

## POLICE RULE 7

### SICK and PERSONAL LEAVE

#### Section 7-1 Sick Leave

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

D. When an employee on sick leave uses all but 30 sick leave days and it appears that the employee will not be able to return to duty before all sick leave, compensatory and personal leave days are used, the appropriate division or district commander shall notify the Human Resources Division.

E. When the employee is unable to return to duty at the end of the authorized sick leave period, the employee shall be extended on full pay status until the elimination period is attained. Accrued or earned time shall be utilized in the following order:

1. Compensatory Time (until all time is used);
2. Personal Leave Time (until all time is used);
3. Vacation Time (until all time is used); and
4. Sick Time (using only the amount of time necessary to meet the elimination period).

In the event that the elimination period is met prior to or during the use of sick time, the balance of the sick time remaining may be carried forward on the attendance card in the event the employee is able to return to full duty with the Department.

F. At the end of this period, the employee may be placed on disability status as provided by the Indiana State Police Pension and Benefit Program and determined by the Indiana State Police Pension Board and outlined sections 7-5 and 7-6.

G. 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 7-2 Sick Leave: Police employees appointed prior to July 1, 1982**

These employees shall:

A. Be granted 90 days per calendar year for illness or injury incurred outside the line-of-duty. 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;

D. Be granted for a period not to exceed an aggregate of 365 days of absence for any one injury or illness incurred in the line-of-duty; and

E. 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 7-3 Sick Leave: Police employees, appointed after July 1, 1982**

These employees shall:

A. Accrue sick leave at the rate of one (1) working day for every two (2) full months of service for injury or illness not incurred in the line-of-duty;

B. Accrue an additional sick day each time a "personal leave" day is accrued;

C. Allow the use of sick days for an employee's immediate family member who is ill or injured; and

D. Shall be granted for a period not to exceed an aggregate of 365 days of absence for any one injury or illness incurred in the line-of-duty.

**Section 7-4 Abuse of Sick leave**

A. A commander 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 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 responsibility of the Department.

- B. Employees shall request sick leave at least one (1) hour prior start of their assigned shift.
- C. Employees shall not be disciplined for the use of sick leave in compliance with this section. The inappropriate use of sick leave shall be recorded as unauthorized leave and may subject the employee to discipline.

#### Section 7-5 **Non-Line-of-Duty Disability Procedures**

A. Employees alleging a non-work-related illness or injury must complete the prescribed 90 day elimination period before becoming eligible for long-term disability status. Within 30 days of the end of the elimination period, the employee shall forward a memorandum to the Assistant Chief of Staff (AC/S) Human Resources and Administration (HRA) outlining the intention to be placed on Non-Line-of-Duty Disability status. The employee must also request appropriate documents to begin this process.

1. Upon receipt of this request, the Human Resources Division shall forward the Indiana State Police Disability Application to the requesting employee via certified mail.
2. The employee shall complete all required forms, provide all requested information, and forward the same to the Human Resources Division within 20 days of receiving the documents.

B. Upon receipt of the documents from the employee, the Human Resources Division shall schedule the employee to be examined by the Department physician. The employee shall be notified the date, time and location to report to the examination.

C. The Executive Secretary shall prepare all pertinent documents for presentation to the Pension Advisory Board at the next available Pension Advisory Board meeting.

D. The Pension Advisory Board shall review the disability documentation and issue a ruling in the form of an approval or a denial of disability status. The Executive Secretary shall forward the findings and orders to the affected employee.

E. If disability status is approved by the Pension Advisory Board, the employee shall be placed in Non-Line-of-Duty Disability status as of the individual's last date on the Department payroll in accordance with [Police Rule 7](#) and the Indiana State Police Supplemental Trust Agreement.

F. If disability status is not approved by the Pension Advisory Board the employee may appeal the decision by forwarding such request to the Executive Secretary within 15 days of receiving Pension Advisory Board findings and orders.

G. The decision of the Pension Advisory Board regarding the appeal is final for which there is no administrative review process available. However, it is subject to judicial review.

#### Section 7-6 **Line-of-Duty Disability Procedures**

A. The employee shall comply with the provisions of [HMR-021](#) as related to the filing of an alleged Line-of-Duty injury or illness.

B. Upon receiving the Line-of-Duty injury or illness claim, the Indiana State Police Pension Advisory Board Executive Secretary shall submit the claim to the Pension Advisory Board for determination review.

C. If approved as a Line-of-Duty injury claim by the Pension Advisory Board, the employee shall begin the 365-day elimination period.

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

E. If denied as a Line-of-Duty claim by the Pension Advisory Board, the employee may appeal the decision as per written instruction from the Executive Secretary. Upon appeal approval, proceed to next step (1). If the appeal is denied, refer to the Non-Line-of-Duty Disability Procedures.

1. Within 90 days of the end of the elimination period, the employee shall direct a memorandum to the AC/S HRA outlining the intention to be placed on Line-of-Duty Disability status. The employee must request the appropriate documents to begin this process.

2. Upon receipt of this request, Human Resources Division shall forward the Indiana State Police Disability Application to the requesting employee via certified mail:

3. The employee shall complete all required forms and provide all requested information to the Human Resources Division within 20 days of receiving the documents.

4. Upon receipt of the documents from the employee, the Human Resources Division shall schedule the employee to be examined by the Department physician. The employee shall be notified the date, time and location to report to the examination.

5. The Executive Secretary shall prepare all pertinent documents for presentation to the Pension Advisory Board at the next available Pension Advisory Board meeting.

6. The Pension Advisory Board shall review the disability documentation and issue a ruling in the form of an approval or a denial of disability status. The Executive Secretary shall forward the findings and orders to the affected employee.

7. If disability status is approved by the Pension Advisory Board, the employee shall be placed to Line-of-Duty Disability status as of the individual's last date on the Department payroll in accordance with [Police Rule 7](#) and the Indiana State Police Supplemental Trust Agreement.

8. If disability status is not approved by the Pension Advisory Board, the employee may appeal the decision by forwarding such request to the Executive Secretary within 15 days of receiving Pension Advisory Board findings and orders.

9. The decision of the Pension Advisory Board regarding the appeal is final for which there is no administrative review process available. However, it is subject to judicial review.

F. Employees in a disability status, as approved by the Indiana State Police Pension Advisory Board may be evaluated annually to determine fitness to return to full duty. Employees placed in a disability status by the Pension Advisory Board in the current calendar year shall not normally be evaluated until the following calendar year. Disability benefits will be continued consistent with the terms of the Supplemental Trust Agreement, as determined by the Indiana State Police Pension Advisory Board.

#### Section 7-7 **Return to Duty from Sick Leave**

Employees who are absent from work due to a line-of-duty or non line-of-duty illness or injury shall immediately notify their commanding officer 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 7-8 **Personal Leave**

A. Employees appointed prior to July 1, 1982 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 be allowed to accrue a personal leave balance in excess of three (3) days.

B. Employees appointed after July 1, 1982 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 be allowed to accrue a personal leave balance in excess of three (3) days. Any accrual of personal leave beyond the three (3) day limit shall be credited to the employee's non-line-of-duty 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.

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 (6) months from date of rehire, any personal leave that was accrued but unused or uncompensated for at the time of separation.