

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 575 be amended to read as follows:

- 1 Page 2, between lines 6 and 7, begin a new paragraph and insert:
- 2 "SECTION 2. IC 20-26-5-32.2, AS ADDED BY P.L.41-2009,
- 3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 32.2. (a) Notwithstanding IC 22-2-5-1, a
- 5 school corporation and:
- 6 (1) an employee if there is no representative described under
- 7 subdivision (2) or (3) for that employee;
- 8 (2) the exclusive representative of its certificated employees with
- 9 respect to those employees; or
- 10 (3) a labor organization representing its noncertificated
- 11 employees with respect to those employees;
- 12 may agree in writing to a wage payment arrangement.
- 13 (b) A wage payment arrangement under subsection (a) may provide
- 14 that compensation earned during a school year may be paid:
- 15 (1) using equal installments or any other method; and
- 16 (2) over:
- 17 (A) all or part of that school year; or
- 18 (B) any other period that begins not earlier than the first day of
- 19 that school year and ends not later than thirteen (13) months
- 20 after the wage payment arrangement period begins.
- 21 Such an arrangement may provide that compensation earned in a
- 22 calendar year is paid in the next calendar year, so long as all the
- 23 compensation is paid within the thirteen (13) month period beginning
- 24 with the first day of the school year.

- 1 (c) A wage payment arrangement under subsection (a) must be
- 2 structured in such a manner so that it is not considered:
- 3 (1) a nonqualified deferred compensation plan for purposes of
- 4 Section 409A of the Internal Revenue Code; or
- 5 (2) deferred compensation for purposes of Section 457(f) of the
- 6 Internal Revenue Code.
- 7 (d) Absent an agreement under subsection (a), a school corporation
- 8 remains subject to IC 22-2-5-1.
- 9 (e) Wage payments required under a wage payment arrangement
- 10 entered into under subsection (a) are enforceable under IC 22-2-5-2.
- 11 (f) If an employee leaves employment for any reason, either
- 12 permanently or temporarily, the amount due the employee under
- 13 IC 22-2-5-1 and IC 22-2-9-2 is the total amount of wages earned and
- 14 unpaid.
- 15 (g) Employment with a school corporation may not be conditioned
- 16 upon the acceptance of a wage payment arrangement under subsection
- 17 (a).
- 18 (h) An employee may revoke a wage payment arrangement under
- 19 subsection (a) at the beginning of each school year.
- 20 **(i) A wage payment arrangement under this chapter may not**
- 21 **contain any terms beyond those permitted to be bargained under**
- 22 **IC 20-29-6-4."**
- 23 Renumber all SECTIONS consecutively.
(Reference is to ESB 575 as printed April 8, 2011.)

Representative Behning