

ARTICLE 6. PERSONNEL POLICIES AND PROCEDURES

Rule 1. Definitions

80 IAC 6-1-1 Applicability

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 1. The definitions in this rule apply throughout this article. (*State Fair Commission; 80 IAC 6-1-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 462; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-1-2 "Allocation" defined

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 2. "Allocation" means the assignment of an individual position to the class. (*State Fair Commission; 80 IAC 6-1-2; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-1-3 "Appointing authority" defined

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 3. "Appointing authority" means the executive director of the commission who has the power by law or by lawfully delegated authority to make appointments to positions. (*State Fair Commission; 80 IAC 6-1-3; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2814; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-1-4 "Class" or "class of positions" defined

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 4. "Class" or "class of positions" means a group of positions sufficiently alike in duties, authority, and responsibility that the same qualifications may reasonably be required for, and the same schedule of pay can be equitably applied to, all positions in the group. (*State Fair Commission; 80 IAC 6-1-4; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-1-5 "Day" defined

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 5. "Day" means calendar day except where otherwise specified in a rule. (*State Fair Commission; 80 IAC 6-1-5; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-1-6 "Demotion" defined

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 6. "Demotion" means the change of an employee from one (1) class to another class having a lower maximum salary. (*State Fair Commission; 80 IAC 6-1-6; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-1-7 “Hourly employee” defined

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 7. “Hourly employee” means an employee appointed to a position for which the employee is paid on an hourly basis. *(State Fair Commission; 80 IAC 6-1-7; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-1-8 “Intermittent appointment” defined

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 8. “Intermittent appointment” means an appointment to a position which requires performance on an irregular or “as needed” basis. This type of appointment is limited to one hundred eighty (180) working days in a twelve (12) month period unless an exception is allowed and approved by the executive director. *(State Fair Commission; 80 IAC 6-1-8; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-1-9 “Part-time appointment” defined

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 9. “Part-time appointment” means an appointment to a position which does not require full-time performance but does require performance on a regular basis, that is, a predetermined amount of time per day or per week. A part-time employee is paid a percentage of the biweekly salary received by comparably classified full-time employees. *(State Fair Commission; 80 IAC 6-1-9; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-1-10 “Pay period” defined

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 10. “Pay period” means a time period, standardized for payroll purposes, used to compute compensation due an employee. *(State Fair Commission; 80 IAC 6-1-10; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-1-11 “Position” defined

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 11. “Position” means a group of current duties and responsibilities, assigned or delegated by competent authority, and approved by the executive director, requiring the full-time or part-time employment of one (1) person. *(State Fair Commission; 80 IAC 6-1-11; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-1-12 “Promotion” defined

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 12. “Promotion” means a change of an employee from one (1) class to another class having a higher maximum salary. *(State Fair Commission; 80 IAC 6-1-12; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-1-13 “Reclassification” defined

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 13. “Reclassification” means a change of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class in the same pay level on the basis of significant changes in the kind of work, difficulty, or responsibility of the work performed in such position. It does not involve the change of an employee from one (1) position to another. (*State Fair Commission; 80 IAC 6-1-13; filed Nov 27, 1991, 2:00 p.m.: 15 IR 463; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2814; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-1-14 “Temporary appointment” defined

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 14. “Temporary appointment” means an appointment to a position for a maximum period of ninety (90) working days. (*State Fair Commission; 80 IAC 6-1-14; filed Nov 27, 1991, 2:00 p.m.: 15 IR 464; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-1-15 “Transfer” defined

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 15. “Transfer” means the change of an employee from one (1) position to another in the same class or similar class with essentially the same basic qualifications and same maximum salary. (*State Fair Commission; 80 IAC 6-1-15; filed Nov 27, 1991, 2:00 p.m.: 15 IR 464; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

Rule 2. Administration of Personnel Policies

80 IAC 6-2-1 Purpose and scope

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5

Sec. 1. It is the purpose of this article to establish and administer uniform personnel policies within the commission to the full extent of the authority vested in the state fair commission through the provisions of IC 15-1.5. (*State Fair Commission; 80 IAC 6-2-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 464; errata, 15 IR 1024; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-2-2 Authority of the executive director

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 2. The executive director is authorized to establish and enforce any administrative policies necessary for the implementation of this article. (*State Fair Commission; 80 IAC 6-2-2; filed Nov 27, 1991, 2:00 p.m.: 15 IR 464; errata, 15 IR 1024; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2814; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

Rule 3. Classification Plan

80 IAC 6-3-1 Class revision

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

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Sec. 1. Whenever the creation, abolition, subdivision, or consolidation of classes appears necessary due to the creation of a new position, change in organization, or change in functions or duties of an individual position, the executive director shall prepare class specifications for the classes affected. *(State Fair Commission; 80 IAC 6-3-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 464; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-3-2 Position allocation

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 2. When a new position is contemplated, a senior manager shall request establishment of the position before it may be filled and, except as otherwise provided under this article, no person shall be appointed to or employed in a position until the position has been allocated by the commission to a class and approved by the executive director or until the classification plan has been amended to provide therefor. *(State Fair Commission; 80 IAC 6-3-2; filed Nov 27, 1991, 2:00 p.m.: 15 IR 464; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2814; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-3-3 Position reallocation

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 3. When the duties of a position or positions are changed substantially, the executive director may order a review of the position or positions involved. Upon completing the review, he may order that the position or positions be allocated to a more appropriate established class. Reallocations shall not be used to avoid restrictions pertaining to layoffs, suspension, dismissals, demotions, and promotions. *(State Fair Commission; 80 IAC 6-3-3; filed Nov 27, 1991, 2:00 p.m.: 15 IR 464; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2815; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-3-4 Effect of reallocation

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 4. The incumbent shall be continued in the position unless he is not eligible for appointment in the new class. Whenever a position is reallocated to a class in a lower pay grade, the employee holding the position at the time of the reallocation shall be paid within the established salary range for the class to which the position is reallocated provided said employee is eligible to fill the position in the new class. The executive director shall determine the step within the range that the employee shall be paid. *(State Fair Commission; 80 IAC 6-3-4; filed Nov 27, 1991, 2:00 p.m.: 15 IR 464; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

Rule 4. Pay Plan

80 IAC 6-4-1 Revision of plan

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 1. Whenever, as a result of changes in classes, living costs, availability of labor supply, prevailing rates of pay, or the financial policy of the commission, a revision of the pay plan appears desirable, the executive director, after consultation with the state fair commission, shall prepare revisions to the salary schedule. The revision in pay rates are subject to approval by the state fair commission and shall be effective on the date or dates designated by the state fair commission. *(State Fair Commission; 80 IAC 6-4-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 465; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-4-2 Appointment of salary

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

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Sec. 2. (a) The established minimum salary for a class normally shall be paid upon appointment to the class. However, employment at a salary above the established rate may be approved by the executive director and the state fair commission.

(b) If a former employee is reemployed, the senior manager shall make appointment at the same rate of pay the employee had been receiving when the employee was last in that class or a class of the same salary range, or at the nearest higher dollar amount to the salary received before separation which is within the current salary range for the class. (*State Fair Commission; 80 IAC 6-4-2; filed Nov 27, 1991, 2:00 p.m.: 15 IR 465; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-4-3 Status change

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 3. (a) If an employee is changed to a class in a higher salary range, the starting salary for which is less than the salary he receives, no change need be made in his existing rate, unless an adjustment is necessary to place the salary in the new range or unless a salary increase is approved by the senior manager and the executive director.

(b) If an employee is changed to a class in a lower salary range, he shall remain at his current salary only if it does not exceed the maximum of the new range and the executive director determines that salary reduction to a step within the new range is not required. (*State Fair Commission; 80 IAC 6-4-3; filed Nov 27, 1991, 2:00 p.m.: 15 IR 465; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-4-4 Salary increases

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 4. (a) Salary advancement within the established range shall be dependent upon specific written recommendation and shall be based upon meritorious service as indicated by service ratings and other pertinent data.

(b) Whenever an employee transfers from a position under the jurisdiction of one (1) senior manager to a position in the same class under the jurisdiction of a different senior manager, the beginning rate of pay in the new position shall not be more than the rate of pay the employee was receiving in the position from which he is being transferred.

(c) Salary increases granted to employees shall be made on the basis of the approved increment plan and must be approved by the executive director and the state fair commission. (*State Fair Commission; 80 IAC 6-4-4; filed Nov 27, 1991, 2:00 p.m.: 15 IR 465; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-4-5 Notification by appointing authority

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 5. (a) Each change in status and each salary increase shall be submitted on a prescribed form for the approval of the executive director.

(b) Such changes may be made as of the requested effective date only if they are received in the offices of the commission personnel department prior to the effective date. (*State Fair Commission; 80 IAC 6-4-5; filed Nov 27, 1991, 2:00 p.m.: 15 IR 465; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-4-6 Total remuneration

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 6. (a) Any salary paid to an employee shall represent the total remuneration for the employee, not including reimbursements for official travel.

(b) Charges for subsistence or maintenance received shall be deducted from the total salary.

(c) Whenever an employee works for a period less than the regularly established number of hours a day, days a week, or days

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a month, the amount paid shall be governed by the rate for full-time work and shall be proportionate to the time actually employed.

(d) The payment of a separate salary from two (2) or more functions for duties performed in each of such employments is permissible if the salaries received are in proper proportion to the percentage of full time worked in each area. Such payments may reflect different scales based on the job involved.

(e) No employee in service shall supplement any commission salary through activities, engaged in or on state property, such as collecting commissions, owning and operating concessions, rendering personal or other service. No employee shall supplement any commission salary through activities, engaged in or on state property, during working hours, such as collecting commissions, owning and operating concessions, rendering personal or other services to other employees.

(f) Employees whose substitution on unrelated positions does not involve working more than the normal number of hours shall not be paid additional compensation for the additional duties. No such substitution shall exceed twelve (12) consecutive calendar weeks. (*State Fair Commission; 80 IAC 6-4-6; filed Nov 27, 1991, 2:00 p.m.: 15 IR 465; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-4-7 Submission of payrolls and time reports

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 7. Each senior manager shall maintain an attendance record for each employee, which record shall be subject to audit by the controller at any time. (*State Fair Commission; 80 IAC 6-4-7; filed Nov 27, 1991, 2:00 p.m.: 15 IR 466; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

Rule 5. Applications

80 IAC 6-5-1 Form of applications

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 1. (a) Application shall be made on forms prescribed by the executive director. Such forms shall require information covering experience, training, and such other pertinent information as may be requested and shall be signed by the applicant to signify that he certifies to the truth and accuracy of all statements made therein.

(b) Any individual claiming credit for or seeking to establish eligibility for appointment on the basis of training beyond the level of high school graduation may be required to submit, prior to employment, an official transcript or other official document to the commission certifying to the validity of such training. (*State Fair Commission; 80 IAC 6-5-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 466; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

Rule 6. Appointment

80 IAC 6-6-1 Anticipation of vacancies

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 1. Insofar as practicable, vacancies should be anticipated sufficiently in advance to permit the executive director to determine who may be available for appointment and whether or not the position is properly classified. (*State Fair Commission; 80 IAC 6-6-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 466; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-6-2 Approval

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 2. All appointments, prior to the effective date thereof [*sic.*], shall be submitted to the executive director on a prescribed

form for his approval. No appointment shall be effective without the approval of the executive director. (*State Fair Commission; 80 IAC 6-6-2; filed Nov 27, 1991, 2:00 p.m.: 15 IR 466; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-6-3 Equal offers of employment

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 3. Unless otherwise authorized under this article, all individuals considered for appointment to the same vacancy shall be offered appointment at the same rate of pay and working conditions. (*State Fair Commission; 80 IAC 6-6-3; filed Nov 27, 1991, 2:00 p.m.: 15 IR 466; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2815; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-6-4 Temporary and intermittent appointment

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 4. (a) Whenever there is urgent need of an employee for a temporary period, the executive director may authorize a temporary appointment for a period not to exceed ninety (90) working days. Successive temporary appointments of the same person shall not be made. However, an employee may be reappointed at a later date if his total employment in a temporary position does not exceed ninety (90) days in a twelve (12) month period.

(b) Whenever there is a need for an employee on an irregular or “as needed” basis, a position may be filled by an intermittent appointment. This type of appointment is limited to one hundred eighty (180) working days in a twelve (12) month period unless an exception is requested by the senior manager prior to the appointment and annually thereafter and approved by the executive director. (*State Fair Commission; 80 IAC 6-6-4; filed Nov 27, 1991, 2:00 p.m.: 15 IR 466; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-6-5 Transfer

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 5. (a) A senior manager may at any time assign an employee from one (1) position to another position in the same class under his jurisdiction.

(b) A senior manager, with the approval of the executive director, may at any time transfer an employee to another class with essentially the same basic qualifications and the same salary range.

(c) With the approval of the executive director, an employee may transfer from one (1) division to another. A promotion or demotion may be simultaneous with such a transfer. (*State Fair Commission; 80 IAC 6-6-5; filed Nov 27, 1991, 2:00 p.m.: 15 IR 466; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2815; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-6-6 Demotion

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 6. A position may be filled by demotion of an employee in accordance with 80 IAC 6-10 or, in the event of a necessary reduction in personnel due to lack of work or funds, an employee may accept a voluntary demotion in preference to being laid off. (*State Fair Commission; 80 IAC 6-6-6; filed Nov 27, 1991, 2:00 p.m.: 15 IR 467; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

Rule 7. Service Ratings

80 IAC 6-7-1 Reporting procedure

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 1. The executive director may require each senior manager to report, at periodic intervals, service ratings for employees under his jurisdiction. The executive director may require that any or all ratings be substantiated and may prescribe the manner of making such substantiation. *(State Fair Commission; 80 IAC 6-7-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 467; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

Rule 8. Training

80 IAC 6-8-1 Responsibility

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 1. Responsibility for developing training programs for employees shall be assumed jointly by the executive director and the senior managers. Such training programs may include lectures, courses, demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the efficiency and broadening the knowledge of employees in the performance of their duties. The provisions of this rule shall not be considered as limiting the responsibilities or functions of the senior managers for developing and carrying out continuing programs of staff development using the supervisory processes as a basic training method. *(State Fair Commission; 80 IAC 6-8-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 467; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-8-2 Credit for training

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 2. If an employee submits official documents indicating the successful completion of extension, correspondence, department inservice training, or other special training courses, to the executive director, such documents shall be made a part of the employee's personnel record. *(State Fair Commission; 80 IAC 6-8-2; filed Nov 27, 1991, 2:00 p.m.: 15 IR 467; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

Rule 9. Hours and Leaves

80 IAC 6-9-1 Hours of work

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 1. The normal minimum working week shall be forty (40) hours except as otherwise established by statute or by specific ruling of the executive director. Shift hours shall be established by the senior manager. Assignment of employees to specific shifts shall be the prerogative of the senior managers. *(State Fair Commission; 80 IAC 6-9-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 467; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-9-2 Overtime and holiday policy

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 2. (a) Overtime and holiday policy shall be as follows:

(1) The commission shall observe only such legal holidays as are established by statute or officially proclaimed by the governor.

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- (2) When any of these holidays comes on a Saturday, the Friday immediately preceding shall be the legal holiday.
- (3) The first day of the week, commonly called Sunday, shall not be a "holiday".
- (4) The commission may modify the holiday schedule proclaimed by the governor to conform with commitments and requirements essential to the operation and management of fairground activities and events.
- (b) Any PAT or COMOT classified employee who is required to work on a holiday shall be paid for such work at a straight-time rate, with the regular payment for that pay period in which the holiday occurs or, at the option of the senior manager with the approval of the executive director, may be credited with compensatory time off.
- (c) Overtime shall be defined as follows:
 - (1) Overtime shall comprise hours of work, measured in increments of no less than one-fourth (1/4) hour, in excess of the following:
 - (A) Forty (40) hours in a work week for those employees whose regularly established minimum working week is forty (40) hours.
 - (B) For part-time employees, overtime shall comprise hours of work in each week which are in excess of the regularly established minimum working week of full-time employees in comparable jobs within the commission.
 - (2) Holidays, sick days, vacation days, personal days, leaves of absence, compensatory time off, and time spent on call or in standby status shall not constitute "hours of work" or "hours worked".
 - (d) Except as provided in section 12 of this rule:
 - (1) senior managers are not eligible for compensation for overtime;
 - (2) all salaried employees other than those specified in subdivision (1) shall accrue compensatory time off only in lieu of monetary compensation at a rate defined in subsection (e) for overtime; and
 - (3) employees paid at the hourly rate shall be eligible for monetary compensation only for overtime.
 - (e) When an eligible employee has worked overtime which is compensable, payment for such overtime shall be made with the regular payment for that pay period in which the overtime hours were worked. Employees eligible for overtime compensation shall be paid for overtime at a straight-time rate equal to the employee's regular hourly pay rate multiplied by the number of overtime hours worked.
 - (f) Payment for additional hours of work other than overtime shall be as follows:
 - (1) All employees whose regularly established work schedule is less than full time shall be paid for hours worked or hours worked together with sick days, vacation days, personal days, holidays, compensatory time off, or leaves of absence with pay, during the pay period, which are in addition to the employee's normal work schedule but which do not exceed the total number of hours of work in the regularly established work schedules of employees working full time in comparable positions. Payment for such additional hours of work shall be made with the regular payment for that pay period in which the additional hours were worked, at a straight-time rate equal to the employee's regular hourly pay rate multiplied by the number of additional hours worked.
 - (2) Employees who are eligible for overtime payments, and whose regularly established work schedule is full time, shall be paid for hours other than overtime as defined in subsection (c) worked during the pay period which together with sick days, vacation days, personal days, holidays, compensatory time off, or leaves of absence with pay, exceeds the total number of regularly scheduled hours of work in the employee's pay period. Payment for such additional hours of work shall be made with the regular payment for that pay period in which the additional hours were worked at a straight-time rate equal to the employee's regular hourly pay rate multiplied by the number of additional hours worked.
 - (g) Rate of accrual for compensatory time off shall be as follows:
 - (1) Employees eligible for overtime compensation pursuant to subsection (d)(2) may be granted compensatory time off at a straight-time rate in lieu of monetary payment for anticipated or earned overtime work.
 - (2) Employees eligible for holiday compensation pursuant to subsection (b) may be granted compensatory time off at a straight-time rate in lieu of monetary payment for anticipated or earned holiday work.
 - (3) Accrual of compensatory time off must be approved by the senior manager.
 - (h) The limitation on the amount of accrual for compensatory time off shall be as follows:
 - (1) Employees eligible for overtime compensation pursuant to subsection (d)(2) may accrue no more than two hundred forty (240) hours of compensatory time off. No more than two hundred forty (240) hours of accrued compensatory time off may be carried over from one (1) calendar year to the following calendar year.
 - (2) Compensable hours worked in excess of the limits contained in subdivision (1) will not be compensated monetarily.

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(i) The use of compensatory time off for employees eligible for overtime compensation under subsection (d)(2) shall be granted as follows:

(1) An employee who has accrued compensatory time off authorized by this article, and who has requested the use of such compensatory time off, shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the commission.

(2) An employee shall be given compensatory time off rather than monetary payment. If the needs of the service make granting of compensatory time off impracticable, the senior manager shall request approval of the executive director to compensate monetarily at the rate provided in subsection (e).

(j) If monetary compensation is paid to an employee for accrued compensatory time off, such payment shall be at the regular rate earned by the employee at the time the employee receives such payment. An employee who has accrued compensatory time off as authorized by this rule shall, upon termination of employment, be paid for the unused compensatory time off at the greater of:

(1) the average regular hourly rate received by such employee during the last three (3) years of the employee's employment; or

(2) the final regular hourly rate received by such employee;

up to a maximum of two hundred forty (240) hours of accrued compensatory time off.

(k) Any payroll containing overtime payments must be accompanied, when submitted to the executive director by the senior manager, by a written justification stating the event that covered the overtime.

(l) The executive director is authorized to establish and enforce any policies necessary for the implementation of this rule, or to prescribe and enforce any policies concerning overtime or holiday compensation which are not inconsistent with this rule.

(m) The payroll department shall keep and preserve, for at least three (3) years, payroll or other records containing the following information and data with respect to each and every employee:

(1) Name in full and, on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes.

(2) Home address, including zip code.

(3) Date of birth.

(4) Sex and occupation in which employed (sex may be indicated by use of the prefixes, Mr., Mrs., and Miss).

(5) Time of day and day of week on which the employee's work period begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a work week beginning at the same time on the same day, a single notation of the time of the day and beginning day of the work week for the whole work force or establishment will suffice. If, however, any employee or group of employees has a work week beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

(6) Hours worked each work day and total hours worked each work week (for purposes of this section, a "work day" shall be any consecutive twenty-four (24) hours).

(7) Total overtime excess compensation for the work week, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked.

(n) With respect to employees working on fixed schedules, an employer may maintain records showing, instead of the hours worked each day and each week, the schedule of daily and weekly hours the employee normally works, and:

(1) in weeks in which an employee adheres to this schedule, indicates by check mark, statement, or other method that such hours were in fact actually worked by the employee; and

(2) in weeks in which more or less than the scheduled hours are worked, shows the exact number of hours worked each day and each week.

(o) With respect to persons employed in job categories enumerated in subsection (d) and who did not work overtime that is compensable, as determined by this section, records containing all the information and data required by subsection (m) shall be maintained and preserved except data required by subsection (m)(3) through (m)(7) and, in addition thereto, the basis on which wages are paid in sufficient detail to permit calculation for each pay period of the employee's total remuneration for employment including fringe benefits. (*State Fair Commission; 80 IAC 6-9-2; filed Nov 27, 1991, 2:00 p.m.: 15 IR 467; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2815; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-9-3 Vacation leave

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 3. (a) Vacation leave with pay shall be earned by all full-time employees at the rate of one (1) working day for each full month of employment. Vacation will not be credited to per diem, temporary, intermittent, or part-time employees.

(b) Employees who have completed five (5) years or more of full-time employment in the commission or other state service shall accrue three (3) additional vacation days.

(c) Employees who have completed ten (10) years or more of full-time employment in the commission or other state service shall accrue five (5) additional (a total of eight (8)) vacation days.

(d) Employees who have completed twenty (20) years or more of full-time employment in commission or other state service shall accrue five (5) additional (a total of thirteen (13)) vacation days.

(e) Time spent in out-of-pay status, except for military service, shall be deducted from total service time in computing eligibility for additional vacation leave.

(f) Noncontinuous service prior to June 30, 1982, shall not be considered in determining eligibility for additional vacation leave.

(g) No vacation shall accrue to full-time employees during the first six (6) months of employment but, upon completion thereof, regular vacation leave shall be allowed for time served during such periods.

(h) Senior managers shall determine the time and amount of vacation which shall be taken at any one (1) time. Employees shall be limited to four (4) calendar weeks of vacation at any time unless a longer period is recommended by the senior manager and approved by the executive director. Employees granted special leave with pay in accordance with section 5 of this rule shall be entitled to all earned vacation and earned overtime.

(i) For the good of the service in arranging vacation schedules, the executive director may approve the request of a senior manager for full-time employees to anticipate and take vacation leave not to exceed three (3) days.

(j) Requirements for payment of unused vacation, earned overtime, and holidays on separation shall be as follows:

(1) Upon separation from the service, in good standing, an employee shall be paid for unused vacation for a maximum of six (6) calendar weeks, plus overtime and holiday leave to the extent accumulated.

(2) Payment for unused vacation leave, not to exceed six (6) calendar weeks, and all earned overtime and holiday leave shall be paid to beneficiaries of deceased employees.

(3) If the employee has anticipated vacation leave, in accordance with subsection (e), and separated from the service before actually earning such leave, payment for leave used but unearned shall be deducted from the final payment of salary.

(4) Full-time employees who resign before they have completed six (6) months of employment will not be paid for any vacation leave.

(k) Vacation leave shall be charged as one (1) day for each day of absence on which the employee is scheduled to work the full day and as one-half (½) day on each day of absence on which the employee is scheduled to work one-half (½) day. Vacation shall not be charged on a legal holiday.

(l) An employee who resigns in good standing after June 30, 1982, and is subsequently rehired shall have reinstated, six (6) months after rehire, any vacation leave that was accrued but was unused and uncompensated at the time of their resignation. (*State Fair Commission; 80 IAC 6-9-3; filed Nov 27, 1991, 2:00 p.m.: 15 IR 469; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2817; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-9-4 Sick leave

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 4. (a) Sick leave is defined as 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 which necessitates the employee's absence from work. As used in this section, "immediate family" means spouse, child, or parent who resides with, and is dependent upon, the employee for care and support. The senior manager 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

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cost of such certification from a designated physician shall be the responsibility of the senior manager. 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 at the rate of one (1) working day for every two (2) full months of employment plus one (1) additional working day for every four (4) months of full-time employment. Sick leave will not accrue to per diem, temporary, intermittent, or part-time employees.

(c) An employee who resigns in good standing after June 30, 1982, and is subsequently rehired shall have reinstated any sick leave which was unused at the time of their resignation. (*State Fair Commission; 80 IAC 6-9-4; filed Nov 27, 1991, 2:00 p.m.: 15 IR 470; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2818; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-9-5 Special sick leave

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 5. (a) Employees who have a minimum of five (5) years of continuous full-time employment in the commission or other state service and who have exhausted their accumulated vacation leave, sick leave, personal leave, and overtime credits, may apply to the executive director for special sick leave with pay, if further leave is necessary because of their existing illness or disability. Upon verification that special sick leave for any employee is justifiable and necessary because of illness or disability together with a full statement of their reasons, such leave may be approved at the discretion of the senior manager and the executive director. The executive director shall notify the applying employee and the senior manager in writing as to the decision in such request.

(b) A medical certificate from a physician must be submitted with each such request and must include the employee's probable date of return to work. The senior manager or executive director may at any time require of employees a medical certificate from a designated physician documenting the nature and extent of the disability. However, a medical release from a designated physician must be submitted before the employee can return to work.

(c) Special sick leave with pay shall not be in excess of one (1) calendar week for each complete year of continuous full-time employment with the commission. A proportionate amount of leave may be allowed for that period of continuous service in excess of complete years.

(d) No sick, personal, or vacation leave credits will accrue during special sick leave. (*State Fair Commission; 80 IAC 6-9-5; filed Nov 27, 1991, 2:00 p.m.: 15 IR 471; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-9-6 Personal leave

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 6. (a) Personal leave is defined as absence from duty with pay for personal reasons.

(b) Personal leave shall accrue to full-time employees at the rate of one (1) working day for every four (4) months of full-time employment. Personal leave shall not be granted to per diem, temporary, intermittent, or part-time employees.

(c) No employee may accrue a personal leave balance in excess of three (3) days. If an employee is otherwise eligible to accrue personal leave, but the accrual thereof would increase his account balance beyond the three (3) day limit, the personal leave day shall be credited to the employee's accrued sick leave balance.

(d) The senior manager may establish procedures for employees to follow in securing authorization for absence of personal leave.

(e) An employee who resigns in good standing after June 30, 1982, and is subsequently rehired shall have reinstated, six (6) months after rehire, any personal leave that was accrued but unused at the time of their resignation. (*State Fair Commission; 80 IAC 6-9-6; filed Nov 27, 1991, 2:00 p.m.: 15 IR 471; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2818; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-9-7 Leave with pay; general

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

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Sec. 7. (a) Subject to prior approval by the executive director, a senior manager may authorize leave with pay for a regular employee for the purpose of securing special education or training, other than departmental inservice, directly appropriate to the employee's position, and which will result in benefit to the state.

(b) The senior manager may allow leave with pay, not to exceed the employee's next three (3) regularly scheduled work days, in the event of the death of any relative specified in this section. The amount of time granted ordinarily will depend upon the closeness of relationship to the deceased and amount of travel necessitated by attendance at the funeral. Such leave may be granted upon the death of a husband, wife, father, mother, son, daughter, brother, sister, grandparent, grandchild, or the spouse of any of these, or a person living in the same household with the employee. For a married employee, those members of the spouse's family are included.

(c) Employees occupying classified positions, except employees paid by the hour or day, who are lawfully required to report for jury duty, or to serve as witnesses before any body or agency having subpoena powers, shall be granted leaves of absence by their senior managers from their positions during the required absence for such duty. When such leaves of absence are granted for jury duty or to serve as witnesses in matters relating to employment with the commission, they shall receive that portion of their regular salary from the commission which will, together with the compensation for such court service, equal their total regular salary for the same period.

(d) Employees who are members of the Armed Forces Reserves or the National Guard shall be entitled to a leave of absence, not to exceed fifteen (15) calendar days in any calendar year, without loss of pay or vacation time. The employee shall be required to submit a written order or official statement requiring the military duty. (*State Fair Commission; 80 IAC 6-9-7; filed Nov 27, 1991, 2:00 p.m.: 15 IR 471; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-9-8 Leave without pay; general

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 8. The senior manager, with the approval of the executive director, may grant an employee leave without pay for a period not to exceed two (2) years, whenever such leave is considered to be in the best interests of the commission. Such leave shall be requested in writing by the employee and shall require written approval by the senior manager and the executive director. Except under unusual circumstances, voluntary separation from the service in order to accept employment not in the state service shall not be considered by the executive director as sufficient cause for the approval of a leave of absence without pay. Upon expiration of a regularly approved leave without pay, or sooner upon due notice if the interests of the service make it necessary, the employee shall be returned to a position in the same class as the position held at the time the leave was granted. Employees on leave without pay due to personal illness, injury, or legal quarantine may be required to submit medical proof from a designated physician of fitness to return to work before resuming duties. Failure of an employee on leave to report for duty within five (5) working days after the senior manager issues a written notice to return shall be deemed a resignation. At the time such notice is sent to the employee on leave, the senior manager shall send a copy to the executive director. (*State Fair Commission; 80 IAC 6-9-8; filed Nov 27, 1991, 2:00 p.m.: 15 IR 472; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-9-9 Leave without pay; military

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 9. (a) Any employee, upon request, shall be granted a leave of absence without pay to cover the length of his service in the armed forces of the United States.

(b) Reinstatement from such leaves of absence will be made in accordance with the following policies:

(1) An employee granted a military leave of absence will accrue his credit for length of service during his absence for promotion or for other changes in status within the service.

(2) No sick leave, personal leave, or vacation leave credits will accrue during military leave.

(c) An employee granted a military leave of absence shall be reinstated to his former class of position upon his return provided the following:

(1) He was separated from the service under honorable conditions.

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(2) His written application for reinstatement is made in compliance with applicable selective service provisions. The written application for reinstatement should be addressed to the senior manager of the department or division in which the employee worked when leave was granted and a copy sent to the executive director.

(3) He is physically and mentally fit to satisfactorily perform his assigned responsibilities.

(d) The process of reinstatement of an employee returning from military leave shall be as follows:

(1) An employee returning from military leave shall be reinstated in the same class as that which he held when granted the leave, unless the class has been eliminated from the commission classification plan. The reinstatement shall be at the same or greater salary, provided that the salary is within the current range for the class. If the class has been eliminated, the executive director shall recommend reinstatement in an appropriate class in the same salary grade and employment area as the eliminated class.

(2) If there is no vacancy in the former class and level of employment, a vacancy shall be created by demoting the employee in the appropriate class. If demotion is not feasible, said employee will be laid off.

(3) If the employee on military leave fails to make application for return from leave in compliance with applicable selective service provisions after his compulsory tour of duty or completion of his original enlistment, such failure will be considered as an automatic resignation.

(State Fair Commission; 80 IAC 6-9-9; filed Nov 27, 1991, 2:00 p.m.: 15 IR 472; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2818; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)

80 IAC 6-9-10 Maternity leave

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 10. A senior manager shall grant maternity leave subject to the approval of the executive director and the following:

(1) A senior manager shall, upon written request, grant maternity leave with pay during the period in which any employee is disabled (as certified by a doctor's statement) by pregnancy, miscarriage, abortion, childbirth, or related medical conditions. Payment of regular wages during such period or periods, however, shall be conditioned upon and limited to the employee's use of any sick, vacation, or personal leave days she has accrued.

(2) A senior manager shall, upon written request, grant to an employee maternity leave without pay during the period in which the employee is disabled (as certified by a doctor's statement) by pregnancy, miscarriage, abortion, childbirth, or related medical conditions. Total continuous leave for maternity purposes, both paid and unpaid, however, shall not exceed a period of one (1) calendar year.

(3) Any employee may request a maternity leave at any time during her term of pregnancy. Prior to such request, however, a senior manager may, at any time during the employee's term of pregnancy, request from the employee a medical certification from the attending physician. Such medical certification shall indicate that the employee may continue her usual duties without restriction as to any formal physical requirements of the job and, further, that her employment can continue without injurious effects to either her or her unborn child. Failure on the part of the employee to submit the medical certification requested shall enable the senior manager to place such employee on maternity leave without pay. Such leave shall continue until the requested certification is submitted, subject to the one (1) year restriction as stated in subdivision (2).

(4) An employee who has been absent on maternity leave may return to her employment as soon as her physician deems her to be able to assume her usual duties without restriction as to any normal physical requirements of the job. The executive director may designate a physician to determine if the employee is disabled or capable of returning to work. The cost of such certification of a designated physician shall be the responsibility of the commission. Written certification of such physician's opinion shall be forwarded to the executive director at least two (2) weeks prior to the employee's return to active employment.

The executive director may waive the two (2) weeks notice in the event of a maternity leave of one (1) month or less.

(State Fair Commission; 80 IAC 6-9-10; filed Nov 27, 1991, 2:00 p.m.: 15 IR 472; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)

80 IAC 6-9-11 Worker's compensation

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

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Sec. 11. In cases of occupational disease or injury suffered in line of duty in which the employee elects to use accumulated vacation, sick leave, and/or overtime prior to the commencement of worker's compensation payments, the amount of leave charged shall be reduced in the ratio of worker's compensation payments to total salary. This applies to the seven (7) day waiting period if it is determined to be compensable. If vacation, sick leave, and/or overtime is used concurrently with worker's compensation payments in order to pay full salary, the amount of leave charged shall be on the basis of the amount paid not covered by the worker's compensation payment. *(State Fair Commission; 80 IAC 6-9-11; filed Nov 27, 1991, 2:00 p.m.: 15 IR 473; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-9-12 Exceptions for annual state fair

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 12. (a) The following exceptions to overtime compensation provisions of this rule shall be in force during the month in which the annual state fair will occur:

(1) All personnel classified as hourly employees and clerical office machine operator/technician (COMOT) and who are employed on a full-time salaried basis shall be monetarily compensated on an hourly rate basis, regardless of any previous designated pay category, for any overtime worked in excess of forty (40) hours per week.

(2) Personnel classified other than subdivision (1), except for senior managers as prescribed in section 2(d)(1) of this rule, shall be credited with compensatory time off in lieu of monetary overtime compensation at a straight-time rate, in increments of no less than one-half (½) hour for overtime worked in excess of forty (40) hours per week.

(b) At the conclusion of the last day of the month in which the annual state fair is conducted, personnel identified in subsection (a)(1) through (a)(2) shall revert to the normal provisions of this rule regarding overtime. *(State Fair Commission; 80 IAC 6-9-12; filed Nov 27, 1991, 2:00 p.m.: 15 IR 473; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2819; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

Rule 10. Disciplinary Actions and Separations

80 IAC 6-10-1 Demotion

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 1. A senior manager or his designee may demote an employee by filing a statement of reasons with the executive director and the employee concerned. *(State Fair Commission; 80 IAC 6-10-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 474; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-10-2 Suspension

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 2. (a) A senior manager or his designee may suspend, with approval of the executive director, any employee without pay by presenting the employee with written notice of suspension, a copy of which shall be filed with the executive director. If the employee is not available, written notice shall be sent to the employee's last known address via certified mail. A senior manager may suspend, with approval of the executive director, an employee without pay for such time as he considers appropriate, not to exceed thirty (30) days in any twelve (12) month period.

(b) With the approval of the executive director, an employee may be suspended for a longer period pending an investigation or trial of any charges against him. *(State Fair Commission; 80 IAC 6-10-2; filed Nov 27, 1991, 2:00 p.m.: 15 IR 474; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-10-3 Dismissal

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 3. (a) A senior manager, with approval of the executive director, may dismiss an employee and terminate his employment immediately by presenting the employee with a written notice of dismissal, a copy of which shall be filed with the executive director. If the employee is not available, written notice shall be sent to the employee's last known address via certified mail. A dismissed employee shall forfeit all accrued sick, personal, and vacation leave.

(b) An employee, subject to the benefits of the long term or short term disability income program, may not be dismissed from employment due to his absence which results solely from the disability. (*State Fair Commission; 80 IAC 6-10-3; filed Nov 27, 1991, 2:00 p.m.: 15 IR 474; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2819; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-10-4 Resignation

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 4. Any employee wishing to leave in good standing shall give the appointing senior manager at least two (2) weeks written notice in advance of separation. Under unusual circumstances, less time may be considered as sufficient to permit the employee to leave in good standing. Failure to comply with this rule shall be entered on the service record of the employee and may be the cause of denying future employment by the commission. (*State Fair Commission; 80 IAC 6-10-4; filed Nov 27, 1991, 2:00 p.m.: 15 IR 474; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

80 IAC 6-10-5 Appeal

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 5. Any employee may appeal any action by the executive director directly to the state fair commission. Any appeal must be submitted in writing within ten (10) working days after receipt of the personnel action. (*State Fair Commission; 80 IAC 6-10-5; filed Nov 27, 1991, 2:00 p.m.: 15 IR 474; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2820; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

Rule 11. (Reserved)

Rule 12. (Reserved)

Rule 13. Termination Due to Governmental Reorganization

80 IAC 6-13-1 Procedure for employment priority

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 1. (a) Any employee in the service whose employment is terminated as a direct result of state governmental or commission reorganization shall be given priority consideration for employment in vacant positions which are of the same or similar class as that in which the employee was employed at the time his employment was terminated.

(b) "Governmental reorganization" means merger, growth, transfer, discontinuance, or phasing out of state governmental functions. State governmental functions shall not include the maintenance of positions of employment in federally-funded public service employment. Transfer of state governmental functions shall not include intra-agency transfers of positions, but shall include the transfer of functions from one (1) state agency to another. Discontinuance or phasing out of state governmental functions shall not include the expiration of seasonal or temporary terms of employment.

(c) Priority consideration means that former employees who are eligible shall be given consideration for same or similar vacant

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positions to be filled in the following manner:

(1) If the agency in which the vacancy exists is the same agency from which the former employee was terminated, the senior manager shall make reasonable effort to offer employment in such positions to eligible former employees prior to making any offers of employment to persons not eligible for priority consideration.

(2) If the agency in which the vacancy exists is not the same agency from which the former employee was terminated, the senior manager shall make reasonable efforts to interview and consider the eligible former employees prior to the consideration of other persons.

(d) To be eligible for priority consideration, the former employee must make written application to the executive director within thirty (30) days from the date of his termination. Upon receipt of such request, the executive director shall determine if the employee is eligible for priority consideration as provided by this rule. If the executive director certifies the former employee as eligible, the personnel department shall provide the following assistance:

(1) Provide personal consultation concerning employment opportunities in state government.

(2) Refer eligibles to available job openings in the nonmerit service.

(e) A former employee certified by the executive director as eligible for priority consideration shall retain priority consideration for a period of one (1) year from the date of his termination. However, the eligible former employee shall be deemed to have waived eligibility if he declines appointment under such conditions as he has previously indicated he would accept. Failure to respond within five (5) working days to an inquiry of the executive director or senior manager by letter, or twenty-four (24) hours by telephone, or to accept appointment when offered, or to report for duty by the time prescribed by the senior manager shall constitute declination. A former employee whose eligibility is waived due to declination of appointment shall, upon his request, be returned to eligible status unless he has waived eligibility due to declination of appointment two (2) previous times. Any former employee having so waived eligibility two (2) previous times may not be returned to eligible status. It shall be the responsibility of the eligible former employee to provide the state with a current address at which he may be contacted.

(f) Eligibility of former employees to priority consideration is limited to those positions which are in the same or similar job classification as that in which the eligible was employed at his termination as shall be determined by the executive director. In determining which positions are same or similar, the executive director shall utilize the following criteria:

(1) Positions which are the same are those represented by identical class codes and class titles.

(2) For a position to be considered as similar to that held by an eligible candidate upon his termination, the class must meet the following requirements:

(A) Have minimum qualifications which are comparable to the former employee's class held at termination or have minimum qualifications which are generally satisfied by possession of the minimum qualifications to the class held by the former employee at termination. If no minimum qualifications are adopted by the agency, the executive director shall utilize the minimum qualifications required for employment in that class within the state merit service.

(B) Both classes must be in the same or a comparable job family.

(C) The skill level of the class must be the same or lower than the skill level of the class the former employee held at termination.

(g) Implementation of governmental reorganization shall be as follows:

(1) The senior manager of the commission anticipating or undergoing a governmental reorganization shall notify the executive director of all changes or anticipated changes as soon as possible.

(2) If an employee is terminated due to governmental reorganization, the senior manager shall identify the termination as a layoff and shall request the executive director to consider the action as due to governmental reorganization. No layoff due to governmental reorganization shall be effective without the approval of the executive director.

(3) The executive director, in anticipation of layoffs due to governmental reorganization, may establish procedures for the transfer of employees who are anticipated to be laid off.

(h) Eligible former employees, hired in the nonmerit service during their period of eligibility, shall be as follows:

(1) Credited as having continuous service except that time spent in out-of-pay status as a result of their termination due to governmental reorganization shall be deducted.

(2) Credited with all accumulated sick and vacation days which they held upon their termination due to governmental reorganization except accumulated vacation days for which payment was made as provided in 80 IAC 6-9-3(j).

(i) A former employee who is hired by a new agency or in a new work location, while the employee is eligible for priority consideration, shall be allowed relocation expenses in accordance with budget agency regulations. (*State Fair Commission; 80 IAC*

6-13-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 474; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2820; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)

Rule 14. Employee Awards System

80 IAC 6-14-1 Suggestions

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 1. Suggestions shall be submitted to the commission on the prescribed form. The suggestion will be reviewed by the suggestion committee to determine if the employee submitting the suggestion is eligible to be considered for a monetary award. If the employee is eligible for an award, the suggestion will be forwarded to any agencies it would affect for a determination as to the practicality of implementing the suggestion and a cost analysis of projected savings. The affected agencies shall return the suggestion to the suggestion committee, with a statement of its findings as to the viability of the suggestion, whether or not the suggestion will be implemented, and an estimate of the savings to be realized in the first year after implementation. The suggestion committee may then authorize payment of an award to the employee submitting the suggestion. *(State Fair Commission; 80 IAC 6-14-1; filed Nov 27, 1991, 2:00 p.m.: 15 IR 476; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-14-2 Standards for determining amount of awards

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 2. (a) In determining the amount of award to be granted to an employee for a suggestion that will reduce costs, the suggestion committee may follow the following guidelines:

- (1) If the anticipated first year savings is one hundred thousand dollars (\$100,000) or less, the maximum award allowable is five percent (5%) of the first year savings.
- (2) If the anticipated first year savings is two hundred thousand dollars (\$200,000) or less, but greater than one hundred thousand dollars (\$100,000), the maximum award allowable is two and one-half percent (2½%) of the first year savings plus five percent (5%) of one hundred thousand dollars (\$100,000).
- (3) If the anticipated first year savings is greater than two hundred thousand dollars (\$200,000), the maximum award allowable is one percent (1%) of the first year savings plus two and one-half percent (2½%) of two hundred thousand dollars (\$200,000) plus five percent (5%) of one hundred thousand dollars (\$100,000).
- (4) No suggestion award shall exceed thirteen thousand dollars (\$13,000).

(b) When a suggestion has no demonstrable cost savings, the suggestion committee, considering such factors as importance, scope of application, and ingenuity, may make a monetary award. *(State Fair Commission; 80 IAC 6-14-2; filed Nov 27, 1991, 2:00 p.m.: 15 IR 476; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-14-3 Duplicate, joint, ineligible suggestions

Authority: IC 15-1.5-2-8
Affected: IC 15-1.5-2

Sec. 3. (a) If more than one (1) employee submits the same suggestion, only the first received in the office of the commission will be considered eligible for an award.

(b) If a suggestion is made jointly, by more than one (1) employee, any award granted will be divided equally among the group.

(c) If prior consideration has been given to a suggestion or if the suggestion incorporates a recommendation made by one (1) state agency to another, it may be grounds to deny an award. *(State Fair Commission; 80 IAC 6-14-3; filed Nov 27, 1991, 2:00 p.m.: 15 IR 476; filed Aug 9, 1993, 10:00 a.m.: 16 IR 2821; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528)*

80 IAC 6-14-4 Decision on awards

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2

Sec. 4. The decision of the suggestion committee is final as to the eligibility for an award or the amount of any award. (*State Fair Commission; 80 IAC 6-14-4; filed Nov 27, 1991, 2:00 p.m.: 15 IR 476; readopted filed Sep 11, 2001, 2:45 p.m.: 25 IR 528*)

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