

HOUSE BILL No. 1394

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-15-10.

Synopsis: State employee bill of rights. Expands the state employee bill of rights to include state employee contacts with the general assembly or its staff. Permits a state employee to attend and testify before a legislative committee upon the request of the chairman of the committee. Requires state agency heads to annually file a statement with the legislative council concerning policies governing the agency's response to legislative requests.

Effective: July 1, 2003.

Becker, Brown C, Budak

January 14, 2003, read first time and referred to Committee on Appointments and Claims.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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HOUSE BILL No. 1394



A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

1 SECTION 1. IC 4-15-10-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this
3 chapter:

4 "Agency" means any state administration, agency, authority, board,
5 bureau, commission, committee, council, department, division,
6 institution, office, service, or other similar body of state government
7 created or established by law. However, the term does not include state
8 colleges and universities.

9 "Appointing authority" means the individual or group of individuals
10 who have the power by law or by lawfully delegated authority to make
11 appointment to a position in an agency.

12 "Employee" means an employee of an agency except an elected
13 official.

14 **"Legislative request" includes a written or an oral request from**
15 **a member of the general assembly or the partisan or nonpartisan**
16 **staff of the general assembly to an employee concerning any of the**
17 **following:**



1 **(1) A constituent inquiry concerning a matter involving an**
 2 **agency.**

3 **(2) A personnel matter concerning one (1) or more employees**
 4 **of an agency.**

5 **(3) A legislative drafting, fiscal analysis, or information**
 6 **request.**

7 "Supervisor" means an individual who oversees the daily activity of
 8 an employee.

9 SECTION 2. IC 4-15-10-4 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Any employee
 11 may report in writing the existence of:

- 12 (1) a violation of a federal law or regulation;
 13 (2) a violation of a state law or rule;
 14 (3) a violation of an ordinance of a political subdivision (as
 15 defined in IC 36-1-2-13); or
 16 (4) the misuse of public resources;

17 first to a supervisor or appointing authority, unless the supervisor or
 18 appointing authority is the person whom the employee believes is
 19 committing the violation or misuse of public resources. In that case, the
 20 employee may report the violation or misuse of public resources in
 21 writing to either the supervisor or appointing authority or to the state
 22 ethics commission and any official or agency entitled to receive a
 23 report from the state ethics commission under IC 4-2-6-4(b)(2)(G) or
 24 IC 4-2-6-4(b)(2)(H). If a good faith effort is not made to correct the
 25 problem within a reasonable time, the employee may submit a written
 26 report of the incident to any person, agency, or organization.

27 (b) For having made a report under subsection (a) **or for having**
 28 **complied with a legislative request under section 4.5 of this**
 29 **chapter, the employee making the report or complying with a**
 30 **legislative request** may not:

- 31 (1) be dismissed from employment;
 32 (2) have salary increases or employment related benefits
 33 withheld;
 34 (3) be transferred or reassigned;
 35 (4) be denied a promotion the employee otherwise would have
 36 received; or
 37 (5) be demoted.

38 (c) Notwithstanding subsections (a) and (b), an employee must
 39 make a reasonable attempt to ascertain the correctness of any
 40 information to be furnished and may be subject to disciplinary actions
 41 for knowingly furnishing false information, including suspension or
 42 dismissal, as determined by the employee's appointing authority or the

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1 appointing authority's designee. However, any state employee
 2 disciplined under this subsection is entitled to process an appeal of the
 3 disciplinary action under the procedure as set forth in IC 4-15-2-34 and
 4 IC 4-15-2-35.

5 (d) An employer who:

6 (1) violates this section; or

7 (2) **delays or in any way interferes with an employee**
 8 **responding to a legislative request under section 4.5 of this**
 9 **chapter;**

10 commits a Class A infraction.

11 SECTION 3. IC 4-15-10-4.5 IS ADDED TO THE INDIANA CODE
 12 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 13 1, 2003]: **Sec. 4.5. (a) Upon receipt of a legislative request, an**
 14 **employee shall immediately contact the member or staff of the**
 15 **general assembly who made the legislative request and answer any**
 16 **questions or provide any information the employee is able to**
 17 **answer or provide. If the employee is unable to answer or provide**
 18 **all or part of the information requested, the employee shall notify**
 19 **the employee's supervisor about the details of the legislative**
 20 **request.**

21 (b) **The supervisor shall, not more than one (1) working day**
 22 **after receiving notification under subsection (a), contact the**
 23 **member or staff of the general assembly to respond to the**
 24 **legislative request.**

25 SECTION 4. IC 4-15-10-4.6 IS ADDED TO THE INDIANA CODE
 26 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 27 1, 2003]: **Sec. 4.6. The appointing authority of each agency shall**
 28 **annually file with the legislative council a statement describing the**
 29 **written and unwritten policies of the agency with respect to the**
 30 **procedure an employee is to follow when responding to a legislative**
 31 **request.**

32 SECTION 5. IC 4-15-10-7, AS AMENDED BY P.L.1-1999,
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2003]: **Sec. 7. (a) An employee may not be disciplined for**
 35 **absence from work if:**

36 (1) the employee is a member of a volunteer fire department
 37 under IC 36-8-12;

38 (2) the employee has notified his immediate supervisor in writing
 39 that he is a member of a volunteer fire department;

40 (3) the employee presents a written statement to his immediate
 41 supervisor from the chief or other officer in charge of the
 42 volunteer fire department that the employee was engaged in

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1 emergency firefighting activity at the time of his absence from
2 work; and
3 (4) the employee secures authorization from his supervisor to
4 leave his duty station if the employee has already reported for
5 work.
6 **(b) An employee must be paid for and may not be disciplined for**
7 **attending or testifying at a legislative standing or interim**
8 **committee or commission hearing if the employee was invited to**
9 **attend or testify at the meeting by the chairman of the committee**
10 **or commission. This subsection does not require an employee to**
11 **attend or testify at a legislative committee or commission meeting.**

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