

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WITHDRAWN	Noes _____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

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

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new
- 2           paragraph and insert:
- 3           "SECTION 1. IC 22-5-7 IS ADDED TO THE INDIANA CODE AS
- 4           A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
- 5           PASSAGE]:
- 6           **Chapter 7. Termination of Employment Relationship**
- 7           **Sec. 1. As used in this chapter, "discharge for just cause"**
- 8           **includes separation from employment for any of the following:**
- 9           **(1) A separation initiated by an employer for falsification of**
- 10           **an employment application to obtain employment through**
- 11           **subterfuge.**
- 12           **(2) A knowing violation of a reasonable and uniformly**
- 13           **enforced rule of an employer.**
- 14           **(3) Unsatisfactory attendance, if the individual cannot show**
- 15           **good cause for absences or tardiness.**
- 16           **(4) Failure to perform assigned work duties.**
- 17           **(5) Causing damage to the employer's property through**
- 18           **willful negligence.**
- 19           **(6) Refusing to obey instructions.**
- 20           **(7) Reporting to work under the influence of alcohol or drugs**
- 21           **or consuming alcohol or drugs on employer's premises during**
- 22           **working hours.**
- 23           **(8) Conduct endangering safety of self or coworkers.**

- 1           **(9) Incarceration in jail following conviction of a**
- 2           **misdemeanor or felony by a court with jurisdiction or for any**
- 3           **breach of duty in connection with work that is reasonably**
- 4           **owed an employer by an employee.**
- 5           **Sec. 2. As used in this chapter, "employer" means any**
- 6           **individual or type of organization, including the state and its**
- 7           **political subdivisions, that has in its employ at least one (1)**
- 8           **individual.**
- 9           **Sec. 3. This chapter does not:**
- 10           **(1) affect the terms of a negotiated collective bargaining**
- 11           **agreement or settlement agreement; or**
- 12           **(2) negate a bona fide agreement between an employee and**
- 13           **employer.**
- 14           **Sec. 4. This chapter applies to employees discharged from**
- 15           **employment after March 14, 2012.**
- 16           **Sec. 5. The common law doctrine of employment at will in the**
- 17           **state is hereby abrogated.**
- 18           **Sec. 6. An employee may be discharged only for just cause.**
- 19           **Sec. 7. An employee discharged in violation of this chapter may**
- 20           **institute a civil action against the employee's former employer."**
- 21           Page 1, line 4, delete "Right to Work" and insert "**Labor**
- 22           **Organization Membership"**.
- 23           Page 2, delete lines 41 through 42, begin a new paragraph and
- 24           insert:
- 25           **"Sec. 7. A person may not require an individual to become or**
- 26           **remain a member of a labor organization.**
- 27           **Sec. 8. Nothing in this chapter shall be construed to prohibit**
- 28           **collective bargaining agreements that require the payment of**
- 29           **representation fees."**
- 30           Delete page 3.
- 31           Page 4, delete lines 1 through 4.
- 32           Renumber all SECTIONS consecutively.  
(Reference is to HB 1001 as printed January 12, 2012.)

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Representative Fry C