

IC 2-3-3

Chapter 3. Reemployment Rights of Legislators

IC 2-3-3-1

Restoration to original employment

Sec. 1. Any person being a member of the general assembly of the state of Indiana who, in order to perform the duties as a member of the general assembly of the state of Indiana by attendance at any session of the general assembly, or attendance at any duly called committee meeting, conference, or legislative study committee meeting of which he is a member, has left or leaves a position or employment, other than a temporary position or employment, in the employ of any employer and is still qualified to perform the duties of his employment and makes application for reemployment within ten (10) days after the close of any such session, or meeting, of the general assembly shall be restored by his employer to such position or employment at not less than the same pay or to a similar position or employment and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so. When a member of the general assembly is restored to his employment it shall be done without discrimination, nor shall the member be caused to suffer inconvenience or any other adverse action by his employer, as a result of any action taken while serving as a legislator.

(Formerly: Acts 1951, c.59, s.1; Acts 1963, c.309, s.1.)

IC 2-3-3-2

Fringe benefits

Sec. 2. Any person who is restored to a position or employment under this chapter shall be considered as having been on leave of absence during his period of service as a member of the general assembly and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on leave of absence in effect with the employer.

(Formerly: Acts 1951, c.59, s.2.) As amended by Acts 1982, P.L.2, SEC.7.

IC 2-3-3-2.5

Right to insurance and other benefits

Sec. 2.5. (a) For purposes of this section, "employer" refers to an employer that is any of the following:

- (1) A political subdivision (as defined in IC 36-1-2-13).
- (2) A state educational institution.

(b) An employer of an individual who is a member of the general assembly shall provide to the individual at all times during which the individual is serving as a member of the general assembly:

- (1) the same insurance and other benefits; and
- (2) at the same cost to the individual;

as is provided to the individual by the employer when the individual is not serving as a member of the general assembly.

As added by P.L.232-1999, SEC.1.

IC 2-3-3-3

Violation by employer; remedies

Sec. 3. In case any employer fails or refuses to comply with this chapter, a judge of the circuit court, superior court, or probate court in the circuit in which such employer maintains a place of business shall have power, upon the filing of an appropriate pleading by the person entitled to the benefits of this chapter, to specifically require such employer to comply with this chapter, and, as an incident thereto to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action.

(Formerly: Acts 1951, c.59, s.3.) As amended by Acts 1982, P.L.2, SEC.8; P.L.84-2016, SEC.1.