

## **SURVIVOR STATE EMPLOYMENT GUIDE**

# **INDIANA**

### **INTRODUCTION**

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

### **ANTI-DISCRIMINATION PROTECTIONS**

At the time of publication, Indiana law does not provide broad anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Indiana law (**Ind. Code 22-5-7-2**), employers are prohibited from terminating an employee for: (1) filing a petition for a protective order, whether or not the petition is granted; or (2) based on the actions taken by the individual against whom the employee has filed a protective order. However, the employer and employee may mutually agree to adjust any of the following: (1) the location of employee's employment; (2) the employee's compensation or benefits; or (3) a term or condition of employment.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **REASONABLE ACCOMMODATIONS**

At the time of publication, Indiana has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **LEAVE/TIME OFF WORK**

At the time of publication, Indiana law does not require employers to provide paid or unpaid sick leave, leave to address domestic violence, sexual assault or stalking or leave to participate in the justice system as a crime victim.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

### **UNEMPLOYMENT INSURANCE**

Under Indiana law (**Ind. Code 22-4-15-1(1)(c)(8)**), an individual who voluntarily leaves employment or who is discharged "due to circumstances directly caused by domestic or family violence" is not disqualified from receiving unemployment insurance. To apply for benefits using this exemption, the individual will need to provide documentation of domestic or family violence.

All information submitted is to be kept confidential and the individual must be notified before any release of information. Additionally, an individual can apply through the Indiana Attorney General's office to have an address created to use when applying for benefits.

- *Do I have to show proof of domestic violence?* Under Indiana law (**Ind. Code 22-4-15-1(1)(e)**), an individual must provide one of the following documents when applying for benefits to verify the domestic or family violence has occurred:
  - A report of a law enforcement agency;
  - A protection order issued under **Ind. Code 34-26-5**;
  - A foreign protection order; or
  - An affidavit from a domestic violence service provider verifying services provided to the individual by the domestic violence service provider.