

401.6 SUBJECT: DAMAGE ASSESSMENT

:1 OBJECTIVE:

To determine responsibility and make assessments (monetary and/or points) for damage to property or equipment in all Departments excluding sworn Fire and Police Civil Service Personnel.

:2 AUTHORITY:

This procedure amended by City Council May 17, 2004, New Business #1.

:3 DIRECTION:

The Risk Manager is responsible to the Chief Financial Officer (CFO)/Finance Department Director.

:4 METHOD OF OPERATION:

A. Determination Of Responsibility For Damage

1. Determination of responsibility for damage shall be made on the principle that damage is chargeable when the employee could reasonably be expected to take alternative action that would have prevented the damage. Consideration shall be given to the occupational hazards and specialized equipment of the various departments, emergency service calls, or other extenuating circumstances.
2. The Risk Management Section shall:
 - a) Review and evaluate reports of damage caused by City employees to property and equipment.
 - b) Refer appropriate accident and damage reports to the City Damage Assessment Committee.
 - c) Make recommendations to the appropriate departments concerning the actions of City employees as they pertain to safety and/or damage assessment.
 - d) Serve as Chairman of the City Damage Assessment Committee.
 - (1) The City's Damage Assessment Committee shall evaluate accident and damage reports referred by the Employee Health and Safety Section, or any Department Director or Division Manager, determine responsibility for damage, and assess charges and/or points. Police and Fire Department damage assessment responsibilities will be referred to their respective departments.

B. City Damage Assessment Committee

1. The Committee shall consist of at least seven (7) representatives including the Risk Manager or designee as Chairman. Damage Assessment Committee members are designated by Division Managers/Office Heads and Labor Union Officials. The Committee, regardless of the number of members, shall contain two (2) representatives from the Laborers International Union.

C. Committee Meetings

1. The City's Damage Assessment Committee shall meet as deemed necessary by the Risk Manager or designee and shall decide cases referred by the Health & Safety Manager, Division Manager or Department Director. Findings made by the City Damage Assessment Committee are final, unless appealed.
 2. Written minutes will be made of all damage assessment findings with distribution to City Council, Offices, Divisions, and Departments concerned.
- D. Report Of Damage To Property and Equipment by City Employees
1. If a vehicular accident occurs within the City of Orlando, the Orlando Police Department must be immediately notified; if outside the City, the - law enforcement agency having jurisdiction shall be notified.
 2. Damage, loss, or theft caused by a City employee to property and/or equipment shall be reported by the operator and the employee's supervisor using Forms 36-2, Accident/Incident Report. Originals will be sent to the City Risk Management Office. The supervisor will conduct an on-the-scene investigation when circumstances dictate and prepare a detailed written report of the accident.
 3. The Risk Manager or designee will review the facts and make further investigation when deemed necessary.
- E. Notification Of Penalty Assessments
1. Upon determination of damage or loss responsibility by the Damage Assessment Committee, the Risk Manager or designee shall notify the employee, the Office/Division concerned and the Labor Relations Section. Notification will include the damage assessment penalty and a statement of the right to appeal. When appropriate, the Payroll Deduction Form will be completed. The responsible supervisor will enter the employee's name and total amount to be deducted and secure the employee's signature. A copy of the completed Payroll Deduction Form will be returned to the Risk Management Office and the original submitted to the Payroll Section. Each deduction shall be a uniform amount and not less than twenty-five dollars (\$25.00) per pay period. Penalty assessments, if not voluntarily paid, may be withheld by the City from future paychecks.
 2. Monetary Penalties are as follows:
 - a) 1st Offense: 50% of the amount of the damage/loss not to exceed \$100
 - b) 2nd Offense: 75% of the amount of the damage/loss not to exceed \$200
 - c) 3rd Offense: 100% of the amount of the damage/loss not to exceed \$300
 - d) Additional Offenses: 100% of the amount of the damage/loss not to exceed \$500.
 3. Dependent upon the employee's involvement in an accident, an assessment of points may also be made by the City Damage Assessment Committee against the employee with the following maximums. A copy of the final action shall be forwarded to Risk Management and Labor Relations for their files.
 - a) Points 1 – 3: 1) Failure to drive defensively causing property damage but not necessarily resulting in a chargeable accident. 2) Disregard of good

operating practice in the use of equipment but not necessarily resulting in a chargeable accident. 3) Failure to observe caution resulting in property damage but not necessarily resulting in a chargeable accident.

- b) Points 2 – 6: 1) Failure to drive defensively with involvement in an accident with property damage. 2) Disregard of good operating practice in the use of City equipment resulting in a chargeable accident. 3) Failure to observe caution resulting in property damage resulting in a chargeable accident. 4) Failure to notify appropriate law enforcement agency after vehicular accidents. This is in addition to other points assessed for the accident itself.
- c) Points 3 – 7: 1) Lack of good judgment in the use of City equipment resulting in property damage to the equipment (negligence) or resulting in a chargeable accident.
- d) Points 7 – 16: 1) Unsafe or negligent operation of equipment, resulting in an accident and a moving violation under the laws of the State of Florida.
- e) Points 16: 1) Found driving or operating City equipment while under the influence of alcohol or illegal drugs.
- f) Sixteen points assessed to an employee within a 48-month period will be cause for termination of employment as an equipment operator requiring a Class A to -E Driver's License. Depending on the violations, the employee may be reassigned to other work provided a vacancy exists for which the employee is qualified. If no vacancy exists, the employee will be terminated.
- g) Any affected City employee accumulating 10 points in any 24-month period shall be placed on a 120-day driving probation. Any accident or moving violation incurred while on the 120-day driving probation may result in the loss of driving privilege.
- h) An employee guilty, as determined by the City Damage Assessment Committee, of willful or wanton damage or destruction of City property shall be subject to dismissal in accordance with Policy and Procedures 808.20.
- i) In addition to Damage Assessment Committee action, an employee is subject to disciplinary action by his/her Department, Division or Bureau in accordance with Policy and Procedure 808.20.
- j) The record of an employee with 48 consecutive months without a chargeable accident shall be considered clear.

F. Responsibility (Accountability)

1. Supervisor's Responsibility

- a) A determination that equipment damage was due to improper assignment by the supervisor, or due to the supervisor's failure to properly instruct the employee in the use of equipment, shall result in the supervisor being held accountable for the assessed damage.

2. Multiple Responsibility

- a) In the case of an accident where more than one City employee is found chargeable, each responsible employee will be assessed damages and point penalty in accordance with the preceding schedules.

G. Appeals Committee

1. An Appeals Committee will consist of the Human Resources Division Manager, the employee's Division Manager/Office Head, the Risk Manager, or their respective designees. The Appeals Committee shall review appeals presented in writing by an employee when the determination made by the Damage Assessment Committee is protested. The written appeal must be sent to the Risk Manager or designee within ten (10) working days after assessment notification. The Risk Manager or designee will copy and forward the appeal to the Appeals Committee and schedule a meeting to jointly review the written appeals. The Appeals Committee may schedule a hearing and has the right to call witnesses and require the attendance of all parties concerned in the action. Findings made by the Appeals Committee are final.

H. Termination of Employment

1. The Employee's Department shall determine any outstanding balances due the City for damage claims and provide this information on the terminated employees separation form. The outstanding balance –may be deducted from the employee's final paycheck.

:5 FORMS:

Risk Management Accident/Incident Report, Form No. 36-2; Payroll Deduction, Form No. 750.3.1.

:6 COMMITTEE RESPONSIBILITIES:

Not applicable.

:7 REFERENCE:

City Council Minutes of September 5, 1962, Item 4; Committee authorized November 1, 1962. See Procedure 735.2. Procedure 745.5 rescinded by procedure 701.5, approved September 22, 1975, Item 25. Procedure 701.5 rescinded by procedure 735.3. Procedure 735.2 and 735.3 rescinded by procedure 820.2. Approved by City Council May 23, 1983, Item 36 EEE. Procedure renumbered from 820.2 and amended by City Council, February 25, 1985, Item 16, A-12; amended by City Council June 21, 1993, Item 2-P; amended July 10, 1995, Item UU; amended July 17, 2000, Item 3-FF; amended June 3, 2002, Item B24; amended September 15, 2003; amended May 17, 2004, New Business #1.

:8 EFFECTIVE DATE:

This procedure effective May 17, 2004.