

OPINION 36

OFFICIAL OPINION NO. 36

December 9, 1971

Hon. Craig B. Campbell
Indiana State Representative
915 Spring Valley Drive
Anderson, Indiana 46011

Dear Representative Campbell:

This is in response to your request for my Official Opinion on the following question:

“Is an employee of the Department of Corrections covered by the State Personnel Act provisions for receiving full time lost due to injuries received in ‘the line of duty’ when such an injury is not inflicted by an inmate?”

ANALYSIS

The statute in question is Acts of 1941, Ch. 139, Sec. 6, as amended and found in Burns’ (1971 Supp.), Section 60-1306 (b) and IC 1971 4-15-2-5 (b), and is more commonly called the State Personnel Act. This Act sets up a merit system for certain designated state employees, among which are employees of the Department of Corrections.

The Act more specifically states at Burns’ 60-1306(b), *supra*:

“The board [State Personnel Board] is hereby authorized and required:

“(b) To adopt such pay plan * * * Provided, That, any pay plan adopted shall include a provision that any employee injured in line of duty shall receive full pay for time lost from his employment because of said injury up to one [1] year.”

These provisions cover all employees covered by the State Personnel Act and are not limited to the Department of Corrections. The proviso covers injuries received “in the line of duty” which is synonymous with “arising out of, or in the

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course of" duties. There is no restriction in the Act which limits the *cause* of such injury to an injury inflicted by an inmate. This policy is currently followed by the State Personnel Board with respect to the Department of Corrections.

CONCLUSION

It is, therefore, my official opinion that an employee of the Department of Corrections, *injured while in the line of his duties*, is covered by the provisions of the State Personnel Act. Such an employee is entitled to full time lost for a period of up to one [1] year, notwithstanding the fact that his injuries were not inflicted by an inmate.