

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1289 be amended to read as follows:

- 1 Between the enacting clause and line 1, begin a new paragraph and
- 2 insert:
- 3 "SECTION 1. IC 4-15-2-35 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 35. (a) Any regular
- 5 employee may file a complaint if his status of employment is
- 6 involuntarily changed or if he deems conditions of employment to be
- 7 unsatisfactory. However, the complaint procedure shall be initiated as
- 8 soon as possible after the occurrence of the act or condition complained
- 9 of and in no event shall be initiated more than thirty (30) calendar days
- 10 after the employee is notified of a change in his status of employment
- 11 or after an unsatisfactory condition of employment is created. Failure
- 12 to initiate the complaint procedure within such time period shall render
- 13 the complaint procedure unavailable to the employee. **The**
- 14 **complaining employee may be accompanied by a representative of**
- 15 **the employee's own choosing, including a union representative, at**
- 16 **each step of the complaint procedure.** The following complaint
- 17 procedure shall be followed:
- 18 Step I: The complaint procedure shall be initiated by a discussion
- 19 of the complaint by the employee and his immediate supervisor
- 20 and, if a mutually satisfactory settlement has not been made
- 21 within two (2) consecutive working days, such complaint may be
- 22 referred to Step II.
- 23 Step II: The complaint shall be reduced to writing and presented

1 to the intermediate supervisor. If a mutually satisfactory
 2 settlement has not been reached within four (4) consecutive
 3 working days, such complaint may then be referred to the
 4 Appointing Authority.

5 Step III: The Appointing Authority or his designated
 6 representative shall hold such hearings and conduct such
 7 investigations as he deems necessary to render a decision and
 8 shall make such decision in writing within ten (10) consecutive
 9 working days.

10 (b) Should the appointing authority or his designated representative
 11 not find in favor of the employee, the complaint may be submitted
 12 within fifteen (15) calendar days to the state personnel director. The
 13 director or his designee shall review the complaint and render a
 14 decision within fifteen (15) calendar days. If the decision is not
 15 agreeable to the employee, an appeal may be submitted by the
 16 employee in writing to the commission no later than fifteen (15)
 17 calendar days from the date the employee has been given notice of the
 18 action taken by the personnel director or his designee. After submission
 19 of the appeal, the commission shall, prior to rendering its decision,
 20 grant the appealing employee and the appointing authority a public
 21 hearing, with the right to be represented and to present evidence. With
 22 respect to all appeals, the commission shall render its decision within
 23 thirty (30) days after the date of the hearing on the appeal. If the
 24 commission finds that the action against the employee was taken on the
 25 basis of politics, religion, sex, age, race or because of membership in
 26 an employee organization, the employee shall be reinstated to his
 27 position without loss of pay. In all other cases the appointing authority
 28 shall follow the recommendation of the commission which may include
 29 reinstatement and payment of salary or wages lost by the employee
 30 which may be mitigated by any wages the employee earned from other
 31 employment during a dismissed or suspended period.

32 (c) If the recommendation of the commission is not agreeable to the
 33 employee, **or if the employee receives an adverse employee decision**
 34 **based upon procedural or substantive merit**, the employee, within
 35 fifteen (15) calendar days from receipt of the commission
 36 recommendation **or adverse employee decision**, may elect to submit
 37 the complaint to arbitration. The cost of arbitration shall be shared
 38 equally by the employee and the state of Indiana. The commissioner of
 39 labor shall prepare a list of three (3) impartial individuals trained in
 40 labor relations, and from this list each party shall strike one (1) name.
 41 The remaining arbitrator shall consider the issues which were
 42 presented to the commission and shall afford the parties a public
 43 hearing with the right to be represented and to present evidence. The
 44 arbitrator's findings and recommendations shall be binding on both
 45 parties and shall immediately be instituted by the commission.

46 (d) **The time limits set forth in subsections (a) and (b) shall be**

1 strictly enforced. The failure of the immediate supervisor, the
 2 intermediate supervisor, the appointing authority or the
 3 appointing authority's designee, or the state personnel director to
 4 answer an employee's complaint within the prescribed period
 5 allows the employee to submit the complaint under the next step set
 6 forth in subsection (a). The failure of the commission to render a
 7 decision on the employee's complaint within the prescribed period
 8 results in the employee's complaint being decided in favor of the
 9 employee. However, the time limits set forth in subsections (a) and
 10 (b) may be extended by mutual agreement of the parties."

11 Page 3, between lines 4 and 5, begin a new paragraph and insert:

12 "SECTION 4. IC 12-24-3-4 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) Each year the
 14 director shall set a salary schedule for each of the educational systems
 15 established in a state institution as provided in subsections (b) and (c).

16 (b) The director shall set a salary schedule by using:

17 (1) a daily rate of pay; **and**

18 (2) **other wage and wage related benefits (including**
 19 **retirement and severance benefits);**

20 for each teacher that equals the rate of pay of the largest school
 21 corporation in the county in which the state institution is located. If the
 22 school corporation in which the state institution is located becomes the
 23 largest school corporation in the county in which the state institution
 24 is located, the daily rate of pay **and other wage and wage related**
 25 **benefits** for each teacher must equal that of the school corporation in
 26 which the institution is located, without regard to whether the school
 27 corporation in which the state institution is located remains the largest
 28 school corporation in the county.

29 (c) The salary schedule set by the director is subject to the approval
 30 of the state personnel department and the budget agency.

31 (d) The director shall prescribe the terms of the annual contract. The
 32 prescribed annual contract shall be awarded to licensed teachers
 33 qualified for payment under the salary schedule prescribed under this
 34 section. The director shall advise the budget agency and the governor

35 of this action.

36 (e) Hours of work for all teachers shall be set in accordance with
 37 IC 4-15-2."

- 1 Renumber all SECTIONS consecutively.
 (Reference is to HB 1289 as printed January 27, 2000.)

Representative Oxley