

SENATE BILL No. 416

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-2-17.

Synopsis: Employee's right to scheduled employment. Requires an employer to post a schedule of hours and days to be worked by certain employees not less than seven days prior to the first day that the employee is scheduled to work during that pay period. Requires an employer to pay an employee for not less than 1/2 of the unworked hours, as scheduled, if: (1) the employee is sent home or released from employment early on a scheduled day of employment; or (2) a scheduled shift of employment is terminated. Provides that an employer that fails to post a schedule or pay an employee for the unworked hours is liable to the employee for the amount of the unpaid wages and for an equal additional amount as liquidated damages.

Effective: July 1, 2015.

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January 12, 2015, read first time and referred to Committee on Pensions & Labor.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 416

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-2-17 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]:
4 **Chapter 17. Employee's Right to Scheduled Employment**
5 **Sec. 1. As used in this chapter, "employee" has the meaning set**
6 **forth in IC 22-2-2-3.**
7 **Sec. 2. As used in this chapter, "employer" has the meaning set**
8 **forth in IC 22-2-2-3.**
9 **Sec. 3. (a) An employer must post a schedule of hours and days**
10 **to be worked by an employee not less than seven (7) days prior to**
11 **the first day that the employee is scheduled to work during that**
12 **pay period.**
13 **(b) An employer that subjects employees to on-call employment**
14 **is subject to subsection (a).**
15 **Sec. 4. If:**
16 **(1) an employee is sent home or released from employment**



1 early on a scheduled day of employment; or
2 (2) a scheduled shift of employment is terminated;
3 the employer shall pay the employee for not less than one-half (1/2)
4 of the unworked hours, as scheduled. The wages to be paid shall be
5 at the regular rate of pay of the employee, or the minimum wage,
6 whichever is higher.

7 Sec. 5. This chapter does not:

8 (1) affect the terms of a negotiated collective bargaining
9 agreement or settlement agreement; or

10 (2) negate a bona fide agreement between an employee and
11 employer;

12 concerning scheduling and notice of a schedule to be worked from
13 an employer to an employee.

14 Sec. 6. (a) An employer that violates the provisions of section 3
15 or 4 of this chapter shall be liable to the employee affected for the
16 amount of the unpaid wages and for an equal additional amount as
17 liquidated damages.

18 (b) An action to recover the liability set forth in subsection (a)
19 may be brought within two (2) years after the cause of action
20 arises, either by the procedure set forth in IC 22-2-2-9(b) or by
21 filing an action in the circuit or superior court of the county in
22 which the:

23 (1) services out of which the claim arises were performed; or

24 (2) defendant resides or transacts business.

25 (c) An action under subsection (b) may be brought by any one
26 (1) employee for and on behalf of the employee and all other
27 employees of the same employer who are similarly situated.

28 (d) An employee may not be a party plaintiff to an action under
29 subsection (b) unless the employee gives consent in writing to
30 become a party and consent is filed in the court in which the action
31 is brought.

32 (e) The court in which an action is brought under subsection (b)
33 shall allow recovery of reasonable attorney's fees and costs of the
34 action in addition to judgment awarded to the plaintiff.

35 (f) A contract or agreement between an employee and an
36 employer or an acceptance of a lesser wage by an employee is not
37 a defense to the action brought under subsection (b).

