

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1220 be amended to read as follows:

- 1 Page 2, line 21, after "state," insert "**a state educational institution**
- 2 **(as defined by IC 20-12-0.5-1),"**.
- 3 Page 2, line 22, delete "unit as defined in IC 36-1-2-23" and insert
- 4 "**county, city (as defined by IC 36-1-2-3), town (as defined by**
- 5 **IC 36-1-2-21), or township (as defined by IC 36-1-2-22)"**.
- 6 Page 2, line 23, delete "state or".
- 7 Page 2, line 23, strike "that" and insert "**state,"**.
- 8 Page 2, line 23, after "corporation" insert ",".
- 9 Page 2, line 23, delete "or unit" and insert "**state educational**
- 10 **institution, county, city, town, or township"**.
- 11 Page 3, between lines 19 and 20, begin a new paragraph and insert:
- 12 "SECTION 2. IC 20-7.5-1-8 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. The school employer
- 14 shall, on receipt of the written authorization of a school employee,
- 15 deduct from the pay of such employee any dues **or assessments**
- 16 designated or certified by the appropriate officer of a school employee
- 17 organization which is an exclusive representative of any employees of
- 18 the school employer and shall remit such dues to such school employee
- 19 organization; however, such deductions shall be consistent with the
- 20 provisions of IC 22-2-6 and IC 22-2-7, and IC 20-6.1-5-11.
- 21 SECTION 3. IC 20-7.5-1-14 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. ~~Strikes-~~
- 23 (a) It shall be unlawful for any school employee, school employee
- 24 organization, or any affiliate, including but not limited to state or

1 national affiliates thereof, to take part in or assist in a strike against a  
2 school employer or school corporation.

3 (b) Any school corporation or school employer may, in an action at  
4 law, suit in equity, or other proper proceeding, take action against any  
5 school employee organization, any affiliate thereof, or any person  
6 aiding or abetting in a strike, for redress of such unlawful act.

7 (c) ~~Where~~ **When** any exclusive representative engages in a strike,  
8 or aids or abets therein, **the school employer or school corporation**  
9 **may petition a circuit or superior court in:**

10 **(1) the county in which the violation has occurred; or**

11 **(2) Marion County;**

12 **for remedy against the exclusive representative. The exclusive**  
13 **remedy against the exclusive representative, including remedy for**  
14 **violations of IC 34-47, it shall lose is loss of its dues deduction**  
15 **privilege for a period of one (1) year.**

16 (d) No regulation, rule or law with respect to the minimum length  
17 of a school year shall be applicable or shall require make-up days in  
18 any situation where schools in a school corporation are closed as a  
19 result of a school employee strike. A school corporation shall not pay  
20 any school employee for any day when the school employee fails as a  
21 result of a strike to report for work as required by the school year  
22 calendar."

23 Page 3, line 23, delete "STATE".

24 Page 3, line 24, delete "AND".

25 Page 3, line 24, delete "SAFETY".

26 Page 3, line 25, delete "Collective Bargaining for State and Public  
27 Safety".

28 Page 3, line 26, delete "Employees:".

29 Page 4, line 2, delete "the full-time employees or" and insert " a  
30 **class or group of jobs or positions that are held by employees of**  
31 **employers as defined in section 9 of this chapter whose collective**  
32 **interests may be suitably represented by an employee organization**  
33 **for collective bargaining.**

34 **Sec. 4. "Board" refers to the public employees relations board**  
35 **established by IC 22-6.5-2-1."**

36 Page 4, delete lines 3 through 12.

37 Page 4, line 15, delete "IC 22-6.5-3" and insert "IC 22-6.5-4".

38 Page 4, delete lines 16 through 17, begin a new paragraph and  
39 insert:

40 **"Sec. 6. "Confidential employee" means an employee:**

41 **(1) who works in the personnel office of the employer;**

42 **(2) who has access to confidential or discretionary**  
43 **information that may be used by the employer in negotiating**  
44 **a collective bargaining agreement under this article;**

45 **(3) who works in a close and continuing working relationship**  
46 **with:**

- 1 (A) an individual holding elective office; or  
 2 (B) individuals who represent the employer in negotiations  
 3 under this article;  
 4 (4) whose:  
 5 (A) functional responsibilities; or  
 6 (B) knowledge;  
 7 concerning employee relations makes the employee's  
 8 membership in an employee organization incompatible with  
 9 the employee's duties; or  
 10 (5) who is a personal secretary of:  
 11 (A) the chief administrative or executive officer of an  
 12 agency;  
 13 (B) a deputy or an assistant to the chief administrative or  
 14 executive officer of an agency; or  
 15 (C) an individual holding elected office.
- 16 **Sec. 7. "Eligible political subdivision" means the following:**  
 17 (1) A county, city, town, or township (all as defined in  
 18 IC 36-1-2).  
 19 (2) A school corporation (as defined in IC 20-10.1-1-1)  
 20 regarding the school corporation's noncertificated employees  
 21 (as defined in IC 20-7.5-1-2(g)).
- 22 **Sec. 8. "Employee" means an individual who is employed by an**  
 23 **employer, unless the individual is any of the following:**  
 24 (1) An intermittent, a temporary, or a student employee.  
 25 (2) A member of a board or commission.  
 26 (3) A confidential employee.  
 27 (4) A supervisor.  
 28 (5) A managerial employee.  
 29 (6) A patient or resident of a state institution.  
 30 (7) An individual in the custody of the department of  
 31 correction.  
 32 (8) The chief administrative or executive officer of an agency.  
 33 (9) An attorney whose responsibilities include the providing  
 34 of legal advice or the performance of legal research.  
 35 (10) A physician or a dentist.  
 36 (11) An administrative law judge.  
 37 (12) An individual who performs internal investigations.  
 38 (13) A neutral.  
 39 (14) An employee of an eligible political subdivision as defined  
 40 in section 7 of this chapter who is not included for coverage  
 41 under this article under the terms of an ordinance or a  
 42 resolution adopted under IC 5-27-3-2.  
 43 (15) A local public safety officer.  
 44 (16) A professional employee of the department of commerce  
 45 who participates in economic development matters.  
 46 (17) A certificated employee of a school corporation as  
 47 defined in IC 20-7.5-1-2(f)."

- 1 Page 4, line 18, delete "7." and insert "9."
- 2 Page 4, line 27, delete "8." and insert "10. (a)".
- 3 Page 4, delete lines 28 through 34, begin a new line block indented
- 4 and insert:
- 5 **"(1) The executive branch.**
- 6 **(2) A state educational institution (as defined by**
- 7 **IC 20-12-0.5-1).**
- 8 **(3) An eligible political subdivision.**
- 9 **(b) The term does not include any of the following:**
- 10 **(1) The senate, the house of representatives, the legislative**
- 11 **services agency, or any commission or agency of the**
- 12 **legislative department of the state.**
- 13 **(2) The judicial department of government, including any**
- 14 **commission or agency of the judicial department.**
- 15 **(3) A school corporation, as to the school corporation's**
- 16 **certificated employees.**
- 17 **(4) Unless specifically included under section 11 of this**
- 18 **chapter, the office of an individual holding an elected office.**
- 19 **(5) Bodies corporate and politic.**
- 20 **(6) The budget agency.**
- 21 **(7) Uniformed members of the national guard.**
- 22 **(8) The state personnel department.**
- 23 **(9) The public employees relations board.**
- 24 **(10) The education employment relations board.**
- 25 **(11) The state board of accounts."**
- 26 Page 4, line 35, delete "9." and insert "11."
- 27 Page 4, line 37, delete "IC 22-6.5-2" and insert "IC 22-6.5-3".
- 28 Page 4, between lines 39 and 40, begin a new paragraph and insert:
- 29 **"Sec. 12. "Executive branch" means the agencies (as defined in**
- 30 **IC 4-22-2-3) under the direct authority of the governor.**
- 31 **Sec. 13. "Impasse" means the failure of the employer and an**
- 32 **exclusive bargaining representative to reach agreement during the**
- 33 **course of negotiations.**
- 34 **Sec. 14. "Managerial employee" means an individual who is:**
- 35 **(1) engaged predominantly in executive and management**
- 36 **functions; or**
- 37 **(2) charged with the responsibility of directing the**
- 38 **effectuation of management policies and practices.**
- 39 **Sec. 15. "Mediation" means assistance by an impartial third**
- 40 **party to reconcile an impasse through persuasion, suggestion, and**
- 41 **advice.**
- 42 **Sec. 16. "Neutral" includes the following:**
- 43 **(1) Factfinder.**
- 44 **(2) Arbitrator.**
- 45 **(3) Mediator."**
- 46 Page 4, line 40, delete "10." and insert "17."
- 47 Page 4, line 42, delete "11." and insert "18."

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Page 5, line 2, delete "or".

Page 5, line 4, delete "." and insert "; or".

Page 5, between lines 4 and 5, begin a new line block indented and insert:

**"(4) refusal to report to duty.**

**Sec. 19. "Supervisor" means an individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.**

**Sec. 20. "Temporary employee" means an individual who is employed in a temporary position for not more than ninety (90) days."**

Page 5, between lines 4 and 5, begin a new paragraph and insert:

**"Chapter 2. Public Employees Relations Board**

**Sec. 1. The public employees relations board is established.**

**Sec. 2. (a) The board has five (5) members who are appointed by the governor. Not more than three (3) members may be members of the same political party.**

**(b) A board member may not:**

- (1) be a representative of or be employed by an employee organization or an affiliate of an employee organization; or**
- (2) hold any other public office.**

**(c) The term of each member is four (4) years.**

**Sec. 3. A vacancy on the board shall be filled by the governor.**

**Sec. 4. (a) The governor shall designate a member of the board to serve as the chairperson. The chairperson:**

- (1) shall serve as the full time director; and**
- (2) must possess educational credentials and experience in labor relations matters as a prerequisite to designation as chairperson.**

**(b) The chairperson shall give full time to the chairperson's duties. The chairperson of the board shall not engage in any other business, vocation, or employment.**

**Sec. 5. (a) Each member of the board is entitled to compensation as fixed by the state personnel director, subject to the approval of the budget agency.**

**(b) Each member of the board is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in state policies and procedures established by the Indiana department of administration and approved by the budget agency.**

**Sec. 6. A majority of the members appointed to the board**

1 constitutes a quorum.

2 **Sec. 7. The board shall do the following:**

3 (1) Process and make determinations concerning prohibited  
4 practices complaints under IC 22-6.5-5-35 and IC 22-6.5-5-36.

5 (2) Provide impasse services.

6 (3) Provide research services.

7 (4) Process and make determinations concerning bargaining  
8 unit and representation matters under this article.

9 (5) Establish the qualifications of neutrals after consultation  
10 with the designated representatives of the employer and the  
11 exclusive bargaining representatives.

12 (6) Maintain a register of neutrals for use by the employer  
13 and exclusive bargaining representatives drawn from a  
14 nationwide pool of qualified neutrals.

15 (7) Enforce its own decisions and determinations according to  
16 IC 4-21.5.

17 **Sec. 8. The board may do the following:**

18 (1) Appoint staff (including attorneys who may represent the  
19 board in legal proceedings) subject to IC 4-15-2, necessary for  
20 the performance of the board's duties. However, the staff  
21 director and chief counsel for the board are not subject to  
22 IC 4-15-2.

23 (2) Adopt rules under IC 4-22-2 to carry out this article.

24 (3) Use full-time employees or establish a panel of individuals  
25 to provide mediation services.

26 (4) Contract for the services of private legal counsel to  
27 represent the board in legal proceedings.

28 (5) Contract for the services of other professionals.

29 (6) Designate a board member or other individuals as  
30 administrative law judges.

31 (7) Use the services of volunteers.

32 (8) Issue subpoenas and subpoenas duces tecum.

33 (9) Hold hearings.

34 (10) Do all things necessary to carry out this article.

35 **Sec. 9. Parties negotiating collective bargaining agreements**  
36 **under this article shall use the register of neutrals maintained by**  
37 **the board, unless the parties agree to use another list of neutrals.**  
38 **If the board list is used to appoint an arbitrator, the parties shall**  
39 **determine by lot which party will first delete a name from the list.**  
40 **The parties shall continue by alternately deleting names until one**  
41 **(1) neutral is selected."**

42 Page 5, line 5, delete "2." and insert "3."

43 Page 5, line 5, delete "State and".

44 Page 5, line 5, delete "Safety".

45 Page 5, line 7, after "state" insert "executive branch, state  
46 educational institutions,".

47 Page 5, line 7, delete "all units (as defined)" and insert "eligible

- 1 **political subdivisions."**
- 2 Page 5, delete line 8.
- 3 Page 5, line 11, delete "IC 20-7.5-1-9." and insert "**IC 22-6.5-2-8."**
- 4 Page 5, line 35, delete "a unit," and insert "**an eligible political**
- 5 **subdivision,"**
- 6 Page 5, line 36, delete "police department or the fire department, or
- 7 both." and insert "**eligible political subdivision."**
- 8 Page 5, line 37, after "state," insert "**a school corporation, or a**
- 9 **state educational institution,"**
- 10 Page 5, line 38, delete "state." and insert "**state, school**
- 11 **corporation, or state educational institution."**
- 12 Page 6, line 35, after "the" insert "**bargaining"**
- 13 Page 8, line 7, delete "IC 22-6.5-3-13" and insert "**IC 22-6.5-4-13"**.
- 14 Page 8, line 7, delete "IC 22-6.5-3-23" and insert "**IC 22-6.5-4-23"**.
- 15 Page 8, between lines 40 and 41, begin a new line block indented
- 16 and insert:
- 17 **(5) Maintenance of membership."**
- 18 Page 9, line 24, delete "IC 22-6.5-3" and insert "**IC 22-6.5-4"**.
- 19 Page 9, line 25, delete "IC 22-6.5-5." and insert "**IC 22-6.5-6."**
- 20 Page 9, line 39, delete "IC 36-11-3." and insert "**IC 22-6.5-4."**
- 21 Page 10, line 5, delete "IC 22-6.5-3" and insert "**IC 22-6.5-4"**.
- 22 Page 10, line 6, delete "IC 22-6.5-5." and insert "**IC 22-6.5-6."**
- 23 Page 10, line 11, delete "IC 22-6.5-3" and insert "**IC 22-6.5-4"**.
- 24 Page 10, line 11, delete "IC 22-6.5-5;" and insert "**IC 22-6.5-6;"**.
- 25 Page 10, line 21, delete "IC 22-6.5-3" and insert "**IC 22-6.5-4"**.
- 26 Page 10, line 22, delete "IC 22-6.5-5." and insert "**IC 22-6.5-6"**.
- 27 Page 10, line 29, delete "3." and insert "**4."**
- 28 Page 10, line 29, delete "State and".
- 29 Page 10, line 29, delete "Safety".
- 30 Page 10, line 31, delete "units." and insert "**employers as defined**
- 31 **in IC 22-6.5-1"**.
- 32 Page 11, line 28, delete "IC 22-6.5-2" and insert "**IC 22-6.5-3"**.
- 33 Page 11, line 29, delete "IC 22-6.5-4," and insert "**IC 22-6.5-5"**.
- 34 Page 11, line 29, delete "IC 22-6.5-5" and insert "**IC 22-6.5-6"**.
- 35 Page 12, line 21, delete "IC 22-6.5-2-6" and insert "**IC 22-6.5-3-6"**.
- 36 Page 12, line 21, delete "IC 22-6.5-2-15" and insert "**IC**
- 37 **22-6.5-3-15"**.
- 38 Page 12, line 39, delete "under" and insert "**of"**.
- 39 Page 12, line 40, delete "IC 22-6.5-1-3(3)" and insert "**IC**
- 40 **22-6.5-1-10(a)(1)"**.
- 41 Page 13, line 42, delete "4." and insert "**5."**
- 42 Page 13, line 42, delete "State and".
- 43 Page 13, line 42, delete "Safety".
- 44 Page 15, line 6, delete "fact" and insert "**neutrals"**.
- 45 Page 15, line 7, before "or" delete "finders".
- 46 Page 15, line 7, after "part time" delete "fact finders" and insert

- 1 **"neutrals".**
- 2 Page 15, line 8, delete "IC 20-7.5-1-13" and insert **"IC 22-6.5-2-7"**.
- 3 Page 18, line 37, delete "IC 22-6.5-2" and insert **"IC 22-6.5-3"**.
- 4 Page 18, line 38, delete "IC 22-6.5-2" and insert **"IC 22-6.5-3"**.
- 5 Page 18, line 42, delete "unit (as defined in IC 36-1-2-23)," and
- 6 insert **"county, city (as defined by IC 36-1-2-3), town (as defined by**
- 7 **IC 36-1-2-21), or township (as defined by IC 36-1-2-22),"**.
- 8 Page 19, line 7, delete "unit" and insert **"county, city, town, or**
- 9 **township"**.
- 10 Page 19, line 15, delete "unit (as defined in" and insert **"county,**
- 11 **city, town, or township"**.
- 12 Page 19, line 16, delete "IC 36-1-2-23)".
- 13 Page 19, line 26, delete "unit" and insert **"county, city, town, or**
- 14 **township"**.
- 15 Page 20, line 10, delete "business;" and insert **"business or**
- 16 **conducts governmental affairs;"**.
- 17 Page 20, line 12, delete "5." and insert **"6."**
- 18 Page 20, line 12, delete "State and".
- 19 Page 20, line 12, delete "Safety".
- 20 Page 20, line 14, delete "state and all units (as defined in" and insert
- 21 **"employers set forth in"**.
- 22 Page 20, line 15, delete "IC 36-1-2-23)." and insert **"IC 22-6.5-1)".**
- 23 Page 20, line 16, delete "IC 22-6.5-2" and insert **"IC 22-6.5-3"**.
- 24 Page 20, line 16, delete "IC 22-6.5-4" and insert **"IC 22-6.5-5"**.
- 25 Page 20, line 19, delete "IC 22-6.5-2" and insert **"IC 22-6.5-3"**.
- 26 Page 20, line 19, delete "IC 22-6.5-4" and insert **"IC 22-6.5-5"**.
- 27 Page 20, line 20, delete "IC 22-6.5-2" and insert **"IC 22-6.5-3"**.
- 28 Page 20, line 21, delete "IC 22-6.5-4" and insert **"IC 22-6.5-5"**.
- 29 Page 21, after line 1, begin a new paragraph and insert:
- 30 **"SECTION 7. [EFFECTIVE JULY 1, 2002] 105 IAC 6-3 does not**
- 31 **apply to an individual who is a member of a collective bargaining**
- 32 **unit that has entered into a collective bargaining agreement under**
- 33 **IC 22-6.5 for complaints arising while the agreement is in force.**
- 34 **SECTION 8. [EFFECTIVE UPON PASSAGE] For bargaining**
- 35 **units created under Executive Order 90-6 and extended under**
- 36 **Executive Order 97-8, assignments of employees to those units are**
- 37 **considered to be made by the state personnel director upon passage**
- 38 **of this act.**
- 39 **SECTION 9. [EFFECTIVE UPON PASSAGE] Notwithstanding**
- 40 **IC 22-6.5, as added by this act, an employee organization that is**
- 41 **certified in an election by the public employees relations board**
- 42 **created by Executive Order 90-6 and extended under Executive**
- 43 **Order 97-8 as the exclusive negotiating organization for a**
- 44 **bargaining unit shall be granted recognition as the exclusive**
- 45 **bargaining representative for that unit.**
- 46 **SECTION 10. [EFFECTIVE UPON PASSAGE] (a)**



1 **Notwithstanding IC 22-6.5-2-2, as added by this act, the terms of**  
 2 **the persons initially appointed to the public employees relations**  
 3 **board shall be as follows:**  
 4 (1) **Two (2) members appointed for a term of one (1) year.**  
 5 (2) **One (1) member appointed for a term of two (2) years.**  
 6 (3) **One (1) member appointed for a term of three (3) years.**  
 7 (4) **One (1) member appointed for a term of four (4) years.**  
 8 (b) **The governor shall make the initial appointments to the**  
 9 **public employees relations board by July 1, 2002.**  
 10 (c) **This SECTION expires July 1, 2003.**  
 11 SECTION 11. [EFFECTIVE UPON PASSAGE] (a) **The public**  
 12 **employees relations board established by IC 22-65-2, as added by**  
 13 **this act, shall carry out the board's duties under this act under**  
 14 **interim written guidelines approved by the governor.**  
 15 (b) **This SECTION expires on the earlier of:**  
 16 (1) **the date rules are adopted under IC 22-6.5-2-8(2); or**  
 17 (2) **January 1, 2004.**  
 18 SECTION 12. **An emergency is declared for this act."**  
 19 **Renumber all SECTIONS consecutively.**  
**(Reference is to HB 1220 as printed January 30, 2002.)**

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Representative Adams T