

## **IC 20-21-4**

### **Chapter 4. Personnel System**

#### **IC 20-21-4-1**

##### **Applicability of state civil service system law**

Sec. 1. Except as provided in this chapter, IC 4-15-2.2 applies to the employees of the school.

*As added by P.L.1-2005, SEC.5. Amended by P.L.6-2012, SEC.125.*

#### **IC 20-21-4-2**

##### **Hiring personnel**

Sec. 2. The executive shall hire directly for those positions as approved by the state personnel department and the board any candidate the executive considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the executive may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

*As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.60.*

#### **IC 20-21-4-3**

##### **Repealed**

*(As added by P.L.1-2005, SEC.5. Amended by P.L.229-2011, SEC.168. Repealed by P.L.100-2012, SEC.52.)*

#### **IC 20-21-4-4**

##### **Employee wage payment arrangements**

Sec. 4. (a) Notwithstanding IC 22-2-5-2, the school 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 school 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 school 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.4.*