

HOUSE BILL No. 1172

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-2-17; IC 22-4-18.1-5; IC 22-4.1.

Synopsis: Women's occupational opportunity. Adds to the state workforce innovation council an advisory member who possesses expertise in assisting women to obtain certain employment. Establishes equal pay certification for businesses contracting with state agencies. Requires the commissioner of workforce development to establish a women and high wage, high demand, nontraditional occupation grant program. Makes an appropriation.

Effective: July 1, 2015.

Shackleford

January 12, 2015, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1172



A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

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

1 SECTION 1. IC 22-2-17 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]:

4 **Chapter 17. Equal Pay Certification**

5 **Sec. 1. (a) A state agency shall not execute a contract or**
6 **agreement with an estimated cost that exceeds five hundred**
7 **thousand dollars (\$500,000) with a business that has at least forty**
8 **(40) full-time employees in Indiana or a state where the business**
9 **has its primary place of business on a single day during the**
10 **immediately preceding year unless the business has an equal pay**
11 **certificate or has certified in writing that the business is exempt.**

12 **(b) This section does not apply to a business with respect to a**
13 **specific contract if the commissioner of the Indiana department of**
14 **administration determines that application of this section would**
15 **cause undue hardship to the contracting agency.**



1 **Sec. 2. (a) A business shall apply for an equal pay certificate by**
2 **paying a filing fee of one hundred fifty dollars (\$150) and**
3 **submitting an equal pay compliance statement to the**
4 **commissioner. The proceeds from the fees collected under this**
5 **subsection shall be deposited in an equal pay certificate account**
6 **within the state general fund. Money in the account is continually**
7 **appropriated to the commissioner for the purposes of this chapter.**
8 **The commissioner shall issue an equal pay certificate of**
9 **compliance to a business that submits to the commissioner a**
10 **statement signed by the chairperson of the board or chief executive**
11 **officer of the business that includes all the following:**

12 **(1) A statement that the business is in compliance with Title**
13 **VII of the Civil Rights Act of 1964 and the Equal Pay Act of**
14 **1963.**

15 **(2) A statement that the average compensation for female**
16 **employees of the business is not consistently below the**
17 **average compensation for male employees of the business**
18 **within each of the major job categories in the federal EEO-1**
19 **employer information report for which an employee is**
20 **expected to perform work under the contract, taking into**
21 **account factors such as length of service, requirements of**
22 **specific jobs, experience, skill, effort, responsibility, working**
23 **conditions of the job, or other mitigating factors.**

24 **(3) A statement that the business does not restrict employees**
25 **of one (1) gender to certain job classifications and makes**
26 **retention and promotion decisions without regard to gender.**

27 **(4) A statement that wage and benefit disparities are**
28 **corrected when identified to ensure compliance with the laws**
29 **specified in subdivision (1) and subdivision (2).**

30 **(5) A statement concerning the frequency at which wages and**
31 **benefits are evaluated to ensure compliance with the laws**
32 **specified in subdivision (1) and subdivision (2).**

33 **(b) An equal pay compliance statement under subsection (a)**
34 **must indicate whether the business, in setting compensation and**
35 **benefits, uses:**

36 **(1) a market pricing approach;**

37 **(2) state prevailing wage or union contract requirements;**

38 **(3) a performance pay system;**

39 **(4) an internal analysis; or**

40 **(5) an alternative approach;**

41 **to determine at what level wages and benefits will be paid to**
42 **employees. If the business uses an alternative approach, the**



- 1 business shall provide a description of the alternative approach.
 2 (c) Receipt of an equal pay compliance statement by the
 3 commissioner does not establish compliance with the requirements
 4 of subsection (a).
 5 Sec. 3. (a) The commissioner shall, not more than fifteen (15)
 6 days after receiving an application filed under section 2 of this
 7 chapter:
 8 (1) issue to the business an equal pay certificate; or
 9 (2) notify the business of the reason for rejection of the
 10 application.
 11 (b) An application may be rejected only for noncompliance with
 12 section 2 of this chapter.
 13 (c) An equal pay certificate issued under this section expires
 14 four (4) years after the date of issue.
 15 Sec. 4. An equal pay certificate may be suspended or revoked by
 16 the commissioner:
 17 (1) after the commissioner has attempted to assist the business
 18 in achieving compliance with this chapter; and
 19 (2) when the business:
 20 (1) fails to make a good faith effort to comply with the laws
 21 specified in section 2(a)(1) of this chapter;
 22 (2) fails to make a good faith effort to comply with this
 23 chapter; or
 24 (3) has committed multiple violations of this chapter or the
 25 laws specified in section 2(a)(1) of this chapter.
 26 Sec. 5. (a) If a contract is awarded to a business that does not
 27 have an equal pay certificate as required under section 1 of this
 28 chapter, or that is not in compliance with this chapter, the
 29 commissioner of the department of administration may, after:
 30 (1) notice to the contracting agency; and
 31 (2) notice and hearing under IC 4-21.5;
 32 void the contract on behalf of the state.
 33 (b) A contracting agency described in subsection (a) may, after:
 34 (1) receiving notice that the commissioner has suspended or
 35 revoked the equal pay certificate of the business; and
 36 (2) if the business requests a hearing within twenty (20) days
 37 after receiving the notice of suspension or revocation under
 38 section 4 of this chapter, granting a hearing under IC 4-21.5
 39 to the business;
 40 amend or terminate the contract.
 41 Sec. 6. The commissioner shall provide technical assistance to a
 42 business that requests assistance in complying with this chapter.



1 **Sec. 7. (a) The commissioner may audit the books and records**
 2 **of a business to determine compliance with this chapter.**

3 **(b) A business that is subject to an audit described in subsection**
 4 **(a) shall, upon the commissioner's request, provide the**
 5 **commissioner the following information with respect to employees**
 6 **expected to perform work under the contract in each of the major**
 7 **job categories in the federal EEO-1 employer information report:**

8 **(1) Number of male employees.**

9 **(2) Number of female employees.**

10 **(3) Average annualized salaries paid to male employees and**
 11 **to female employees, in the manner most consistent with the**
 12 **employer's compensation system, within each major job**
 13 **category.**

14 **(4) Information concerning performance payments, benefits,**
 15 **or other elements of compensation, in the manner most**
 16 **consistent with the employer's compensation system, if**
 17 **requested by the commissioner as part of a determination as**
 18 **to whether the elements of compensation are different for**
 19 **male and female employees.**

20 **(5) Average length of service for male and female employees**
 21 **in each major job category.**

22 **(6) Other information identified by the business or by the**
 23 **commissioner, as needed, to determine compliance with**
 24 **section 2(a) of this chapter.**

25 **Sec. 8. (a) Data:**

26 **(1) submitted to the commissioner related to equal pay**
 27 **certificates; and**

28 **(2) from which an individual may be identified;**

29 **is confidential.**

30 **(b) A decision by the commissioner to issue, not issue, revoke, or**
 31 **suspend an equal pay certificate under this chapter is public**
 32 **information.**

33 **Sec. 9. The commissioner shall, beginning January 31, 2017,**
 34 **biennially report to the governor, and the legislative council in an**
 35 **electronic format under IC 5-14-6, the following information:**

36 **(1) The number of equal pay certificates issued.**

37 **(2) The number of audits conducted by the commissioner.**

38 **(3) The processes used by businesses to ensure compliance**
 39 **with section 2(a) of this chapter.**

40 **(4) A summary of the auditing efforts of the commissioner.**

41 **SECTION 2. IC 22-4-18.1-5, AS AMENDED BY P.L.7-2011,**
 42 **SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**



1 JULY 1, 2015]: Sec. 5. (a) Subject to subsections (b) and (c), the
 2 membership of the state workforce innovation council established
 3 under section 3 of this chapter consists of the representatives required
 4 by the Workforce Investment Act (29 U.S.C. 2801 et seq.), including
 5 reauthorizations of the Act, and must represent the diverse regions of
 6 Indiana.

7 (b) The state superintendent of public instruction or the
 8 superintendent's designee serves as a member of the state workforce
 9 innovation council.

10 (c) An individual designated by the governor who has been
 11 nominated by a recognized adult education organization serves as a
 12 member of the state workforce innovation council.

13 **(d) An individual designated by the governor who possesses**
 14 **expertise in assisting women to obtain employment in high wage,**
 15 **high demand, nontraditional occupations serves as a nonvoting**
 16 **adviser to the state workforce innovation council.**

17 SECTION 3. IC 22-4.1-6-2, AS AMENDED BY P.L.234-2007,
 18 SECTION 147, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) **Except as provided in**
 20 **subsection (b)**, money in the fund may be used for the following
 21 purposes at the discretion of the department, based upon the priorities
 22 necessary to achieve the department's goals:

23 (1) To build the capacity and strengthen the quality of services of
 24 programs offering basic skills services and having a substantial
 25 volunteer component, including staff and volunteer development,
 26 outreach, equipment, software, training materials, and community
 27 linkages.

28 (2) For workforce literacy programs providing essential and basic
 29 education skills training to raise skills and productivity in the
 30 workplace.

31 (3) For technical assistance to providers of workplace literacy and
 32 basic education to enhance the providers' capacity to link with
 33 employers and document productivity gains resulting from
 34 training.

35 (4) To establish a common data base, reporting system, and
 36 evaluation system related to workforce literacy and other
 37 incumbent worker programs, and to develop performance
 38 standards.

39 (5) To provide training for dislocated workers under IC 22-4-41.

40 (6) To provide training for workers who are at risk of becoming
 41 dislocated workers because of a lack of skills.

42 (7) To provide comprehensive job training and related services



1 for economically disadvantaged, unemployed, and underemployed
 2 individuals, including recruitment, counseling, remedial
 3 education, career and technical training, job development, job
 4 placement, and other appropriate services to enable each
 5 individual to secure and retain employment at the individual's
 6 maximum capacity.

7 (8) To attract federal funds in order to increase the resources
 8 available to carry out the purposes of this section.

9 **(b) Money in the fund that is appropriated under**
 10 **IC 22-4.1-22-10 must be used for the development and**
 11 **implementation of the women and high wage, high demand,**
 12 **nontraditional occupation grant program established under**
 13 **IC 22-4.1-22-6.**

14 SECTION 4. IC 22-4.1-22 IS ADDED TO THE INDIANA CODE
 15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2015]:

17 **Chapter 22. Women and High Wage, High Demand,**
 18 **Nontraditional Occupation Grant Program**

19 **Sec. 1. As used in this chapter, "eligible organization" includes**
 20 **the following:**

- 21 (1) A community based organization with experience serving
 22 women.
- 23 (2) An employer.
- 24 (3) A business or trade association.
- 25 (4) A labor union or employee organization.
- 26 (5) A registered apprenticeship program.
- 27 (6) A secondary or postsecondary educational institution in
 28 Indiana.
- 29 (7) A workforce or economic development agency.

30 **Sec. 2. As used in this chapter, "high wage, high demand", with**
 31 **respect to an occupation, means an occupation that:**

- 32 (1) represents at least one-tenth of one percent (0.1%) of total
 33 employment in a base year;
- 34 (2) has an annual median salary that is higher than the
 35 average for the current year; and
- 36 (3) is projected to have more total openings than the average,
 37 as a share of employment.

38 **Sec. 3. As used in this chapter, "low income" means income less**
 39 **than two hundred percent (200%) of the federal income poverty**
 40 **level for a family of four (4).**

41 **Sec. 4. As used in this chapter, "nontraditional occupation"**
 42 **means an occupation in which women make up less than**



1 twenty-five percent (25%) of the workforce (as defined in 20 U.S.C.
2 2302).

3 **Sec. 5.** As used in this chapter, "registered apprenticeship
4 program" means a program registered under 29 U.S.C. 50.

5 **Sec. 6. (a)** The commissioner shall establish the women and high
6 wage, high demand, nontraditional occupation grant program to
7 increase the number of women in high wage, high demand,
8 nontraditional occupations.

9 **(b)** The commissioner shall make grants to eligible organizations
10 for programs that encourage and assist women to enter high wage,
11 high demand, nontraditional occupations, including occupations in
12 the following areas:

- 13 (1) Skilled trades.
- 14 (2) Science.
- 15 (3) Technology.
- 16 (4) Engineering.
- 17 (5) Mathematics.

18 **Sec. 7.** Grant funds awarded under section 6 of this chapter may
19 be used for the following:

- 20 (1) Recruitment, preparation, placement, and retention of
21 women, including low-income women and women more than
22 fifty (50) years of age, in registered apprenticeships,
23 postsecondary education programs, on the job training, and
24 permanent employment in high wage, high demand,
25 nontraditional occupations.
- 26 (2) Secondary or postsecondary education or other training to
27 prepare women to succeed in high wage, high demand,
28 nontraditional occupations. Activities under this subdivision
29 may be conducted by the grantee or in collaboration with
30 another institution, including a public or private secondary or
31 postsecondary school.
- 32 (3) Innovative, hands on, best practices that:
 - 33 (A) stimulate interest in high wage, high demand,
34 nontraditional occupations;
 - 35 (B) increase awareness about opportunities in high wage,
36 high demand, nontraditional occupations; or
 - 37 (C) increase access to secondary programs that lead to
38 high wage, high demand, nontraditional occupations;
39 among girls. Best practices include mentoring, internships, or
40 apprenticeships for girls in high wage, high demand,
41 nontraditional occupations.
- 42 (4) Training and other staff development for workforce



1 development counselors and caseworkers about opportunities
2 in high wage, high demand, nontraditional occupations.

3 (5) Incentives for employers and sponsors of registered
4 apprenticeship programs to retain women in high wage, high
5 demand, nontraditional occupations for more than one (1)
6 year.

7 (6) Training and technical assistance for employers to create
8 a safe and healthy workplace environment designed to retain
9 and advance women, including best practices for addressing
10 sexual harassment, and to overcome gender inequity among
11 employers and registered apprenticeship programs.

12 (7) Public education and outreach activities to overcome
13 stereotypes about women in high wage, high demand,
14 nontraditional occupations, including the development of
15 educational and marketing materials.

16 (8) Support for women in high wage, high demand,
17 nontraditional occupations, including assistance with
18 workplace issue resolution and access to advocacy assistance
19 and services.

20 **Sec. 8. A grant application must include detailed information**
21 **about how the applicant plans to do the following:**

22 (1) Increase women's participation in high wage, high
23 demand, nontraditional occupations in which women are
24 currently underrepresented in the workforce.

25 (2) Use the funds as described in section 7 of this chapter.

26 (3) Use the funds in conjunction with funding from other
27 public or private sources.

28 **Sec. 9. (a) The commissioner shall, in awarding grants through**
29 **the program, give priority to eligible organizations that:**

30 (1) have demonstrated success in recruiting and preparing
31 women, especially low income women and women more than
32 fifty (50) years of age, for high wage, high demand,
33 nontraditional occupations; and

34 (2) leverage additional public and private resources.

35 (b) At least fifty percent (50%) of the total grant funds must be
36 awarded to programs providing services and activities focused on
37 assisting low income women.

38 (c) The commissioner and the commissioner of labor shall do the
39 following:

40 (1) Monitor the use of funds under this chapter.

41 (2) Collect and compile information about the activities of
42 other state agencies and public or private entities that have



1 purposes similar to the purpose of this chapter.

2 (3) Identify other public and private funding available for the
3 purpose of this chapter.

4 Sec. 10. (a) There is appropriated to the state workforce
5 development fund established under IC 22-4.1-6-1 five hundred
6 thousand dollars (\$500,000) from the state general fund for the
7 department's use in development and implementation of this
8 chapter.

9 (b) Funds appropriated under subsection (a) must:

10 (1) not supplant other funds available for the same purpose;
11 and

12 (2) remain available for implementation of this chapter until
13 expended.

14 (c) The commissioner may use not more than five percent (5%)
15 of the appropriation under subsection (a) to administer the women
16 and high wage, high demand, nontraditional occupation grant
17 program.

