
HOUSE BILL No. 1887

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-8; IC 11-10-5; IC 16-33-4; IC 20-15-4; IC 20-16-4.

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 Indiana School for the Blind, the Indiana School for the Deaf, or the Indiana Soldiers' and Sailors' Children's Home 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 Indiana School for the Blind, the Indiana School for the Deaf, and the Indiana Soldiers' and Sailors' Children's Home: (1) includes salary and other wage and wage related benefits; and (2) must be equal to the salaries and 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.

Pelath

January 17, 2001, read first time and referred to Committee on Education.

C
o
p
y



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.

C
o
p
y

HOUSE BILL No. 1887



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.



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 16-33-4;**

37 (C) **IC 20-15; or**

38 (D) **IC 20-16;**

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

40 (3) **who is at least fifty-five (55) years of age on or before the**
 41 **employee's retirement date;**

42 (4) **who is not eligible for Medicare coverage as prescribed by**

C
O
P
Y



1 **42 U.S.C. 1395 et seq.; and**

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

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

9 (1) who is a retired judge;

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

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

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

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

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

20 (1) who is a retired participant under the prosecuting attorneys
 21 retirement fund;

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

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

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

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

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

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

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

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

40 A former member or surviving spouse of a former member who obtains
 41 insurance under this section is responsible for paying both the
 42 employer and the employee share of the cost of the coverage.

C
O
P
Y



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

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

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

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

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

40 SECTION 3. IC 11-10-5-4 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) All teachers
 42 employed by the department are subject to all provisions of law

C
o
p
y



1 concerning the minimum salary of teachers and membership in any
 2 teachers' retirement fund plan. The commissioner or the
 3 commissioner's designated representative shall annually determine:

4 **(1) the salary schedule; and**

5 **(2) other wage and wage related benefits, including retirement**
 6 **and severance benefits;**

7 of the largest school corporation of the county in which each
 8 correctional institution is located.

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

13 **(1) a salary schedule, for each correctional institution,** using a
 14 daily rate of pay for each teacher; **and**

15 **(2) other wage and wage related benefits, including retirement**
 16 **and severance benefits.**

17 ~~which~~ **The salary schedule and benefits prescribed under this**
 18 **subsection** must be equal to ~~that those~~ of the largest school corporation
 19 in the county in which the correctional institution is located.

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

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

25 (e) If the school corporation in which the correctional institution is
 26 located becomes the largest school corporation in the county in which
 27 the correctional institution is located, the daily rate of pay for each
 28 teacher must be equal to that of the school corporation in which the
 29 correctional institution is located without regard to whether the school
 30 corporation in which the correctional institution is located remains the
 31 largest school corporation in the county.

32 ~~Using a daily rate of pay for each teacher, the salary schedule~~ For
 33 each correctional institution located in a county having a population of:

34 (1) more than fifteen thousand (15,000) but less than sixteen
 35 thousand (16,000); or

36 (2) more than seventy-five thousand (75,000) but less than
 37 seventy-eight thousand (78,000).

38 **The salary schedule, using a daily rate of pay for each teacher, and**
 39 **other wage and wage related benefits, including retirement and**
 40 **severance benefits,** must be equal to ~~that those~~ of the school
 41 corporation in which the correctional institution is located.

42 SECTION 4. IC 11-10-5-5 IS ADDED TO THE INDIANA CODE

C
o
p
y



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2001]: **Sec. 5. (a) If a teacher who is employed by the department
3 wishes to file a grievance concerning an action taken by the
4 teacher's employer, the grievance must be filed according to the
5 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 immediate 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 not
28 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 not
37 more than fifteen (15) days after the teacher receives the
38 response under subdivision (8).**

39 **(10) The state employees' appeals commission shall respond
40 to the written grievance filed under subdivision (9) not more
41 than thirty (30) days after the state employees' appeals
42 commission receives the written grievance.**

C
o
p
y



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

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

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

10 (1) the American Arbitration Association; or

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

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

16 (c) Costs of arbitration under this section shall be shared
 17 equally by the employer and the teacher or the teacher's
 18 association.

19 (d) If the employer does not comply with the timelines set forth
 20 under subsection (a), the teacher prevails.

21 (e) A teacher who files a grievance under this section may
 22 choose a representative to represent the teacher in the grievance
 23 process under subsection (a).

24 SECTION 5. IC 16-33-4-10.5 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2001]: **Sec. 10.5. (a) This section applies to**
 27 **teachers employed by the home to teach at a school maintained by**
 28 **the home under section 9 or 10 of this chapter.**

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

32 (1) a salary schedule, using a daily rate of pay for each
 33 teacher; and

34 (2) other wage and wage related benefits, including retirement
 35 and severance benefits.

36 The salary schedule and benefits prescribed under this subsection
 37 must be equal to those of the largest school corporation in the
 38 county in which the home is located.

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

42 (d) The hours of work for all teachers shall be set in accordance

C
O
P
Y



1 with IC 4-15-2.

2 SECTION 6. IC 16-33-4-10.6 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2001]: **Sec. 10.6. (a) This section applies to a
5 teacher who is employed by the home to teach at a school
6 maintained by the home under section 9 or 10 of this chapter.**

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

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

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

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

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

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

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

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

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

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

42 **(10) The state employees' appeals commission shall respond**

C
O
P
Y



1 to the written grievance filed under subdivision (9) not more
2 than thirty (30) days after the state employees' appeals
3 commission receives the written grievance.

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

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

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

13 (1) the American Arbitration Association; or

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

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

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

21 (e) If the home does not comply with the timelines set forth
22 under subsection (b), the teacher prevails.

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

26 SECTION 7. IC 20-15-4-3, AS ADDED BY P.L.69-1999,
27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2001]: Sec. 3. (a) The board shall prescribe **for the school**,
29 subject to the approval of the state personnel department and the
30 budget agency:

31 (1) a salary schedule ~~for the school~~ using a daily rate of pay for
32 each teacher; **and**

33 (2) **other wage and wage related benefits, including retirement
34 and severance benefits.**

35 ~~which~~ **The salary schedule and benefits prescribed under this**
36 **subsection** must be equal to ~~that those~~ of the largest school corporation
37 in the county in which the school is located.

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

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

C
O
P
Y



1 SECTION 8. IC 20-15-4-4 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: Sec. 4. (a) If a teacher who is employed by the school
4 wishes to file a grievance concerning an action taken by the school,
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 immediate 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.

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

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

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

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

38 (10) The state employees' appeals commission shall respond
39 to the written grievance filed under subdivision (9) not more
40 than thirty (30) days after the state employees' appeals
41 commission receives the written grievance.

42 (11) If the teacher is dissatisfied with the response under

C
o
p
y



1 subdivision (10), the teacher may submit the grievance to
 2 arbitration not more than fifteen (15) days after the teacher
 3 receives the response under subdivision (10).

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

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

9 (1) the American Arbitration Association; or

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

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

15 (c) Costs of arbitration under this section shall be shared
 16 equally by the school and the teacher or the teacher's association.

17 (d) If the school does not comply with the timelines set forth
 18 under subsection (a), the teacher prevails.

19 (e) A teacher who files a grievance under this section may
 20 choose a representative to represent the teacher in the grievance
 21 process under subsection (a).

22 SECTION 9. IC 20-16-4-3, AS ADDED BY P.L.69-1999,
 23 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2001]: Sec. 3. (a) The board shall prescribe **for the school**,
 25 subject to the approval of the state personnel department and the
 26 budget agency:

27 (1) a salary schedule, ~~for the school~~ using a daily rate of pay for
 28 each teacher; **and**

29 (2) **other wage and wage related benefits, including retirement
 30 and severance benefits.**

31 ~~which~~ **The salary schedule and benefits prescribed under this**
 32 **subsection** must be equal to ~~that~~ **those** of the largest school corporation
 33 in the county in which the school is located.

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

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

39 SECTION 10. IC 20-16-4-4 IS ADDED TO THE INDIANA CODE
 40 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2001]: **Sec. 4. (a) If a teacher who is employed by the school
 42 wishes to file a grievance concerning an action taken by the school,**



C
 O
 P
 Y

1 the grievance must be filed according to the following procedure:

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

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

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

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

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

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

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

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

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

34 (10) The state employees' appeals commission shall respond
35 to the written grievance filed under subdivision (9) not more
36 than thirty (30) days after the state employees' appeals
37 commission receives the written grievance.

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

42 (12) The arbitrator to which the grievance is submitted under

C
O
P
Y



1 subdivision (11) shall hold a hearing and shall render a
 2 decision not more than thirty (30) days after the hearing.
 3 **(b) An arbitrator to which a grievance is submitted under**
 4 **subsection (a)(11) must be selected from:**
 5 **(1) the American Arbitration Association; or**
 6 **(2) the Federal Mediation and Conciliation Service if an**
 7 **arbitrator is not available from the American Arbitration**
 8 **Association;**
 9 **according to selection procedures established by the arbitrator's**
 10 **association or service.**
 11 **(c) Costs of arbitration under this section shall be shared**
 12 **equally by the school and the teacher or the teacher's association.**
 13 **(d) If the school does not comply with the timelines set forth**
 14 **under subsection (a), the teacher prevails.**
 15 **(e) A teacher who files a grievance under this section may**
 16 **choose a representative to represent the teacher in the grievance**
 17 **process under subsection (a).**

C
o
p
y

