INDIANA
WORKFORCE
DEVELOPMENT
AND ITS WorkOne CENTERS

TO: Indiana's Workforce Investment System

FROM: Jeffrey M. Gill
General Counsel

DATE: February 17, 2012

SUBJECT: DWD Policy 2011-03, Revised
Tort Claim Procedures: Claims by Non-Employees for Accidents or Injuries to Person and/or Property

Purpose
To inform all staff regarding the State of Indiana's policy and procedures for processing claims against the State under the terms of the Tort Claim Act, IC 34-13-3 et seq.

Rescission
DWD Policy 2007-40, issued May 16, 2008, entitled, "Tort Claims, Claims by Non-Employees for Accidents or Injuries to Person and/or Property."

Contents
Under the terms of the Tort Claims Act, a claim against the State for compensation or damages is barred unless the individual gives proper notice. The Office of the Attorney General created a form for this purpose entitled "State of Indiana Claim for Personal Injury or Property Damage." This form and its explanation are available on the Indiana Administrative Code Web page at www.in.gov/dwd/2510.htm

Any person claiming injury or property damage allegedly attributable to an act or omission of the Indiana Department of Workforce Development, who indicates a desire to be compensated for the loss, must complete and mail the form according to its instructions.

The filing of such claim is a legal process, and therefore must be done by the person making the claim. Indiana Department of Workforce Development employees and WorkOne staff should NOT complete the form or offer advice concerning legal procedure. All necessary instructions are with the form. If a completed form is left in a WorkOne center, please forward it immediately to Indiana

Department of Workforce Development's Legal Services, Attn: General Counsel

In addition, any personal injury or property damage incidents that involve non-employees should be reported to Indiana Department of Workforce Development's Investigations and Security Unit on a form entitled, "Accident/Injury/Illness/Incident Report Form" (SF54387). "The Accident/Injury/Illness Incident Report Form" is located on the Indiana Department of Workforce Development's Web page, at https://forms.in.gov/Download.aspx?id=9840 Also, the form is available on the Department's Intranet FAZIO Web site at Forms and Reports, "Security."

Effective Date
Immediately

Review Date
Upon rescission

Ownership
Indiana Department of Workforce Development
ATTN: Legal Services
10North Senate Avenue
Indianapolis, Indiana 46204
Telephone: (317) 232-0198.