



January 7, 2022

SENATE BILL No. 76

DIGEST OF SB 76 (Updated January 5, 2022 10:40 am - DI 140)

Citations Affected: IC 22-1; IC 36-8.

Synopsis: Meet and confer for public safety employees. Allows an employer or an exclusive recognized representative of full-time employees of a police or fire department (exclusive representative) to request, in specified circumstances, an advisory opinion from the commissioner of labor (commissioner). Specifies a process by which an employer or exclusive representative may appeal in certain instances to the commissioner to request mediation and conciliation. Makes technical corrections and a conforming amendment.

Effective: July 1, 2022.

Boots

January 4, 2022, read first time and referred to Committee on Pensions and Labor.
January 6, 2022, reported favorably — Do Pass.

SB 76—LS 6238/DI 144



January 7, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 76

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 22-1-1-8, AS AMENDED BY P.L.6-2012,
2 SECTION 149, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2022]: Sec. 8. The commissioner of labor may
4 do the following:
5 (1) Make or cause to be made all necessary inspections to see that
6 all of the laws and rules enacted or adopted for that purpose and
7 that the department is required to enforce are promptly and
8 effectively administered and executed.
9 (2) Collect, collate, and publish statistical and other information
10 relating to working conditions in this state and to the enforcement
11 of this chapter and such rules as may be necessary to the
12 advancement of the purposes of this chapter, but no publicity of
13 any information involving the name or identity of any employer,
14 employee, or other person, firm, limited liability company, or
15 corporation shall be given. It shall be unlawful for the
16 commissioner or any person to divulge, or to make known in any
17 way not provided by law, to any person the operation, style of

SB 76—LS 6238/DI 144



1 work, or apparatus of any employer, or the amount or sources of
 2 income, profits, losses, expenditures, or any part thereof obtained
 3 by ~~him~~ **the commissioner** in the discharge of ~~his~~ **the**
 4 **commissioner's** official duties.

5 (3) Except as otherwise provided by law, employ, promote, and
 6 remove clerks, inspectors, and other employees as needed or as
 7 the service of the department of labor may require, and with the
 8 approval of the governor, within the appropriation therefor, fix
 9 their compensation and ~~to~~ assign to them their duties.

10 (4) Promote the voluntary arbitration, mediation, and conciliation
 11 of disputes between employers and employees, for the purpose of
 12 avoiding strikes, lockouts, boycotts, blacklists, discrimination,
 13 and legal proceedings in matters of employment. The
 14 commissioner may appoint temporary boards of arbitration,
 15 provide for the payment of the necessary expenses of the boards,
 16 order reasonable compensation paid to each member engaged in
 17 arbitration, prescribe and adopt rules of procedure for arbitration
 18 boards, conduct investigations and hearings, publish reports and
 19 advertisements, and do all other things convenient and necessary
 20 to accomplish the purpose of this chapter. The commissioner may
 21 designate an employee of the department to act as chief mediator
 22 and may detail other employees, from time to time, to act as the
 23 commissioner's assistants for the purpose of executing this
 24 chapter. Any employee of the department who may act on a
 25 temporary board shall serve without extra compensation.

26 **(5) Render advisory opinions as provided in IC 36-8-22-12.**

27 SECTION 2. IC 36-8-22-12, AS ADDED BY P.L.48-2007,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2022]: Sec. 12. (a) An exclusive recognized representative of
 30 the employees of an employer that elects to meet and confer with an
 31 employer must notify the employer in writing that the exclusive
 32 recognized representative intends to exercise its rights under this
 33 chapter.

34 (b) Except as provided by section 13 of this chapter, an employer
 35 who has received a written notice under subsection (a) shall meet and
 36 confer in good faith at reasonable times, including meeting in advance
 37 of the budget making process, to discuss issues and proposals regarding
 38 wages, hours of employment, and other conditions and terms of
 39 employment with the exclusive recognized representative.

40 **(c) If the employer and exclusive recognized representative are**
 41 **unable to reach an agreement concerning the issues listed in**
 42 **subsection (b), either party may request an advisory opinion from**



1 the commissioner of labor or the commissioner's designee.
2 However, the commissioner of labor may not consider the
3 following issues when rendering an advisory opinion under this
4 subsection:

- 5 (1) Discipline.
6 (2) Individual grievances.
7 (3) Any other issue that the commissioner considers
8 inappropriate.

9 (d) If the employer or the exclusive recognized representative is
10 not satisfied with the process under this section, either party may
11 appeal to the commissioner of labor to request mediation and
12 conciliation under IC 22-1-1-8(4).

13 (e) If the employer or the exclusive recognized representative
14 makes an appeal under subsection (d), the commissioner of labor
15 shall appoint, within thirty (30) days of the request, a temporary
16 board or designee to:

- 17 (1) hear arguments from both parties; and
18 (2) issue a written recommendation for resolution.

19 (f) The administrative cost of the meeting under subsection (b),
20 advisory opinion under subsection (c), and mediation under
21 subsections (d) and (e) must be:

- 22 (1) divided equally between; and
23 (2) paid by;

24 the employer and the exclusive recognized representative.

25 (g) The parties must pay the administrative costs for an
26 advisory opinion under subsection (c) or a mediation under
27 subsections (d) and (e) to the department of labor within ten (10)
28 days after the commissioner issues an advisory opinion or written
29 recommendation.

30 (h) The department of labor shall transfer any amounts received
31 under subsection (g) for an advisory opinion or mediation to the
32 treasurer of state for deposit in the state general fund.



COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 76, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 76 as introduced.)

BOOTS, Chairperson

Committee Vote: Yeas 9, Nays 0

