



February 17, 2022

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## ENGROSSED SENATE BILL No. 76

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DIGEST OF SB 76 (Updated February 17, 2022 9:15 am - DI 141)

**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.

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### Boots, Doriot, Young M, Niezgodski

(HOUSE SPONSORS — FRYE R, CLERE, MORRIS, GORE)

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January 4, 2022, read first time and referred to Committee on Pensions and Labor.  
January 6, 2022, reported favorably — Do Pass.  
January 10, 2022, read second time, ordered engrossed. Engrossed.  
January 11, 2022, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

January 31, 2022, read first time and referred to Committee on Veterans Affairs and Public Safety.  
February 1, 2022, reassigned to Committee on Employment, Labor and Pensions.  
February 17, 2022, amended, reported — Do Pass.

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ES 76—LS 6238/DI 144





February 17, 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.

## ENGROSSED 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

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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 A party may request not more than one (1) advisory opinion per  
 10 year under this subsection.

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

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

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

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

- 24 (1) divided equally between; and
- 25 (2) paid by;

26 the employer and the exclusive recognized representative.

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

32 (h) The department of labor shall transfer any amounts received  
 33 under subsection (g) for an advisory opinion or mediation to the  
 34 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

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 76, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 8 and 9, begin a new line blocked left and insert:

**"A party may request not more than one (1) advisory opinion per year under this subsection."**

and when so amended that said bill do pass.

(Reference is to SB 76 as printed January 7, 2022.)

VANNATTER

Committee Vote: yeas 9, nays 0.

