so established shall be  
 2           substantially equivalent to the average hourly earnings of the  
 3           employee, exclusive of overtime premiums, in the particular work  
 4           over a representative period of time;

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

10          ~~(p)~~ **(q)** Extra compensation paid as described in this section shall be  
 11          creditable toward overtime compensation payable pursuant to this  
 12          section.

13          ~~(q)~~ **(r)** No employer shall be considered to have violated subsection  
 14          ~~(k)~~ **(l)** by employing any employee of a retail or service establishment  
 15          for a work week in excess of the applicable work week specified  
 16          therein, if:

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

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

23          In determining the proportion of compensation representing  
 24          commissions, all earnings resulting from the application of a bona fide  
 25          commission rate shall be considered commissions on goods or services  
 26          without regard to whether the computed commissions exceed the draw  
 27          or guarantee.

28          ~~(r)~~ **(s)** No employer engaged in the operation of a hospital or an  
 29          establishment which is an institution primarily engaged in the care of  
 30          the sick, the aged, or individuals with a mental illness or defect who  
 31          reside on the premises shall be considered to have violated subsection  
 32          ~~(k)~~ **(l)** if, pursuant to an agreement or understanding arrived at between  
 33          the employer and the employee before performance of the work, a work  
 34          period of fourteen (14) consecutive days is accepted in lieu of the work  
 35          week of seven (7) consecutive days for purposes of overtime  
 36          computation and if, for the employee's employment in excess of eight  
 37          (8) hours in any workday and in excess of eighty (80) hours in that  
 38          fourteen (14) day period, the employee receives compensation at a rate  
 39          not less than one and one-half (1.5) times the regular rate at which the  
 40          employee is employed.

41          ~~(s)~~ **(t)** No employer shall employ any employee in domestic service  
 42          in one (1) or more households for a work week longer than forty (40)



1 hours unless the employee receives compensation for that employment  
2 in accordance with subsection ~~(k)~~ (l).

3 ~~(t)~~ (u) In the case of an employee of an employer engaged in the  
4 business of operating a street, a suburban or interurban electric railway,  
5 or a local trolley or motorbus carrier (regardless of whether or not the  
6 railway or carrier is public or private or operated for profit or not for  
7 profit), in determining the hours of employment of such an employee  
8 to which the rate prescribed by subsection ~~(k)~~ (l) applies, there shall be  
9 excluded the hours the employee was employed in charter activities by  
10 the employer if both of the following apply:

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

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

16 ~~(tt)~~ (v) Any employer may employ any employee for a period or  
17 periods of not more than ten (10) hours in the aggregate in any work  
18 week in excess of the maximum work week specified in subsection ~~(k)~~  
19 (l) without paying the compensation for overtime employment  
20 prescribed in subsection ~~(k)~~ (l), if during that period or periods the  
21 employee is receiving remedial education that:

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

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

26 (3) does not include job specific training.

27 ~~(v)~~ (w) Subsection ~~(k)~~ (l) does not apply to an employee of a motion  
28 picture theater.

29 ~~(w)~~ (x) Subsection ~~(k)~~ (l) does not apply to an employee of a  
30 seasonal amusement or recreational establishment, an organized camp,  
31 or a religious or nonprofit educational conference center that is exempt  
32 under the federal Fair Labor Standards Act of 1938, as amended (29  
33 U.S.C. 213).

34 SECTION 3. IC 22-2-2-14 IS ADDED TO THE INDIANA CODE  
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
36 1, 2016]: **Sec. 14. (a) This section applies to an employer that is  
37 subject to the minimum wage provisions of the federal Fair Labor  
38 Standards Act of 1938, as amended (29 U.S.C. 201-209).**

39 **(b) If the minimum hourly wage required under section 4 of this  
40 chapter is higher than the minimum wage provisions of the federal  
41 Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209),  
42 an employer shall pay the minimum hourly wage required under**



1 **section 4 of this chapter.**

