

HOUSE BILL No. 1087

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-6-7.

Synopsis: Prohibition on labor peace agreements. Provides that a statute, ordinance, or regulation of the state or a political subdivision may not: (1) impose a contract, zoning, permitting, licensing, or other condition that requires an employer, multiemployer association, or employee to waive rights under the federal National Labor Relations Act; and (2) require an employer or multiemployer association to accept or otherwise agree to a provision that is a mandatory or nonmandatory subject of collective bargaining under federal labor law. Provides for injunctive relief.

Effective: July 1, 2014.

Gutwein

January 9, 2014, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1087

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 22-6-7 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]:

4 **Chapter 7. Labor Peace Prohibition**

5 **Sec. 1. As used in this chapter, "employee" means a natural**
6 **person who performs services for an employer for valuable**
7 **consideration but does not include a self-employed independent**
8 **contractor.**

9 **Sec. 2. As used in this chapter, "employer" means a natural**
10 **person, association, or legal or commercial entity receiving services**
11 **from an employee, and in return for the services, gives**
12 **compensation of any kind to the employee.**

13 **Sec. 3. As used in this chapter, "federal labor law" means:**
14 **(1) the federal National Labor Relations Act (29 U.S.C. 151 et**
15 **seq.);**
16 **(2) the federal Labor Management Relations Act, as amended,**



- 1 (29 U.S.C. 141 et seq.);
 2 (3) presidential executive orders;
 3 (4) federal administrative regulations relating to:
 4 (A) labor and management; or
 5 (B) employer and employee;
 6 issues; and
 7 (5) the Constitution of the United States, as amended.

8 Sec. 4. As used in this chapter, "labor organization" has the
 9 meaning set forth in the federal National Labor Relations Act (29
 10 U.S.C. 152(5)).

11 Sec. 5. As used in this chapter, "multiemployer association"
 12 means a bargaining unit composed of independent employers that
 13 associate together to negotiate jointly with one (1) or more labor
 14 organizations representing the employees of the independent
 15 employers within the bargaining unit.

16 Sec. 6. As used in this chapter, "political subdivision" has the
 17 meaning set forth in IC 36-1-2-13, and includes an agency or
 18 instrumentality of the political subdivision.

19 Sec. 7. As used in this chapter, "state" means the state of
 20 Indiana and includes an agency or instrumentality of the state.

21 Sec. 8. A statute, ordinance, or regulation of the state or a
 22 political subdivision may not impose a contract, zoning, permitting,
 23 licensing, or other condition that requires an employer,
 24 multiemployer association, or employee to waive rights under the
 25 federal National Labor Relations Act (29 U.S.C. 151 et seq.).

26 Sec. 9. A statute, ordinance, or regulation of the state or a
 27 political subdivision may not require, in whole or in part, an
 28 employer or multiemployer association to accept or otherwise
 29 agree to a provision that is a mandatory or nonmandatory subject
 30 of collective bargaining under federal labor law, including:

- 31 (1) a limitation on the right of an employer or multiemployer
 32 association to engage in collective bargaining with a labor
 33 organization;
 34 (2) locking out employees; or
 35 (3) operating during a work stoppage.

36 Sec. 10. This chapter shall be interpreted and enforced
 37 consistent with the National Labor Relations Act (29 U.S.C. 151 et
 38 seq.).

39 Sec. 11. Any agreement, contract, understanding, or practice,
 40 written or oral, implied or expressed, between an employer or
 41 multiemployer association and a labor organization required by
 42 the state or a political subdivision in violation of this chapter is



1 **declared to be unlawful, null, and void, and of no legal effect. An**
2 **agreement, contract, understanding, or practice between an**
3 **employer or multiemployer association and a labor organization**
4 **required by the state or a political subdivision in violation of this**
5 **chapter that is in effect before July 1, 2014, remains in force until**
6 **the expiration of the agreement, contract, understanding, or**
7 **practice.**

8 **Sec. 12. An employer, multiemployer association, or employee**
9 **may seek injunctive relief in any court with jurisdiction in the**
10 **county in which:**

11 **(1) the employer or multiemployer association is located; or**
12 **(2) the employee resides;**
13 **in order to prevent the state or a political subdivision or another**
14 **person or party from violating this chapter.**

