

SENATE MOTION

MADAM PRESIDENT:

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

- 1 Page 4, between lines 28 and 29, begin a new paragraph and insert:
2 **"Sec. 14. (a) As used in this section, "agreement" refers to an**
3 **oral or written agreement, and includes an agreement that results**
4 **from a contractual alternative dispute resolution proceeding.**
5 **(b) Notwithstanding sections 8 through 12 of this chapter, an**
6 **employer may file a written election with the department of labor**
7 **stating that the employer elects not to be covered by this chapter.**
8 **Upon the filing of an election under this section, the employer and**
9 **a labor organization that represents any of the employer's**
10 **employees are not subject to the prohibitions and penalties of this**
11 **chapter.**
12 **(c) An election made under this section remains in effect:**
13 **(1) for one (1) year after the date the election is filed, unless**
14 **the employer is a party to an agreement with a labor**
15 **organization; and**
16 **(2) if an agreement between the employer and a labor**
17 **organization is in effect, the election continues through the**
18 **term of the agreement.**
19 **(d) An employer may revoke an election made under this section**
20 **by submitting a written revocation to the department of labor**
21 **stating that the employer elects to be covered by this chapter. An**
22 **employer may not revoke its election during the term of an**
23 **agreement with a labor organization. If an agreement with a labor**
24 **organization is in effect, the employer may submit a written**
25 **revocation of its election with the department of labor not:**
26 **(1) more than ninety (90) days; and**
27 **(2) less than sixty (60) days;**
28 **before the expiration of the agreement. The revocation becomes**
29 **effective upon the expiration of the agreement.**
30 **(e) An employer may assign its right to make the election**

1 provided for in this section to a multi-employer association to
2 which the employer has assigned its bargaining rights. Such an
3 assignment must be set forth in a written document signed by the
4 employer.

5 (f) All elections, revocations, assignments, and communications
6 between an employer and the department of labor under this
7 section are public records subject to IC 5-14-3."

(Reference is to EHB 1001 as printed January 30, 2012.)

Senator SIMPSON