

IC 3-5-9

Chapter 9. Government Employees and Volunteer Firefighters Holding Office

IC 3-5-9-1

"Elected office"

Sec. 1. As used in this chapter, "elected office" refers only to the following:

- (1) The executive or a member of the executive body of a unit.
- (2) A member of the legislative body or fiscal body of a unit.

As added by P.L.135-2012, SEC.1.

IC 3-5-9-2

"Government employee"

Sec. 2. As used in this chapter, "government employee" refers to an employee of a unit. The term does not include an individual who holds only an elected office.

As added by P.L.135-2012, SEC.1.

IC 3-5-9-3

"Unit"

Sec. 3. As used in this chapter, "unit" means a county, city, town, or township.

As added by P.L.135-2012, SEC.1.

IC 3-5-9-4

Firefighters

Sec. 4. (a) An individual who is serving as a volunteer firefighter for a volunteer fire department or a fire department that provides fire protection services to a unit:

- (1) under a contract, excluding a mutual aid agreement; or
- (2) as the unit's fire department;

may not assume or hold an elected office of a unit that receives fire protection services from the department in which the volunteer firefighter serves.

(b) An individual who:

- (1) is an employee of a unit, serving as a full-time, paid firefighter; or
- (2) serves as a volunteer firefighter;

in a department that provides fire protection services to more than one (1) unit, excluding fire protection services provided under mutual aid agreements, may not assume or hold an elected office of any unit that receives fire protection services from the department.

As added by P.L.135-2012, SEC.1.

IC 3-5-9-5

Government employee may not hold elected office

Sec. 5. Except as provided in section 7 of this chapter, an individual is considered to have resigned as a government employee when the individual assumes an elected office of the unit that

employs the individual.
As added by P.L.135-2012, SEC.1.

IC 3-5-9-6

Matters unaffected by chapter

Sec. 6. This chapter does not prohibit:

- (1) a government employee from assuming or holding an elected office of a unit other than the unit that employs the government employee;
- (2) a full-time, paid firefighter or volunteer firefighter from assuming or holding an elected office of a unit other than a unit that receives fire protection services from the department in which the volunteer firefighter serves; or
- (3) an individual who assumes or holds an elected office from also being appointed to and serving on a board, commission, or committee of the unit.

As added by P.L.135-2012, SEC.1.

IC 3-5-9-7

Government employees and volunteer firefighters who hold elected office on January 1, 2013

Sec. 7. (a) Notwithstanding sections 4 and 5 of this chapter:

- (1) a volunteer firefighter who assumes or holds an elected office on January 1, 2013, may continue to hold the elected office and serve as a volunteer firefighter; and
- (2) a government employee who assumes or holds an elected office on January 1, 2013, may continue to hold the elected office and be employed as a government employee;

until the term of the elected office that the volunteer firefighter or government employee is serving on January 1, 2013, expires.

(b) After the expiration of the term of the elected office that the volunteer firefighter referred to in subsection (a) is serving on January 1, 2013, the volunteer firefighter is subject to section 4 of this chapter with respect to serving as a volunteer firefighter and assuming or holding an elected office of the unit that receives fire protection services from the department in which the volunteer firefighter serves.

(c) After the expiration of the term of the elected office that the government employee referred to in subsection (a) is serving on January 1, 2013, the government employee is subject to section 5 of this chapter with respect to assuming or holding an elected office and being employed by the unit that employs the government employee.

As added by P.L.135-2012, SEC.1.