IC 5-10-12
Chapter 12. Cafeteria Plan Benefits for Certain Unused Vacation, Sick, or Personal Days

IC 5-10-12-1
"Department" defined
Sec. 1. As used in this chapter, "department" means the state personnel department.
As added by P.L.195-1999, SEC.8.

IC 5-10-12-2
"State agency" defined
Sec. 2. As used in this chapter, "state agency" means an authority, board, branch, commission, committee, department, division, or other instrumentality of state government, but does not include:
(1) a state educational institution;
(2) a state elected official's office; and
(3) the legislative and judicial branches of state government.
As added by P.L.195-1999, SEC.8. Amended by P.L.2-2007, SEC.87.

IC 5-10-12-3
Eligibility
Sec. 3. (a) Subject to subsections (b) and (c), an employee who:
(1) has at least ten (10) years of creditable service with a state agency;
(2) retires after June 30, 2000; and
(3) has accrued and unused sick days, vacation days, or personal days on the employee's retirement date;
is entitled to have the amounts specified in section 5 of this chapter deposited by the state into a cafeteria plan under Section 125 of the Internal Revenue Code.
(b) The provisions of this chapter requiring the department to make deposits into a cafeteria plan on behalf of retired employees described in subsection (a) apply only if the department has received from the Internal Revenue Service any approvals or rulings that the department considers necessary or appropriate for the cafeteria plan.
(c) The provisions of this chapter requiring the department to make deposits into a cafeteria plan on behalf of retired employees described in subsection (a) do not apply if the plan described in IC 5-10-1.1-7.5(b) is implemented and the deferred compensation committee has received from the Internal Revenue Service any rulings or determination letters that the committee considers necessary or appropriate for the plan described in IC 5-10-1.1-7.5(b).
As added by P.L.195-1999, SEC.8. Amended by P.L.184-2001, SEC.7.

IC 5-10-12-4
Payments to plan

Sec. 4. (a) The department shall adopt rules under IC 4-22-2 that it considers necessary to make periodic payments to a cafeteria plan under Section 125 of the Internal Revenue Code on behalf of retired employees described in section 3 of this chapter and to otherwise carry out this chapter.

(b) The rules adopted by the department may include provisions setting forth the following:

(1) The minimum or maximum total amount or annual amount that may be deposited by the state under this chapter on behalf of retired employees.

(2) The period of years of deposits.

(3) Payment provisions.

As added by P.L.195-1999, SEC.8.

IC 5-10-12-5
Calculation of deposits
Sec. 5. The amount that shall be deposited on behalf of a participating retired employee may not exceed five thousand dollars ($5,000) and is based on:

(1) the hourly rate the employee was paid on the employee's retirement date; and

(2) the following provisions concerning the employee's accrued and unused vacation days, sick days, or personal days:

(A) An employee with at least ten (10) years of creditable service but less than fifteen (15) years of creditable service is entitled to an amount based on twenty percent (20%) of the employee's accrued days.

(B) An employee with at least fifteen (15) years of creditable service but less than twenty (20) years of creditable service is entitled to an amount based on thirty-five percent (35%) of the employee's accrued days.

(C) An employee with at least twenty (20) years of creditable service is entitled to an amount based on not more than fifty percent (50%) of the employee's accrued days.

As added by P.L.195-1999, SEC.8.

IC 5-10-12-6
Application procedure
Sec. 6. Within ninety (90) days after an employee's retirement date, an employee who wishes to participate in a cafeteria plan as provided under this chapter must file with the department a written application and any information required by the department.

As added by P.L.195-1999, SEC.8.