



INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD

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IEERB Nonrule Policy Document No. 2019-3 Investigations and Complaints involving public meetings

I. Purpose and Scope

In 2019, the General Assembly amended IC 20-29-6-19 to require two public meetings before a tentative collective bargaining agreement (TA) can be ratified. See SCHOOL OFFICERS AND EMPLOYEES—COLLECTIVE BARGAINING, 2019 Ind. Legis. Serv. P.L. 274-2019 (S.E.A. 390). This policy describes the procedures that the Indiana Education Employment Relations Board (IEERB) will take in Unfair Practice complaints when a parallel complaint is filed with the Public Access Counsel (PAC) or a court of competent jurisdiction.

II. Policy

1. An Unfair Practice complaint may be stayed if:
 - a. a parallel complaint has been filed with the PAC or in any court of competent jurisdiction; and
 - b. the complaint alleges non-compliance with the public meetings required by IC 20-29-6-19.
2. A party requesting the stay must submit a motion along with appropriate supporting documentation.
3. The executive director will have discretion to issue the stay or lift the stay based upon:
 - a. The nature of the allegation(s) in the Unfair Practice complaint;
 - b. The nature of the allegation(s) in the parallel complaint;
 - c. The length of time necessary for resolution of the parallel case;
 - d. Other cases filed with IEERB;
 - e. The need for expedited resolution of the Unfair Practice complaint; or
 - f. Any reason necessary for IEERB to carry out its statutory functions.
4. A hearing examiner may issue or lift a stay if requested by a party.
5. Either party may file a copy of an advisory opinion by the PAC in a dispositive motion or as evidence in the hearing.
6. An advisory opinion of the PAC is not binding on IEERB, however, the Hearing Officer and the Board will give deference to the PAC's interpretation of IC 5-14-1.5.

III. Effectiveness

This policy was adopted by the IEERB Board at its August 15, 2019, public board meeting and shall be effective until rescinded by the IEERB Board.