

Indiana Employment Law Remedies

STATUTE	REMEDIES	CAPS
Breach of Employment Contracts & Promissory Estoppel	<i>DeCallone v. G.I. Consultants, Inc.</i> , 197 F.Supp.2d 1126 (N.D. Ind. 2002); <i>Orr v. Westminster Village North, Inc.</i> , 689 N.E.2d 712 (Ind. 1997). • Actual economic loss including lost income and benefits are available, but not generally emotional distress, punitive damages, or attorneys' fees.	* Damage caps apply in medical malpractice cases, but there are no caps outside that context. See Ind. Code 34-18-14; <i>Emergency Physicians of Indianapolis v. Pettit</i> , 718 N.E.2d 753 (Ind. 1999).
Employment Age Discrimination (employees ages 40-74) Ind. Code 22-9-2-1 et seq.	Ind. Code 22-9-2-5; 22-9-1-6 • Administrative remedy through civil rights commission providing for investigation, conciliation, and injunctive relief. • No private civil remedy available. <i>Montgomery v. Bd. of Trustees of Purdue Univ.</i> , 849 N.E.2d 1120 (Ind. 2006).	* Damage caps apply in medical malpractice cases, but there are no caps outside that context. See Ind. Code 34-18-14; <i>Emergency Physicians of Indianapolis v. Pettit</i> , 718 N.E.2d 753 (Ind. 1999).
Employment Disability Discrimination Ind. Code 22-9-5 et seq.; 910 Ind. Admin. Code 3-3-1	Ind. Code 22-9-5-26; 22-9-1-6(j) • Administrative remedy (may elect judicial remedy only by consent of parties). • Remedies limited to lost wages and injunctive relief such as reinstatement. Compensatory damages available, but not punitive damages.	* Damage caps apply in medical malpractice cases, but there are no caps outside that context. See Ind. Code 34-18-14; <i>Emergency Physicians of Indianapolis v. Pettit</i> , 718 N.E.2d 753 (Ind. 1999).
General Discrimination (Race, color, religion, sex, disability, or national origin) Ind. Code 22-9-1 et seq.	Ind. Code 22-9-1-6(j) • Administrative remedy (may elect judicial remedy only by consent of parties). • Remedies limited to lost wages and injunctive relief such as reinstatement. Compensatory damages available, but not punitive damages.	* Damage caps apply in medical malpractice cases, but there are no caps outside that context. See Ind. Code 34-18-14; <i>Emergency Physicians of Indianapolis v. Pettit</i> , 718 N.E.2d 753 (Ind. 1999).
Minimum Wage Claim Ind. Code 22-2-2 et seq.	<i>Meyers v. Meyers</i> , 861 N.E.2d 704 (2007). • Unpaid wages or compensation can be sought in a civil action, but there is no exception to the employment-at-will doctrine for an alleged wrongful discharge in retaliation for the assertion of a claim for unpaid wages.	* Damage caps apply in medical malpractice cases, but there are no caps outside that context. See Ind. Code 34-18-14; <i>Emergency Physicians of Indianapolis v. Pettit</i> , 718 N.E.2d 753 (Ind. 1999).
Whistleblower Statute (only applies to state employees, or reports about wrongdoing involving a private employer's public contract) Ind. Code 4-15-10-4; 22-5-3-3	Ind. Code 4-15-10-4; 22-5-3-3(c) • No private civil remedy; must pursue administrative remedy. Employer is subject to criminal penalty. • However, an employee retaliated against is entitled to process an appeal of the disciplinary action as a civil action in a court of general jurisdiction.	* Damage caps apply in medical malpractice cases, but there are no caps outside that context. See Ind. Code 34-18-14; <i>Emergency Physicians of Indianapolis v. Pettit</i> , 718 N.E.2d 753 (Ind. 1999).
Wrongful Discharge in violation of public policy (e.g., workers' compensation retaliation)	<i>Baker v. Tremco, Inc.</i> , 890 N.E.2d 73 (Ind. Ct. App. 2008); <i>Frampton v. Central Indiana Gas Co.</i> , 260 Ind. 249 (1973) • Injured employee entitled to be "fully compensated in damages": actual damages such as lost wages, including damages for period in which employee is unemployed and searching for comparable employment. • Punitive damages are not generally available. <i>Cantrell v. Morris</i> , 849 N.E.2d 488 (Ind. 2006).	* Damage caps apply in medical malpractice cases, but there are no caps outside that context. See Ind. Code 34-18-14; <i>Emergency Physicians of Indianapolis v. Pettit</i> , 718 N.E.2d 753 (Ind. 1999).

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Whistleblower Act KRS § 61.102. N.B.: various statutes prohibit retaliation in specific contexts. See, e.g., KRS § 205.8465(3) (prohibiting retaliation for reporting fraud on state Medicaid filings); KRS § 338.121(3) (prohibiting retaliation for reporting occupational safety and health violations)	KRS § 61.103(2); KRS § 61.990(4) Injunctive relief such as reinstatement along with the payment of back wages and exemplary or punitive damages are available. Costs and attorney/witness fees are also permitted.	

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