

IC 4-15-16

Chapter 16. Leave for Bone Marrow or Organ Donation

IC 4-15-16-1

Applicability

Sec. 1. This chapter applies to an employee of a state agency, including an employee who is a party to:

- (1) a collective bargaining agreement entered into after June 30, 2002, unless otherwise provided in the collective bargaining agreement; or
- (2) an employment contract with a state agency entered into after June 30, 2002, unless otherwise provided in the employment contract.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-2

Inmates excluded

Sec. 2. This chapter does not apply to an inmate placed in the unclassified service under IC 4-15-2-7.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-3

"Bone marrow" defined

Sec. 3. As used in this chapter, "bone marrow" means the soft material that fills human bone cavities.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-4

"Employee" defined

Sec. 4. As used in this chapter, "employee" means a person who is employed full time by a state agency.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-5

"Organ" defined

Sec. 5. As used in this chapter, "organ" means a lung, a kidney, or another organ that requires the continuous circulation of blood to remain useful for purposes of transplantation.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-6

"State agency" defined

Sec. 6. As used in this chapter, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government. The term does not include the following:

- (1) A state educational institution.
- (2) A state elected official's office.
- (3) The legislative and judicial branches of state government.
- (4) The state police department.

As added by P.L.94-2002, SEC.1. Amended by P.L.2-2007, SEC.48.

IC 4-15-16-7

Employee leave for bone marrow donation; verification by physician

Sec. 7. If an employee of a state agency:

- (1) requests a leave of absence from the employee's agency so that the employee may serve as a bone marrow donor; and
- (2) provides the employee's agency with written verification by a physician that the employee is to serve as a bone marrow donor;

the state agency shall grant the employee a leave of absence of not more than five (5) work days, as determined by the attending physician, during which the employee may serve as a bone marrow donor.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-8

Leave for organ donation; verification by physician

Sec. 8. If an employee of a state agency:

- (1) requests a leave of absence from the employee's agency so that the employee may serve as a human organ donor; and
- (2) provides the employee's agency with written verification by a physician that the employee is to serve as a human organ donor;

the state agency shall grant the employee a leave of absence of not more than thirty (30) work days, as determined by the attending physician, during which the employee may serve as a human organ donor.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-9

Salary during leave; employee service uninterrupted during leave

Sec. 9. (a) An employee who is granted a leave of absence under this chapter is entitled to receive the employee's regular salary without interruption during the leave of absence.

(b) A leave of absence granted to an employee under this chapter is in addition to vacation days, sick days, personal days, and compensatory time that the employee accrues.

(c) An employee's service shall be considered uninterrupted by a leave of absence under this chapter for purposes of determining the following:

- (1) Seniority.
- (2) Salary or salary advancement.
- (3) Performance awards.
- (4) The receipt of a benefit that may be affected by a leave of absence.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-10

Retaliation against employee prohibited

Sec. 10. A state agency may not retaliate against an employee for requesting or obtaining a leave of absence under this chapter.

As added by P.L.94-2002, SEC.1.