Hon. Michael K. Rogers  
Indiana State Representative  
2709 East Fair Oaks Drive  
New Castle, Indiana 47862

Dear Representative Rogers:

This is in response to your request for my Official Opinion concerning the following questions:

1. Are employees of state-supported universities employees of the State of Indiana?

2. If they are, in fact, employees of the State of Indiana, are they entitled to the same holidays as a State employee working for an agency of State government in the State Office Building, the Capitol Building or the various Highway Commission garages?

ANALYSIS

Employees of state-supported universities are in a general sense designated state employees just as those employees of other state agencies and departments.

But each state agency or political subdivision or department must have its own subordinate ground rules and regulations, and each such agency must be governed by such rules. Within the statutory framework, each department head, agency head, or political subdivision head must determine the policies and regulations that are to be set forth in accordance with the work-load and demands of the job requirements. No two agencies can be expected to follow the same local ground rules and regulations; nor can any statute be comprehensive enough to cover all situations which might arise in each department.

Therefore, a certain amount of discretion is left to each head of an agency or department within which he can make certain determinations. This is true whether reference is made to the Department of Administration, the Attorney
General’s Office, the State Highway Garage, or a state-supported university.

The board of trustees is the head of the state-supported university. As you know, the state-owned universities receive dedicated funds. Through their trustees the universities do their own hiring, set the terms of employment, including provisions for holidays and vacations, and meet their payrolls with their own checks drawn on said dedicated funds.

The General Assembly has specified by statute that certain holidays in the State of Indiana are to be considered as legal holidays by Acts of 1947, as amended by Acts of 1969, Ch. 59, Sec. 1 and found in Burns’ (1970 Supp.), Section 19-11-101.

The General Assembly further supplemented the above section by Burns’ (1970 Supp.), Section 49-4101 by stating that employees of the State of Indiana who are paid on an hourly basis may be granted a vacation with pay or a paid holiday by Executive Order of the Governor. Otherwise, state employees are entitled only to those holidays as set forth in the terms of their employment agreement by their specific employer.

CONCLUSION

It is, therefore, my opinion that vacations and holidays to be enjoyed by employees of a state-owned university are those declared to be holidays by the university’s board of trustees within the limits of the board’s powers.