

Title:		Contents:	<b>P-3000</b>
<b>REIMBURSEMENT FOR DAMAGE TO EMPLOYEE'S PERSONAL PROPERTY</b>		Submitted By:	<b>Purchasing Division</b>
		Approved By:	<b>Purchasing Agent</b>
Effective Date:	<b>12-10-02</b>	Supersedes No.:	Page No. 1 of 4

## **Policy**

Eligible County employees can be reimbursed for personal property damaged in the line of duty when such damage occurred through no fault of the employee.

## **General Guidelines and Considerations**

The basic intent of the policy is to reimburse eligible officers and employees of the County for damage to clothing or personal prosthesis when the value of damages exceeds five dollars (\$5.00). Other guidelines include the following:

1. Damage to personal property must be beyond the control of the employee and sustained while the employee is on the job performing proper duties.
2. Damages resulting from accidents that could have been prevented by reasonable, prudent action is not reimbursable.
3. Claims for lost or stolen articles will not be considered.
4. Amount of reimbursement will be either current value or repair cost, whichever is lower, reduced by five dollars (\$5.00) processing administrative fee and any reimbursement from outside sources.
5. Denial of the claim by the Department, CAO or Purchasing Agent is final and not subject to review.

## **Eligible Employees**

Employees eligible to receive reimbursement include:

1. Sheriff Department sworn deputies, employees and active reserve deputies.
2. Elected and appointed officials.
3. Compensated and non-compensated employees of the following:
  - General Fund and Special Fund-Los Angeles County Departments.
  - Special Districts governed by the Board of Supervisors.
  - Municipal Courts (including Judges, Attaches and Jurors).
  - Board Commissions and Committees established by Charter Provisions, State Statute or County Ordinance.

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### **Eligible Incidents**

Incidents considered eligible to qualify for reimbursement include:

1. Assault by another person - which took place without wrongful provocation by the claimant.
2. Attack by an animal.
3. Malfunction of equipment - which must include the following three conditions:
  - A piece of equipment not known to be defective unexpectedly malfunctions in a sudden way.
  - The malfunction could not have been predicted by any reasonably prudent person.
  - The malfunction was not caused by improper operation of the equipment.
4. Field emergency operations - when employee is attempting to save life or property under circumstances where it is not appropriate for him to exercise the same precautions to protect his personal property as would normally be expected. Typical emergency operations include fire, flood, search or rescue and law enforcement.

### **Ineligible Incidents**

Damage occurring as part of a preventable accident caused by carelessness or imprudence of the claimant or other person.

### **Eligible Personal Property**

Damage to personal property that qualifies for reimbursement includes:

1. Reimbursement will be considered for damage to personal property that is worn or carried by the officer or employee to satisfactorily perform his duties. Items included would be clothing, watches, personal prostheses, eyeglasses, dentures and hearing aids.
2. Tools, cameras, briefcases will be considered only if the property was necessary to perform the employee's specific duties and the property was being used with the explicit approval of the employee's Department.
3. Equipment and articles used by Active Reserve Deputies, covered under the County Badge ordinance, and reasonably necessary for the performance of their assignments. Included are horses and pack animals, and special reserve equipment supplied by said reserves.

### **Ineligible Property**

Damage to jewelry, or motor vehicles, or clothing of Active Reserve Deputies.

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### Reimbursement Criteria and Method of Determination

Reimbursement for damage to personal property must be authorized by the Purchasing Agent.

1. Purchasing Agent determination of reimbursement amount is final.
2. Claimants in signing the "Certificate of Claimant" part of claim form, agree to the reimbursement amount as determined by the Purchasing Agent.
3. Amount of reimbursement per incident will be the total of the current replacement value of items damaged beyond repair and the repair cost of items that are repairable less \$5.00 administrative processing fee and less the total amount received as reimbursement from any other source.
4. The Purchasing Agent will use a straight-line five (5) year depreciation schedule to determine the current value of damaged clothing.
5. Personal prosthesis and other "hard" goods (tools, weapons or cameras) is to be current repair or replacement cost, whichever is less.
6. Cost of repairing items not totally destroyed will be determined on an individual basis.

### Claim Procedures – Employee

In order to initiate the claim process, an employee must initiated the following actions:

1. A "Claim for Reimbursement for Damaged Property", form #76C212V6, is available from the General Claims Division of the Auditor-Controller. The completed form must be submitted in triplicate to the Department Head within five (5) working days of the date of the incident.
2. Claims submitted more than five (5) working days after the incident may be accepted, if there are extenuating circumstances, such as hospitalization of the claimant.
3. Claimant is responsible for completing all sections of the form, including the section titled "Certificate of Claimant".
4. All documents that substantiate the claim, such as receipts and informal incidence reports, should be attached to the form.
5. If claimant has received partial reimbursement from other sources, the Department should mention this in the "Remarks" section of the form.
6. Where claimant has received reimbursement from outside sources, after receiving payment from the County, the claimant must reimburse the County up to the amount previously received from the County.

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**Claims Procedures – Department**

Once the department receives a claim for reimbursement, the department must comply with claim procedures.

1. Presentation of the claim to the Department will constitute presentation of a claim to the County in accordance with law.
2. It is the responsibility of the Department Head, or his authorized representative, to immediately perform a complete investigation of the incident and damage to verify the information presented by the claimant.
3. Department Head will, after the investigation, complete the section of the form entitled "Endorsement of the Department."
4. Any changes or additions to the information originally presented by the claimant should be initialed by the claimant and explained in the remarks by the Department.
5. If Department Head approves claim, original and duplicate copy with supporting documents should be forwarded to the Purchasing Agent.
6. Denial of the claim by the Department is final and not subject to review.

**Endorsement by the Purchasing Agent:**

The Purchasing Agent is responsible for determining a current value for each item shown in the "damage incurred" section.

1. In case the Purchasing Agent questions the information submitted by the claimant, he will contact the claimant for further information or verification before determining the reimbursable amount.
2. After applicable deductions, if a reimbursable amount is established, both copies of the form and supporting documents will be forwarded to the General Claims Division of the Auditor-Controller.

If it is established that there is not a reimbursable amount, the claim will be denied and the forms will be returned to the Department Head.

Denial of the claim by the Purchasing Agent is final and not subject to review.

**Action by the Auditor-Controller**

The General Claims Division will perform a normal pre-audit of each claim. Any questions of legality of any claim will be referred to the County Counsel for determination.

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Should Auditor deny claim, the claim forms will be returned to the Department.

Approval by the Auditor will result in preparation of a departmental expenditure form, issuance of a warrant in favor of the claimant in the amount established as reimbursable by the Purchasing Agent.