

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 ENROLLED ACT No. 76

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

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

SECTION 1. IC 22-1-1-8, AS AMENDED BY P.L.6-2012, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. The commissioner of labor may do the following:

- (1) Make or cause to be made all necessary inspections to see that all of the laws and rules enacted or adopted for that purpose and that the department is required to enforce are promptly and effectively administered and executed.
- (2) Collect, collate, and publish statistical and other information relating to working conditions in this state and to the enforcement of this chapter and such rules as may be necessary to the advancement of the purposes of this chapter, but no publicity of any information involving the name or identity of any employer, employee, or other person, firm, limited liability company, or corporation shall be given. It shall be unlawful for the commissioner or any person to divulge, or to make known in any way not provided by law, to any person the operation, style of work, or apparatus of any employer, or the amount or sources of income, profits, losses, expenditures, or any part thereof obtained by ~~him~~ **the commissioner** in the discharge of ~~his~~ **the commissioner's** official duties.
- (3) Except as otherwise provided by law, employ, promote, and

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remove clerks, inspectors, and other employees as needed or as the service of the department of labor may require, and with the approval of the governor, within the appropriation therefor, fix their compensation and to assign to them their duties.

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

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

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

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

**(c) If the employer and exclusive recognized representative are unable to reach an agreement concerning the issues listed in subsection (b), either party may request an advisory opinion from the commissioner of labor or the commissioner's designee. However, the commissioner of labor may not consider the following issues when rendering an advisory opinion under this subsection:**

**(1) Discipline.**

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**(2) Individual grievances.**

**(3) Any other issue that the commissioner considers inappropriate.**

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

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

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

**(1) hear arguments from both parties; and**

**(2) issue a written recommendation for resolution.**

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

**(1) divided equally between; and**

**(2) paid by;**

**the employer and the exclusive recognized representative.**

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

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



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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