

HOUSE BILL No. 1130

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-2-20.

Synopsis: Leave for miscarriages. Provides for two days of unpaid leave for miscarriages.

Effective: July 1, 2020.

Stutzman

January 8, 2020, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1130



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 22-2-20 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]:
4 **Chapter 20. Leave for Miscarriages**
5 **Sec. 1. This chapter applies to an employer that employs at least**
6 **fifty (50) employees for each working day during each of at least**
7 **twenty (20) calendar work weeks, including the state or a political**
8 **subdivision.**
9 **Sec. 2. As used in this chapter, "employee" means a person**
10 **employed or permitted to work or perform services for**
11 **remuneration under a contract of hire, written or oral, by an**
12 **employer.**
13 **Sec. 3. (a) An employee who:**
14 **(1) has been employed by an employer for at least twelve (12)**
15 **months;**
16 **(2) has worked at least one thousand two hundred fifty (1,250)**
17 **hours during the twelve (12) month period immediately**



1 preceding the day the leave begins; and

2 (3) works at a location where the employer has at least fifty
3 (50) employees within seventy-five (75) miles of that location;
4 is entitled to unpaid leave for a miscarriage.

5 (b) The unpaid leave allowed under this chapter must be at least
6 two (2) days.

7 (c) An eligible employee may elect to substitute any earned paid
8 vacation leave, personal leave, medical or sick leave, or other paid
9 leave available to the employee for leave allowed under this
10 chapter.

11 (d) Unpaid leave allowed under this chapter does not create a
12 right to unpaid leave:

13 (1) that exceeds the unpaid leave allowed under; or

14 (2) that is in addition to the unpaid leave permitted by;
15 the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601
16 et seq.)

17 Sec. 4. An employee who wants to take a leave of absence under
18 this chapter shall provide written notice to the employee's
19 employer as soon as possible.

20 Sec. 5. An employer may require verification of an employee's
21 eligibility for the leave by requesting medical documentation. If an
22 employee fails to provide verification required under this section,
23 an employer may consider the employee's absence from
24 employment unexcused.

25 Sec. 6. (a) An employer shall not interfere with, restrain, or
26 deny the exercise of or the attempt to exercise any rights provided
27 under this chapter.

28 (b) This chapter does not excuse noncompliance with a provision
29 of a collective bargaining agreement or other employment benefit
30 program or plan in effect on July 1, 2020, that is not in substantial
31 conflict with this chapter.

32 (c) This chapter does not justify an employer reducing an
33 employment benefit provided by the employer that exceeds the
34 benefits required by this chapter.

35 Sec. 7. (a) An employee may bring a civil action at law to
36 enforce this chapter.

37 (b) A circuit court, superior court, or probate court may:

38 (1) enjoin any act or practice that violates this chapter; and

39 (2) order any other equitable relief that is just and proper
40 under the circumstances to redress the violation of or to
41 enforce this chapter.

