

IC 20-29-2

Chapter 2. Definitions

IC 20-29-2-1

Application of chapter

Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.1-2005, SEC.13.

IC 20-29-2-2

"Bargain collectively"

Sec. 2. "Bargain collectively" means the performance of the mutual obligation of the school employer and the exclusive representative to:

- (1) meet at reasonable times to negotiate in good faith concerning the items enumerated in IC 20-29-6-4; and
- (2) execute a written contract incorporating any agreement relating to the matters described in subdivision (1).

As added by P.L.1-2005, SEC.13.

IC 20-29-2-3

"Board"

Sec. 3. "Board" refers to the Indiana education employment relations board established by IC 20-29-3-1.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-4

"Certificated employee"

Sec. 4. "Certificated employee" means a person:

- (1) whose contract with the school corporation requires that the person hold a license or permit from the division of professional standards of the department under IC 20-28; or
- (2) who is employed as a teacher by a charter school established under IC 20-24.

As added by P.L.1-2005, SEC.13. Amended by P.L.1-2007, SEC.145.

IC 20-29-2-5

"Confidential employee"

Sec. 5. "Confidential employee" means a school employee whose:

- (1) unrestricted access to confidential personnel files; or
- (2) functional responsibilities or knowledge in connection with the issues involved in dealings between the school corporation and its employees;

makes the school employee's membership in a school employee organization incompatible with the school employee's official duties.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-6

"Deficit financing"

Sec. 6. "Deficit financing" for a budget year means actual expenditures exceeding the employer's current year actual general

fund revenue.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.7.

IC 20-29-2-7

"Discuss"

Sec. 7. "Discuss" means the performance of the mutual obligation of the school corporation through its superintendent and the exclusive representative to meet at reasonable times to:

- (1) discuss;
- (2) provide meaningful input; or
- (3) exchange points of view;

with respect to items enumerated in IC 20-29-6-7.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-8

"Employees performing security work"

Sec. 8. "Employees performing security work" means a school employee:

- (1) whose primary responsibility is the protection of personal and real property owned or leased by the school corporation; or
- (2) who performs police or quasi-police powers.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-9

"Exclusive representative"

Sec. 9. "Exclusive representative" means the:

- (1) school employee organization that has been:
 - (A) certified for purposes of this article by the board; or
 - (B) recognized by a school employer as the exclusive representative of the employees in an appropriate unit; under IC 20-29-5-1 through IC 20-29-5-5; or
- (2) person or persons authorized to act on behalf of a representative described in subdivision (1).

As added by P.L.1-2005, SEC.13.

IC 20-29-2-10

"Governing body"

Sec. 10. "Governing body" means:

- (1) a township trustee and the township board of a school township;
- (2) a county board of education;
- (3) a board of school commissioners;
- (4) a metropolitan board of education;
- (5) a board of trustees;
- (6) any other board or commission charged by law with the responsibility of administering the affairs of a school corporation; or
- (7) the body that administers a charter school established under IC 20-24.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-11**"Noncertificated employee"**

Sec. 11. "Noncertificated employee" means a school employee whose employment is not dependent on the holding of a license or permit under IC 20-28.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-12**"School corporation"**

Sec. 12. "School corporation" means a local public school corporation established under Indiana law. The term includes any:

- (1) school city;
- (2) school town;
- (3) school township;
- (4) consolidated school corporation;
- (5) metropolitan school district;
- (6) township school corporation;
- (7) county school corporation;
- (8) united school corporation;
- (9) community school corporation; and
- (10) public career and technical education center or school or school for children with disabilities established or maintained by two (2) or more school corporations.

As added by P.L.1-2005, SEC.13. Amended by P.L.234-2007, SEC.109.

IC 20-29-2-13**"School employee"**

Sec. 13. "School employee" means a full-time certificated person in the employment of the school employer. A school employee is considered full time even though the employee does not work during school vacation periods and accordingly works less than a full year.

The term does not include:

- (1) supervisors;
- (2) confidential employees;
- (3) employees performing security work; and
- (4) noncertificated employees.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-14**"School employee organization"**

Sec. 14. "School employee organization" means an organization that:

- (1) has school employees as members; and
- (2) as one (1) of its primary purposes, represents school employees in dealing with their school employer.

The term includes a person or persons authorized to act on behalf of the organization.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-15

"School employer"

Sec. 15. "School employer" means:

- (1) the governing body of each:
 - (A) school corporation; or
 - (B) charter school established under IC 20-24; and
- (2) a person or persons authorized to act for the governing body of the school employer in dealing with its employees.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-16

"Strike"

Sec. 16. "Strike" means:

- (1) concerted failure to report for duty;
 - (2) willful absence from one's position;
 - (3) stoppage of work; or
 - (4) abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment;
- without the lawful approval of the school employer or in any concerted manner interfering with the operation of the school employer for any purpose.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-17

Repealed

(Repealed by P.L.48-2011, SEC.39.)

IC 20-29-2-18

"Superintendent"

Sec. 18. "Superintendent" means:

- (1) the chief administrative officer of a:
 - (A) school corporation; or
 - (B) charter school established under IC 20-24; or
- (2) a person or persons designated by the officer or by the governing body to act in the officer's behalf in dealing with school employees.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-19

"Supervisor"

Sec. 19. "Supervisor" means an individual who has:

- (1) authority, acting for the school corporation, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline school employees;
 - (2) responsibility to direct school employees and adjust their grievances; or
 - (3) responsibility to effectively recommend the action described in subdivisions (1) through (2);
- that is not of a merely routine or clerical nature but requires the use of independent judgment. The term includes superintendents,

assistant superintendents, business managers and supervisors, directors with school corporationwide responsibilities, principals and vice principals, and department heads who have responsibility for evaluating teachers.

As added by P.L.1-2005, SEC.13.