




Policy Title	Leaves and Absences		
Effective Date	Sept. 21, 2023		
Supersedes	Leaves of Absence Policy dated August 1, 2012, and Temporary Voluntary Unpaid Leave Policy (June 7, 2021 - June 30, 2023)		
Approval	 <p style="text-align: right;">State Personnel Director</p>		
References	IC 1-1-9 IC 4-15-2.2-10 31 IAC 5-7 31 IAC 5-8-1, et seq. 31 IAC 5-9-1, et seq. 31 IAC 5-10-1, et seq. 31 IAC 5-12-3(d) 631 IAC 1, et seq.	IC 22-3, et seq. IC 4-15-14-7 IC 4-15-16-7 IC 4-15-16-8 IC 4-15-10-7 IC 5-10.2-4-1 IC 10-16-7-5	FMC 2.3 29 C.F.R. §553.21 38 U.S.C. §§4301-4327 20 C.F.R. Subpart A §1002 29 C.F.R. §825

PURPOSE

To provide an overview of types of leave available to employees in state civil service and the documentation required for each leave.

SCOPE

This policy applies 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.

DEFINITIONS

Absence due to Volunteer Firefighting Duties is authorized under IC 4-15-10-7 and prohibits disciplinary action against employees who are members of community volunteer fire departments who have notified their supervisor of their membership in advance, provided written statement from the officer in charge of the volunteer department of employee’s engagement in emergency firefighting activities at the time of employee’s absence from work, and who obtained supervisory approval to be absent if reported to work prior to the emergency call. Additional statutory requirements apply if employee is injured during such

firefighting duties. Absences are unpaid unless employee chooses to use comp time or available, accrued vacation or personal leaves concurrently.

Accrued Leaves are vacation, sick, and personal leaves added to each employee's balance on an established schedule related to length of qualified full- or part-time service and tied to individual accrual dates. Accrual dates are adjusted for any break in service. Accruals are inhibited during any unpaid leave of absence of thirty consecutive calendar days or more. Accrual rates are 7.5 hours for full-time employees and half of that (3.75 hours) for part-time employees; however, rates of accrual may be different for public safety employees (law enforcement or firefighting) who are subject to 31 IAC 5-7-8(b). Employees appointed to intermittent or temporary positions or working less than half of the full-time hours do not accrue leave.

Authorized Leave without Pay may be requested by employees or designated by managers for absences not covered by other leaves. Unpaid leaves of thirty consecutive calendar days or more require written approval through agency chain of command and agency appointing authority recommendation to INSPD Director or designee for review to determine whether leave is in best interest of state service.

Community Service Leave up to 15 hours per calendar year is available to promote direct involvement of state employees in public services in their communities through volunteer efforts. Details of eligibility are in the [policy](#). A completed [form](#) is required for approval.

Compensatory Time Off (comp time) is one form of compensation for overtime hours worked by employees in non-exempt positions (i.e., those performing work eligible for premium overtime compensation) as defined by the Fair Labor Standards Act (FLSA) or Financial Management Circular (FMC) 2.4. For employees in exempt positions, as defined by the FLSA, FMC 2.3 sets standards for discretionary granting of compensatory time off.

Donor Leaves are available under IC 4-15-16-7 and IC 4-15-16-8 for employees who are donating Bone Marrow (5 days) or an Organ (30 days) to another person. These leaves run concurrently with family & medical leave (FML) for eligible employees.

Emergency Conditions Leave allows employees to be released from work without loss of pay at a particular worksite due to emergency conditions at that worksite adversely affecting employees' ability to perform work and necessitate the cessation of state operations at that location. Appointing authorities must request this leave from INSPD Director or designee during, not after, the emergency condition. Employees cannot use this leave without express notice by agency management or HR representative that approval has been granted to the employee for a specific time period during which the worksite was closed and employee could not be reassigned to work remotely at another reasonable location.

Family & Medical Leave (FML) is available to eligible employees for qualifying events. FML is unpaid unless an employee is concurrently using available, appropriate accrued leave or NPL. FML runs concurrently with S/LTD for eligible employees. Details are in the [policy](#) and related [website](#).

Funeral Leave allows employees to be absent for up to their next three consecutive workdays without loss of pay to attend funeral or memorial services for specified family members listed in the [policy](#).

Jury Duty is an authorized absence without loss of pay for the time an employee spends reporting to the issuing court for selection and service on a jury. Fees paid to an employee for participation in selection or service must be deducted from the employee's base salary so the total amount paid equals the employee's base salary for the affected period.

Military Leave up to 15 days per calendar year without loss of pay is available under IC 10-16-7 for members of the National Guard or reserve components of the armed forces of the United States who report for duty pursuant to official orders. Details are in the [policy](#).

New Parent Leave (NPL) is available upon birth or adoption of a child to employees who have completed at least six months of employment at the time of the birth or adoption. Full-time employees receive 150 hours and part-time employees receive 75 hours of NPL for use during the first six months after the birth or adoption. Details are in the [policy](#) and related [website](#).

Personal Leave is accrued to provide employees reasonable opportunities to conduct personal business and handle emergencies without loss of pay. New full-time hires receive 22.5 hours of personal leave upon hire. Balances are limited to 22.5 hours; therefore, if a new accrual of personal leave would exceed that maximum, the excess hours are placed in the employee's sick leave balance.

Short- and Long-Term Disability (S/LTD) Leave is available to employees after six months of full-time employment if incapacitated for more than 30 consecutive calendar days due to a medical condition for which a claim has been processed by the State's third-party administrator. Benefits begin after a 30-day elimination period at 60% of base biweekly salary; however, employees can increase their benefit to 80% by using 15 hours of available, accrued leave, comp time, or NPL each pay period. Employees with sufficient accrued leave to use a full day of leave for each workday will receive 100% of their base biweekly salary. S/LTD runs concurrently with FML for employees eligible for both leaves. Information about this and other health care plans is located [here](#).

Sick Leave is accrued to provide employees reasonable opportunities to address the medical needs of themselves and their immediate family members without loss of pay. Employees accrue up to 67.5 hours of sick leave annually in a pattern of 7.5 hours every two months and 7.5 additional hours every four months based on their accrual or adjusted accrual date. Details are in the [policy](#).

Unauthorized Leave is designated by managers when an employee is absent without permission. It is unpaid and may result in disciplinary action up to and including dismissal.

Uniformed Services Leave is an unpaid leave available to employees who are deployed under orders of a military or other authority for service covered by the Uniformed Services Employment and Re-employment Act (USERRA). Details are in the Military and Uniformed Services Leave [policy](#). Indiana statutory provisions apply only to military leave.

Vacation Leave is accrued to provide employees reasonable opportunities to take time for rest and recreation consistent with the operational needs of the State. Employees accrue up to 90 hours of vacation leave annually and may earn bonus vacation leave beginning when their total service totals five years or more. Details are in the [policy](#).

Worker's Compensation Leave is for absences due to work-related injuries and illnesses for which a claim has been processed by the State's third-party administrator. Lengthy, continuous leaves will transition to the State's Short- and Long-Term Disability Plan. Absences for follow-up appointments or treatments after returning to work are designated entering an absence request for the worker's comp option in the State's human capital management (HR & Payroll) system. Information about this and other health care plans is located [here](#).

RESPONSIBILITIES

Employees are responsible for:

- Working all scheduled hours or complying with any notice requirements for requesting use of accrued or other leave benefits;
- Knowing their leave balances, accrual dates, eligibility standards and purposes of each type of leave;
- Requesting an appropriate type, date, and quantity of leave for each absence;
- Providing required documentation for each leave;

- Monitoring their leave usage and the impact of current use of a leave type on future requests for the same leave type and hours;
- Obtaining management's approval for each absence;
- Communicating absences to appropriate members of leadership, coworkers, and customers; and
- Recording each approved absence accurately in the State's human capital management (HR & Payroll) system, currently PeopleSoft Absence Management.
- Taking courses related to Employee Self Service for the State's human capital management (HR & Payroll) system, currently PeopleSoft.

Supervisors are responsible for:

- Taking courses related to Manager Self Service for the State's human capital management (HR & Payroll) system, currently PeopleSoft.
- Reviewing each employee's request for leave, confirming the employee's balance and eligibility for that leave (quantity and type), and approving, pushing back, or denying each request in the State's human capital management (HR & Payroll) system, currently PeopleSoft Absence Management.
- Approving and monitoring use of leaves in a manner consistent with the purposes of the leave while meeting performance standards, operational and scheduling needs;
- Confirming the hours worked and absences reported on each employee's timesheet accurately reflect the employee's activities before approving each timesheet; and
- Taking appropriate actions, including discipline, when an employee fails to abide by the requirements of this and related attendance and leave policies and for absences without authorization.

PROCEDURES

Follow these steps for securing permission to be absent from your scheduled work hours:

1. Requests for FML and NPL must be entered into the State's human capital management (HR & Payroll) system through the Extended Absence tile on the Employee Self Service homepage.
2. Application or claims for benefits under the State's Short- and Long-Term Disability Plan must be submitted on the proper forms to the State's third-party administrator. Benefits cannot be paid for any time prior to the submission of the employee's application.
3. Claims for Worker's Compensation must be submitted by management or HR representative on the proper forms to the State's third-party administrator.
4. Employees must contact their supervisor with a request for comp time or the specific type of leave and duration of your absence. Provide as much notice as possible. Your agency may require use of a specific form for these requests, but if not, modes of communication include email, business calendar invitation, text or voice messages.
5. Once employee has obtained permission, enter a request in the State's human capital management (HR & Payroll) system. Currently, that is through the PeopleSoft Employee Self Service homepage.
6. Employees and managers must ensure the employee is eligible for and has a sufficient balance of the leave type requested.
 - a. If leaves are entered in advance of the affected pay period, use of the same leave type between the date of the request and the date of the absence may change a previously eligible leave to an ineligible status resulting in loss of pay. Employees must track their balances and usage of leave and canceling absences that have become ineligible.

- b. Advanced notice time frames and documentation requirements may be detailed in policies, rules, or statutes for individual types of leaves.
 - c. Agencies may authorize an employee to borrow up to 22.5 hours of vacation leave if doing so meets an operational need. Employees are not entitled to borrow vacation leave and have a negative balance without written approval from an appropriate agency manager. Employees who improperly take more vacation leave than in their balance and managers who approve timesheets for employees which result in negative balances without proper approval are subject to disciplinary action. Negative balances of vacation leave at separation must be paid by employee at time of separation.
7. Employees must provide required documentation for each type of leave.
- a. Documentation for **General Authorized Leave Without Pay** in excess of 30 calendar days, 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. Requests for authorized leaves less than 30 calendar days may be approved by an agency's appointing authority or designee. Employees who do not have sufficient amounts of accrued or other appropriate leaves to cover their absences are not entitled to receive authorization for additional absences unless the absence is part of a documented reasonable accommodation. Unauthorized absences may result in disciplinary action up to and including dismissal.
 - b. Documentation for **Community Service Leave** must comply with the requirements of that Policy and be submitted on the form referenced in that policy.
 - c. Documentation for **Bone Marrow / Organ Donor Leaves** 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). Donor leaves qualify for Family & Medical Leave; therefore, eligible employees must also apply for FML for concurrent use during these absences.
 - d. Documentation for paid leave during an SPD declared office/worksite closure due to **Emergency Conditions** will be provided to SPD by authorized agency officials in accordance with that policy.
 - e. Documentation for **Family and Medical Leave (FML)** must be on the designated forms as required by SPD and comply with all other requirements of that Policy.
 - f. 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.
 - g. Documentation showing the need for leave to perform required service for **Jury Duty or Witness** is a copy of the official court document(s) requiring and verifying the employee's appearance. Generally, a summons is issued for jury duty and a subpoena is issued to witnesses. Most courts provide some payment to persons who have appeared in response to a summons or subpoena. Employees cannot sign waivers of those payments for serving as juror or as a witness. The employee will enter an absence request for the appropriate leave type and submit the per diem appearance check(s) to agency payroll staff during the affected pay period(s) which will result in employees receiving their regular pay for time spent as a juror or witness.

- h. Documentation for **Military** and other **Leaves for Uniformed Services** must comply with requirements of that Policy.
 - i. Documentation for **New Parent Leave** is an official birth confirmation or a court order placing the child with employee for adoption as detailed in that policy.
 - j. Documentation is not required to take accrued, available **Personal Leave**.
 - k. 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.
 - l. 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 (for employee's own serious health condition), or to supplement S/LTD and WC benefits if the employee has an available balance and has exhausted all accrued sick, vacation and personal leaves.
 - m. Documentation for State's **Short- and Long-Term Disability (S/LTD) Plan** 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).
 - n. Documentation is not required to take accrued, available Vacation Leave unless request is for more than four consecutive calendar weeks.
 - o. 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.
 - p. Documentation related to service as a **volunteer firefighter** must be provided in accordance with IC 4-15-10-7. 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.
 - q. Documentation for **Worker's Compensation (WC)** must be on the designated forms and comply with the requirements of the State's third party administrator of the WC plan.
 - r. Use of earned **Compensatory Time Off** must be requested and approved in accordance with agency procedures and entered in the State's human capital management (HR & Payroll) system. Requests to use compensatory time should not be unreasonably denied. Use of compensatory time under FMC 2.3 by exempt employees is limited to 112.5 hours per calendar year.
8. The following provisions detail impacts to leave balances and accruals upon separation from state service and upon rehire.
- a. Dismissal results in forfeiture of all accrued vacation, sick, and personal leave balances and a designation of Not Eligible for Rehire.
 - b. Separation from service in good standing results in payment of up to 225 hours of an employee's accrued, available vacation leave. Good standing requires an employee to provide two-weeks' notice of departure and does not include resignation to avoid action related to

poor performance or misconduct. Separation not in good standing will result in a designation of Not Eligible for Rehire.

- c. Separation, other than dismissal, from service by employees eligible for retirement benefits results in a payout by conversion of all or a portion of an employee's accrued, available vacation, sick, and/or personal leave balances. Conversion percentage, maximum payout cap, and eligibility are governed by 31 IAC 5-10-1, et seq.
- d. Unused, uncompensated, unconverted accrued leave balances remain on the books and will be restored for use if employee is rehired.
 - i. This occurs automatically for employees who left state service on or after May 1, 2020, but requires manual data entry for returning employees with earlier termination effective dates.
 - ii. Upon transfer to a separate branch of government, elected official's office, or quasi agency which will not accept the employee's entire existing balances of accrued leave, the affected employee may request the outgoing agency to either (1) pay out up to 225 hours of vacation leave, or (2) retain on the books the amount of accrued vacation leave not accepted by the receiving agency. Outgoing agency will process vacation balances as requested by employee. Payout of sick or personal leaves is not authorized. Manual data entry is required to pay out vacation leave upon transfer.
 - iii. Transfers into the executive branch will include acceptance of all existing balances accrued in a separate branch of government, elected official's office or quasi agency.
 - iv. New leave accruals begin immediately upon rehire, and there is no waiting period for use of transferred, restored, or newly-accrued leaves.

FORMS

Required forms are accessed through each policy for the particular leave.