

IC 10-16-19

Chapter 19. Civil Air Patrol

IC 10-16-19-1

Application; discipline of employees of political subdivisions

Sec. 1. (a) This section does not apply to an employee of the state subject to IC 4-15-10-8.

(b) This section applies to an employee of a political subdivision who:

- (1) is a member of the civil air patrol; and
- (2) has notified the employee's employer in writing that the employee is a member of the civil air patrol.

(c) A political subdivision employer may not discipline an employee:

- (1) for being absent from employment by reason of engaging in an emergency service operation that began before the time that the employee was to report to employment; or
- (2) for leaving the employee's duty station to engage in an emergency service operation if the emergency service operation began after the employee had reported for work and the employee secured authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation.

(d) A political subdivision employer may require an employee who has been absent from employment as set forth in subsection (c)(1) or (c)(2) to present a written statement from the commander or other officer in charge of the civil air patrol at the time of the absence indicating that the employee was engaged in an emergency service operation at the time of the absence.

(e) An employee who is disciplined by the employee's employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

- (1) Payment of back wages.
- (2) Reinstatement to the employee's former position.
- (3) Fringe benefits wrongly denied or withdrawn.
- (4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be filed within one (1) year after the date of the disciplinary action.

(f) A public servant (as defined in IC 35-31.5-2-261) who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection (c) is not considered to have committed a violation of IC 35-44.1-1-3(b).

As added by P.L.10-2007, SEC.5. Amended by P.L.114-2012, SEC.23; P.L.126-2012, SEC.30.

IC 10-16-19-2

Application; discipline of employees of private employers

Sec. 2. (a) This section applies to an employee of a private employer who:

- (1) is a member of the civil air patrol; and
- (2) has notified the employee's employer in writing that the employee is a member of the civil air patrol.

(b) Except as provided in subsection (c), the employer may not discipline an employee:

- (1) for being absent from employment by reason of engaging in an emergency service operation that began before the time that the employee was to report to employment; or
- (2) for leaving the employee's duty station to engage in an emergency service operation if the emergency service operation began after the employee had reported for work and the employee secured authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation.

(c) After an employer is notified under subsection (a)(2) that an employee is a member of the civil air patrol, the employer may reject the notification on the grounds that the employee is an essential employee to the employer. If an employer rejects the notification of an employee under this subsection:

- (1) subsection (b) does not apply to the employee; and
- (2) the employee shall promptly notify the commander or other officer in charge of the civil air patrol of the rejection of the employee's notification under subsection (a)(2).

(d) The employer may require an employee who has been absent from employment as set forth in subsection (b)(1) or (b)(2) to present a written statement from the commander or other officer in charge of the civil air patrol at the time of the absence indicating that the employee was engaged in an emergency service operation at the time of the absence.

As added by P.L.10-2007, SEC.5.