

# SENATE MOTION

**MADAM PRESIDENT:**

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

- 1           Page 212, between lines 10 and 11, begin a new paragraph and  
2           insert:  
3           "SECTION 167. IC 20-26-5-32.2, AS ADDED BY P.L.41-2009,  
4           SECTION 6, AND AMENDED BY SEA 575-2011, SECTION 2, IS  
5           AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
6           PASSAGE]: Sec. 32.2. (a) Notwithstanding IC 22-2-5-1, a school  
7           corporation and:  
8           (1) an employee if there is no representative described under  
9           subdivision (2) or (3) for that employee;  
10           (2) the exclusive representative of its certificated employees with  
11           respect to those employees; or  
12           (3) a labor organization representing its noncertificated  
13           employees with respect to those employees;  
14           may agree in writing to a wage payment arrangement.  
15           (b) A wage payment arrangement under subsection (a) may provide  
16           that compensation earned during a school year may be paid:  
17           (1) using equal installments or any other method; and  
18           (2) over:  
19           (A) all or part of that school year; or  
20           (B) any other period that begins not earlier than the first day of  
21           that school year and ends not later than thirteen (13) months  
22           after the wage payment arrangement period begins.  
23           Such an arrangement may provide that compensation earned in a  
24           calendar year is paid in the next calendar year, so long as all the  
25           compensation is paid within the thirteen (13) month period beginning  
26           with the first day of the school year.  
27           (c) A wage payment arrangement under subsection (a) must be  
28           structured in such a manner so that it is not considered:  
29           (1) a nonqualified deferred compensation plan for purposes of

- 1           Section 409A of the Internal Revenue Code; or
- 2           (2) deferred compensation for purposes of Section 457(f) of the
- 3           Internal Revenue Code.
- 4           (d) Absent an agreement under subsection (a), a school corporation
- 5           remains subject to IC 22-2-5-1.
- 6           (e) Wage payments required under a wage payment arrangement
- 7           entered into under subsection (a) are enforceable under IC 22-2-5-2.
- 8           (f) If an employee leaves employment for any reason, either
- 9           permanently or temporarily, the amount due the employee under
- 10          IC 22-2-5-1 and IC 22-2-9-2 is the total amount of wages earned and
- 11          unpaid.
- 12          (g) Employment with a school corporation may not be conditioned
- 13          upon the acceptance of a wage payment arrangement under subsection
- 14          (a).
- 15          (h) An employee may revoke a wage payment arrangement under
- 16          subsection (a) at the beginning of each school year.
- 17          (i) ~~A wage payment arrangement under this chapter may not contain~~
- 18          ~~any terms beyond those permitted to be bargained under~~
- 19          ~~IC 20-29-6-4."~~
- 20          Renumber all SECTIONS consecutively.  
            (Reference is to EHB 1001 as printed April 19, 2011.)

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Senator TALLIAN