

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 35.70	Issue 4	Page 1 of 7
REPAIR OR REPLACEMENT OF EMPLOYEES' PERSONAL PROPERTY	Effective Date July 1, 2015		

1. PURPOSE

- 1.1. To state the City's policy and outline procedures for reimbursing employees for the repair or replacement of personal property.

2. SCOPE

- 2.1. This Administration Regulation (A.R.) applies to all *Employees*.

3. DEFINITIONS

- 3.1. Employee – For purposes of this A.R. includes any person whose name appears on an official City timesheet/timecard for payroll purposes.
- 3.2. Personal Property – Property that is owned by an *Employee* and worn or carried by the person in the course of his or her employment or duties on behalf of the City. For example: eye glasses, hearing aids, dentures, watches or personal professional equipment.
- 3.2.1. *Personal Property* covered for repair or replacement by this A.R. does NOT include:
- a. Normal wear and tear on clothing.
 - b. Torn clothing during the performance of an *Employee's* normal duties.

4. POLICY

- 4.1. An *Employee* will be reimbursed for the repair or replacement of *Personal Property* in the course of employment and performance of their assigned duties.
- 4.2. The option to repair or replace damaged items, and to determine whether replaced property will be returned to the *Employee*, rests with the City.

(Supersedes Administrative Regulation 35.70, Issue 3, Effective Date September 30, 1981)

Authorized

Signature on File
CHIEF OPERATING OFFICER

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- 4.3. The intent of this Regulation is to permit reimbursement for the repair or replacement of *Personal Property*.
- 4.4. Reimbursement to an *Employee* shall be authorized only when the damage is caused by extraordinary circumstances which arise out of the employment or service to the City, and not from normal hazards or ordinary wear and tear.
- 4.5. Exclusion –
- This A.R. does not apply to:
- 4.5.1. Losses by mysterious disappearance or theft.
- 4.5.2. Losses of precious or semiprecious stones from settings in watches, eye glasses or other normally utilitarian items or losses to pieces of personal jewelry.
- 4.5.3. Loss to any *Employee's* automobile, vehicle, trailer, motorcycle or any other equipment.
- 4.5.4. Losses to *Employee's* property while in the care, custody and control of others.
- 4.5.5. Losses to others property while in the care, custody and control of the *Employee*.
- 4.5.6. Losses of money.
- 4.5.7. Losses resulting from acts of negligence or deliberate destructive acts on the part of the *Employee*.
- 4.5.8. Losses resulting from ordinary wear and tear incidental to normal use and employment or performance of duties on behalf of the City.
- 4.6. Misrepresentation and Fraud –
- 4.6.1. The reimbursement provisions of this A.R. shall be void if the *Employee* has concealed or misrepresented any material fact or circumstance concerning the subject of the loss, his/her interests therein, or in the case of any fraud or false statements by the *Employee*.

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4.7. Valuation -

- 4.7.1. Upon acceptance of the claim, the City shall not be liable beyond the actual cash value of the *Employee's Personal Property* at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to such actual cash value with proper deduction for depreciation, however caused, and shall in no event exceed what it would then cost to repair or replace the *Employee's Personal Property* with a reasonable replacement.
- 4.7.2. For example, in a reimbursement claim for damaged designer eye glasses, the City will only be obligated for reasonable replacement costs as established through a market survey.

4.8. Recovery -

- 4.8.1. If in the event of any loss or damage, the *Employee* shall acquire any right of action against any individual, firm or corporation for loss or damage to *Personal Property* covered by this A.R., the *Employee* assigns and transfers to the City, at the City's option, all such rights of action to the extent of the amount paid, and will permit suit to be brought in the *Employee's* name under the direction of and at the expense of the City.

4.9. Insurance -

- 4.9.1. If there is any other valid and collectible insurance which would apply in the absence of this A.R., the benefits afforded by this Regulation shall apply only as excess benefits over such others as afforded by said policies of insurance.
- 4.9.2. It shall be the duty of the *Employee* to apply for such coverage for losses under valid and existing insurance policies as he/she may maintain.

4.10. Appeal of Claim –

- 4.10.1. *Employee* can appeal a disapproved claim or the amount of an approved claim within ten working days from the date the *Employee* receives his/her returned Form HR-3 by sending a memorandum to the City's Human Resources Department stating the reason for the appeal via his/her Department/Division Head along with the original Form HR-3, two copies of the memorandum.

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5. PROCEDURE

<u>Responsibility</u>	<u>Action</u>
Employee	<p>5.1.1. As soon as practical after damage is incurred, complete appropriate portion of Form HR-3 "Request for Reimbursement for Loss to Personal Property." Submit original and three (3) copies, along with the damaged <i>Personal Property</i>, to Department/Division Head. Retain a copy.</p> <p>5.1.2. Immediately report all damages and losses resulting from vehicular accidents, physical violence, robbery, and burglary to the Police Department.</p>
Department/Division Head	<p>5.2.1. Make appropriate investigation to insure that the claim is legitimate, and the information appearing on Form HR-3 is complete and correct.</p> <p>5.2.2. To approve claim, complete appropriate portion of Form HR-3.</p> <p>5.2.3. If claim is not approved, complete the appropriate portion of Form HR-3, give the original Form HR-3 to the <i>Employee</i> and retain a copy and return any damaged <i>Personal Property</i>.</p> <p>5.2.4. Determine amount to be reimbursed to the <i>Employee</i>.</p>

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<u>Responsibility</u>		<u>Action</u>
Department/Division Head - Continued	5.2.5.	If claim is approved, forward completed Form HR-3 to Department's Human Resources Department Liaison for review.
	5.2.6.	If claim receives final approval from the Human Resources Department, provide a copy of the approved Form HR-3 to the <i>Employee</i> and inform him/her that it will be processed with Payroll Specialist for the next applicable paycheck.
Human Resources Department	5.3.1.	Review Form HR-3 to ensure consistency with this A.R. and recommendation by the Department/Division Head.
	5.3.2.	Send completed Form HR-3 back to Department/Division Head to process payment with Department's Payroll Specialist (to be included in the <i>Employee's</i> next applicable paycheck).

IF A DISAPPROVED CLAIM, OR THE AMOUNT OF AN APPROVED CLAIM, IS APPEALED.

Employee	5.4.1.	Prepare an appeal memorandum to the City's Human Resources Department, via Department/Division Head, stating: <ul style="list-style-type: none"> a. Reason for the appeal, b. Justification for disagreement of the decision, and c. Any supporting information for position.
	5.4.2.	Send original Form HR-3 and two copies of memorandum to Department/Division Head. Do not forward damaged item.

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<u>Responsibility</u>	<u>Action</u>
Department/Division Head	<p>5.5.1. Send original and one copy of the <i>Employee's</i> appeal memorandum requesting an appeal, and original and copy of Form HR-3 to City's Human Resources Department. Retain one copy of memorandum.</p>
Human Resources Department Director or Designee	<p>5.6.1. Review the denied claim Form HR-3 along with the <i>Employee's</i> appeal memorandum to determine the validity of the claim, request any additional investigation or documentation on an as needed basis.</p> <p>5.6.2. After review note approval or disapproval of the claim on original Form HR-3 and provide reasons for approval or disapproval and attach copy of memorandum to original Form HR-3.</p> <p>5.6.3. If approved, send original and copy of the <i>Employee's</i> appeal memorandum, and copy of Form HR-3, to the <i>Employee</i> and originating Department/Division Head for appropriate processing with Department's Payroll Specialist.</p> <p>5.6.4. If disapproved, send original and copy of the <i>Employee's</i> appeal memorandum and copy of Form HR-3, to the <i>Employee</i> and Department/Division Head for appropriate processing.</p>

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APPENDIX

Forms

Form HR-3 - Request for Reimbursement for Loss to Personal Property

Subject Index

Personal Property

Claims – Employee’s Personal Property

Damages – Employee’s Personal Property

Administering Department

Human Resources