

LEAVES OF ABSENCE

SCOPE

This policy shall apply to all employees in the state civil service system and may apply to employees in governmental entities where the chief executive officer has elected to have the civil service system leave policies applied to all or part of the entity's employees.

POLICY STATEMENT

It is the policy of Indiana state government to provide state employees with appropriate leaves of absence for addressing civic, medical and personal needs while balancing the operational needs of agencies to provide quality services to our citizens without undue disruption.

TYPES OF LEAVES AVAILABLE

Fully Paid Leaves

- Vacation (12/yr for full-time + Bonus)
- Sick (9/yr for full-time)
- Personal (3/yr for full-time and then add'l accrual(s) if have 3 unused will roll over to Sick)
- Special Sick Leave (only employees who accrued it before July 1, 1989 & have not used it nor broken service)
- Funeral (up to 3 days per death or funeral of qualified family member)
- Jury Duty (as ordered)
- Military (in accordance with Orders – 15 days)
- Witness in work-related adjudication (as ordered)
- Emergency Conditions (when declared by SPD)
- Community Service Leave (in accordance with EO 98-13 & policy)
- Leave for Volunteer Disaster Service (if qualified: 15 work days/fiscal year)
- Leave for Bone Marrow / Organ Donation (5 work days/30 work days)

Partially Paid Leaves

- Short/Long Term Disability Plan (S/LTD) (if qualified)
- Workers' Compensation (WC) (if qualified)

Unpaid Leaves

- Family-Medical Leave (FML) (if qualified)
- General Authorized Leave Without Pay (recommended by AA; approved by SPD when exceeds 30 calendar days)
- Military (in accordance with orders)
- Absence due to volunteer firefighting duties in accordance with IC 4-15-10-7 and IC 36-8-12-10.5

Special Leave

Employees may receive up to fifteen (15) work days of paid leave to address housing needs if the Governor declares that a state of emergency exists in designated area(s) of Indiana and the employee's principal residence has been destroyed or severely damaged by that emergency to the extent that the principal residence is uninhabitable. [Special leave is permitted only while the executive order or state of disaster is in effect.](#) Eligibility for this special leave will be determined through a verification and certification process established and performed by an authorized employee of the Indiana Department of Homeland Security. Documentation of such certification will be required to support a request for this leave. Procedures and time limits for requesting this leave will be published by the State Personnel Director at the time of, and in accordance with, the declaration or executive order.

Unauthorized Leave

Every other absence not covered by one of the above types of leave or unpaid leave individually-authorized by appointing authority or his/her designee will be designated as unauthorized. Unauthorized Leave (UL) is cause for discipline of a classified employee.

ADVANCE NOTICE / REQUESTS FOR LEAVE

Absent extenuating circumstances, in all instances employees are required to request leaves of absence in advance, usually at the time the employee learns of the need for the absence. Agencies may develop procedures and forms for requesting use of accrued leaves. Time frames established in the civil service rules and SPD standardized policies apply except that agencies may require notice further in advance for vacation leave and may waive advance notice requirements for accrued leaves in extenuating circumstances.

DOCUMENTATION & PROCEDURES FOR LEAVES & ABSENCES

Documentation supporting any request for leave may be required and must specifically identify the date(s) of absence and provide sufficient information to determine which type(s) of leave listed below are available and appropriate. Documentation supporting any request for leave must comply with the requirements of that policy or rule including submission on the proper form and within the time frame designated for that type of leave.

- Documentation for FML must be on the designated forms as required by SPD and comply with all other requirements of that Policy.
- Documentation for S/LTD must be on the designated forms and comply with requirements of 31 IAC 5-9 as well as the requirements of the State's third party administrator of the S/LTD plan(s).
- Documentation for WC must be on the designated forms and comply with the requirements of the State's third party administrator of the WC plan.
- Documentation for Military Leave must comply with requirements of that Policy.
- Documentation from a licensed health care provider for the medical necessity to use Sick Leave may be required. If an employee's personal illness, injury, or legal quarantine is anticipated to last more than 30 consecutive days the S/LTD forms should be used to document the medical necessity. Documentation for sick leave may also be required in accordance with FML Policy.
- Documentation for Special Sick Leave will show that the employee had accrued the leave prior to July 1, 1989, and has not previously used the entire accrual nor broken service. It must also show that the employee has exhausted all accrued sick, vacation, and personal leave. Special sick leave can be used concurrently with FML and/or S/LTD and/or WC or for authorized absences due to the employee's medical condition if the employee has exhausted all accrued sick, vacation and personal leave.
- Documentation for Funeral Leave, if requested, is a copy of the obituary or funeral notice and the employee's statement of his/her relationship to the deceased in accordance with the definition of relative in that Policy.
- Documentation for Jury Duty or Witness Leave is a copy of the official court document(s) requiring and verifying the employee's appearance.
- Documentation for paid leave due to office/work site closure for Emergency Conditions will be provided to SPD by authorized agency officials in accordance with that Policy.
- Documentation for Community Service Leave must comply with the requirements of that Policy and be submitted on the form referenced in that policy.

- Documentation for General Authorized Leave Without Pay, includes the employee's request stating reasons for the leave plus written support for the request from the appointing authority stating why the leave is in the best interests of the service and recommending approval by the SPD director.
- Documentation related to service as a volunteer firefighter must be provided in accordance with IC 4-15-10-7 and IC 36-8-12-10.5. Employees must notify their immediate supervisor in writing, and in advance of any absence from work due to such service, that the employee is a member of a volunteer fire service. Additional documentation is required to support any subsequent absence due to performing such service.
- Documentation for Volunteer Disaster Service Leave must provide all the information necessary to show the employee and the service meet the requirements of IC 4-15-14-7.
- Documentation for Bone Marrow / Organ Donor Leave is a document issued by a medical professional that the employee and the leave meet the requirements of IC 4-15-16-7 (bone marrow donation) or IC 4-15-16-8 (organ donation).

The employee is responsible for accurately reporting and recording the type of leave used and choosing the proper code or designated term for each applicable type of leave used as defined by any attendance program in use by the employing agency. Inaccurate reporting on timesheets or other time reporting instruments may result in disciplinary action.

ACCRUED LEAVES: Vacation, Sick, and Personal

- Vacation Leave is accrued in accordance with 31 IAC 5-8-2.
- Sick Leave is accrued in accordance with 31 IAC 5-8-3.
- Personal Leave is accrued in accordance with 31 IAC 5-8-4.

It is always the employee's responsibility to know his/her accrued leave balances and to request and document the type of leave that is appropriate and available at the time of the absence.

Dates and patterns for accruing leave will be adjusted for unpaid leaves of absence lasting thirty (30) days or more and for breaks in service. Accrual of leave is suspended during time spent on S/LTD, WC, special sick and unpaid leaves and the time spent on S/LTD, WC, special sick or unpaid leave shall not be credited towards the accrual of additional vacation, sick, or personal leave.

Accrued leaves are available throughout an employee's service with proper notice and when circumstances meet requirements of the specific leave requested.

- Use of paid leave cannot be granted beyond the last day the employee is physically present at work except when paid leave is running concurrently with FML, S/LTD, or WC and the employee is unable to return to work due to the medical condition.
- Vacation leave up to 225 hours of accrued but unused vacation leave can be paid out in the final paycheck of employees who separate in good standing. Conversion of additional accrued but unused and uncompensated vacation leave is dependent upon eligibility and application for the 31 IAC 5-10 Retiree Leave Conversion.
- Use of vacation leave in a manner that merely extends the effective date of an employee's final day of employment without the performance of meaningful work for a sustained period upon return from such leave is prohibited, will not be paid, and may result in the employee's official record listing a separation not in good standing. Supervisors who approve such arrangements may be subject to disciplinary action.

- There is no payout of accrued but unused sick or personal leave unless the employee complies with the eligibility and application requirements of the 31 IAC 5-10 Retiree Leave Conversion.
- Unused and uncompensated accrued leaves remaining after an employee separates service in good standing or is laid off will be restored for use if the employee is subsequently recalled from layoff or hired into the state civil service.
- Accrued leave balances are forfeited upon dismissal from employment.

CONSECUTIVE USE OF LEAVES

Consecutive use of accrued leave is required for each absence from work unless the appointing authority/designee expressly authorizes unpaid leave, or unless the scattering of paid leave is required to maintain health care coverage without lapse for an absence comprising an entire pay period. Use of accrued leave concurrently with WC and/or the benefits period of S/LTD is governed by the rules for those plans and the options designated by the employee.

CONCURRENT APPLICATION OF LEAVES

For those circumstances in which more than one type of leave is available and appropriate, the provisions for each leave must be reviewed separately and coordinated to give effect to each type of leave.

Example: if an employee's own serious condition qualifies for FML, S/LTD, and Sick Leave, then all three will run concurrently. During the Elimination Period of S/LTD, the FML policy is primary so Comp Time (for eligible EEs) and/or Sick Leave, if available, must be charged concurrently. Once the Benefits Period begins on the 31st day after incapacity, the S/LTD rules are primary and use of earned comp time and/or accrued leave is determined by the employee's choice under Option 2 or Option 3.

ADDITIONAL REFERENCES

SPD standardized policies on leaves

Rules

31 IAC 5-5-7 Hours & Overtime

31 IAC 5-5-8 Leaves

31 IAC 5-5-8-1(b) Holidays for Teachers at ISB/VI and ISD

31 IAC 5-5-8-2(b) Vacations for Teachers at ISBVI and ISD

31 IAC 5-5-10 Retiree Leave Conversion

Military Leave

38 USCA §§4301-4330

Uniformed Services Employment & Re-employment
Rights Act (USERRA)

20 CFR Subpart A §1002

Federal Regulations on USERRA

IC 10-16-7-5

Paid military leave for public employees

<http://www.in.gov/spd/2396.htm>

SPD's Military Leave Policy/Responsibilities & Procedures

Disability & Workers' Comp

31 IAC 5-9

State's Short/Long Term Disability

<http://www.in.gov/spd/2665.htm>

SPD's webpage on S/LTD

<http://www.in.gov/icpr/webfile/formsdiv/50106.pdf>

SPD's webpage Instructions for
claiming S/LTD

IC 22-3 et seq. and 631 IAC 1 et seq.

Worker's Comp Law & Rules

<http://www.in.gov/spd/2666.htm>
<http://www.in.gov/spd/2492.htm>

SPD's webpage on WC
SPD's webpage on WC clinics

Family-Medical Leave

29 CFR §825

<http://www.in.gov/spd/2396.htm>
<http://www.in.gov/spd/2397.htm>

Federal FMLA Regulations

SPD's FML Policy/Responsibilities & Procedures

SPD's webpage on FML

<http://www.in.gov/spd/2393.htm>

Web site contains links to all the State Personnel
Department's Standardized Policies, the Civil Service
System Statute and Rules, and other helpful information.

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EFFECTIVE DATE August 1, 2012

APPROVAL 

Daniel L. Hackler, State Personnel Director

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