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**TITLE 31 STATE PERSONNEL DEPARTMENT**

**Proposed Rule**  
LSA Document #04-170

DIGEST

Amends 31 IAC 1-9-4 and 31 IAC 2-11-4 to permit the use of sick leave to care for a parent or resident of the employee's household. Effective 30 days after filing with the secretary of state.

**31 IAC 1-9-4**  
**31 IAC 2-11-4**

SECTION 1. 31 IAC 1-9-4 IS AMENDED TO READ AS FOLLOWS:

**31 IAC 1-9-4 Sick leave; definition; accrual**  
**Authority:** IC 4-15-1.8-6; IC 4-15-1.8-7  
**Affected:** IC 4-15-1.8-7

Sec. 4. (a) "Sick leave" is defined as means the absence from duty of any employee because of personal illness, injury, or legal quarantine. Sick leave may also be used for an illness or injury in the employee's immediate family that necessitates the employee's absence from work. For this purpose, "immediate family" means spouse, child, or parent. **For this purpose, "immediate family" also includes any person** who resides with and is dependent upon the employee for care and support. The director or appointing authority may at any time require of an employee a medical certificate from the attending physician or a designated physician, documenting the nature and extent of the disability or fitness to return to duty. The cost of such certification from a designated physician shall be the responsibility of the appointing authority. Sick leave may be granted if accrued and shall be charged in the same manner as vacation in accordance with section 3(g) of this rule.

(b) Sick leave with pay shall accrue to full-time employees in the non-merit service at the rate of seven and one-half (7.5) hours for every two (2) full months of employment; plus seven and one-half (7.5) additional hours for every four (4) months of full-time employment. Employees working on a part-time basis shall earn sick leave at the rate of three and three-fourths (3.75) hours for every two (2) months of employment; plus three and three-fourths (3.75) additional hours for every four (4) months of employment. Sick leave will not accrue to hourly, per diem, temporary, intermittent, or contractual employees or employees working less than half time.

(c) On separation, compensation for unused sick leave is only permitted under the retiree flexible spending program described in 31 IAC 4.

(d) An employee who resigns in good standing after June 30, 1982, and is subsequently rehired shall have reinstated any sick leave ~~which~~ that was unused and uncompensated at the time of their resignation.

(e) In recognition of the fact that conservation officers and excise police have a standard work day of eight and one-half (8.5) hours instead of seven and one-half (7.5) hours, the references to the numbers of hours in this section shall be converted for conservation officers and excise police as follows:

Hours Stated in this Section	Hours Converted for Conservation and Excise
3.75	4.25
7.5	8.5

If an employee transfers into or out of the conservation officer or excise police job families, the employee's leave

balances will be adjusted proportionately to reflect the change in the number of hours of the standard work day. (*State Personnel Department; Non-Merit Agency Personnel Rule 9, Sec 4; filed Feb 15, 1978, 3:25 p.m.: Rules and Regs. 1979, p. 35; filed Aug 23, 1978, 3:35 p.m.: 1 IR 634; filed Jan 26, 1979, 2:50 p.m.: 2 IR 296; filed Apr 28, 1982, 12:55 p.m.: 5 IR 1170; filed Aug 17, 1982, 3:41 p.m.: 5 IR 2104; filed Nov 1, 1983, 4:00 p.m.: 7 IR 11, eff Jan 1, 1984; filed Sep 8, 1992, 5:00 p.m.: 16 IR 6; filed Dec 1, 1997, 4:30 p.m.: 21 IR 1252, eff Jan 1, 1998; filed May 10, 2000, 3:24 p.m.: 23 IR 2403, eff Jul 1, 2000; readopted filed May 4, 2001, 4:29 p.m.: 24 IR 2895*) NOTE: Transferred from the Indiana department of administration (25 IAC 3) to the state personnel department (31 IAC 1) by Acts 1981, P.L.30, SECTION 3 (IC 4-15-1.8-8). Effective July 1, 1981.

SECTION 2. 31 IAC 2-11-4 IS AMENDED TO READ AS FOLLOWS:

### **31 IAC 2-11-4 Sick leave**

**Authority:** IC 4-15-2-6

**Affected:** IC 4-15-2-29; IC 4-15-2-30

Sec. 4. (a) "Sick leave" is defined as means the absence from duty of an employee because of personal illness, injury, or legal quarantine. Sick leave may also be used for an illness or injury in the employee's immediate family that necessitates the employee's absence from work. For this purpose, "immediate family" means spouse, child, or parent. **For this purpose, "immediate family" also includes any person** who resides with and is dependent upon the employee for care and support. The director or appointing authority may at any time require of an employee a medical certificate from the attending physician or a designated physician, documenting the nature and extent of the disability or fitness to return to duty. The cost of such certification from a designated physician shall be the responsibility of the appointing authority. Sick leave may be granted if accrued and shall be charged in the same manner as vacation leave in accordance with section 3(g) of this rule.

(b) Sick leave with pay shall accrue to full-time employees in the classified service at the rate of seven and one-half (7.5) hours for every two (2) full months of employment; plus seven and one-half (7.5) additional hours for every four (4) months of full-time employment. Employees working on a part-time basis shall earn sick leave at the rate of three and three-fourths (3.75) hours for every two (2) months of employment; plus three and three-fourths (3.75) additional hours for every four (4) months of employment. Sick leave will not accrue to hourly, per diem, temporary, intermittent, or contractual employees or employees working less than half time.

(c) On separation, compensation for unused sick leave is only permitted under the retiree flexible spending program described in 31 IAC 4.

(d) An employee who resigns in good standing after June 30, 1982, and is subsequently rehired shall have reinstated any accrued sick leave that was unused and uncompensated at the time of their resignation. (*State Personnel Department; Rule 11, Sec 11-4; filed Aug 17, 1967, 8:40 a.m.: Rules and Regs. 1968, p. 127; filed Apr 19, 1972, 9:10 a.m.: Rules and Regs. 1973, p. 517; filed Jan 10, 1979, 3:40 p.m.: 2 IR 136; filed Apr 28, 1982, 12:50 p.m.: 5 IR 1166; filed Aug 17, 1982, 3:45 p.m.: 5 IR 2093; filed Nov 1, 1983, 4:00 p.m.: 7 IR 19, eff Jan 1, 1984; filed Sep 8, 1992, 5:00 p.m.: 16 IR 6; filed Dec 1, 1997, 4:30 p.m.: 21 IR 1255, eff Jan 1, 1998; filed May 10, 2000, 3:24 p.m.: 23 IR 2405, eff Jul 1, 2000; readopted filed May 4, 2001, 4:29 p.m.: 24 IR 2895*) NOTE: Transferred from the state personnel board (30 IAC 1) to the state personnel department (31 IAC 2) by Acts 1982, P.L.23, SECTION 41. Effective July 1, 1982.

### **Notice of Public Hearing**

Under IC 4-22-2-24, notice is hereby given that on September 23, 2004 at 2:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Room W161, Indianapolis, Indiana the State Personnel Department will hold a public hearing on proposed amendments to the merit and non-merit personnel rules concerning the use of sick leave. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W161 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

D. Sue Roberson

State Personnel Director  
State Personnel Department