

## **IC 36-8**

### **ARTICLE 8. PUBLIC SAFETY**

#### **IC 36-8-1**

##### **Chapter 1. Definitions**

#### **IC 36-8-1-1**

##### **Application of chapter**

Sec. 1. The definitions in IC 36-1-2 and in this chapter apply throughout this article.

*As added by Acts 1980, P.L.211, SEC.3. Amended by Acts 1981, P.L.309, SEC.40.*

#### **IC 36-8-1-2**

##### **"1925 fund"**

Sec. 2. "1925 fund" refers to a police pension fund established under IC 36-8-6.

*As added by Acts 1981, P.L.309, SEC.41.*

#### **IC 36-8-1-3**

##### **"1937 fund"**

Sec. 3. "1937 fund" refers to a firefighters' pension fund established under IC 36-8-7.

*As added by Acts 1981, P.L.309, SEC.42.*

#### **IC 36-8-1-4**

##### **"1953 fund"**

Sec. 4. "1953 fund" refers to the police pension fund established under IC 36-8-7.5.

*As added by Acts 1981, P.L.309, SEC.43. Amended by Acts 1982, P.L.77, SEC.10.*

#### **IC 36-8-1-5**

##### **"1977 fund"**

Sec. 5. "1977 fund" refers to the police officers' and firefighters' pension and disability fund established under IC 36-8-8.

*As added by Acts 1981, P.L.309, SEC.44.*

#### **IC 36-8-1-6**

##### **Repealed**

*(Repealed by P.L.329-1985, SEC.26.)*

#### **IC 36-8-1-7**

##### **"Local board"**

Sec. 7. "Local board" means the board of trustees of a 1925, 1937, or 1953 fund.

*As added by Acts 1981, P.L.309, SEC.46.*

#### **IC 36-8-1-8**

##### **"Member of the fire department"**

Sec. 8. "Member of the fire department" means the fire chief or a firefighter appointed to the department.

*As added by Acts 1981, P.L.309, SEC.47.*

#### **IC 36-8-1-9**

##### **"Member of the police department"**

Sec. 9. (a) Except as provided in subsection (b), "member of the police department" means the police chief or a police officer appointed to the department.

(b) "Member of the police department", for purposes of IC 36-8-4-7, does not include the police chief hired under a waiver under IC 36-8-4-6.5(c).

*As added by Acts 1981, P.L.309, SEC.48. Amended by P.L.148-1992, SEC.1.*

#### **IC 36-8-1-10**

##### **"Public way"**

Sec. 10. "Public way" includes highway, street, avenue, boulevard, road, land, or alley.

*As added by Acts 1981, P.L.309, SEC.49.*

#### **IC 36-8-1-11**

##### **"Salary of a first class patrolman or first class firefighter"; longevity increases**

Sec. 11. (a) "Salary of a first class patrolman or first class firefighter" means the base salary of a patrolman or firefighter plus all longevity increases, if provided by the employer, for service of twenty (20) years or less but does not include remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, clothing, automobiles, firearms, education, overtime, or compensatory time off.

(b) With respect to the 1925, 1937, and 1953 funds, "salary of a first class patrolman or firefighter" may include longevity increases for more than twenty (20) years of service at the option of the employer but only if these longevity increases had taken effect before January 1, 1983.

*As added by Acts 1981, P.L.309, SEC.50. Amended by P.L.359-1983, SEC.1.*

#### **IC 36-8-1-12**

##### **"Upper level policymaking position"**

Sec. 12. "Upper level policymaking position" refers to the position held by the police chief or fire chief and to each position held by the members of the police department or fire department in:

(1) the next rank and pay grade immediately below the chief, if the authorized size of the department is:

(A) more than ten (10) but less than fifty-one (51) members, in the case of a police department; or

(B) more than ten (10) but less than two hundred one (201) members, in the case of a fire department; or

(2) the next two (2) ranks and pay grades immediately below the chief, if the authorized size of the department is:

(A) more than fifty (50) members, in the case of a police department; or

(B) more than two hundred (200) members, in the case of a fire department.

*As added by Acts 1981, P.L.309, SEC.51.*

**IC 36-8-1-13**

**"Americans with Disabilities Act"**

Sec. 13. "Americans with Disabilities Act" means the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and all applicable regulations and amendments, if any, related to the Act.

*As added by P.L.4-1992, SEC.21.*