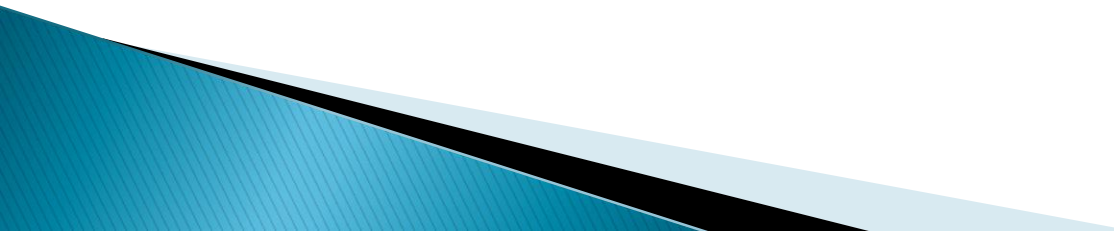


# 2011 Indiana Legislative Update

# HEA 1001

- ▶ Budget bill that has the state employee modernization legislation. It only affects state employees. Creates classified and unclassified employees. All employees are unclassified, unless federal law or federal regulations provide that they must be classified (“merit”) employees. Provides for just cause protections for classified employees only. Remainder are on at will basis, meaning that they serve at the pleasure of the appointing authority and can be dismissed, demoted, disciplined or transferred for any reason that does not contravene public policy. Requires annual performance appraisals. Protects high performing employees in lay off cases. Reduces grievance steps to 3 (agency head, SPD and SEAC). Provides that collective bargaining between the state and employee organizations and strikes by state employees are illegal. Sends RTW to a study committee.

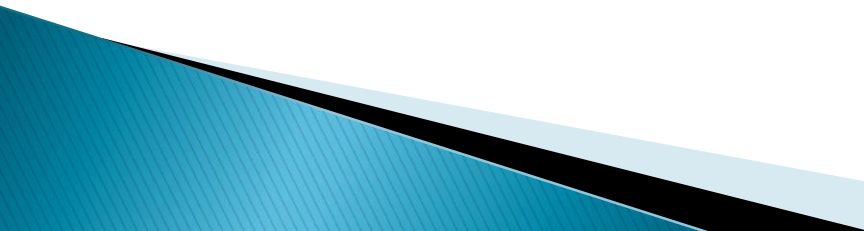
# HEA 1203

- ▶ An individual's right to vote by secret ballot in and employer's right to engage in a campaign in connection with an election that is required or permitted by Indiana or federal law for the designation, authorization or retention of employee representation is guaranteed, unless there is a conflict with the National Labor Relations Act or another federal law or regulation concerning labor relations or labor organizations. It provides that results of an election that violates these rights is void.
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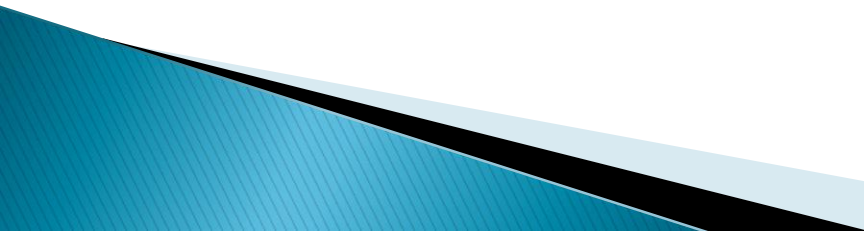
# HEA 1216

- ▶ Prevailing Wage (Common Construction Wage here in Indiana). Sends PLAs and classification of employees under CCW (determination of skilled, semi-skilled or unskilled) to a summer study committee. Eliminates the governor from appointing a CCW committee member and instead gives appointment power to the president of the Associated Builders and Contractors (ABC) of Indiana. Raises the application of CCW from \$150,000 to \$250,000 beginning January 1, 2012, and to \$350,000 beginning January 1, 2013. Requires the committee to consider any reports submitted by the Indiana State Building and Trades Council as well as the ABC of Indiana. Prohibits a public works contract to be divided into 2 or more projects to avoid the application of the chapter. Makes it a Class A infraction to violate the “no project splitting” requirement and adds 2 year debarment to the penalty.

# HEA 1538 and SEA 590

- ▶ HEA 1538 – Prohibits a municipal entity from establishing a minimum (“living”) wage that exceeds the Indiana or federal minimum wage.
  - ▶ SEA 590 – Generally requires E-Verify to be used by employers. Any employer that hires illegal aliens is denied the right to deduct those expenses on its state tax return. Any contractor for the state has to use E-Verify. No illegal alien is permitted to use certain state benefits or get in-state tuition.
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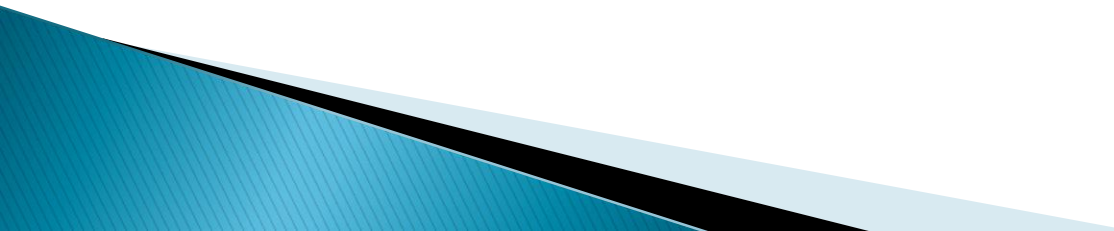
# SEA 575

- *Temporary Teacher*: Extends the use of temporary teacher contracts to hiring for positions funded by grants outside the school funding formula.
  - *Wage payments*: Provides that wage payment arrangements may not contain terms beyond those permitted to be bargained.
  - *Cancellation*: Provides that the statutory procedures for refusing to continue or canceling a teacher contract may not be modified by a collective bargaining agreement.
  - *Committee Representation*: Limits the number of teachers the exclusive representative may appoint to serve on statutory or locally created district-wide and school-wide committees of a school corporation.
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# SEA 575 (cont'd)

- *Contracts*: Provides that an agreement may not include provisions that limit a school employer's ability to restructure schools that do not meet federal or state accountability standards or that limit a school employer's ability to enter into programs that offer postsecondary credit or dual credits to students. An agreement may not extend beyond December 31 of the year at the end of a state budget biennium. Certain subjects may not be bargained collectively, including prohibited subjects and items that lead to deficit financing. Certain items are removed from the list of discussion subjects between a school employer and an exclusive representative. Collective bargaining begins before August 1 in the first year of the state budget biennium.
- *Unfair Labor Practice*: Provides that if a complaint is filed alleging an unfair practice concerning a subject of discussion and is found to be frivolous, the complaining party is liable for costs and attorney's fees.

# SEA 575 (cont'd)

- *Mediation and fact finding*: Modifies the mediation process and establishes a process for fact finding.
  - *Capital Projects Fund*: Would allow schools to continue to use the capital project fund for some utilities and property insurance.
  - *Repeals*: Repeals provisions concerning minimum salary and salary increments for teachers, the definition of “submission date” and a provision allowing the statutory procedures for refusing to continue or canceling a teacher contract to be modified by an agreement and certain provisions concerning mediation and fact finding.
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# Proposed legislation that did not pass

## ▶ HB 1028

- Makes it a Class A misdemeanor for an employer to require an individual to become or remain a member of a labor organization, pay dues, fees or other charges to a labor organization or to pay to a charity or other third party an amount that represents dues, fees or other charges required of members of a labor organization, as a condition of employment or continuation of employment. Establishes a separate private right of action for violations or threatened violations.

## ▶ HB 1043

- Makes it a Class A misdemeanor to require an individual to become or remain a member of a labor organization, pay dues, fees or other charges to a labor organization or to pay to a charity or other third party an amount that represents dues, fees or other charges required of members of a labor organization, as a condition of employment or continuation of employment. Establishes a separate private right of action for violations or threatened violations.

# Proposed legislation that did not pass

- ▶ **HB 1085**
  - Provides for paid leave for state employees and police reserve officers when responding to a disaster declared either by the Red Cross or the Department of Homeland Security.
- ▶ **HB 1130**
  - Requires all regulatory agencies, subject to some exceptions, to issue warnings to first time offenders rather than impose fines.
- ▶ **HB 1167**
  - Requires the employer of a parent to provide parenting time to an employee parent if a court has ordered parenting time during the employee's regularly scheduled hours of employment. Provides for enforcement by the Commissioner of Labor.

# Proposed legislation that did not pass

## ▶ HB 1295

- Provides that specifications for public works projects must be written to encourage free, open and competitive bidding and must refrain from calling for unique or proprietary materials. Provides that a person who prepared, participated in the preparation of or conferred any property on another person who prepared or participated in the preparation of the specifications for a public works project may not be awarded a contract for the public works project. Provides that if the attendance of a bidder at a pre-bid meeting or conference is a condition to the acceptance of a bid from that bidder, the date and time of the pre-bid meeting or conference must be published in the same fashion and for the same period as the board must advertise the date for receiving bids, as well as additional requirements.

## ▶ HB 1442

- Provides that certain employees of certain employers are entitled to take: (1) 24 hours of paid leave; and (2) 16 hours of unpaid leave; in a 12 month period.

# Proposed legislation that did not pass

## ▶ HB 1468

- Makes it a Class A misdemeanor for an employer to require an individual to become or remain a member of a labor organization, pay dues, fees or other charges to a labor organization or to pay to a charity or other third party an amount that represents dues, fees or other charges required of members of a labor organization, as a condition of employment or continuation of employment. Establishes a separate private right of action for violations or threatened violations. Exempts individuals employed in the construction industry, employed by the United States or subject to the federal Railway Labor Act.

## ▶ SB 162

- Increases the penalties imposed on an employer whose violation of the state common construction wage law or minimum wage law involves an employee who is an illegal alien. Provides that a determination by a federal immigration agency that an alien has come to, entered or remained in the United States in violation of law creates a rebuttable presumption that the alien is in the United States in violation of law.

# Proposed legislation that did not pass

## ▶ SB 170

- Requires a local government unit that employs an individual as a police officer, county police officer or sheriff who is disabled in the line of duty to offer to provide and pay for certain health coverage for the individual and the individual's spouse, surviving spouse, and certain children.

## ▶ SB 391

- Provides that an employer may not inquire whether an employee or potential employee has been: (1) arrested or charged with a misdemeanor or felony that did not lead to a conviction; (2) convicted of or pleaded guilty to a misdemeanor if five years have passed since the date the person completes the person's sentence and satisfies any other obligations imposed on the person as a part of the sentence; or (3) adjudicated a delinquent for an act that would have been a crime if committed by an adult.

# Proposed legislation that did not pass

## ▶ SB 395

- Makes it a Class A misdemeanor to require an individual to become or remain a member of a labor organization, pay dues, fees or other charges to a labor organization or to pay to a charity or other third party an amount that represents dues, fees or other charges required of members of a labor organization, as a condition of employment or continuation of employment. Establishes a separate private right of action for violations or threatened violations.

## ▶ SB 426

- Provides that school employers and non-certificated school employees have the right and obligation to discuss certain topics related to school employment and may (but are not required to) bargain collectively, negotiate, be subject to or enter into impasse procedures, or enter into a written contract. Provides that items included in a 2004–2005 agreement or a subsequent agreement between a school employer and employee organization of non-certificated school employees continue to be bargainable.

# Proposed legislation that did not pass

## ▶ SB 542

- Provides that a state employee may not make a wage assignment for the purpose of making a contribution or payment to be used for political activities. Removes a provision that allows an employee to make a wage assignment to pay dues to a labor organization to which the employee belongs. Repeals a provision that requires a school employer to deduct dues for the school employee organization from a school employee's pay and remit to a school employee organization.