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**Healthcare Employment  
Law IN Brief**

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**Governor Daniels Signs Bill Permitting  
Firearms at Work Location**

Effective July 1, 2010, new Indiana Code § 34-28-7 will preclude employers from prohibiting employees who legally possesses a firearm or ammunition from bringing the weapon and ammunition onto their employer's parking area **as long as the weapons/ammunition are locked in the trunk of the employee's vehicle, or maintained in a glove box or otherwise stored out of plain sight in a locked vehicle.**

This new law specifically exempts a number of employer locations, including child caring institutions, private secure facilities, group homes, child care centers, and the employee's personal vehicle if the employee is a direct support professional who uses that vehicle to transport developmentally disabled individuals.

Employers should review their workplace violence and other policies to make sure that they are in compliance with this new law.

**Hiring Incentives to Restore Employment Act**

The new federal HIRE Act provides a payroll tax holiday for much of 2010 for employers hiring new workers that essentially have been unemployed for the previous sixty (60) days and business tax credits to such employers for retaining those workers.

The HIRE Act applies to "Qualified Employers," which includes most private sector for-profit and non-profit employers, and public higher education institutions.

The Act applies only to Qualified Individuals who:

- begin employment with a Qualified Employer after February 3, 2010 and before January 1, 2011;

- certify by signed affidavit, under penalty of perjury, that the individual has not been employed more than 40 hours during the 60-day period ending when employment with the Qualified Employer starts;
- are not employed by the Qualified Employer to replace another employee, unless such employee resigned voluntarily or was terminated for cause; and
- are not a family member as described in Internal Revenue Code § 51(i)(1).

**Qualified Employers will not have to match the Social Security portion of FICA for Qualified Individuals.** There is a special rule for obtaining a credit for wages paid during the first calendar quarter of 2010.

In addition, the HIRE Act provides for a **credit to reward Qualified Employers for retention of Qualified Individuals:**

- who are employed during the tax year;
- who continue to be employed for at least 52 consecutive weeks; and
- whose wages for employment during the last 26 weeks of the 52 week period were at least 80% of his/her wages for the first 26 weeks of the 52 week period.

The tax credit is equal to the lesser of \$1,000 or 6.2% of wages for the year in question.

**\*This briefing does not constitute legal advice. Please see an attorney about any particular matter.**

*Greg is a partner and a member of the firm's Employment and Labor and Healthcare Groups. Since 1994, he has counseled, trained, and represented Indiana hospitals, physician practices, long term care facilities, and other healthcare employers and human services organizations in dealing with a wide variety of employment matters.* 03.29.2010