

IC 12-24-3

Chapter 3. Employees of State Institutions

IC 12-24-3-1

Repealed

(Repealed by P.L.6-2012, SEC.98.)

IC 12-24-3-2 Version a

Persons convicted of sex offenses disqualified

Note: This version of section amended by P.L.214-2013, SEC.14. See also following version of this section amended by P.L.158-2013, SEC.183, effective 7-1-2014.

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

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal on July 1, 2014).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4).
- (5) Sexual misconduct with a minor as a Class A or Class B felony (IC 35-42-4-9).

As added by P.L.2-1992, SEC.18. Amended by P.L.228-2001, SEC.3; P.L.214-2013, SEC.14.

IC 12-24-3-2 Version b

Persons convicted of sex offenses disqualified

Note: This version of section amended by P.L.158-2013, SEC.183, effective 7-1-2014. See also preceding version of this section amended by P.L.214-2013, SEC.14.

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

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4).
- (5) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).

As added by P.L.2-1992, SEC.18. Amended by P.L.228-2001, SEC.3; P.L.158-2013, SEC.183.

IC 12-24-3-3

Bonds and crime policies

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

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

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

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

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

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

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

As added by P.L.2-1992, SEC.18. Amended by P.L.49-1995, SEC.9; P.L.28-2012, SEC.22.

IC 12-24-3-4

Repealed

(Repealed by P.L.100-2012, SEC.33.)

IC 12-24-3-5

Employee wage payment arrangements

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

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

may agree in writing to a wage payment arrangement.

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

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

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

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

- (1) a nonqualified deferred compensation plan for purposes of Section 409A of the Internal Revenue Code; or
- (2) deferred compensation for purposes of Section 457(f) of the

Internal Revenue Code.

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

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

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

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

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

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