
SENATE BILL No. 102

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-29-7-1; IC 22-6-7; IC 36-8-22-11.

Synopsis: Release time for public employee union activities. Provides that an employee of the state or a political subdivision may be compensated only for the performance of duties and activities that directly and primarily benefit the employee's employer or the general public. Provides that the state or a political subdivision may not enter into an employment contract that provides compensation to a public employee for performing labor organization activities. Provides that a public employee or a labor organization may not enter into a formal or informal agreement with a public employer to provide compensation to a public employee or a third party for performing labor organization activities. Provides that the state or a political subdivision may not provide compensation, and an employee may not knowingly receive compensation, for a leave given or taken for the purpose of performing labor organization activities. Provides that the attorney general or any taxpaying resident of the state may institute a civil action to enjoin violations of these provisions. Provides that any taxpaying resident of the state has standing to intervene in an action challenging the validity of these provisions.

Effective: July 1, 2013.

Banks, Kruse

January 7, 2013, read first time and referred to Committee on Pensions and Labor.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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SENATE BILL No. 102



A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-29-7-1, AS AMENDED BY P.L.48-2011,
- 2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 1. (a) It is an unfair practice for a school employer
- 4 to do any of the following:
- 5 (1) Interfere with, restrain, or coerce school employees in the
- 6 exercise of the rights guaranteed in IC 20-29-4.
- 7 (2) Dominate, interfere, or assist in the formation or
- 8 administration of any school employee organization or contribute
- 9 financial or other support to the organization. ~~Subject to rules~~
- 10 ~~adopted by the governing body, a school employer may permit~~
- 11 ~~school employees to confer with the school employer or with any~~
- 12 ~~school employee organization during working hours without loss~~
- 13 ~~of time or pay.~~
- 14 (3) Encourage or discourage membership in any school employee
- 15 organization through discrimination in regard to:
- 16 (A) hiring;
- 17 (B) tenure of employment; or



- 1 (C) any term or condition of employment.
 2 (4) Discharge or otherwise discriminate against a school
 3 employee because the employee has filed a complaint, affidavit,
 4 petition, or any information or testimony under this article.
 5 (5) Refuse to:
 6 (A) bargain collectively; or
 7 (B) discuss;
 8 with an exclusive representative as required by this article.
 9 (6) Fail or refuse to comply with any provision of this article.
 10 (b) If:
 11 (1) a complaint is filed that alleges an unfair practice has occurred
 12 with respect to a subject that may be discussed under this article;
 13 and
 14 (2) the complaint is found to be frivolous;
 15 the party that filed that complaint is liable for costs and attorney's fees.
 16 SECTION 2. IC 22-6-7 IS ADDED TO THE INDIANA CODE AS
 17 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2013]:
 19 **Chapter 7. Release Time for Labor Organization Activities**
 20 **Sec. 1. (a) This chapter applies to the following:**
 21 **(1) An employee of the state.**
 22 **(2) An employee of a political subdivision.**
 23 **(b) This chapter does not apply to the following:**
 24 **(1) An employee of the United States or a wholly owned**
 25 **corporation of the United States.**
 26 **(2) An employee or employer subject to the federal Railway**
 27 **Labor Act (45 U.S.C. 151 et seq.).**
 28 **(3) An employee employed on property over which the United**
 29 **States government has exclusive jurisdiction for the purposes**
 30 **of labor relations.**
 31 **Sec. 2. As used in this chapter, "compensation" means money,**
 32 **a thing of value, or an economic benefit conferred on, or received**
 33 **by, any person in return for services rendered, or for services to be**
 34 **rendered, whether by that person or another.**
 35 **Sec. 3. As used in this chapter, "labor organization" means any**
 36 **of the following that exists primarily to assist employees in**
 37 **negotiating with employers concerning grievances, labor disputes,**
 38 **wages, rates of pay, or other terms or conditions of employment:**
 39 **(1) An organization.**
 40 **(2) An agency.**
 41 **(3) A union.**
 42 **(4) An employee representation committee.**

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1 **Sec. 4.** As used in this chapter, "labor organization activities"
2 means actions taken or acts performed by a labor organization, its
3 agents, or its representatives to:

4 (1) assist employees in negotiating with employers concerning
5 grievances, labor disputes, wages, rates of pay, or other terms
6 or conditions of employment; or

7 (2) enforce, fulfill, or advance the labor organization's
8 purposes, obligations, external relationships, or internal
9 policies or procedures.

10 **Sec. 5.** As used in this chapter, "political subdivision" has the
11 meaning set forth in IC 36-1-2-13.

12 **Sec. 6.** As used in this chapter, "public employee" refers to
13 either, or both, of the following:

14 (1) An employee of the state.

15 (2) An employee of a political subdivision.

16 **Sec. 7.** As used in this chapter, "public employer" refers to
17 either, or both, of the following:

18 (1) The state.

19 (2) A political subdivision.

20 **Sec. 8.** As used in this chapter, "state" means any of the
21 following:

22 (1) A board, branch, bureau, commission, committee,
23 department, division, agency, institution, authority, office, or
24 instrumentality of state government that exercises any
25 executive powers.

26 (2) Any statewide elected official.

27 (3) A body corporate and politic of the state created by state
28 statute.

29 **Sec. 9.** A public employee may be compensated only for the
30 performance of duties and activities that directly and primarily
31 benefit the employee's public employer or the general public.

32 **Sec. 10.** (a) A public employer may not enter into an
33 employment contract that provides compensation to a public
34 employee for performing labor organization activities.

35 (b) A public employee or a labor organization may not enter
36 into a formal or informal agreement with a public employer to
37 provide compensation to a public employee or a third party for
38 performing labor organization activities.

39 **Sec. 11.** (a) A public employer may not provide compensation to
40 a public employee for a leave given or taken for the purpose of
41 performing labor organization activities.

42 (b) A public employee may not knowingly receive compensation

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1 from a public employer for a leave given or taken for the purpose
2 of performing labor organization activities.

3 Sec. 12. If a public employer or a public employee has engaged
4 in or is about to engage in an act that constitutes, or will constitute,
5 a violation of this chapter, the attorney general or any taxpaying
6 resident of the state may institute a civil action in the circuit or
7 superior court in the county in which the violation occurred, or is
8 about to occur, seeking any of the following:

- 9 (1) A permanent or temporary injunction.
- 10 (2) A restraining order.
- 11 (3) Another appropriate order.

12 Sec. 13. Sections 9 through 12 of this chapter:

- 13 (1) apply to a written or oral contract or agreement entered
14 into, modified, renewed, or extended after June 30, 2013; and
- 15 (2) do not apply to abrogate a written or oral contract or
16 agreement in effect on July 1, 2013.

17 Sec. 14. (a) The provisions of this chapter are severable as
18 provided in IC 1-1-1-8.

19 (b) Any taxpaying resident of the state has standing to intervene
20 in an action in which the validity of any provision of this chapter
21 is challenged.

22 SECTION 3. IC 36-8-22-11, AS ADDED BY P.L.48-2007,
23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2013]: Sec. 11. An employer may not do the following:

- 25 (1) Interfere with, restrain, or coerce employees in the exercise of
26 the rights guaranteed under this chapter.
- 27 (2) Dominate, interfere with, or assist in the formation or
28 administration of an employee organization, or contribute
29 financial or other support to an employee organization. ~~However,~~
30 ~~an employer may permit employees to meet and confer and~~
31 ~~represent employee interests during working hours without loss~~
32 ~~of time or pay.~~
- 33 (3) Discriminate in regard to hiring or conditions of employment
34 to encourage or discourage membership in an employee
35 organization.
- 36 (4) Discharge or otherwise discriminate against an employee
37 because the employee has filed a complaint, an affidavit, or a
38 petition or has given information or testified under this chapter.
- 39 (5) Refuse to meet and confer in good faith with an exclusive
40 recognized representative.

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