First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1171

AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-8-2.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 2.2. Firefighter Representation

Sec. 1. (a) This chapter applies only to a firefighter who is a full-time, paid, nonprobationary member of a fire department.

(b) This chapter does not apply to any of the following:

(1) A member of the fire department who holds an upper level policy making position.

(2) A member of the fire department who holds a position in the fire department:

(A) that is not an upper level policy making position; and

(B) to which the member was appointed by the chief.

(3) A fire department having a merit system established under IC 36-8-3.5.

Sec. 2. (a) This chapter does not apply to any interview, interrogation, or other proceeding that is part of an investigation of criminal charges against a firefighter.

(b) This chapter does not apply to any interview, interrogation, or other interaction that is part of an investigation of a firefighter's conduct.

Sec. 3. As used in this chapter, "fire department" means a fire

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department established by a county, city, town, or township, including a fire protection district under IC 36-8-11 or a fire protection territory established under IC 36-8-19. The term does not include a volunteer fire department.

Sec. 4. A firefighter has at least the rights set forth in this chapter, in a meeting at which the chief of the fire department notifies the firefighter of the firefighter’s:
   (1) termination; or
   (2) demotion with cause.

Sec. 5. (a) A firefighter has the right to be represented in any meeting under section 4 of this chapter by either or both of the following of the firefighter's own choosing and at the firefighter's own expense:
   (1) Legal counsel.
   (2) A labor organization representative or other representative.

(b) Nothing in this chapter prohibits a firefighter from waiving the firefighter's right of representation under this chapter.

Sec. 6. (a) A meeting under section 4 of this chapter may not proceed until the firefighter is provided at least seventy-two (72) hours to obtain the representation requested by the firefighter.

(b) A firefighter may request representation during a meeting under section 4 of this chapter, if the firefighter was not given the seventy-two (72) hour period described in subsection (a).

Sec. 7. This chapter does not affect a contract executed or renewed before July 1, 2017.

Sec. 8. The rights of a firefighter provided by this chapter are in addition to and do not abridge, diminish, or cancel the rights and privileges of a firefighter that are provided under contract or any other law.

SECTION 2. IC 36-8-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3.5. (a) This section applies to a member of the fire department of a city, town, or township to whom IC 36-8-2.2 applies.

(b) A member has at least the rights of representation set forth in IC 36-8-2.2 in any meeting under this chapter at which the chief of the fire department notifies the member that the chief is recommending to the safety board the member’s termination or demotion with cause.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: ________________  Time: ________________

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