

IC 12-24-3

Chapter 3. Employees of State Institutions

IC 12-24-3-1

Application of IC 4-15-2

Sec. 1. Except as provided in IC 4-15-2-3.8, IC 4-15-2 applies to all employees of a state institution.

As added by P.L.2-1992, SEC.18.

IC 12-24-3-2

Persons convicted of sex offenses disqualified

Sec. 2. To provide greater security for patients, visitors, and employees, the division may not employ in a state institution an individual who has been convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4).
- (5) Sexual misconduct with a minor as a Class A or B felony (IC 35-42-4-9).

As added by P.L.2-1992, SEC.18. Amended by P.L.228-2001, SEC.3.

IC 12-24-3-3

Bonds and crime policies

Sec. 3. (a) As used in this section, "employee" includes the superintendent of an institution.

(b) The director may require an employee of a state institution to furnish a bond in an amount determined by the director. The director shall require a superintendent to furnish a bond in an amount determined by the director.

(c) A bond required by this section must be:

- (1) payable to the state;
- (2) conditioned upon the faithful performance of the employee's duties;
- (3) subject to the approval of the insurance commissioner; and
- (4) filed in the office of the secretary of state.

(d) The premiums for a bond required by this section shall be paid from the money of the division.

(e) The division may secure a standard form blanket bond or crime insurance policy endorsed to include faithful performance that covers all or any part of the employees of the division. A blanket bond or crime insurance policy secured by the division under this subsection must be in an amount of at least fifty thousand dollars (\$50,000).

(f) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

As added by P.L.2-1992, SEC.18. Amended by P.L.49-1995, SEC.9.

IC 12-24-3-4

Teachers; salary schedule; approval; contract terms; hours of

work; requisites

Sec. 4. (a) Each year the director shall set a salary schedule for each of the educational systems established in a state institution as provided in subsections (b) and (c).

(b) The director shall set a salary schedule by using a daily rate of pay for each teacher that equals the rate of pay of the largest school corporation in the county in which the state institution is located. If the school corporation in which the state institution is located becomes the largest school corporation in the county in which the state institution is located, the daily rate of pay for each teacher must equal that of the school corporation in which the institution is located, without regard to whether the school corporation in which the state institution is located remains the largest school corporation in the county.

(c) The salary schedule set by the director is subject to the approval of the state personnel department and the budget agency.

(d) The director shall prescribe the terms of the annual contract. The prescribed annual contract shall be awarded to licensed teachers qualified for payment under the salary schedule prescribed under this section. The director shall advise the budget agency and the governor of this action.

(e) Hours of work for all teachers shall be set in accordance with IC 4-15-2.

As added by P.L.2-1992, SEC.18.

IC 12-24-3-5

Employee wage payment arrangements

Sec. 5. (a) Notwithstanding IC 22-2-5-2, the state institution and:

- (1) an employee if there is no representative described under subdivision (2) or (3) for that employee;
- (2) the exclusive representative of its certificated employees with respect to those employees; or
- (3) a labor organization representing its noncertificated employees with respect to those employees;

may agree in writing to a wage payment arrangement.

(b) A wage payment arrangement under subsection (a) may provide that compensation earned during a school year may be paid:

- (1) using equal installments or any other method; and
- (2) over:

- (A) all or part of that school year; or
- (B) any other period that begins not earlier than the first day of that school year and ends not later than thirteen (13) months after the wage payment arrangement period begins.

Such an arrangement may provide that compensation earned in a calendar year is paid in the next calendar year, so long as all the compensation is paid within the thirteen (13) month period beginning with the first day of the school year.

(c) A wage payment arrangement under subsection (a) must be structured in such a manner so that it is not considered:

- (1) a nonqualified deferred compensation plan for purposes of

Section 409A of the Internal Revenue Code; or
(2) deferred compensation for purposes of Section 457(f) of the
Internal Revenue Code.

(d) Absent an agreement under subsection (a), the state institution
remains subject to IC 22-2-5-1.

(e) Wage payments required under a wage payment arrangement
entered into under subsection (a) are enforceable under IC 22-2-5-2.

(f) If an employee leaves employment for any reason, either
permanently or temporarily, the amount due the employee under
IC 22-2-5-1 and IC 22-2-9-2 is the total amount of the wages earned
and unpaid.

(g) Employment with the state institution may not be conditioned
upon the acceptance of a wage payment arrangement under
subsection (a).

(h) An employee may revoke a wage payment arrangement under
subsection (a) at the beginning of each school year.

As added by P.L.41-2009, SEC.2.