



State of Indiana

Eric J. Holcomb, Governor



Office of Management and Budget
102 State House
Indianapolis, IN 46204

State Budget Agency
212 State House
Indianapolis, IN 46204

June 13, 2024

Jake May
General Counsel
Indiana Education Employment Relations Board
143 West Market Street, Suite 400
Indianapolis, IN 46204

Dear Mr. May,

Pursuant to the provisions of IC 4-22-2-22.8, the Office of Management and Budget and State Budget Agency have reviewed the proposed rule that adds 560 IAC 2-3.1-5.5 (OMB #2024-31R) which you submitted on May 20, 2024. After reviewing the proposed rule, the recommendation of OMB and SBA is that the rule changes be approved. Indiana Education Employment Relations Board is authorized to commence the public comment period(s).

Furthermore, if you revise the proposed rule after this approval, you must resubmit the rule and obtain a new approval pursuant to IC 4-22-2-22.8(e).

IEERB may proceed with the rule proposed in its submission.

Cristopher R. Johnston
OMB Director

Date: 6/10/2024

Joe Habig
Acting SBA Director

Date: 6/13/2024

Proposed New Rule in 560 IAC

Authority: IC 20-29-3-11

Affected: IC 4-22-2-19.6; IC 20-29-7-5

CREATE NEW SECTION: 560 IAC 2-3.1-5.5 Civil Penalties

- (a) The following factors shall be utilized in determining the amount of any civil penalty for an unfair practice violation:
- 1) The amount assessed in comparable cases;
 - 2) If the school employer or the exclusive representative acted in bad faith or knew or should have known that the action was an unfair practice;
 - 3) The gravity of the unfair practice committed by the school employer or exclusive representative;
 - 4) The clarity of the legal standard of the action taken by the school employer or exclusive representative; and
 - 5) The history of unfair practices committed by the school employer or exclusive representative.
- (b) A civil penalty determined pursuant to subsection (a) shall be at least five hundred dollars (\$500) but not more than five thousand dollars (\$5,000).