

HOUSE BILL No. 1051

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-6-7.

Synopsis: Prohibition on labor peace agreements. Provides that a statute or rule of the state, or an ordinance or regulation of 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; or (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, 2015.

Ober, Morris

January 6, 2015, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1051

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, 2015]:

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 that receives**
11 **services 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.);**



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

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

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

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

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

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

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

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

39 **Sec. 10.** This chapter shall be interpreted and enforced in a
 40 manner consistent with the federal National Labor Relations Act
 41 (29 U.S.C. 151 et seq.).

42 **Sec. 11.** (a) Except as provided in subsection (b), a contract,



1 agreement, understanding, or practice, written or oral, express or
2 implied, between an employer or multiemployer association and a
3 labor organization required by the state or a political subdivision
4 in violation of this chapter is unlawful and void.

5 (b) A contract, agreement, understanding, or practice between
6 an employer or multiemployer association and a labor organization
7 required by the state or a political subdivision in violation of this
8 chapter that is in effect on July 1, 2015, remains in force until the
9 expiration of the contract, agreement, understanding, or practice.

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

13 (1) the employer or multiemployer association is located; or

14 (2) the employee resides;

15 in order to prevent the state, a political subdivision, or another
16 person or party from violating this chapter.

