



## PERSONNEL POLICY

### **SUBJECT: DAMAGE TO PERSONAL CLOTHING AND PERSONAL PROPERTY IN THE PERFORMANCE OF JOB DUTIES**

DATE: January 1, 2017

Number: 201-16

---

#### **I. Statement of Policy**

It shall be the policy of Fulton County to reimburse claims filed by employees for damages suffered to personal clothing and personal property while performing their normal County duties. Damages suffered due to negligence, recklessness or willful disregard of departmental policies and practices shall not be reimbursable.

#### **II. Applicability**

This policy shall apply to all Fulton County employees, department heads and elected or appointed officials.

#### **III. Establishment and Implementation of Procedure**

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.



## PERSONNEL PROCEDURE

### SUBJECT: DAMAGE TO PERSONAL CLOTHING AND PERSONAL PROPERTY IN THE PERFORMANCE OF JOB DUTIES

DATE: March 17, 2017

Number: 201-16

---

#### I. Overview

Employees who suffer damages to clothing and personal property while performing their normal job duties shall be reimbursed when the value of damages exceeds five dollars (\$5.00) under the guidelines set forth in this procedure. All claims for reimbursement shall be investigated by the affected Departments and reviewed by the County Attorney before a recommendation is presented to the County Manager for further handling.

#### II. Responsibilities

It shall be the responsibility of the affected Departments to investigate the factual allegations contained in the claim and to ensure all supporting documentation is present before submitting to the County Attorney for review. The affected Departments shall also be responsible for processing the claim in the appropriate manner once approval has been made by the County Manager or the Board of Commissioners.

The County Attorney shall be responsible for evaluating the claim based upon the existing policy and appropriate law and offer an opinion to the County Manager.

#### III. Guidelines

The following guidelines shall apply:

- Damage to personal property must be beyond the control of the employee and sustained while the employee is on the job performing proper duties.
- Damage resulting from accidents that could have been prevented by reasonable, prudent action is not reimbursable.
- Claims for lost or stolen articles will not be considered.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

- Amount of reimbursement will be either current value or repair cost, whichever is lower, reduced by a five dollars (\$5.00) administrative processing fee and any reimbursement from outside sources.
- Denial of the claim by the County Attorney or County Manager is final and not subject to review.

Employees who suffer damages to clothing or personal property while acting in the normal performance of their County duties without negligence, recklessness or willful disregard of departmental policies and practices shall submit a claim in writing to their department head setting forth the facts surrounding the claim. The claim must include the cost and approximate date the damaged clothing or personal property was purchased. Receipts and/or an estimate of costs must be presented with the claim to the department head. **The employee should also state if the claim has been/will be totally or partially covered by insurance (i.e. vision insurance covering replacement costs/percentage of replacements costs for eyeglasses, etc.).**

After receipt of the claim and other supporting documentation as described above, the affected Departments will investigate the circumstances contained in the claim and present all of the facts resulting from the investigation in writing to the County Attorney for further review and evaluation. The affected Departments will make a recommendation as to whether the claim should be paid by Fulton County.

The County Attorney will evaluate the claim and offer a legal opinion as to whether Fulton County should pay such claim under the existing policy and other appropriate laws. Included in the County Attorney's opinion shall be a determination as to whether the claim was due to negligence, recklessness or willful disregard of departmental policies and practices.

The County Attorney will forward her/his recommendation and evaluation, and the report and recommendation of the affected Departments to the County Manager for further disposition.

The County Manager will make a determination as to whether or not the claim should be paid. If the County Manager makes a recommendation to pay claims of \$10,000.00 or more, the claim will be placed on the Board of Commissioner's agenda for approval. The County Manager has the authority to approve claims less than \$10,000.00 without placing them on the Board of Commissioner's agenda. The County Manager will send all claims approved by the County Manager or the Board of Commissioners to the affected Department for further processing through the Finance Department for payment.

If the County Manager determines that the claim should be paid by Fulton County, the County Manager and the Board of Commissioners should consider the following:

- Recommendation of the County Attorney and the affected Departments;

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

- Review of the supporting documentation such as cost estimates and receipts, **(insurance documentation to be included)**;
- The method by which claims with similar facts were resolved (i.e., the amount of money, if any, used to settle the claim); and
- Whether the claim was due to the employee's negligence, recklessness or willful disregard of departmental policies and practices.

#### **IV. Eligible Incidents**

Incidents considered eligible to qualify for reimbursement include:

- Assault by another person—which took place without wrongful provocation by the claimant.
- Attack by an animal.
- Malfunction of equipment—which must include the following 3 conditions: (a) a piece of equipment not known to be defective unexpectedly malfunctions in a sudden way; (b) the malfunction could not have been predicted by any reasonably prudent person; and/or (c) the malfunction was not caused by improper operation of the equipment.
- 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.

#### **V. Ineligible Incidents**

Damage occurring as part of a preventable accident caused by carelessness or imprudence of the claimant or other person. This procedure also is not intended to replace other mechanisms available to recompense an employee for damages to clothing and personal property. The County may require an employee to utilize other available remedies before processing a claim pursuant to this procedure.

#### **VI. Eligible Personal Property**

Damage to personal property that qualified for reimbursement includes:

- Reimbursement will be considered for damage to personal property that is worn or carried by the officer or employee to satisfactorily perform his duties. Qualifying items include clothing, watches, personal prostheses, eyeglasses, dentures and hearing aids.
- Tools, cameras, briefcases will be considered only if the property was necessary to perform employee's specific duties as determined by the Appointing Authority or Department Head.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".