



Reprinted  
March 6, 2001

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## HOUSE BILL No. 1887

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DIGEST OF HB 1887 (Updated March 5, 2001 4:10 PM - DI 102)

**Citations Affected:** IC 5-10; IC 11-10; IC 12-24; IC 16-33; IC 20-15; IC 20-16.

**Synopsis:** Institutional teachers. Provides that a retired state employee who was employed as a teacher in a state institution by the department of correction, the division of disability, aging, and rehabilitative services, the division of mental health, the Indiana School for the Blind, the Indiana School for the Deaf, the Indiana Soldiers' and Sailors' Children's Home, or the Silvercrest Children's Development Center may participate in a state employee health insurance plan if the retired teacher was employed and participated in the employee's retirement plan for 10 years immediately preceding retirement. Specifies that teacher compensation paid by the department of correction, the division of disability, aging, and rehabilitative services, the division of mental health, the Indiana School for the Blind, the Indiana School for the Deaf, the Indiana Soldiers' and Sailors' Children's Home, and Silvercrest Children's Development Center: (1) includes salary, an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all local retirement plans, and a severance benefit payable to retiring teachers; and (2) must be equal to the salaries, the employer contributions to local retirement plans, and the severance benefits paid by the largest school corporation in the county in which the institution is located. Specifies a grievance procedure to be followed by a teacher employed by a state institution. Makes conforming amendments.

**Effective:** July 1, 2001.

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January 17, 2001, read first time and referred to Committee on Education.  
February 21, 2001, reported — Do Pass.  
March 5, 2001, read second time, amended, ordered engrossed.

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HB 1887—LS 8030/DI 97+



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Reprinted  
March 6, 2001

First Regular Session 112th General Assembly (2001)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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## HOUSE BILL No. 1887

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

- 1 SECTION 1. IC 5-10-8-6.5, AS ADDED BY P.L.233-1999,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2001]: Sec. 6.5. (a) A member of the general assembly may  
4 elect to participate in either:  
5 (1) the plan of self-insurance established by the state police  
6 department under section 6 of this chapter;  
7 (2) the plan of self-insurance established by the state personnel  
8 department under section 7 of this chapter; or  
9 (3) a prepaid health care delivery plan established under section  
10 7 of this chapter.  
11 (b) A former member of the general assembly who meets the criteria  
12 for participation in a group health insurance program provided under  
13 section ~~8(e)~~ 8 or 8.1 of this chapter may elect to participate in either:  
14 (1) the plan of self-insurance established by the state police  
15 department under section 6 of this chapter; or  
16 (2) a group health insurance program provided under section ~~8(e)~~  
17 8 or 8.1 of this chapter.

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1 (c) A member of the general assembly or former member of the  
 2 general assembly who chooses a plan described in subsection (a)(1) or  
 3 (b)(1) shall pay any amount of both the employer and the employee  
 4 share of the cost of the coverage that exceeds the cost of the coverage  
 5 under the new traditional plan.

6 SECTION 2. IC 5-10-8-8, AS AMENDED BY P.L.233-1999,  
 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2001]: Sec. 8. (a) This section applies only to the state and its  
 9 employees who are not covered by a plan established under section 6  
 10 of this chapter.

11 (b) **Except as provided under subsection (c)**, after June 30, 1986,  
 12 the state shall provide a group health insurance plan to each retired  
 13 employee:

14 (1) whose retirement date is:

15 (A) after June 29, 1986, for a retired employee who was a  
 16 member of the field examiners' retirement fund;

17 (B) after May 31, 1986, for a retired employee who was a  
 18 member of the Indiana state teachers' retirement fund; or

19 (C) after June 30, 1986, for a retired employee not covered by  
 20 clause (A) or (B);

21 (2) who will have reached fifty-five (55) years of age on or before  
 22 the employee's retirement date but who will not be eligible on that  
 23 date for Medicare coverage as prescribed by 42 U.S.C. 1395 et  
 24 seq.;

25 (3) who will have completed twenty (20) years of creditable  
 26 employment with a public employer on or before the employee's  
 27 retirement date, ten (10) years of which shall have been  
 28 completed immediately preceding the retirement; and

29 (4) who will have completed at least fifteen (15) years of  
 30 participation in the retirement plan of which the employee is a  
 31 member on or before the employee's retirement date.

32 (c) **The state shall provide a group health insurance program to**  
 33 **each retired employee:**

34 (1) **who was employed as a teacher in a state institution under:**

35 (A) IC 11-10-5;

36 (B) IC 12-24-3;

37 (C) IC 16-33-3;

38 (D) IC 16-33-4;

39 (E) IC 20-15; or

40 (F) IC 20-16;

41 (2) **whose retirement date is after June 30, 2001;**

42 (3) **who is at least fifty-five (55) years of age on or before the**

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1           **employee's retirement date;**

2           **(4) who is not eligible for Medicare coverage as prescribed by**  
 3           **42 U.S.C. 1395 et seq.; and**

4           **(5) who has at least ten (10) years of service credit as a**  
 5           **participant in the retirement fund of which the employee is a**  
 6           **member on or before the employee's retirement date, with at**  
 7           **least ten (10) years of that service credit completed**  
 8           **immediately preceding the participant's retirement.**

9           **(d)** The state shall provide a group health insurance program to each  
 10          retired employee:

11           (1) who is a retired judge;

12           (2) whose retirement date is after June 30, 1990;

13           (3) who is at least sixty-two (62) years of age;

14           (4) who is not eligible for Medicare coverage as prescribed by 42  
 15           U.S.C. 1395 et seq.; and

16           (5) who has at least eight (8) years of service credit as a  
 17           participant in the Indiana judges' retirement fund, with at least  
 18           eight (8) years of that service credit completed immediately  
 19           preceding the judge's retirement.

20          ~~(d)~~ **(e)** The state shall provide a group health insurance program to  
 21          each retired employee:

22           (1) who is a retired participant under the prosecuting attorneys  
 23           retirement fund;

24           (2) whose retirement date is after January 1, 1990;

25           (3) who is at least sixty-two (62) years of age;

26           (4) who is not eligible for Medicare coverage as prescribed by 42  
 27           U.S.C. 1395 et seq.; and

28           (5) who has at least ten (10) years of service credit as a participant  
 29           in the prosecuting attorneys retirement fund, with at least ten (10)  
 30           years of that service credit completed immediately preceding the  
 31           participant's retirement.

32          ~~(e)~~ **(f)** The state shall make available a group health insurance  
 33          program to each former member of the general assembly or surviving  
 34          spouse of each former member, if the former member:

35           (1) is no longer a member of the general assembly;

36           (2) is not eligible for Medicare coverage as prescribed by 42  
 37           U.S.C. 1395 et seq. or, in the case of a surviving spouse, the  
 38           surviving spouse is not eligible for Medicare coverage as  
 39           prescribed by 42 U.S.C. 1395, et. seq.; and

40           (3) has at least ten (10) years of service credit as a member in the  
 41           general assembly.

42          A former member or surviving spouse of a former member who obtains

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1 insurance under this section is responsible for paying both the  
2 employer and the employee share of the cost of the coverage.

3 ~~(f)~~ **(g)** The group health insurance program required under  
4 subsections (b) through ~~(e)~~ **(f)** must be equal to that offered active  
5 employees. The retired employee may participate in the group health  
6 insurance program if the retired employee pays an amount equal to the  
7 employer's and the employee's premium for the group health insurance  
8 for an active employee and if the retired employee within ninety (90)  
9 days after the employee's retirement date files a written request for  
10 insurance coverage with the employer. However, the employer may  
11 elect to pay any part of the retired employee's premium.

12 ~~(g)~~ **(h)** A retired employee's eligibility to continue insurance under  
13 this section ends when the employee becomes eligible for Medicare  
14 coverage as prescribed by 42 U.S.C. 1395 et seq., or when the  
15 employer terminates the health insurance program. A retired employee  
16 who is eligible for insurance coverage under this section may elect to  
17 have the employee's spouse covered under the health insurance  
18 program at the time the employee retires. If a retired employee's spouse  
19 pays the amount the retired employee would have been required to pay  
20 for coverage selected by the spouse, the spouse's subsequent eligibility  
21 to continue insurance under this section is not affected by the death of  
22 the retired employee. The surviving spouse's eligibility ends on the  
23 earliest of the following:

- 24 (1) When the spouse becomes eligible for Medicare coverage as  
25 prescribed by 42 U.S.C. 1395 et seq.
- 26 (2) When the employer terminates the health insurance program.
- 27 (3) Two (2) years after the date of the employee's death.
- 28 (4) The date of the spouse's remarriage.

29 ~~(h)~~ **(i)** This subsection does not apply to an employee who is entitled  
30 to group insurance coverage under IC 20-6.1-6-1(c). An employee who  
31 is on leave without pay is entitled to participate for ninety (90) days in  
32 any health insurance program maintained by the employer for active  
33 employees if the employee pays an amount equal to the total of the  
34 employer's and the employee's premiums for the insurance.

35 ~~(i)~~ **(j)** An employer may provide group health insurance for retired  
36 employees or their spouses not covered by this section and may provide  
37 group health insurance that contains provisions more favorable to  
38 retired employees and their spouses than required by this section. A  
39 public employer may provide group health insurance to an employee  
40 who is on leave without pay for a longer period than required by  
41 subsection ~~(h)~~ **(i)**.

42 SECTION 3. IC 11-10-5-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) All teachers  
 2 employed by the department are subject to all provisions of law  
 3 concerning the minimum salary of teachers and membership in any  
 4 teachers' retirement fund plan. The commissioner or the  
 5 commissioner's designated representative shall annually determine:

- 6 (1) the salary schedule;  
 7 (2) **the amount of the employer contribution made to each**  
 8 **locally established retirement plan; and**  
 9 (3) **the severance benefits;**

10 of the largest school corporation of the county in which each  
 11 correctional institution is located.

12 (b) Except as provided in subsections (e) through (f), from the  
 13 information described in subsection (a), the commissioner shall  
 14 prescribe **for each correctional institution**, subject to approval by the  
 15 state personnel department and the budget agency:

- 16 (1) a salary schedule, ~~for each correctional institution~~, using a  
 17 daily rate of pay for each teacher;  
 18 (2) **an additional amount, payable to each teacher as salary,**  
 19 **equal to the total amount of employer contributions made to**  
 20 **all locally established retirement plans; and**  
 21 (3) **a severance benefit payable only to retiring teachers.**

22 ~~which~~ **The salary schedule, the employer contributions to locally**  
 23 **established retirement plans on which the additional salary**  
 24 **payment is based, and the severance benefits prescribed under this**  
 25 **subsection** must be equal to ~~that those~~ of the largest school corporation  
 26 in the county in which the correctional institution is located.

27 (c) The commissioner shall prescribe the terms of the annual  
 28 contract awarded to licensed teachers qualifying for payment under the  
 29 schedule established under subsection (b).

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

32 (e) If the school corporation in which the correctional institution is  
 33 located becomes the largest school corporation in the county in which  
 34 the correctional institution is located, the daily rate of pay for each  
 35 teacher must be equal to that of the school corporation in which the  
 36 correctional institution is located without regard to whether the school  
 37 corporation in which the correctional institution is located remains the  
 38 largest school corporation in the county.

39 (f) ~~Using a daily rate of pay for each teacher, the salary schedule~~ For  
 40 each correctional institution located in a county having a population of:

- 41 (1) more than fifteen thousand (15,000) but less than sixteen  
 42 thousand (16,000); or

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1 (2) more than seventy-five thousand (75,000) but less than  
 2 seventy-eight thousand (78,000); ;

3 **the salary schedule, using a daily rate of pay for each teacher, the**  
 4 **employer contributions to locally established retirement plans on**  
 5 **which the additional salary payment is based, and the severance**  
 6 **benefits must be equal to ~~that~~ those of the school corporation in which**  
 7 **the correctional institution is located.**

8 SECTION 4. IC 11-10-5-5 IS ADDED TO THE INDIANA CODE  
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 10 1, 2001]: **Sec. 5. (a) The grievance procedure established by this**  
 11 **section applies to a teacher employed by the department instead of**  
 12 **the grievance procedure described in IC 4-15-2-35.**

13 **(b) If a teacher who is employed by the department wishes to file**  
 14 **a grievance concerning an action taken by the teacher's employer,**  
 15 **the grievance must be filed according to the following procedure:**

16 **(1) The teacher may file a grievance with the teacher's**  
 17 **immediate supervisor not more than thirty (30) days after the**  
 18 **aggrieved action occurs.**

19 **(2) The supervisor shall respond to a grievance filed under**  
 20 **subdivision (1) not more than two (2) working days after the**  
 21 **supervisor receives the grievance.**

22 **(3) If the teacher is dissatisfied with the response under**  
 23 **subdivision (2), the teacher may file a written grievance with**  
 24 **the teacher's intermediate supervisor.**

25 **(4) The supervisor shall respond to a written grievance filed**  
 26 **under subdivision (3) not more than four (4) working days**  
 27 **after the supervisor receives the written grievance.**

28 **(5) If the teacher is dissatisfied with the response under**  
 29 **subdivision (4), the teacher may file a written grievance with**  
 30 **the superintendent of the institution in which the teacher is**  
 31 **employed.**

32 **(6) The superintendent shall respond to a written grievance**  
 33 **filed under subdivision (5) not more than ten (10) days after**  
 34 **the superintendent receives the written grievance.**

35 **(7) If the teacher is dissatisfied with the response under**  
 36 **subdivision (6), the teacher may file a written grievance with**  
 37 **the state personnel director appointed under IC 4-15-1.8-3 not**  
 38 **more than fifteen (15) days after the teacher receives the**  
 39 **response under subdivision (6).**

40 **(8) The state personnel director shall respond to a written**  
 41 **grievance filed under subdivision (7) not more than fifteen**  
 42 **(15) days after the state personnel director receives the**

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- 1 written grievance.
- 2 (9) If the teacher is dissatisfied with the response under
- 3 subdivision (8), the teacher may file a written grievance with
- 4 the state employees' appeals commission under 33 IAC 1 not
- 5 more than fifteen (15) days after the teacher receives the
- 6 response under subdivision (8).
- 7 (10) The state employees' appeals commission shall set a
- 8 hearing date on the written grievance filed under subdivision
- 9 (9) not more than thirty (30) days after the state employees'
- 10 appeals commission receives the written grievance and shall
- 11 render a decision not more than thirty (30) days after the date
- 12 of the hearing, unless this period is extended by the written
- 13 consent of all parties.
- 14 (11) If the teacher is dissatisfied with the response under
- 15 subdivision (10), the teacher may submit the grievance to
- 16 arbitration not more than fifteen (15) days after the teacher
- 17 receives the response under subdivision (10).
- 18 (12) The arbitrator to which the grievance is submitted under
- 19 subdivision (11) shall hold a hearing and shall render a
- 20 decision not more than thirty (30) days after the hearing.
- 21 (c) An arbitrator to which a grievance is submitted under
- 22 subsection (b)(11) must be selected from:
- 23 (1) the American Arbitration Association; or
- 24 (2) the Federal Mediation and Conciliation Service if an
- 25 arbitrator is not available from the American Arbitration
- 26 Association;
- 27 according to selection procedures established by the arbitrator's
- 28 association or service.
- 29 (d) Costs of arbitration under this section shall be shared
- 30 equally by the employer and the teacher or the teacher's
- 31 organization.
- 32 (e) If the employer does not comply with the timelines set forth
- 33 under subsection (b), the grievance proceeds to the next step of the
- 34 procedure.
- 35 (f) A teacher who files a grievance under this section may choose
- 36 a representative to represent the teacher in the grievance process
- 37 under subsection (b).
- 38 (g) The decision of the arbitrator is a final order subject to
- 39 judicial review in accordance with IC 4-21.5-5.
- 40 SECTION 5. IC 12-24-3-4 IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Each year the
- 42 director shall set:

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- 1 (1) a salary schedule;  
 2 (2) **an additional amount, payable to each teacher as salary,**  
 3 **equal to the total amount of employer contributions made to**  
 4 **all locally established retirement plans; and**  
 5 (3) **a severance benefit payable only to retiring teachers;**

6 for each of the educational systems established in a state institution as  
 7 provided in subsections (b) and (c).

8 (b) The director shall set:

- 9 (1) a salary schedule by using a daily rate of pay for each teacher;  
 10 (2) **an additional amount, payable to each teacher as salary,**  
 11 **equal to the total amount of employer contributions made to**  
 12 **all locally established retirement plans; and**  
 13 (3) **a severance benefit payable only to retiring teachers.**

14 ~~that equals the rate of pay~~ **The salary schedule, the employer**  
 15 **contributions to locally established retirement plans on which the**  
 16 **additional salary payment is based, and the severance benefits**  
 17 **prescribed under this subsection must equal those** of the largest  
 18 school corporation in the county in which the state institution is  
 19 located. If the school corporation in which the state institution is  
 20 located becomes the largest school corporation in the county in which  
 21 the state institution is located, ~~the daily rate of pay~~ **salary schedule,**  
 22 **the employer contributions to locally established retirement plans**  
 23 **on which the additional salary payment is based, and the severance**  
 24 **benefits prescribed under this subsection** for each teacher must equal  
 25 that of the school corporation in which the institution is located,  
 26 without regard to whether the school corporation in which the state  
 27 institution is located remains the largest school corporation in the  
 28 county.

29 (c) The salary schedule, **the additional salary payment, and the**  
 30 **severance benefits prescribed under subsection (b)** set by the  
 31 director is subject to the approval of the state personnel department and  
 32 the budget agency.

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

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

40 SECTION 6. IC 12-24-3-4.5 IS ADDED TO THE INDIANA CODE  
 41 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 42 1, 2001]: **Sec. 4.5. (a) The grievance procedure established by this**

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1 section applies to a teacher employed by the department instead of  
2 the grievance procedure described in IC 4-15-2-35.

3 (b) If a teacher who is employed by the department wishes to file  
4 a grievance concerning an action taken by the teacher's employer,  
5 the grievance must be filed according to the following procedure:

6 (1) The teacher may file a grievance with the teacher's  
7 immediate supervisor not more than thirty (30) days after the  
8 aggrieved action occurs.

9 (2) The supervisor shall respond to a grievance filed under  
10 subdivision (1) not more than two (2) working days after the  
11 supervisor receives the grievance.

12 (3) If the teacher is dissatisfied with the response under  
13 subdivision (2), the teacher may file a written grievance with  
14 the teacher's intermediate supervisor.

15 (4) The supervisor shall respond to a written grievance filed  
16 under subdivision (3) not more than four (4) working days  
17 after the supervisor receives the written grievance.

18 (5) If the teacher is dissatisfied with the response under  
19 subdivision (4), the teacher may file a written grievance with  
20 the superintendent of the institution in which the teacher is  
21 employed.

22 (6) The superintendent shall respond to a written grievance  
23 filed under subdivision (5) not more than ten (10) days after  
24 the superintendent receives the written grievance.

25 (7) If the teacher is dissatisfied with the response under  
26 subdivision (6), the teacher may file a written grievance with  
27 the state personnel director appointed under IC 4-15-1.8-3  
28 not more than fifteen (15) days after the teacher receives the  
29 response under subdivision (6).

30 (8) The state personnel director shall respond to a written  
31 grievance filed under subdivision (7) not more than fifteen  
32 (15) days after the state personnel director receives the  
33 written grievance.

34 (9) If the teacher is dissatisfied with the response under  
35 subdivision (8), the teacher may file a written grievance with  
36 the state employees' appeals commission under 33 IAC 1  
37 not more than fifteen (15) days after the teacher receives the  
38 response under subdivision (8).

39 (10) The state employees' appeals commission shall set a  
40 hearing date on the written grievance filed under subdivision  
41 (9) not more than thirty (30) days after the state employees'  
42 appeals commission receives the written grievance and shall

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render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties.

(11) If the teacher is dissatisfied with the response under subdivision (10), the teacher may submit the grievance to arbitration not more than fifteen (15) days after the teacher receives the response under subdivision (10).

(12) The arbitrator to which the grievance is submitted under subdivision (11) shall hold a hearing and shall render a decision not more than thirty (30) days after the hearing.

(c) An arbitrator to which a grievance is submitted under subsection (b)(11) must be selected from:

- (1) the American Arbitration Association; or
- (2) the Federal Mediation and Conciliation Service if an arbitrator is not available from the American Arbitration Association;

according to selection procedures established by the arbitrator's association or service.

(d) Costs of arbitration under this section shall be shared equally by the employer and the teacher or the teacher's organization.

(e) If the employer does not comply with the timelines set forth under subsection (b), the grievance proceeds to the next step of the procedure.

(f) A teacher who files a grievance under this section may choose a representative to represent the teacher in the grievance process under subsection (b).

(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5.

SECTION 7. IC 16-33-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.5. (a) This section applies to teachers employed by the center to provide the training or retraining allowed at the center under section 5 of this chapter.

(b) The director of the center shall prescribe for the center, subject to the approval of the state personnel department and the budget agency:

- (1) a salary schedule, using a daily rate of pay for each teacher;
- (2) an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and

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**(3) a severance benefit payable only to retiring teachers. The salary schedule, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits prescribed under this subsection must be equal to those of the largest school corporation in the county in which the center is located.**

**(c) The director of the center shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the salary schedule referred to in subsection (b).**

**(d) The hours of work for all teachers shall be set in accordance with IC 4-15-2.**

**SECTION 8. IC 16-33-3-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.7. (a) The grievance procedure established by this section applies to a teacher employed by the center instead of the grievance procedure described in IC 4-15-2-35.**

**(b) If a teacher who is employed by the center wishes to file a grievance concerning an action taken by the teacher's employer, the grievance must be filed according to the following procedure:**

**(1) The teacher may file a grievance with the teacher's immediate supervisor not more than thirty (30) days after the aggrieved action occurs.**

**(2) The supervisor shall respond to a grievance filed under subdivision (1) not more than two (2) working days after the supervisor receives the grievance.**

**(3) If the teacher is dissatisfied with the response under subdivision (2), the teacher may file a written grievance with the teacher's intermediate supervisor.**

**(4) The supervisor shall respond to a written grievance filed under subdivision (3) not more than four (4) working days after the supervisor receives the written grievance.**

**(5) If the teacher is dissatisfied with the response under subdivision (4), the teacher may file a written grievance with the superintendent of the institution in which the teacher is employed.**

**(6) The superintendent shall respond to a written grievance filed under subdivision (5) not more than ten (10) days after the superintendent receives the written grievance.**

**(7) If the teacher is dissatisfied with the response under subdivision (6), the teacher may file a written grievance with the state personnel director appointed under IC 4-15-1.8-3 not more than fifteen (15) days after the teacher receives the**

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response under subdivision (6).

(8) The state personnel director shall respond to a written grievance filed under subdivision (7) not more than fifteen (15) days after the state personnel director receives the written grievance.

(9) If the teacher is dissatisfied with the response under subdivision (8), the teacher may file a written grievance with the state employees' appeals commission under 33 IAC 1 not more than fifteen (15) days after the teacher receives the response under subdivision (8).

(10) The state employees' appeals commission shall set a hearing date on the written grievance filed under subdivision (9) not more than thirty (30) days after the state employees' appeals commission receives the written grievance and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties.

(11) If the teacher is dissatisfied with the response under subdivision (10), the teacher may submit the grievance to arbitration not more than fifteen (15) days after the teacher receives the response under subdivision (10).

(12) The arbitrator to which the grievance is submitted under subdivision (11) shall hold a hearing and shall render a decision not more than thirty (30) days after the hearing.

(c) An arbitrator to which a grievance is submitted under subsection (b)(11) must be selected from:

- (1) the American Arbitration Association; or
- (2) the Federal Mediation and Conciliation Service if an arbitrator is not available from the American Arbitration Association;

according to selection procedures established by the arbitrator's association or service.

(d) Costs of arbitration under this section shall be shared equally by the employer and the teacher or the teacher's organization.

(e) If the employer does not comply with the timelines set forth under subsection (b), the grievance proceeds to the next step of the procedure.

(f) A teacher who files a grievance under this section may choose a representative to represent the teacher in the grievance process under subsection (b).

(g) The decision of the arbitrator is a final order subject to

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**judicial review in accordance with IC 4-21.5-5.**

SECTION 9. IC 16-33-4-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 10.5. (a) This section applies to teachers employed by the home to teach at a school maintained by the home under section 9 or 10 of this chapter.**

**(b) The state health commissioner shall prescribe for the home, subject to the approval of the state personnel department and the budget agency:**

- (1) a salary schedule, using a daily rate of pay for each teacher;**
- (2) an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and**
- (3) a severance benefit payable only to retiring teachers.**

**The salary schedule, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits prescribed under this subsection must be equal to those of the largest school corporation in the county in which the home is located.**

**(c) The state health commissioner shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the salary schedule referred to in subsection (b).**

**(d) The hours of work for all teachers shall be set in accordance with IC 4-15-2.**

SECTION 10. IC 16-33-4-10.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 10.6. (a) This section applies to a teacher who is employed by the home to teach at a school maintained by the home under section 9 or 10 of this chapter instead of the grievance procedure described in IC 4-15-2-35.**

**(b) If a teacher wishes to file a grievance concerning an action taken by the home, the grievance must be filed according to the following procedure:**

- (1) The teacher may file a grievance with the teacher's immediate supervisor not more than thirty (30) days after the aggrieved action occurs.**
- (2) The supervisor shall respond to a grievance filed under subdivision (1) not more than two (2) working days after the supervisor receives the grievance.**
- (3) If the teacher is dissatisfied with the response under subdivision (2), the teacher may file a written grievance with**

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the teacher's intermediate supervisor.

(4) The supervisor shall respond to a written grievance filed under subdivision (3) not more than four (4) working days after the supervisor receives the written grievance.

(5) If the teacher is dissatisfied with the response under subdivision (4), the teacher may file a written grievance with the superintendent of the home.

(6) The superintendent shall respond to a written grievance filed under subdivision (5) not more than ten (10) days after the superintendent receives the written grievance.

(7) If the teacher is dissatisfied with the response under subdivision (6), the teacher may file a written grievance with the state personnel director appointed under IC 4-15-1.8-3 not more than fifteen (15) days after the teacher receives the response under subdivision (6).

(8) The state personnel director shall respond to a written grievance filed under subdivision (7) not more than fifteen (15) days after the state personnel director receives the written grievance.

(9) If the teacher is dissatisfied with the response under subdivision (8), the teacher may file a written grievance with the state employees' appeals commission under 33 IAC 1 not more than fifteen (15) days after the teacher receives the response under subdivision (8).

(10) The state employees' appeals commission shall set a hearing date on the written grievance filed under subdivision (9) not more than thirty (30) days after the state employees' appeals commission receives the written grievance and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties.

(11) If the teacher is dissatisfied with the response under subdivision (10), the teacher may submit the grievance to arbitration not more than fifteen (15) days after the teacher receives the response under subdivision (10).

(12) The arbitrator to which the grievance is submitted under subdivision (11) shall hold a hearing and shall render a decision not more than thirty (30) days after the hearing.

(c) An arbitrator to which a grievance is submitted under subsection (b)(11) must be selected from:

- (1) the American Arbitration Association; or
- (2) the Federal Mediation and Conciliation Service if an

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arbitrator is not available from the American Arbitration Association; according to selection procedures established by the arbitrator's association or service.

(d) Costs of arbitration under this section shall be shared equally by the home and the teacher or the teacher's organization.

(e) If the home does not comply with the timelines set forth under subsection (b), the grievance proceeds to the next step of the procedure.

(f) A teacher who files a grievance under this section may choose a representative to represent the teacher in the grievance process under subsection (b).

(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5.

SECTION 11. IC 20-15-4-3, AS ADDED BY P.L.69-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The board shall prescribe for the school, subject to the approval of the state personnel department and the budget agency:

- (1) a salary schedule for the school using a daily rate of pay for each teacher;
- (2) an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and
- (3) a severance benefit payable only to retiring teachers.

which The salary schedule, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits prescribed under this subsection must be equal to that those of the largest school corporation in the county in which the school is located.

(b) The board shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the salary schedule as described in subsection (a).

(c) The hours of work for all teachers shall be set in accordance with IC 4-15-2.

SECTION 12. IC 20-15-4-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The grievance procedure established by this section applies to a teacher employed by the school instead of the grievance procedure described in IC 4-15-2-35.

(b) If a teacher who is employed by the school wishes to file a grievance concerning an action taken by the school, the grievance

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- must be filed according to the following procedure:
- (1) The teacher may file a grievance with the teacher's immediate supervisor not more than thirty (30) days after the aggrieved action occurs.
  - (2) The supervisor shall respond to a grievance filed under subdivision (1) not more than two (2) working days after the supervisor receives the grievance.
  - (3) If the teacher is dissatisfied with the response under subdivision (2), the teacher may file a written grievance with the teacher's intermediate supervisor.
  - (4) The supervisor shall respond to a written grievance filed under subdivision (3) not more than four (4) working days after the supervisor receives the written grievance.
  - (5) If the teacher is dissatisfied with the response under subdivision (4), the teacher may file a written grievance with the superintendent.
  - (6) The superintendent shall respond to a written grievance filed under subdivision (5) not more than ten (10) days after the superintendent receives the written grievance.
  - (7) If the teacher is dissatisfied with the response under subdivision (6), the teacher may file a written grievance with the state personnel director appointed under IC 4-15-1.8-3 not more than fifteen (15) days after the teacher receives the response under subdivision (6).
  - (8) The state personnel director shall respond to a written grievance filed under subdivision (7) not more than fifteen (15) days after the state personnel director receives the written grievance.
  - (9) If the teacher is dissatisfied with the response under subdivision (8), the teacher may file a written grievance with the state employees' appeals commission under 33 IAC 1 not more than fifteen (15) days after the teacher receives the response under subdivision (8).
  - (10) The state employees' appeals commission shall set a hearing date on the written grievance filed under subdivision (9) not more than thirty (30) days after the state employees' appeals commission receives the written grievance and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties.
  - (11) If the teacher is dissatisfied with the response under subdivision (10), the teacher may submit the grievance to

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arbitration not more than fifteen (15) days after the teacher receives the response under subdivision (10).

(12) The arbitrator to which the grievance is submitted under subdivision (11) shall hold a hearing and shall render a decision not more than thirty (30) days after the hearing.

(c) An arbitrator to which a grievance is submitted under subsection (b)(11) must be selected from:

- (1) the American Arbitration Association; or
- (2) the Federal Mediation and Conciliation Service if an arbitrator is not available from the American Arbitration Association;

according to selection procedures established by the arbitrator's association or service.

(d) Costs of arbitration under this section shall be shared equally by the school and the teacher or the teacher's organization.

(e) If the school does not comply with the timelines set forth under subsection (b), the grievance proceeds to the next step of the procedure.

(f) A teacher who files a grievance under this section may choose a representative to represent the teacher in the grievance process under subsection (b).

(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5.

SECTION 13. IC 20-16-4-3, AS ADDED BY P.L.69-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The board shall prescribe for the school, subject to the approval of the state personnel department and the budget agency:

- (1) a salary schedule, for the school using a daily rate of pay for each teacher;
- (2) an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and
- (3) a severance benefit payable only to retiring teachers.

which The salary schedule, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits prescribed under this subsection must be equal to that those of the largest school corporation in the county in which the school is located.

(b) The board shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the salary schedule as described in subsection (a).

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(c) The hours of work for all teachers shall be set in accordance with IC 4-15-2.

SECTION 14. IC 20-16-4-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4. (a) The grievance procedure established by this section applies to a teacher employed by the school instead of the grievance procedure described in IC 4-15-2-35.**

**(b) If a teacher who is employed by the school wishes to file a grievance concerning an action taken by the school, the grievance must be filed according to the following procedure:**

**(1) The teacher may file a grievance with the teacher's immediate supervisor not more than thirty (30) days after the aggrieved action occurs.**

**(2) The supervisor shall respond to a grievance filed under subdivision (1) not more than two (2) working days after the supervisor receives the grievance.**

**(3) If the teacher is dissatisfied with the response under subdivision (2), the teacher may file a written grievance with the teacher's intermediate supervisor.**

**(4) The supervisor shall respond to a written grievance filed under subdivision (3) not more than four (4) working days after the supervisor receives the written grievance.**

**(5) If the teacher is dissatisfied with the response under subdivision (4), the teacher may file a written grievance with the superintendent.**

**(6) The superintendent shall respond to a written grievance filed under subdivision (5) not more than ten (10) days after the superintendent receives the written grievance.**

**(7) If the teacher is dissatisfied with the response under subdivision (6), the teacher may file a written grievance with the state personnel director appointed under IC 4-15-1.8-3 not more than fifteen (15) days after the teacher receives the response under subdivision (6).**

**(8) The state personnel director shall respond to a written grievance filed under subdivision (7) not more than fifteen (15) days after the state personnel director receives the written grievance.**

**(9) If the teacher is dissatisfied with the response under subdivision (8), the teacher may file a written grievance with the state employees' appeals commission under 33 IAC 1 not more than fifteen (15) days after the teacher receives the response under subdivision (8).**

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1           **(10) The state employees' appeals commission shall set a**  
 2           **hearing on the written grievance filed under subdivision (9)**  
 3           **not more than thirty (30) days after the state employees'**  
 4           **appeals commission receives the written grievance and shall**  
 5           **render a decision not more than thirty (30) days after the date**  
 6           **of the hearing, unless this period is extended by the written**  
 7           **consent of all parties.**

8           **(11) If the teacher is dissatisfied with the response under**  
 9           **subdivision (10), the teacher may submit the grievance to**  
 10           **arbitration not more than fifteen (15) days after the teacher**  
 11           **receives the response under subdivision (10).**

12           **(12) The arbitrator to which the grievance is submitted under**  
 13           **subdivision (11) shall hold a hearing and shall render a**  
 14           **decision not more than thirty (30) days after the hearing.**

15           **(c) An arbitrator to which a grievance is submitted under**  
 16           **subsection (b)(11) must be selected from:**

17                   **(1) the American Arbitration Association; or**  
 18                   **(2) the Federal Mediation and Conciliation Service if an**  
 19                   **arbitrator is not available from the American Arbitration**  
 20                   **Association;**

21           **according to selection procedures established by the arbitrator's**  
 22           **association or service.**

23           **(d) Costs of arbitration under this section shall be shared**  
 24           **equally by the school and the teacher or the teacher's organization.**

25           **(e) If the school does not comply with the timelines set forth**  
 26           **under subsection (b), the grievance proceeds to the next step of the**  
 27           **procedure.**

28           **(f) A teacher who files a grievance under this section may choose**  
 29           **a representative to represent the teacher in the grievance process**  
 30           **under subsection (b).**

31           **(g) The decision of the arbitrator is a final order subject to**  
 32           **judicial review in accordance with IC 4-21.5-5.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1887, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PORTER, Chair

Committee Vote: yeas 9, nays 2.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1887 be amended to read as follows:

Page 2, line 35, after "IC 11-10-5;" begin a new line double block indented and insert:

**"(B) IC 12-24-3;**

**(C) IC 16-33-3;"**.

Page 2, line 36, delete "(B)" and insert "**(D)**".

Page 2, line 37, delete "(C)" and insert "**(E)**".

Page 2, line 38, delete "(D)" and insert "**(F)**".

Page 5, line 4, delete "and".

Page 5, line 5, delete "other wage and wage related benefits, including retirement".

Page 5, line 6, delete "and severance benefits;" and insert "**the amount of the employer contribution made to each locally established retirement plan; and**

**(3) the severance benefits;"**.

Page 5, run in lines 5 through 6.

Page 5, line 14, delete "and".

Page 5, line 15, delete "other wage and wage related benefits, including retirement".

Page 5, line 16, delete "and severance benefits." and insert "**an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and**

**(3) a severance benefit payable only to retiring teachers."**

Page 5, run in lines 15 through 16.

Page 5, line 17, delete "and benefits" and insert "**, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits"**.

Page 5, line 37, strike "." and insert ";".

Page 5, line 38, delete "The" and insert "**the**".

Page 5, line 38, delete "and".

Page 5, delete line 39.

Page 5, line 40, delete "severance benefits," and insert "**the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits"**.

Page 5, run in lines 38 and 40.

Page 6, line 2, after "(a)" insert "**The grievance procedure established by this section applies to a teacher employed by the department instead of the grievance procedure described in**



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**IC 4-15-2-35.****(b)".**Page 6, line 14, delete "immediate" and insert "**intermediate**".

Page 6, line 39, delete "respond".

Page 6, line 40, delete "to" and insert "**set a hearing date on**".Page 6, line 42, delete "." and insert "**and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties.**".Page 7, line 8, delete "(b)" and insert "**(c)**".Page 7, line 9, delete "(a)(11)" and insert "**(b)(11)**".Page 7, line 16, delete "(c)" and insert "**(d)**".Page 7, line 18, delete "association." and insert "**organization.**".Page 7, line 19, delete "(d)" and insert "**(e)**".Page 7, line 20, delete "(a), the teacher prevails." and insert "**(b), the grievance proceeds to the next step of the procedure.**".Page 7, line 21, delete "(e)" and insert "**(f)**".Page 7, line 23, delete "(a)." and insert "**(b)**".**(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5.**

SECTION 5. IC 12-24-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Each year the director shall set:

**(1) a salary schedule;****(2) an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and****(3) a severance benefit payable only to retiring teachers;**

for each of the educational systems established in a state institution as provided in subsections (b) and (c).

(b) The director shall set:

**(1) a salary schedule by using a daily rate of pay for each teacher;****(2) an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and****(3) a severance benefit payable only to retiring teachers.**that equals the rate of pay **The salary schedule, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits prescribed under this subsection must equal those** 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 whichC  
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the state institution is located, the ~~daily rate of pay~~ **salary schedule, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits prescribed under this subsection** 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, **the additional salary payment, and the severance benefits prescribed under subsection (b)** 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.

SECTION 6. IC 12-24-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. (a) The grievance procedure established by this section applies to a teacher employed by the department instead of the grievance procedure described in IC 4-15-2-35.**

**(b) If a teacher who is employed by the department wishes to file a grievance concerning an action taken by the teacher's employer, the grievance must be filed according to the following procedure:**

**(1) The teacher may file a grievance with the teacher's immediate supervisor not more than thirty (30) days after the aggrieved action occurs.**

**(2) The supervisor shall respond to a grievance filed under subdivision (1) not more than two (2) working days after the supervisor receives the grievance.**

**(3) If the teacher is dissatisfied with the response under subdivision (2), the teacher may file a written grievance with the teacher's intermediate supervisor.**

**(4) The supervisor shall respond to a written grievance filed under subdivision (3) not more than four (4) working days after the supervisor receives the written grievance.**

**(5) If the teacher is dissatisfied with the response under subdivision (4), the teacher may file a written grievance with the superintendent of the institution in which the teacher is**

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employed.

(6) The superintendent shall respond to a written grievance filed under subdivision (5) not more than ten (10) days after the superintendent receives the written grievance.

(7) If the teacher is dissatisfied with the response under subdivision (6), the teacher may file a written grievance with the state personnel director appointed under IC 4-15-1.8-3 not more than fifteen (15) days after the teacher receives the response under subdivision (6).

(8) The state personnel director shall respond to a written grievance filed under subdivision (7) not more than fifteen (15) days after the state personnel director receives the written grievance.

(9) If the teacher is dissatisfied with the response under subdivision (8), the teacher may file a written grievance with the state employees' appeals commission under 33 IAC 1 not more than fifteen (15) days after the teacher receives the response under subdivision (8).

(10) The state employees' appeals commission shall set a hearing date on the written grievance filed under subdivision (9) not more than thirty (30) days after the state employees' appeals commission receives the written grievance and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties.

(11) If the teacher is dissatisfied with the response under subdivision (10), the teacher may submit the grievance to arbitration not more than fifteen (15) days after the teacher receives the response under subdivision (10).

(12) The arbitrator to which the grievance is submitted under subdivision (11) shall hold a hearing and shall render a decision not more than thirty (30) days after the hearing.

(c) An arbitrator to which a grievance is submitted under subsection (b)(11) must be selected from:

- (1) the American Arbitration Association; or
- (2) the Federal Mediation and Conciliation Service if an arbitrator is not available from the American Arbitration Association;

according to selection procedures established by the arbitrator's association or service.

(d) Costs of arbitration under this section shall be shared equally by the employer and the teacher or the teacher's

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organization.

(e) If the employer does not comply with the timelines set forth under subsection (b), the grievance proceeds to the next step of the procedure.

(f) A teacher who files a grievance under this section may choose a representative to represent the teacher in the grievance process under subsection (b).

(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5.

SECTION 7. IC 16-33-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.5. (a) This section applies to teachers employed by the center to provide the training or retraining allowed at the center under section 5 of this chapter.

(b) The director of the center shall prescribe for the center, subject to the approval of the state personnel department and the budget agency:

- (1) a salary schedule, using a daily rate of pay for each teacher;
- (2) an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and
- (3) a severance benefit payable only to retiring teachers.

The salary schedule, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits prescribed under this subsection must be equal to those of the largest school corporation in the county in which the center is located.

(c) The director of the center shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the salary schedule referred to in subsection (b).

(d) The hours of work for all teachers shall be set in accordance with IC 4-15-2.

SECTION 8. IC 16-33-3-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.7. (a) The grievance procedure established by this section applies to a teacher employed by the center instead of the grievance procedure described in IC 4-15-2-35.

(b) If a teacher who is employed by the center wishes to file a grievance concerning an action taken by the teacher's employer, the grievance must be filed according to the following procedure:

- (1) The teacher may file a grievance with the teacher's

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immediate supervisor not more than thirty (30) days after the aggrieved action occurs.

(2) The supervisor shall respond to a grievance filed under subdivision (1) not more than two (2) working days after the supervisor receives the grievance.

(3) If the teacher is dissatisfied with the response under subdivision (2), the teacher may file a written grievance with the teacher's intermediate supervisor.

(4) The supervisor shall respond to a written grievance filed under subdivision (3) not more than four (4) working days after the supervisor receives the written grievance.

(5) If the teacher is dissatisfied with the response under subdivision (4), the teacher may file a written grievance with the superintendent of the institution in which the teacher is employed.

(6) The superintendent shall respond to a written grievance filed under subdivision (5) not more than ten (10) days after the superintendent receives the written grievance.

(7) If the teacher is dissatisfied with the response under subdivision (6), the teacher may file a written grievance with the state personnel director appointed under IC 4-15-1.8-3 not more than fifteen (15) days after the teacher receives the response under subdivision (6).

(8) The state personnel director shall respond to a written grievance filed under subdivision (7) not more than fifteen (15) days after the state personnel director receives the written grievance.

(9) If the teacher is dissatisfied with the response under subdivision (8), the teacher may file a written grievance with the state employees' appeals commission under 33 IAC 1 not more than fifteen (15) days after the teacher receives the response under subdivision (8).

(10) The state employees' appeals commission shall set a hearing date on the written grievance filed under subdivision (9) not more than thirty (30) days after the state employees' appeals commission receives the written grievance and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties.

(11) If the teacher is dissatisfied with the response under subdivision (10), the teacher may submit the grievance to arbitration not more than fifteen (15) days after the teacher

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receives the response under subdivision (10).

(12) The arbitrator to which the grievance is submitted under subdivision (11) shall hold a hearing and shall render a decision not more than thirty (30) days after the hearing.

(c) An arbitrator to which a grievance is submitted under subsection (b)(11) must be selected from:

(1) the American Arbitration Association; or

(2) the Federal Mediation and Conciliation Service if an arbitrator is not available from the American Arbitration Association;

according to selection procedures established by the arbitrator's association or service.

(d) Costs of arbitration under this section shall be shared equally by the employer and the teacher or the teacher's organization.

(e) If the employer does not comply with the timelines set forth under subsection (b), the grievance proceeds to the next step of the procedure.

(f) A teacher who files a grievance under this section may choose a representative to represent the teacher in the grievance process under subsection (b).

(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5."

Page 7, line 33, delete "and".

Page 7, line 34, delete "other wage and wage related benefits, including retirement".

Page 7, line 35, delete "and severance benefits." and insert "**an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and**

**(3) a severance benefit payable only to retiring teachers."**

Page 7, run in lines 34 through 35.

Page 7, line 36, delete "and benefits" and insert "**, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits"**.

Page 8, line 6, delete "." and insert "**instead of the grievance procedure described in IC 4-15-2-35."**

Page 8, line 18, delete "immediate" and insert "**intermediate"**.

Page 8, line 42, delete "respond".

Page 9, line 1, delete "to" and insert "**set a hearing date on"**.

Page 9, line 3, delete "." and insert "**and shall render a decision not more than thirty (30) days after the date of the hearing, unless**

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**this period is extended by the written consent of all parties."**

Page 9, line 20, delete "association." and insert "**organization.**"

Page 9, line 22, delete "the teacher prevails." and insert "**the grievance proceeds to the next step of the procedure.**"

Page 9, between lines 25 and 26, begin a new paragraph and insert:

**"(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5."**

Page 9, line 32, delete "and".

Page 9, line 33, delete "other wage and wage related benefits, including retirement".

Page 9, line 34, delete "and severance benefits." and insert "**an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and**

**(3) a severance benefit payable only to retiring teachers."**

Page 9, run in lines 33 through 34.

Page 9, line 35, delete "and benefits" and insert "**, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits"**.

Page 10, line 3, after "(a)" insert "**The grievance procedure established by this section applies to a teacher employed by the school instead of the grievance procedure described in IC 4-15-2-35.**

**(b)"**.

Page 10, line 14, delete "immediate" and insert "**intermediate**".

Page 10, line 38, delete "respond".

Page 10, line 39, delete "to" and insert "**set a hearing date on**".

Page 10, line 41, delete "." and insert "**and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties."**

Page 11, line 7, delete "(b)" and insert "**(c)**".

Page 11, line 8, delete "(a)(11)" and insert "**(b)(11)**".

Page 11, line 15, delete "(c)" and insert "**(d)**".

Page 11, line 16, delete "association." and insert "**organization.**".

Page 11, line 17, delete "(d)" and insert "**(e)**".

Page 11, line 18, delete "(a), the teacher prevails." and insert "**(b), the grievance proceeds to the next step of the procedure."**

Page 11, line 19, delete "(e)" and insert "**(f)**".

Page 11, line 21, delete "(a)." and insert "**(b)**".

**(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5."**

Page 11, line 28, delete "and".

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Page 11, line 29, delete "other wage and wage related benefits, including retirement".

Page 11, line 30, delete "and severance benefits." and insert "**an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and**

**(3) a severance benefit payable only to retiring teachers."**

Page 11, run in lines 29 through 30.

Page 11, line 31, delete "and benefits" and insert "**, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits"**.

Page 11, line 41, after "(a)" insert "**The grievance procedure established by this section applies to a teacher employed by the school instead of the grievance procedure described in IC 4-15-2-35.**

**(b)"**.

Page 12, line 10, delete "immediate" and insert "**intermediate"**.

Page 12, line 34, delete "respond".

Page 12, line 35, delete "to" and insert "**set a hearing on"**.

Page 12, line 37, delete "." and insert "**and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties."**

Page 13, line 3, delete "(b)" and insert "**(c)"**.

Page 13, line 4, delete "(a)(11)" and insert "**(b)(11)"**.

Page 13, line 11, delete "(c)" and insert "**(d)"**.

Page 13, line 12, delete "association." and insert "**organization."**

Page 13, line 13, delete "(d)" and insert "**(e)"**.

Page 13, line 14, delete "(a), the teacher prevails." and insert "**(b), the grievance proceeds to the next step of the procedure."**

Page 13, line 15, delete "(e)" and insert "**(f)"**.

Page 13, line 17, delete "(a)." and insert "**(b)." and insert "(b),**

**(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1887 as printed February 22, 2001.)

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