



Department of Corrections and Rehabilitation
NOTICE OF CHANGE
TO DEPARTMENT OPERATIONS MANUAL

**Chapter 2, Article 16, Employee Personal
Property**

Transmittal Letter Number:

16-09

Revision Date:

August 30, 2016

The purpose of this document is to provide information regarding revisions to Department Operations Manual (DOM), Chapter 2, Article 16, Employee Personal Property.

Revisions to this article are necessary to ensure that the DOM conforms to existing laws and requirements for approving employee personal property claims as well as to ensure staff awareness of the process in the event that an employee has to file a claim.

The revisions to this article include references to the recently revised CDCR Form 892, Employee Claim for Loss or Damage to Personal Property. The form will be used by employees to submit claims for damaged or stolen personal property.

Please inform all persons concerned of the contents of this notice, which shall remain in effect until it is incorporated into the next edition of the DOM. If you have any questions concerning this revision, please contact Elsa Martin of the Accounting Services Branch – Sacramento at (916) 255-5489.

Original Signed By

JASON LOPEZ
Deputy Director
Office of Fiscal Services

CHAPTER 2 — FISCAL MANAGEMENT

ARTICLE 16 — EMPLOYEE PERSONAL PROPERTY

Revised August 30, 2016

22070.1 Policy

The Government Code (GC) and the State Administrative Manual (SAM) authorize the California Department of Corrections and Rehabilitation (CDCR) to provide reimbursement for the repair or replacement of damaged or stolen personal property an employee wears or uses in the course of employment.

22070.2 Purpose

This Article outlines the process to be used by employees for obtaining reimbursement for the repair or replacement of damaged personal property or stolen personal tools or equipment. If any content conflicts with bargaining unit agreements, the Memorandum of Understanding prevails.

22070.3 Damaged Personal Property

CDCR is authorized to pay for the repair or replacement of damaged personal property worn or used by an employee in the course of employment. An inventory of all personal property used on the job must be approved by the employee's supervisor prior to the loss. CDCR shall decide between reimbursement for repair or replacement; the employee's preference shall be considered in this decision. Personal property eligible for reimbursement may include:

- Eye glasses
- Dentures
- Watches
- Hearing aids
- Clothing
- Uniforms
- Uniform items

Personal property brought to the work place, which is not required for employment, shall not be considered a responsibility of CDCR or the State. Personal property ineligible to be repaired or replaced may include:

- Clocks
- Radios
- Calculators
- Desk sets
- Pictures
- Jewelry (other than watches)
- Sunglasses

Damage that is incurred as a result of normal wear in the course of employment is not compensable by the State.

22070.4 Stolen Personal Tools and Equipment

CDCR is authorized to reimburse the cost of replacing a personal tool or piece of equipment equipment that was stolen from an employee's work site if all three of the following requirements are met:

- The stolen personal tool or piece of equipment was required in the employee's work;
- The item was authorized by the written approval of the employee's immediate supervisor prior to the loss;
- Contributory negligence of the employee did not exist.

Claims involving stolen property valued in excess of \$500 must also be approved by CalHR. In the event an employee's personal tool or equipment is stolen, the California Highway Patrol (CHP) must be notified and a copy of the theft report must accompany the claim.

22070.5 Preparation of Claims

A claim submitted by an institution employee for the repair or replacement of damaged personal property or reimbursement of stolen personal tools or equipment shall be approved by the employee's immediate supervisor and the Warden or designee. A claim submitted by an administration or field office employee shall be approved by the employee's immediate supervisor and the appropriate division/department head or designee.

All claims involving reimbursement of stolen personal tools or equipment valued in excess of \$500 must be approved by CalHR.

All claims shall be submitted using CDCR Form 892, Employee Claim for Loss or Damage to Personal Property.

All claims shall include the employee's verification of the following on CDCR Form 892:

- The item was used in the course of employment
- Loss or damage of the item occurred at the employee's work site, work base, or en route between the two locations
- Loss or damage of the item was not a result of carelessness or negligence

Additional documentation required for damaged personal property:

- If the item is repairable, provide a researched estimate of the cost for any repairs
- If the item is irreparable, provide the reason(s) why the item cannot be repaired and evidence of the item's value at the time of damage, e.g., sales records, price lists, etc.

Additional documentation required for stolen personal tools or equipment:

- The official CHP report describing the incident or the circumstances of the theft
- Evidence of the item's value at the time of theft, e.g., sales records, price lists, etc.

22070.6 Supervisor's Review of Claims

The claim shall be submitted to the employee's immediate supervisor for review. Preliminary approval of the claim at the supervisor's level shall provide:

- Confirmation of the employee's statement as certified by the supervisor's signature on CDCR Form 892
- Recommendation of reimbursement for repair or replacement of damaged personal property or reimbursement of stolen personal tools or equipment
- An attached statement of measures taken to prevent recurrence of such an incidents or an indication on CDCR Form 892 that no measures are possible to prevent recurrence

22070.7 Submission of Claims

Institution Employees:

- Upon the supervisor's approval, CDCR Form 892 and all accompanying documents shall be forwarded to the Institution Business Office.

- The Warden or designee shall approve/disapprove the claim. If approved, the Institution Business Office shall forward the claim to the Accounting Services Branch – Sacramento for payment processing. For a stolen personal tool or piece of equipment claim exceeding \$500, the Institution Business Office must forward the claim to the CalHR Benefits Division for approval prior to submitting the claim to the Accounting Services Branch – Sacramento.
- If the claim is disapproved, the Warden or designee shall return the claim to the supervisor. The supervisor shall then return the claim to the employee.

Administration or Field Office Employees:

- Upon the supervisor's approval, CDCR Form 892 and all accompanying documents shall be forwarded to the Deputy/Associate Director or designee of the employee's division.
- The Deputy/Associate Director or designee shall approve/disapprove the claim. If approved, the claim shall be forwarded to the Accounting Services Branch – Sacramento for payment processing. For a stolen personal tool or piece of equipment claim exceeding \$500, the Deputy/Associate Director or designee must forward the claim to the CalHR Benefits Division for approval prior to submitting the claim to the Accounting Services Branch – Sacramento.
- If the claim is disapproved, the Deputy/Associate Director or designee shall return the claim to the supervisor. The supervisor shall then return the claim to the employee.

22070.8 Denied Claims

Any claim denied during the process outlined in this Article may be submitted by the employee to the California Department of General Services, Office of Risk & Insurance Management – Government Claims Program, for further determination/consideration. If the claim is denied at this level, the last avenue of appeal is through civil action.

22070.9 Revisions

The Associate Director, Accounting Services Branch or designee shall ensure that the contents of this Article are current.

22070.10 References

GC §§ 935.6(a), 19849.8, and 19850.6.

MOU for Bargaining Unit 6.

SAM § 8423.

CCR Title 2 (1) (3) § 599.725.

EMPLOYEE CLAIM FOR LOSS OR DAMAGE TO PERSONAL PROPERTY

CDCR 892 (Rev. 05/16)

To: Warden
Deputy/Associate Director
Administrator or Designee

From: _____
Employee-Claimant

I certify that my personal property, to wit:

was damaged during performance of service arising out of my employment by the State of California; that said property was necessarily worn or carried by me at the time of damage; that there was no contributory negligence on my part and all foreseeable precautions were taken; and that the facts concerning the incident are as follows:

I further certify that the facts concerning said property are as follows:

Date acquired _____; Purchase price: \$ _____; Estimated normal life: _____;

Condition of said property immediately preceding said incident was _____.
good/fair/poor

I hereby submit claim for reimbursement in the amount of \$ _____.

Signed: _____
Employee-Claimant Date

Exhibits attached:

1. Receipted bill for repairs **or**
Statement of reason property cannot be repaired.
2. Report of incident / altercation **or** CDC 115 Rules Violation Report, if applicable.
3. Additional supporting documentation:

We, the undersigned, witnessed the described incident and certify that the facts stated above by the claimant are true to the best of our knowledge.

Signature of Witness	Date
Signature of Witness	Date
Signature of Witness	Date

We, the undersigned, confirm the facts as stated by the claimant and recommend payment of the claim.

(Check one of the following)

- No measures are possible to prevent recurrence.
- A statement of measures taken to prevent recurrence is attached.

Signature of Supervisor	Date
Signature of Warden / Deputy/Associate Director / Administrator or Designee	Date

(PURSUANT TO SECTION 8423, STATE ADMINISTRATIVE MANUAL)