

IC 20-29-7

Chapter 7. Unfair Practices

IC 20-29-7-1

Unfair practices by school employer

Sec. 1. (a) It is an unfair practice for a school employer to do any of the following:

- (1) Interfere with, restrain, or coerce school employees in the exercise of the rights guaranteed in IC 20-29-4.
- (2) Dominate, interfere, or assist in the formation or administration of any school employee organization or contribute financial or other support to the organization. Subject to rules adopted by the governing body, a school employer may permit school employees to confer with the school employer or with any school employee organization during working hours without loss of time or pay.
- (3) Encourage or discourage membership in any school employee organization through discrimination in regard to:
 - (A) hiring;
 - (B) tenure of employment; or
 - (C) any term or condition of employment.
- (4) Discharge or otherwise discriminate against a school employee because the employee has filed a complaint, affidavit, petition, or any information or testimony under this article.
- (5) Refuse to:
 - (A) bargain collectively; or
 - (B) discuss;with an exclusive representative as required by this article.
- (6) Fail or refuse to comply with any provision of this article.

(b) If:

- (1) a complaint is filed that alleges an unfair practice has occurred with respect to a subject that may be discussed under this article; and
- (2) the complaint is found to be frivolous;

the party that filed that complaint is liable for costs and attorney's fees.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.26.

IC 20-29-7-2

Unfair practices by school employee organization

Sec. 2. It is an unfair practice for a school employee organization or the organization's agents to do any of the following:

- (1) Interfere with, restrain, or coerce:
 - (A) school employees in the exercise of the rights guaranteed by this article; or
 - (B) a school employer in the selection of its representatives for the purpose of bargaining collectively, discussing, or adjusting grievances.

This subdivision does not impair the right of a school employee organization to adopt its own rules with respect to the

acquisition or retention of membership in the school employee organization.

(2) Cause or attempt to cause a school employer to discriminate against an employee in violation of section 1 of this chapter.

(3) Refuse to bargain collectively with a school employer if the school employee organization is the exclusive representative.

(4) Fail or refuse to comply with any provision of this article.

As added by P.L.1-2005, SEC.13.

IC 20-29-7-3

Right of school employer or school employee organization to bring suit

Sec. 3. This chapter does not in any way restrict the right of a:

(1) school employer; or

(2) school employee organization;

to bring suit for specific performance or breach of performance, or both, of a collective bargaining contract in any court having jurisdiction.

As added by P.L.1-2005, SEC.13.

IC 20-29-7-4

Prevention of unfair practices

Sec. 4. (a) Unfair practices are remediable under this section.

(b) A school employer or a school employee who believes the employer or employee is aggrieved by an unfair practice may file a complaint under oath:

(1) setting out a summary of the facts involved; and

(2) specifying the section or sections of this article alleged to have been violated.

(c) The board shall:

(1) give notice to the person or school employee organization against whom the complaint is directed; and

(2) determine the matter raised in the complaint.

(d) Appeals may be taken under IC 4-21.5-3.

(e) A hearing examiner or agent of the board, who may be a member of the board, may:

(1) take testimony; and

(2) make findings and conclusions.

(f) The board, but not a hearing examiner or agent of the board, may enter the interlocutory orders, after summary hearing, the board considers necessary in carrying out the intent of this chapter.

As added by P.L.1-2005, SEC.13.