

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 575 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 5-14-1.5-6.5, AS AMENDED BY P.L.1-2005,
4 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 6.5. (a) Whenever a governing body, or any
6 person authorized to act for a governing body, meets with an employee
7 organization, or any person authorized to act for an employee
8 organization, for the purpose of collective bargaining or discussion, the
9 following apply:
10 (1) Any party may inform the public of the status of collective
11 bargaining or discussion as it progresses by release of factual
12 information and expression of opinion based upon factual
13 information.
14 (2) If a mediator is appointed, any report the mediator may file at
15 the conclusion of mediation is a public record open to public
16 inspection.
17 (3) If a factfinder is appointed, any hearings the factfinder holds
18 must be open at all times for the purpose of permitting members
19 of the public to observe and record them. Any findings and
20 recommendations the factfinder makes are public records open to
21 public inspection as provided by ~~IC 20-29-8-13~~ or any other
22 applicable statute relating to factfinding in connection with public
23 collective bargaining.
24 (b) This section supplements and does not limit any other provision
25 of this chapter."
26 Page 5, between lines 21 and 22, begin a new paragraph and insert:
27 "SECTION 7. IC 20-29-3-12, AS ADDED BY P.L.1-2005,
28 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2011]: Sec. 12. The board shall organize the board's staff to
30 provide for the functions of:

- 1 (1) unit determination;
 2 (2) unfair labor practice processing;
 3 (3) conciliation and mediation;
 4 (4) factfinding; ~~and~~
 5 (5) **arbitration; and**
 6 (6) research."

7 Page 8, delete lines 5 through 42, begin a new paragraph and insert:
 8 "SECTION 14. IC 20-29-6-13, AS ADDED BY P.L.1-2005,
 9 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2011]: Sec. 13. At any time after ~~the one hundred eighty (180)~~
 11 ~~days described in section 12 of this chapter has begun; at least sixty~~
 12 **(60) days following the beginning of bargaining collectively**
 13 **between the parties**, the board shall appoint ~~a mediator an arbitrator~~
 14 **from the board's staff** if either party declares an impasse ~~either:~~

- 15 (1) in the scope of the items that are to be bargained collectively;
 16 or
 17 (2) on the substance of any item to be bargained collectively.

18 If after five (5) days the mediator is unsuccessful in finding a solution
 19 to the problems or in causing the parties to reach agreement, either
 20 party may request the board to initiate factfinding on the items that the
 21 parties are obligated to bargain collectively: **in the collective**
 22 **bargaining process."**

23 Page 9, delete lines 1 through 12.

24 Page 10, between lines 3 and 4, begin a new paragraph and insert:
 25 "SECTION 17. IC 20-29-8-12, AS ADDED BY P.L.1-2005,
 26 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2011]: Sec. 12. The board shall pay the following: (1) ~~The~~
 28 ~~compensation and expenses of any mediator or factfinder.~~ (2) ~~The~~ cost
 29 of an arbitrator, which shall be reimbursed equally by the two (2)
 30 parties under procedures for collection and payment established by the
 31 board.

32 SECTION 18. IC 20-29-8-15 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2011]: **Sec. 15. If an agreement has not been**
 35 **reached on the items to be bargained collectively before the**
 36 **existing agreement expires:**

- 37 (1) **the arbitration process under section 16 of this chapter**
 38 **commences; and**
 39 (2) **the terms of the existing contract continue until a new**
 40 **contract is determined under section 16 of this chapter.**

41 SECTION 19. IC 20-29-8-16 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS
 43 [EFFECTIVE JULY 1, 2011]: **Sec. 16. (a) If either party requests an**
 44 **arbitrator under IC 20-29-6-13 or if the existing contract expires,**
 45 **the board shall appoint an arbitrator to:**

- 46 (1) **conduct hearings;**

- 1 **(2) mediate between the parties; and**
2 **(3) render a decision establishing a contract, if necessary.**
3 **(b) The arbitrator shall hold public hearings for five (5) days in**
4 **a public room owned by the county that is located in the county in**
5 **which the school employer is located, or, if the school employer is**
6 **located in more than one (1) county, in the county in which the**
7 **greatest number of students who attend the school employer reside.**
8 **The public hearings must begin not less than thirty (30) days after**
9 **a party requests the appointment of an arbitrator. During the**
10 **public hearings, each party shall present fully its position on**
11 **bargainable items for the contract, with each item considered for**
12 **its impact on the school employer's financial position. Only general**
13 **operating funds under the state funding formula may be**
14 **considered as a source of funding for items, unless the school**
15 **funding formula allows other funds to be used for certain items. A**
16 **bargainable item, or more than one (1) bargainable item taken**
17 **together, may not cause a school employer to engage in deficit**
18 **financing.**
19 **(c) After the public hearings under subsection (b) conclude, the**
20 **arbitrator shall hold not more than five (5) days of private**
21 **meetings between the parties, mediating between the parties to**
22 **reconcile the differences in the positions the parties hold on**
23 **bargainable items. During the meetings under this subsection,**
24 **neither the parties nor the arbitrator may make a public statement**
25 **on the discussions held during the meetings.**
26 **(d) If after five (5) days of meetings under subsection (c) the**
27 **parties have not agreed upon a contract, the arbitrator shall, not**
28 **later than five (5) days after the conclusion of the meetings, issue**
29 **an order establishing the terms of the contract, which may not**
30 **require the school employer to engage in deficit financing. The**
31 **parties shall accept the arbitrator's decision as the contract**
32 **between the parties."**

33 Page 10, line 34, after "IC 20-29-2-17;" insert "IC 20-29-3-12;
34 IC 20-29-3-13;"

- 1 Page 10, line 35, delete "IC 20-29-6-15." and insert "IC 20-29-6-15;
- 2 IC 20-29-6-16; IC 20-29-6-17; IC 20-29-8-1; IC 20-29-8-2;
- 3 IC 20-29-8-3; IC 20-29-8-4; IC 20-29-8-5; IC 20-29-8-6; IC 20-29-8-7;
- 4 IC 20-29-8-8; IC 20-29-8-9; IC 20-29-8-10; IC 20-29-8-11;
- 5 IC 20-29-8-13; IC 20-29-8-14."
- 6 Renumber all SECTIONS consecutively.
(Reference is to SB 575 as printed January 28, 2011.)

Senator KENLEY