

HOUSE BILL No. 1192

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-2-19.5.

Synopsis: Wage range inquiries. Prohibits employers from failing or refusing to provide an applicant for employment the wage range for the position for which the applicant is applying. Requires an employer to provide to an employee the wage range for the employee's job under certain circumstances. Allows for the department of labor (department) to receive and investigate complaints. Provides that the department may do the following: (1) Issue a warning for the first violation. (2) Impose a civil penalty of \$50 for the second violation. (3) Impose a civil penalty of \$100 for the third violation and each subsequent violation.

Effective: July 1, 2021.

Errington, Campbell

January 7, 2021, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1192

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 22-2-19.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]:

4 **Chapter 19.5. Wage Range Inquiries**

5 **Sec. 1. As used in this chapter, "department" refers to the**
6 **department of labor created by IC 22-1-1-1.**

7 **Sec. 2. As used in this chapter, "employer" means any**
8 **individual, partnership, association, limited liability company,**
9 **corporation, business trust, the state, or other governmental entity**
10 **or political subdivision during any work week in which it has two**
11 **(2) or more employees.**

12 **Sec. 3. As used in this chapter, "wage range":**

13 **(1) means the wage range on which the employer anticipates**
14 **relying in setting wages for a position, and may include**
15 **reference to:**

16 **(A) any applicable pay scale;**

17 **(B) a previously determined range of wages for the**



- 1 position;
 2 (C) the actual range of wages for those currently holding
 3 comparable positions; or
 4 (D) the budgeted amount of the position, as applicable; and
 5 (2) may, for purposes of section 4 of this chapter, include
 6 reference to:
 7 (A) any applicable pay scale;
 8 (B) a previously determined range of wages for the
 9 position; or
 10 (C) the range of wages for incumbents in equivalent
 11 positions, as applicable.
- 12 **Sec. 4. (a) An employer may not fail or refuse to provide to an**
 13 **applicant for employment the wage range for the position for**
 14 **which the applicant is applying upon the earliest of the following:**
 15 (1) At the applicant's request.
 16 (2) Prior to or at the time the employer inquires about the
 17 applicant's wage expectations.
 18 (3) Prior to or at the time the employer provides the applicant
 19 with an offer of compensation.
- 20 (b) An employer must provide to an employee the wage range
 21 for the employee's job:
 22 (1) at the time of hiring;
 23 (2) annually after the date of hire; and
 24 (3) upon the employee's request.
- 25 **Sec. 5. (a) An:**
 26 (1) applicant for employment; or
 27 (2) employee;
 28 may file a complaint alleging a violation of this chapter with the
 29 department.
 30 (b) The department shall receive and investigate any complaint
 31 filed under subsection (a).
 32 (c) If the department finds that an employer has violated this
 33 chapter, the department may do the following:
 34 (1) Issue a warning for the first violation.
 35 (2) Impose a civil penalty of fifty dollars (\$50) for the second
 36 violation.
 37 (3) Impose a civil penalty of one hundred dollars (\$100) for
 38 the third violation and each subsequent violation.
- 39 **Sec. 6. All civil penalties which may be collected under section**
 40 **5 of this chapter shall be deposited in the state general fund.**
 41 **Sec. 7. The department may adopt rules under IC 4-22-2,**
 42 **including emergency rules in the manner provided under**



- 1 **IC 4-22-2-37.1, to carry out its responsibilities under this chapter.**

