

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1119, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 36-8-5-2 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The police chief  
5 or fire chief may be granted a leave of absence by the authority who  
6 appointed ~~him~~ **the police chief or fire chief**. This appointing authority  
7 may also grant a leave of absence to any other full-time, fully paid  
8 police officer or firefighter.  
9           (b) A leave of absence under subsection (a) shall be granted for  
10 service in the Indiana general assembly. ~~and~~ **A leave of absence under**  
11 **subsection (a)** may also be granted ~~only~~ **for service in any other**  
12 **elected office or** for one (1) of the following reasons:  
13           (1) Sickness.  
14           (2) Disability.  
15           (3) Sabbatical purposes.  
16           However, a leave of absence because of disability may not be granted  
17 to a member of the 1977 fund under this subsection unless a leave  
18 granted under subsection (g) has expired without disability benefits  
19 having been paid from the 1977 fund. In the case of such an expiration,  
20 a leave for purposes of disability may be granted under this subsection  
21 but only until the member's eligibility for disability benefits is finally

1 determined.

2 (c) Before a leave of absence may be granted for sabbatical  
3 purposes, the member must submit a written request explaining and  
4 justifying the leave to the appointing authority. Sabbatical purposes  
5 must be related to the improvement of the member's professional  
6 performance and skills, such as education, special training, work  
7 related experience, and exchange programs.

8 (d) This subsection applies to leaves of absence granted under  
9 subsection (b)(1), (b)(2), or (b)(3). A leave of absence may extend for  
10 a period of not more than one (1) year, determined by the appointing  
11 authority, and may be renewed upon written request of the member.

12 (e) This subsection applies to leaves of absence granted for service  
13 ~~in the Indiana general assembly.~~ **If an elected office.** A police officer  
14 or firefighter **who** serves in the general assembly ~~he~~ shall be granted a  
15 leave for the time spent in this service, including the time spent for  
16 committee or legislative council meetings. **A police officer or**  
17 **firefighter who serves in any other elected office may be granted a**  
18 **leave for the time spent in this service. Leave for service in an**  
19 **elected office does not diminish a police officer's or firefighter's**  
20 **rights under the police officer's or firefighter's retirement or**  
21 **pension fund, except as provided in section 10 of this chapter, or**  
22 **advancement on the police officer's or firefighter's department**  
23 **salary schedule. For these purposes, the police officer or firefighter**  
24 **is, despite the leave, considered to be a member of the department**  
25 **during that time.**

26 (f) This subsection applies to leaves of absence granted under  
27 subsection (b)(1), (b)(2), or (b)(3). A member on leave may receive  
28 compensation in an amount determined by the appointing authority, up  
29 to a maximum amount that equals ~~his~~ **the member's** salary before the  
30 leave began.

31 (g) This subsection applies only to members of the 1977 fund. The  
32 local board may grant a leave of absence for purposes of disability to  
33 full-time, fully paid police officers or firefighters (including the police  
34 chief or fire chief). The leave is subject to the following conditions:

35 (1) The police chief or fire chief must make a written  
36 determination that there is no suitable and available work on the  
37 appropriate department for which the fund member is or may be  
38 capable of becoming qualified.

39 (2) The leave must be approved by the local board after a hearing  
40 conducted under IC 36-8-8-12.7.

41 (3) The leave may not begin until the police officer or firefighter  
42 has exhausted all paid leave for sickness.

1 (4) The leave shall continue until disability benefits are paid from  
2 the 1977 fund. However, the leave may not continue for more  
3 than six (6) months.

4 (5) During the leave, the police officer or firefighter is entitled to  
5 receive compensation in an amount equal to fifty percent (50%)  
6 of the salary of a first class patrolman or first class firefighter on  
7 the date the leave begins.

8 Payments of compensation under this subsection may not be made from  
9 the 1925 fund, the 1937 fund, the 1953 fund, or the 1977 fund.

10 (h) Determinations under subsection (g) are not reviewable by the  
11 board of trustees of the public employees' retirement fund.

12 SECTION 2. IC 36-8-5-10 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) Except as  
14 provided in subsection (b) or (c), a member on leave under either  
15 section 2 or section 3 of this chapter is entitled to be credited with time  
16 spent in full-time employment for all purposes, including retirement  
17 and pension benefits.

18 (b) A member of the 1925 fund, the 1937 fund, the 1953 fund, or the  
19 1977 fund who is granted an unpaid leave of absence under the Family  
20 Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) shall be credited  
21 with time spent on leave for the purposes of benefit eligibility and  
22 vesting to the extent required by the Family Medical Leave Act. The  
23 member shall not receive credit for purposes of accruing additional  
24 benefits, except to the extent required by the Family Medical Leave  
25 Act.

26 (c) **This subsection applies to a member of the 1925 fund, the**  
27 **1937 fund, the 1953 fund, or the 1977 fund who is granted a leave**  
28 **of absence for service in an elected office under section 2 of this**  
29 **chapter. In order to receive service credit in the 1925 fund, the**  
30 **1937 fund, the 1953 fund, or the 1977 fund for the period of the**  
31 **leave of absence, the member must pay to the applicable fund for**  
32 **or during the leave the assessment or contribution that the member**  
33 **would have paid during the period of the leave had the member not**  
34 **been on the leave during that time. The member's employer may**

1     **pay all or a part of the assessment or contribution for the**  
2     **member."**

3         Renumber all SECTIONS consecutively.  
       (Reference is to HB 1119 as printed January 25, 2008.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 6, Nays 0.

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**Senator Kruse, Chairperson**