

SENATE BILL No. 89

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-11-2.

Synopsis: Absence from employment on Veterans' Day. Requires an employer to grant an absence from employment on Veterans' Day if the employer receives advance notice of the absence from an employee who is an honorably discharged veteran.

Effective: July 1, 2001.

Simpson

January 8, 2001, read first time and referred to Committee on Pensions and Labor.

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First Regular Session 112th General Assembly (2001)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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SENATE BILL No. 89



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

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

- 1 SECTION 1. IC 1-1-11-2 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) **As used in this section,**
- 3 **"employee" means a person employed or permitted to work or**
- 4 **perform any service for remuneration or under a contract for hire,**
- 5 **written or oral, express or implied, by an employer in any**
- 6 **occupation. However, the term does not include the following:**
- 7 (1) **An employee of the state subject to IC 4-1-2-1.**
- 8 (2) **An employee of the federal government.**
- 9 (b) **As used in this section, "employer" means an individual, a**
- 10 **partnership, an association, a limited liability company, a**
- 11 **corporation, or a business trust. The term does not include the**
- 12 **following:**
- 13 (1) **The state.**
- 14 (2) **The federal government.**
- 15 (c) **As used in this section, "honorably discharged veteran"**
- 16 **includes persons placed on inactive duty under honorable**
- 17 **conditions but not discharged from military service.**
- 18 (d) **The governor shall issue a proclamation annually setting apart**



1 and designating November 11 as Veterans' Day. The governor in the
2 proclamation shall:

3 (1) recommend that all places of business, other than school
4 corporations and places of business necessary to the immediate
5 health and welfare of the citizens of the state, remain closed in
6 commemoration of Veterans' Day; and

7 (2) proclaim that Veterans' Day be observed generally throughout
8 the state as a day on which to hold appropriate exercises in
9 commemoration of the historical events associated with the day.

10 ~~(b)~~ (e) School corporations shall observe Veterans' Day each year
11 with appropriate exercises in commemoration of the historical events
12 associated with the day. If classes are not conducted on November 11,
13 the school corporation shall conduct these exercises on the first day
14 after November 11 on which classes are conducted.

15 (f) If:

16 (1) an employer does not close for business in commemoration
17 of Veterans' Day as set forth in subsection (d)(1); and

18 (2) an employee who is an honorably discharged veteran
19 notifies the employer not later than October 28 of the
20 employee's intent to be absent from employment on Veterans'
21 Day in the same year;

22 the employer shall grant the employee an excused absence from
23 employment on Veterans' Day.

24 (g) If the conditions in subsection (f) are met, an employer may
25 not discipline the employee for failure to report for employment.
26 Disciplinary sanctions prohibited under this subsection include, but
27 are not limited to, the following:

28 (1) Loss of pay (other than the loss of salary or wages that
29 may have been earned if the employee had worked on
30 Veterans' Day).

31 (2) Substitution of vacation time, time paid for illness, or free
32 time for the missed employment.

33 (3) Substitution of compensatory time earned through past or
34 future employment with the employer for the missed
35 employment.

36 (4) A notation of the employee's absence on Veterans' Day
37 placed in the employee's personnel files that may be
38 considered during future disciplinary action.

39 The employer is not required to pay the employee for work not
40 performed on Veterans' Day.

41 (h) An employer who:

42 (1) refuses to grant an employee who is an honorably

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1 **discharged veteran an excused absence from employment on**
2 **Veterans' Day, if the conditions in subsection (f) are met; or**
3 **(2) disciplines the employee as set forth in subsection (g);**
4 **is subject to a suit for damages sustained by the employee denied**
5 **an excused absence from employment.**

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