

## CIVILIAN RULE 5

### SICK and PERSONAL LEAVE

#### Section 5- 1 Sick Leave (General)

- A. Sick leave is defined in Regulation 3 and shall be administered as outlined in this rule.
- B. An employee may use sick leave for appointments with any licensed health care provider. Sick leave shall not be taken in less than 15-minute increments.
- C. Employees who, while on scheduled vacation leave, become sick or injured, shall remain on vacation leave until the original leave period ends at which time the employee may be placed on sick leave.

However, employees who, while on scheduled vacation leave, become sick or injured to the extent that there is a severe limitation of their functional capacity to perform the duties of their job, may request to be placed on sick leave in lieu of vacation leave.

Such requests shall include a completed [Employee's Physician Report](#) and shall then be submitted to the employee's district or division commander for consideration.

- D. Employees who resign, in good standing, after June 30, 1982, and are subsequently rehired shall have reinstated accrued sick leave, which was unused at the time of their resignation.

#### Section 5-2 Sick Leave: Communications personnel and Motor Carrier Inspectors continuously employed by the Department since July 1, 1975

These employees shall:

- A. Be granted 90 calendar days for illness or injury incurred outside the line-of-duty and 365 days for illness or injury incurred in the line-of-duty in any calendar year. Such leave shall not accumulate from year to year;
- B. Accrue an additional sick day each time a "personal leave" day is accrued. Such additional sick leave shall accumulate from year to year as family sick hours;
- C. Carry over any unused sick days out of the 90 per calendar year, in excess of 84 days remaining at the end of each calendar year, to the next year as family sick hours. These hours carried over can be used for illness or injury in the employee's immediate family, but not for the employee's personal illness or injury. Refer to Regulation 3 for immediate family definition; and

D. Scheduled days off and holidays, preceded by and followed by a sick day off, shall be considered sick days and shall not be compensated for later.

**Section 5-3 Sick leave: All other full time civilian employees**

These employees shall:

A. Accrue sick leave at the rate of one (1) working day for every two (2) full months of employment. These days can also be used for illness or injury in the employee's immediate family;

B. Accrue one additional sick day each time a personal leave day is accrued. The first additional sick day shall be credited to all employees on the date after October 7, 1992 that they are presently scheduled to receive a personal leave day; and

C. Sick leave shall not accrue to hourly, per diem, temporary, intermittent, contractual employees, or general student assistants.

**Section 5-4 Abuse of Sick Leave**

A. A supervisor may require an employee to verify by doctor's statement, fitness to work or legitimacy of leave request in the following circumstances:

1. Absence for a period of three (3) or more consecutive days;
2. Employee has demonstrated an unacceptable pattern of attendance;
3. Employee had previously requested the day off and been denied;
4. Employee demonstrates behavior which indicates that a fitness problem may exist; or
5. A request for sick leave is thought to be in concert with a job action or other form of work stoppage.

Note: The Superintendent may designate a physician to verify the legitimacy of the sick leave. The cost of verification by an employer-designated physician shall be the responsibility of the Department.

B. Employees shall request sick leave at least one (1) hour prior to the start of their assigned shift.

C. Employees shall not be disciplined for the use of sick leave in compliance with this section; however, the inappropriate use of sick leave shall be recorded as unauthorized leave and may subject the employee to discipline.

Section 5-5 **Special Sick Leave**

A. On July 1, 1989, all civilian employees with more than one year of continuous full time state employment, except those who were in the Indiana State Police Pension and Benefit Program, were credited with a bank of special sick leave days equal to five work days for each year of continuous full time state employment completed as of June 30, 1989. A proportionate number of special sick leave days were credited for that period of continuous employment in excess of complete years. Any special sick leave used prior to July 1, 1989 was subtracted from that total.

B. No special sick leave shall be credited for any employment after June 30, 1989.

C. Civilian employees who have exhausted all accumulated sick leave, personal leave compensatory time and vacation time shall, upon request to the Superintendent, be granted special sick leave for periods of disability as certified by the [Employee's Physician Report](#).

D. No sick leave, vacation leave, or personal leave shall accrue while on special sick leave.

Section 5-6 **Return to Duty from Sick Leave**

Employees who are absent from work due to a work related or non work related illness or injury shall immediately notify their commanding officer/civilian commander when released by a physician to return to work in full or limited (light) duty capacity.

Applicable requests to return to:

A. Limited duty shall be submitted by an employee as outlined in the provisions of HMR-010.

B. Full duty shall be submitted by an employee as outlined in the provisions of HMR-006.

Section 5-7 **Personal leave**

A. Communications personnel and Motor Carrier Inspectors appointed prior to July 1, 1975 shall:

1. Accrue a personal leave day on March 1<sup>st</sup>, July 1<sup>st</sup>, and November 1<sup>st</sup>; and

2. Shall not accrue a personal leave balance in excess of three (3) days.

B. All other civilian employees shall:

1. Accrue a personal leave day for every four (4) months of service based on the date of appointment and/or adjusted service date; and

2. Shall not accrue a personal leave balance in excess of three (3) days. Any accrual of personal leave beyond the three-day limit shall be credited to the employee's sick leave balance.

C. Personal leave shall not accrue while in a disability status nor while on leave without pay.

D. Personal leave shall not be recorded or compensated in less than 15-minute increments.

E. Requests for personal leave.

1. Employees shall request personal leave at least one (1) hour prior to the start of their assigned shift and shall be granted at the discretion of the employee's commander, supervisor, or designee.

2. Employees should provide more than the required notice, whenever possible. Notice requirements shall be waived upon the submission of documentation that an emergency situation existed, which made it impossible or impractical for the employee to comply with the notice requirement.

3. Personal leave shall not be granted to hourly, per diem, temporary, intermittent, contractual, or general student assistants.

F. Requests to use accrued personal leave may be denied for the following reasons:

1. An inordinate number of requests are received for the same day, such as days before, on, or after a holiday;

2. Proper notice requirements were not met;

3. An emergency situation exists which requires the presence of the employee (for purposes of this article, normal workloads or staffing shortages shall not constitute an emergency);

4. Request is for second half of shift and approval was not secured prior to beginning of shift; or

5. Request is for consecutive personal leave days.

G. An employee who resigns in good standing after June 30, 1982, and is subsequently rehired, shall have restored, six months from date of rehire, any personal leave that was accrued but unused or uncompensated for at the time of separation.