



State of North Carolina
Department of Public Safety
POLICY
REQUIREMENTS & PROCEDURES

CONTROLLER

Division: ADMINISTRATION

Chapter: CONTROLLER

Policy: EMPLOYEE PROPERTY
DAMAGED OR STOLEN BY
INMATES

Issue Date: February 7, 2014

Revised:

PURPOSE

This fiscal policy establishes procedures governing the repair or replacement of personal property items that belong to employees of State facilities within the Department of Public Safety which are damaged or stolen by inmates. The Department must determine that the property has been damaged or stolen on or off facility grounds during the performance of employment and necessary for the employee to have in his/her possession to perform their assigned duties.

PROCEDURES FOR DOCUMENTATION AND REIMBURSEMENT

I. Documentation of a Damage or Theft Claim

- A. Evidence of claim itself. A claim for a damage or theft loss for personal property will be submitted to the Facility/Section/Location Head in a memorandum setting forth the details relating to the claim with supporting documentation as to the dollar value requested as reimbursement.

Documentation to support the claim shall include:

- i. Purchase invoices providing evidence the property was actually repaired or replaced;
- ii. Affidavits/witness statements providing evidence of the circumstance that gave rise to the claim; and
- iii. Other documentation as deemed necessary.

Note: If the damage is for a personal vehicle, please see Section VII.

- B. Evidence of efforts to recover loss from other sources. The employee must provide evidence of efforts to seek recovery from non-State sources. At a minimum, the employee shall include with the claim a statement describing the efforts made. See Section II for further clarification.

II. Loss Recovery from All Other Non-State Sources

An employee shall make a good faith effort to recover the loss from all other non-State sources for reimbursement. These non-State sources include:

- Employee's homeowners or other personal property insurance;
- Request to the inmate for funds to repair or replace the property;
- Legal action initiated against the inmate; and
- Other non-State sources which may be available to the employee.

If these sources fail to reimburse the employee, a damage claim may then be submitted in accordance with Section I.

III. Employee Negligence Resulting in Damage or Theft of Personal Property

Reimbursement for items damaged or stolen shall not be granted in instances in which the employee is determined to be negligent, or otherwise at fault for the damage or loss of the property. Negligence shall be determined by the Facility Head.

IV. Reimbursement Determination for Damage or Theft of Personal Property

The Facility/Location Head shall determine if the person (employee) seeking reimbursement has made a good faith effort to recover the loss from all other non-State sources and has failed before reimbursement is granted. Refer to Section II.

V. Reimbursement Procedures

If the Facility/Section/Location Head has determined that all criteria set forth in Sections I, II and IV have been met and the employee was not determined to be negligent, the request for reimbursement for damaged or stolen personal property shall be forwarded through the chain of command for payment approval. The appropriate manager shall forward the payment recommendation to the Controller's Office for final approval or disapproval of the request for reimbursement. After the Controller's Office has reviewed the request and made a determination, the Controller's Office shall notify the employee's management of the decision.

Note: If the reimbursement request involves damage to a personal vehicle, the request and supporting documentation shall be forwarded to the Attorney General's Office before a determination can be made.

VI. Limitations on Amount of Reimbursement.

Reimbursement shall be limited to the actual cost of the reimbursement claim, but shall not exceed a maximum of two hundred dollars (\$200.00) per incident. No employee shall receive more than five hundred dollars (\$500.00) per year. Reimbursement is subject to the availability of funds. The limitations in this Section do not apply to personal vehicle damage.

VII. Damage to Personal Vehicles of Employees

If an employee is seeking reimbursement for damage to a personal vehicle, the following documentation shall be submitted with the request:

- Affidavits, witness statements, or incident reports providing evidence of the circumstances that gave rise to the claim;
- Estimate(s) of the cost to repair the vehicle (or invoices). If the damage is \$500 or more, two estimates are required;
- Employee's insurance information including: insurance company name, address, policy number, name of insured, and telephone number of insurance company; and
- Other documentation as deemed necessary (i.e. police reports).

Requests for reimbursement for vehicle damage shall be routed through the chain of command to the Controller's Office as specified in Section V. of this policy. All efforts to recover the loss from non-State sources, as covered in Section II, shall have been exhausted prior to submitting a damage claim. The Controller's Office will review the information for completeness and forward the claim to the Attorney General's Office for disposition. The Attorney General's Office will take one of the following actions:

- Turn the claim over to the appropriate insurance company;
- Issue a payment order to DPS Fiscal Section to make the reimbursement payment; or
- Make a determination that the claim is non-reimbursable.

VIII. Exceptions

Any exceptions to the policies and procedures as stated in this policy must be approved in advance by the Controller.