

SENATE BILL No. 176

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-2-2.

Synopsis: Minimum wage. Increases the minimum wage paid to certain employees in Indiana as follows: (1) After June 30, 2021, from \$7.25 an hour to \$10 an hour. (2) After June 30, 2022, from \$10 an hour to \$13 an hour. (3) After June 30, 2023, from \$13 an hour to \$15 an hour. Provides that after June 30, 2024, and each subsequent June 30, the hourly minimum wage increases at the same percentage as any increase in the Consumer Price Index for the preceding calendar year. Makes technical corrections and corresponding changes.

Effective: July 1, 2020.

Mrvan

January 6, 2020, read first time and referred to Committee on Pensions and Labor.



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.

SENATE BILL No. 176

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 22-2-2-3, AS AMENDED BY P.L.7-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 3. As used in this chapter:
4 "Commissioner" means the commissioner of labor or the
5 commissioner's authorized representative.
6 "Department" means the department of labor.
7 "Occupation" means an industry, trade, business, or class of work
8 in which employees are gainfully employed.
9 "Employer" means any individual, partnership, association, limited
10 liability company, corporation, business trust, the state, or other
11 governmental agency or political subdivision during any work week in
12 which they have two (2) or more employees. However, **except as**
13 **provided in section 14 of this chapter**, it shall not include any
14 employer who is subject to the minimum wage provisions of the federal
15 Fair Labor Standards Act of 1938, as amended (~~29 U.S.C. 201-209~~).
16 **(29 U.S.C. 201 et seq.)**.
17 "Employee" means any person employed or permitted to work or



1 perform any service for remuneration or under any contract of hire,
2 written or oral, express or implied by an employer in any occupation,
3 but shall not include any of the following:

4 (a) Persons less than sixteen (16) years of age.

5 (b) Persons engaged in an independently established trade,
6 occupation, profession, or business who, in performing the
7 services in question, are free from control or direction both under
8 a contract of service and in fact.

9 (c) Persons performing services not in the course of the
10 employing unit's trade or business.

11 (d) Persons employed on a commission basis.

12 (e) Persons employed by their own parent, spouse, or child.

13 (f) Members of any religious order performing any service for that
14 order, any ordained, commissioned, or licensed minister, priest,
15 rabbi, sexton, or Christian Science reader, and volunteers
16 performing services for any religious or charitable organization.

17 (g) Persons performing services as student nurses in the employ
18 of a hospital or nurses training school while enrolled and
19 regularly attending classes in a nurses training school chartered
20 or approved under law, or students performing services in the
21 employ of persons licensed as both funeral directors and
22 embalmers as a part of their requirements for apprenticeship to
23 secure an embalmer's license or a funeral director's license from
24 the state, or during their attendance at any schools required by law
25 for securing an embalmer's or funeral director's license.

26 (h) Persons who have completed a four (4) year course in a
27 medical school approved by law when employed as interns or
28 resident physicians by any accredited hospital.

29 (i) Students performing services for any school, college, or
30 university in which they are enrolled and are regularly attending
31 classes.

32 (j) Persons with physical or mental disabilities performing
33 services for nonprofit organizations organized primarily for the
34 purpose of providing employment for persons with disabilities or
35 for assisting in their therapy and rehabilitation.

36 (k) Persons employed as insurance producers, insurance
37 solicitors, and outside salesmen, if all their services are performed
38 for remuneration solely by commission.

39 (l) Persons performing services for any camping, recreational, or
40 guidance facilities operated by a charitable, religious, or
41 educational nonprofit organization.

42 (m) Persons engaged in agricultural labor. The term shall include



- 1 only services performed:
- 2 (1) on a farm, in connection with cultivating the soil, or in
- 3 connection with raising or harvesting any agricultural or
- 4 horticultural commodity, including the raising, shearing,
- 5 feeding, caring for, training, and management of livestock,
- 6 bees, poultry, and furbearing animals and wildlife;
- 7 (2) in the employ of the owner or tenant or other operator of a
- 8 farm, in connection with the operation, management,
- 9 conservation, improvement, or maintenance of the farm and its
- 10 tools and equipment if the major part of the service is
- 11 performed on a farm;
- 12 (3) in connection with:
- 13 (A) the production or harvesting of maple sugar or maple
- 14 syrup or any commodity defined as an agricultural
- 15 commodity in the Agricultural Marketing Act, as amended
- 16 (12 U.S.C. 1141j);
- 17 (B) the raising or harvesting of mushrooms;
- 18 (C) the hatching of poultry; or
- 19 (D) the operation or maintenance of ditches, canals,
- 20 reservoirs, or waterways used exclusively for supplying and
- 21 storing water for farming purposes; and
- 22 (4) in handling, planting, drying, packing, packaging,
- 23 processing, freezing, grading, storing, or delivering to storage,
- 24 to market, or to a carrier for transportation to market, any
- 25 agricultural or horticultural commodity, but only if service is
- 26 performed as an incident to ordinary farming operation or, in
- 27 the case of fruits and vegetables, as an incident to the
- 28 preparation of fruits and vegetables for market. However, this
- 29 exception shall not apply to services performed in connection
- 30 with any agricultural or horticultural commodity after its
- 31 delivery to a terminal market or processor for preparation or
- 32 distribution for consumption.
- 33 As used in this subdivision, "farm" includes stock, dairy, poultry,
- 34 fruit, furbearing animals, and truck farms, nurseries, orchards, or
- 35 greenhouses or other similar structures used primarily for the
- 36 raising of agricultural or horticultural commodities.
- 37 (n) Those persons employed in executive, administrative, or
- 38 professional occupations who have the authority to employ or
- 39 discharge and who earn one hundred fifty dollars (\$150) or more
- 40 a week, and outside salesmen.
- 41 (o) Any person not employed for more than four (4) weeks in any
- 42 four (4) consecutive three (3) month periods.



1 (p) Any employee with respect to whom the Interstate Commerce
 2 Commission has power to establish qualifications and maximum
 3 hours of service under the federal Motor Carrier Act of 1935 (49
 4 U.S.C. 304(3)) or any employee of a carrier subject to IC 8-2.1.

5 (q) A person engaged in services as a direct seller. The term shall
 6 include only services performed:

7 (1) by a person that is in the trade or business of:

8 (A) selling, or soliciting the sale of, consumer products or
 9 services to any buyer on a buy-sell basis,
 10 deposit-commission basis, or similar basis, in any place
 11 other than in a permanent retail establishment; or

12 (B) selling, or soliciting the sale of, consumer products or
 13 services in any place other than in a permanent retail
 14 establishment;

15 (2) when substantially all the remuneration, whether or not
 16 paid in cash, for the performance of the services is directly
 17 related to sales or other output, including the performance of
 18 services, rather than the number of hours worked; and

19 (3) when the services performed by the person are performed
 20 pursuant to a written contract and the contract provides that
 21 the person who performs the services will not be treated as an
 22 employee for tax purposes under the contract.

23 SECTION 2. IC 22-2-2-4, AS AMENDED BY P.L.38-2019,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2020]: Sec. 4. (a) No employer having employees subject to
 26 any provisions of this section shall discriminate, within any
 27 establishment in which employees are employed, between employees
 28 on the basis of sex by paying to employees in such establishment a rate
 29 less than the rate at which the employer pays wages to employees of the
 30 opposite sex in such establishment for equal work on jobs the
 31 performance of which requires equal skill, effort, and responsibility,
 32 and which are performed under similar working conditions, except
 33 where such payment is made pursuant to:

34 (1) a seniority system;

35 (2) a merit system;

36 (3) a system which measures earnings by quantity or quality of
 37 production; or

38 (4) a differential based on any other factor other than sex.

39 (b) An employer who is paying a wage rate differential in violation
 40 of subsection (a) shall not, in order to comply with subsection (a),
 41 reduce the wage rate of any employee, and no labor organization, or its
 42 agents, representing employees of an employer having employees



1 subject to subsection (a) shall cause or attempt to cause such an
 2 employer to discriminate against an employee in violation of
 3 subsection (a).

4 (c) Except as provided in subsections ~~(d)~~ **(h)** and ~~(f)~~ **(j)**, every
 5 employer employing at least two (2) employees during a work week
 6 shall, in any work week in which the employer is subject to this
 7 chapter, pay each of the employees in any work week beginning on or
 8 after June 30, 2007, **and before July 1, 2021**, wages of not less than
 9 the minimum wage payable under the federal Fair Labor Standards Act
 10 of 1938, as amended (29 U.S.C. 201 et seq.).

11 **(d) Except as provided in subsections (h) and (j), every employer**
 12 **shall, in any work week in which the employer is subject to this**
 13 **chapter, pay each of the employees in any work week beginning**
 14 **after June 30, 2021, and before July 1, 2022, wages of not less than**
 15 **ten dollars (\$10) an hour.**

16 (e) Except as provided in subsections (h) and (j), every employer
 17 shall, in any work week in which the employer is subject to this
 18 chapter, pay each of the employees in any work week beginning
 19 after June 30, 2022, and before July 1, 2023, wages of not less than
 20 thirteen dollars (\$13) an hour.

21 (f) Except as provided in subsections (h) and (j), every employer
 22 shall, in any work week in which the employer is subject to this
 23 chapter, pay each of the employees in any work week beginning
 24 after June 30, 2023, and before July 1, 2024, wages of not less than
 25 fifteen dollars (\$15) an hour.

26 (g) Except as provided in subsections (h) and (j), every employer
 27 shall, in any work week in which the employer is subject to this
 28 chapter, pay each of the employees in any work week beginning
 29 after June 30, 2024, and continuing for each subsequent June 30,
 30 an increase in the hourly minimum wage set by this section in the
 31 same percentage as any increase in the Consumer Price Index for
 32 Urban Wage Earners and Clerical Workers for the preceding
 33 calendar year.

34 ~~(d)~~ **(h)** An employer subject to ~~subsection (c)~~ **subsections (c)**
 35 **through (g) (whichever is applicable)** is permitted to apply a tip
 36 credit in determining the amount of cash wage paid to tipped
 37 employees. In determining the wage an employer is required to pay a
 38 tipped employee, the amount paid the employee by the employee's
 39 employer must be an amount equal to:

- 40 (1) the cash wage paid the employee, which for purposes of the
 41 determination may be not less than the cash wage required to be
 42 paid to employees covered under the federal Fair Labor Standards



1 Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20,
 2 1996, which amount is two dollars and thirteen cents (\$2.13) an
 3 hour; and

4 (2) an additional amount on account of the tips received by the
 5 employee, which amount is equal to the difference between the
 6 wage specified in subdivision (1) and the wage in effect under
 7 ~~subsection (e)~~ **subsections (c) through (g) (whichever is**
 8 **applicable).**

9 An employer is responsible for supporting the amount of tip credit
 10 taken through reported tips by the employees.

11 ~~(e)~~ **(i)** This section does not apply if an employee:

12 (1) provides companionship services to the aged and infirm (as
 13 defined in 29 CFR 552.6); and

14 (2) is employed by an employer or agency other than the family
 15 or household using the companionship services, as provided in 29
 16 CFR 552.109 (a).

17 ~~(f)~~ **(j)** This subsection applies only to an employee who has not
 18 attained the age of twenty (20) years. Instead of the rates prescribed by
 19 subsections (c) ~~and (d)~~ **through (h) (whichever is applicable)**, an
 20 employer may pay an employee of the employer, during the first ninety
 21 (90) consecutive calendar days after the employee is initially employed
 22 by the employer, a wage which is not less than the amount payable
 23 under the federal Fair Labor Standards Act of 1938, as amended (29
 24 U.S.C. 201 et seq.), during the first ninety (90) consecutive calendar
 25 days after initial employment to an employee who has not attained
 26 twenty (20) years of age. However, no employer may take any action
 27 to displace employees (including partial displacements such as
 28 reduction in hours, wages, or employment benefits) for purposes of
 29 hiring individuals at the wage authorized in this subsection.

30 ~~(g)~~ **(k)** Except as otherwise provided in this section, no employer
 31 shall employ any employee for a work week longer than forty (40)
 32 hours unless the employee receives compensation for employment in
 33 excess of forty (40) hours at a rate not less than one and one-half (1.5)
 34 times the regular rate at which the employee is employed.

35 ~~(h)~~ **(l)** For purposes of this section the following apply:

36 (1) "Overtime compensation" means the compensation required
 37 by subsection ~~(g)~~: **(k)**.

38 (2) "Compensatory time" and "compensatory time off" mean
 39 hours during which an employee is not working, which are not
 40 counted as hours worked during the applicable work week or
 41 other work period for purposes of overtime compensation, and for
 42 which the employee is compensated at the employee's regular



- 1 rate.
- 2 (3) "Regular rate" means the rate at which an employee is
- 3 employed is considered to include all remuneration for
- 4 employment paid to, or on behalf of, the employee, but is not
- 5 considered to include the following:
- 6 (A) Sums paid as gifts, payments in the nature of gifts made at
- 7 Christmas time or on other special occasions, as a reward for
- 8 service, the amounts of which are not measured by or
- 9 dependent on hours worked, production, or efficiency.
- 10 (B) Payments made for occasional periods when no work is
- 11 performed due to vacation, holiday, illness, failure of the
- 12 employer to provide sufficient work, or other similar cause,
- 13 reasonable payments for traveling expenses, or other expenses,
- 14 incurred by an employee in the furtherance of the employer's
- 15 interests and properly reimbursable by the employer, and other
- 16 similar payments to an employee which are not made as
- 17 compensation for the employee's hours of employment.
- 18 (C) Sums paid in recognition of services performed during a
- 19 given period if:
- 20 (i) both the fact that payment is to be made and the amount
- 21 of the payment are determined at the sole discretion of the
- 22 employer at or near the end of the period and not pursuant
- 23 to any prior contract, agreement, or promise causing the
- 24 employee to expect the payments regularly;
- 25 (ii) the payments are made pursuant to a bona fide profit
- 26 sharing plan or trust or bona fide thrift or savings plan,
- 27 meeting the requirements of the administrator set forth in
- 28 appropriately issued regulations, having due regard among
- 29 other relevant factors, to the extent to which the amounts
- 30 paid to the employee are determined without regard to hours
- 31 of work, production, or efficiency; or
- 32 (iii) the payments are talent fees paid to performers,
- 33 including announcers, on radio and television programs.
- 34 (D) Contributions irrevocably made by an employer to a
- 35 trustee or third person pursuant to a bona fide plan for
- 36 providing old age, retirement, life, accident, or health
- 37 insurance or similar benefits for employees.
- 38 (E) Extra compensation provided by a premium rate paid for
- 39 certain hours worked by the employee in any day or work
- 40 week because those hours are hours worked in excess of eight
- 41 (8) in a day or in excess of the maximum work week
- 42 applicable to the employee under subsection (~~g~~) (k) or in



1 excess of the employee's normal working hours or regular
2 working hours, as the case may be.

3 (F) Extra compensation provided by a premium rate paid for
4 work by the employee on Saturdays, Sundays, holidays, or
5 regular days of rest, or on the sixth or seventh day of the work
6 week, where the premium rate is not less than one and one-half
7 (1.5) times the rate established in good faith for like work
8 performed in nonovertime hours on other days.

9 (G) Extra compensation provided by a premium rate paid to
10 the employee, in pursuance of an applicable employment
11 contract or collective bargaining agreement, for work outside
12 of the hours established in good faith by the contract or
13 agreement as the basic, normal, or regular workday (not
14 exceeding eight (8) hours) or work week (not exceeding the
15 maximum work week applicable to the employee under
16 subsection ~~(g)~~ **(k)**) where the premium rate is not less than
17 one and one-half (1.5) times the rate established in good faith
18 by the contract or agreement for like work performed during
19 the workday or work week.

20 ~~(i)~~ **(m)** No employer shall be considered to have violated subsection
21 ~~(g)~~ **(k)** by employing any employee for a work week in excess of that
22 specified in subsection ~~(g)~~ **(k)** without paying the compensation for
23 overtime employment prescribed therein if the employee is so
24 employed:

- 25 (1) in pursuance of an agreement, made as a result of collective
26 bargaining by representatives of employees certified as bona fide
27 by the National Labor Relations Board, which provides that no
28 employee shall be employed more than one thousand forty (1,040)
29 hours during any period of twenty-six (26) consecutive weeks; or
30 (2) in pursuance of an agreement, made as a result of collective
31 bargaining by representatives of employees certified as bona fide
32 by the National Labor Relations Board, which provides that
33 during a specified period of fifty-two (52) consecutive weeks the
34 employee shall be employed not more than two thousand two
35 hundred forty (2,240) hours and shall be guaranteed not less than
36 one thousand eight hundred forty (1,840) hours (or not less than
37 forty-six (46) weeks at the normal number of hours worked per
38 week, but not less than thirty (30) hours per week) and not more
39 than two thousand eighty (2,080) hours of employment for which
40 the employee shall receive compensation for all hours guaranteed
41 or worked at rates not less than those applicable under the
42 agreement to the work performed and for all hours in excess of



1 the guaranty which are also in excess of the maximum work week
 2 applicable to the employee under subsection ~~(g)~~ **(k)** or two
 3 thousand eighty (2,080) in that period at rates not less than one
 4 and one-half (1.5) times the regular rate at which the employee is
 5 employed.

6 ~~(j)~~ **(n)** No employer shall be considered to have violated subsection
 7 ~~(g)~~ **(k)** by employing any employee for a work week in excess of the
 8 maximum work week applicable to the employee under subsection ~~(g)~~
 9 **(k)** if the employee is employed pursuant to a bona fide individual
 10 contract, or pursuant to an agreement made as a result of collective
 11 bargaining by representatives of employees, if the duties of the
 12 employee necessitate irregular hours of work, and the contract or
 13 agreement includes the following:

14 (1) Specifies a regular rate of pay of not less than the minimum
 15 hourly rate provided in subsections (c) ~~(d)~~, ~~and (f)~~, **through (g)**
 16 **and (j)** (whichever is applicable) and compensation at not less
 17 than one and one-half (1.5) times that rate for all hours worked in
 18 excess of the maximum work week.

19 (2) Provides a weekly guaranty of pay for not more than sixty (60)
 20 hours based on the rates so specified.

21 ~~(k)~~ **(o)** No employer shall be considered to have violated subsection
 22 ~~(g)~~ **(k)** by employing any employee for a work week in excess of the
 23 maximum work week applicable to the employee under that subsection
 24 if, pursuant to an agreement or understanding arrived at between the
 25 employer and the employee before performance of the work, the
 26 amount paid to the employee for the number of hours worked by the
 27 employee in the work week in excess of the maximum work week
 28 applicable to the employee under that subsection:

29 (1) in the case of an employee employed at piece rates, is
 30 computed at piece rates not less than one and one-half (1.5) times
 31 the bona fide piece rates applicable to the same work when
 32 performed during nonovertime hours;

33 (2) in the case of an employee performing two (2) or more kinds
 34 of work for which different hourly or piece rates have been
 35 established, is computed at rates not less than one and one-half
 36 (1.5) times those bona fide rates applicable to the same work
 37 when performed during nonovertime hours; or

38 (3) is computed at a rate not less than one and one-half (1.5) times
 39 the rate established by the agreement or understanding as the
 40 basic rate to be used in computing overtime compensation
 41 thereunder, provided that the rate so established shall be
 42 substantially equivalent to the average hourly earnings of the



1 employee, exclusive of overtime premiums, in the particular work
 2 over a representative period of time;
 3 and if the employee's average hourly earnings for the work week
 4 exclusive of payments described in this section are not less than the
 5 minimum hourly rate required by applicable law, and extra overtime
 6 compensation is properly computed and paid on other forms of
 7 additional pay required to be included in computing the regular rate.

8 ~~(h)~~ **(p)** Extra compensation paid as described in this section shall be
 9 creditable toward overtime compensation payable pursuant to this
 10 section.

11 ~~(m)~~ **(q)** No employer shall be considered to have violated subsection
 12 ~~(g)~~ **(k)** by employing any employee of a retail or service establishment
 13 for a work week in excess of the applicable work week specified
 14 therein, if:

15 (1) the regular rate of pay of the employee is in excess of one and
 16 one-half (1.5) times the minimum hourly rate applicable to the
 17 employee under section 2 of this chapter; and

18 (2) more than half of the employee's compensation for a
 19 representative period (not less than one (1) month) represents
 20 commissions on goods or services.

21 In determining the proportion of compensation representing
 22 commissions, all earnings resulting from the application of a bona fide
 23 commission rate shall be considered commissions on goods or services
 24 without regard to whether the computed commissions exceed the draw
 25 or guarantee.

26 ~~(n)~~ **(r)** No employer engaged in the operation of a hospital or an
 27 establishment which is an institution primarily engaged in the care of
 28 the sick, the aged, or individuals with a mental illness or defect who
 29 reside on the premises shall be considered to have violated subsection
 30 ~~(g)~~ **(k)** if, pursuant to an agreement or understanding arrived at between
 31 the employer and the employee before performance of the work, a work
 32 period of fourteen (14) consecutive days is accepted in lieu of the work
 33 week of seven (7) consecutive days for purposes of overtime
 34 computation and if, for the employee's employment in excess of eight
 35 (8) hours in any workday and in excess of eighty (80) hours in that
 36 fourteen (14) day period, the employee receives compensation at a rate
 37 not less than one and one-half (1.5) times the regular rate at which the
 38 employee is employed.

39 ~~(o)~~ **(s)** No employer shall employ any employee in domestic service
 40 in one (1) or more households for a work week longer than forty (40)
 41 hours unless the employee receives compensation for that employment
 42 in accordance with subsection ~~(g)~~ **(k)**.



1 ~~(p)~~ **(t)** In the case of an employee of an employer engaged in the
 2 business of operating a street, a suburban or interurban electric railway,
 3 or a local trolley or motorbus carrier (regardless of whether or not the
 4 railway or carrier is public or private or operated for profit or not for
 5 profit), in determining the hours of employment of such an employee
 6 to which the rate prescribed by subsection ~~(g)~~ **(k)** applies, there shall
 7 be excluded the hours the employee was employed in charter activities
 8 by the employer if both of the following apply:

9 (1) The employee's employment in the charter activities was
 10 pursuant to an agreement or understanding with the employer
 11 arrived at before engaging in that employment.

12 (2) If employment in the charter activities is not part of the
 13 employee's regular employment.

14 ~~(q)~~ **(u)** Any employer may employ any employee for a period or
 15 periods of not more than ten (10) hours in the aggregate in any work
 16 week in excess of the maximum work week specified in subsection ~~(g)~~
 17 **(k)** without paying the compensation for overtime employment
 18 prescribed in subsection ~~(g)~~; **(k)**, if during that period or periods the
 19 employee is receiving remedial education that:

20 (1) is provided to employees who lack a high school diploma or
 21 educational attainment at the eighth grade level;

22 (2) is designed to provide reading and other basic skills at an
 23 eighth grade level or below; and

24 (3) does not include job specific training.

25 ~~(r)~~ **(v)** Subsection ~~(g)~~ **(k)** does not apply to an employee of a motion
 26 picture theater.

27 ~~(s)~~ **(w)** Subsection ~~(g)~~ **(k)** does not apply to an employee of a
 28 seasonal amusement or recreational establishment, an organized camp,
 29 or a religious or nonprofit educational conference center that is exempt
 30 under the federal Fair Labor Standards Act of 1938, as amended ~~(29~~
 31 ~~U.S.C. 213)~~; **(29 U.S.C. 201 et seq.)**.

32 ~~(t)~~ **(x)** Subsection ~~(g)~~ **(k)** does not apply to an employee of an air
 33 carrier subject to Title II of the federal Railway Labor Act (45 U.S.C.
 34 181 et seq.) to the extent that the hours worked by the employee during
 35 a work week in excess of forty (40) hours are not required by the air
 36 carrier but are arranged through a voluntary agreement between
 37 employees to trade or reassign their scheduled work hours.

38 SECTION 3. IC 22-2-2-14 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2020]: **Sec. 14. (a) This section applies to an employer that is**
 41 **subject to the minimum wage provisions of the federal Fair Labor**
 42 **Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).**



1 **(b) Except as provided in subsection (c), if the minimum hourly**
2 **wage required under section 4 of this chapter is higher than the**
3 **minimum wage provisions of the federal Fair Labor Standards Act**
4 **of 1938, as amended (29 U.S.C. 201 et seq.), an employer shall pay**
5 **the minimum hourly wage required under section 4 of this chapter.**
6 **(c) Subsection (b) does not apply to an employee subject to 29**
7 **U.S.C. 206(g) or 29 U.S.C. 213.**

