

DEFINITIONS

Eligible former employee - (1) an employee subject to the jurisdiction of the State Personnel Department who separates service and is subsequently selected for hire (2) or who is laid off and recalled in accordance with the laws and rules in effect at the time.

Recall - the return to work of an eligible former employee who was laid off, within the time frames and other parameters established in IC 4-15.2.2-41.

Rehire - the selection for hire of an eligible former employee.

RESPONSIBILITIES

Eligible former employees wishing to be selected for hire are responsible for:

- asserting a claim to recall rights in response to an official posting of a vacancy if the person was laid off within one year of the posting; and/or
- notifying the hiring authority of any/all prior state service for consideration of leave restoration and/or eligibility for consideration of his/her previous salary pursuant to the provisions of this policy.

Hiring Managers are responsible for:

- affording recall rights to employees entitled to recall in accordance with IC 4-15-2.2-41; and
- applying this policy to eligible former employees.

PROCEDURES

Except in certain circumstances involving layoff and recall, agencies are not required to rehire former employees who apply for employment; however, once the decision has been made to rehire, then the person may receive the benefits as outlined below.

RECALL

The order of and right to recall shall be implemented in accordance with IC 4-15-2.2-41.

The right to recall from layoff expires on the earlier of

- (a) one (1) year after the date the employee is laid-off; or
- (b) the date the employee is reemployed into a position in the state civil service that is neither temporary nor intermittent.

For purposes of determining state seniority, a laid-off employee who is recalled within one (1) year of that layoff shall be considered as having unbroken, continuous state service except that the time spent laid off, if more than thirty (30) consecutive calendar days, shall be deducted and no leave shall accrue during the period of the layoff.

Balances of accrued vacation, sick, special sick, and personal leaves that remained unused and uncompensated at the time of the layoff shall be reinstated immediately upon recall and are available for use when requested and approved in accordance with agency policies. Leave accruals begin immediately, and there is no waiting period for use of newly-accrued leaves.

REHIRE

Eligible former employees who are selected for hire are entitled to the following benefits:

- Balances of accrued vacation, sick, and personal leaves that remained unused and uncompensated at the time of the separation shall be reinstated immediately upon rehire and are available for use when requested and approved in accordance with agency policies. Balances of leave accrued during employment in offices of elected officials, other branches of government, or agencies not subject to the jurisdiction of the State Personnel Department (SPD) shall not be transferred or restored; however, an exception may be allowed where the former employer's leave accrual policies are the same as SPD's policies. Leave accruals begin immediately, and there is no waiting period for use of newly-accrued leaves.
- Non-continuous service prior to June 30, 1982, shall not be considered in determining eligibility for bonus vacation leave nor is unused or uncompensated leave that was accrued during such non-continuous service prior to June 30, 1982, restored. Employment in offices of elected officials, other branches of government, or agencies not subject to the jurisdiction of the State Personnel Department (SPD) shall not be considered in determining eligibility for bonus vacation leave; however, an exception may be allowed where the former employer's leave accrual policies are the same as SPD's policies.
- The employee's salary in his/her previous position at the time of separation may be considered in determining his/her salary in the rehire position. Requests for above minimum salaries must be processed through the required channels and procedures.

Employees who separate from service within six (6) months of rehire shall not be compensated for any accumulated vacation, whether restored or newly-accrued. Agency payroll staff shall manually process the employee's separation to ensure non-payment.

Rehire into the classified service requires a working test period in the same manner as an appointment to that classification without regard to any previously completed working test in the classification to which the employee is rehired.

REFERENCES

IC 4-15-2.2-1
IC 4-15-2.2-34
IC 4-15-2.2-39
IC 4-15-2.2-40
IC 4-15-2.2-41
31 IAC 5-3-1
31 IAC 5-8-2(i)
31 IAC 5-8-3(d)
31 IAC 5-8-4(f)
31 IAC 5-12-4