

Memo to: Joseph Allen, Esquire - 8 - August 25, 1966
City Solicitor

statute to the contrary, that prisoners working within penal institutions are ordinarily not covered by Workmen's Compensation. See Shain vs. Idaho State Penitentiary, 291 P.2d 870; Miller vs. City of Boise, 212 P.2d 654; Thomas F. Greene's case, 280 Mass. Reports 506; Goff vs. Union County, et al., 57 A.2d 480.

It is also interesting to note that Maryland Workmen's Compensation Law, while specifically providing for coverage of "any prisoner working for the County Roads Board and the Board of County Commissioners or County Council", in several of the counties is silent as to Baltimore City. Section 35 of Article 101.

Article 41, Section 188A, of the Annotated Code of Maryland (1957 Edition) created a Sundry Claims Board for the purpose of administering payments to prisoners in institutions governed by the State Board of Correction, who might sustain permanent partial or permanent total disability as a result of engaging "in extra-hazardous work for which wages or a stipulated sum are paid by said institution". This statute is also silent as to prisoners in the Baltimore City Jail. The Baltimore City Jail, by virtue of Article VII, Sections 50 to 57 of the Charter of Baltimore City, 1964 Revision, is governed and controlled by the Jail Board of Baltimore City and not the State Board of Correction.

You also raised the question as to what effect, if any, the recent directive by Warden Schoonfield that the accumulated pay of any inmate who "pays out" during his period of sentence is to be forfeited, would have on the conclusions reached herein, on the grounds that if the prisoner does not receive any pay for his work he is not a workman for wages.

The Baltimore City Jail Board's regulations specify that inmates of the Jail may earn \$1.00 per day for work outside the Jail and may accumulate a maximum of \$15.00 under this arrangement during their period of incarceration. I do not believe that the Warden's directive can have the effect of overruling the Jail Board. In any event, if the prisoner were injured while working, this would be prior to any such forfeiture, so that there could be no question that he was a workman for wages at the time he was injured.

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