

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 2</p> <p>Procedure 2.02.06</p>	<p>Date Revised: Replaces 9.2.1.9, 9/13/05</p>
<p>Chapter Title ADMINISTRATIVE SERVICES</p>		<p>Date of Issue 1/9/12</p>
<p>Subject LOSS OF OR DAMAGE TO COMMONWEALTH PROPERTY OR EQUIPMENT</p>		<p>Effective Date 1/23/12 PUBLIC</p>

I. AUTHORITY

The chairman of the board is granted the authority to “[d]irect the operations, management and administration of the board” and to “[p]erform all the duties and functions of chairperson, including organizing, staffing, controlling, directing and administering the work of the staff.” 61 Pa.C.S. § 6112 (a)(1) & (a)(4).

II. PURPOSE

The purpose of this document is to establish a procedure concerning loss of or damage to Commonwealth property or equipment. The procedures set forth in this document are designed to determine why and/or how the equipment or property was lost and/or damaged. After review, a decision will be made on whether the employee exercised Reasonable Care and is not responsible for the loss or damage, or the employee did not exercise Reasonable Care and is responsible for the loss or damage.

NOTE: A determination that personnel are required to reimburse the Commonwealth is not a disciplinary action.

III. APPLICABILITY

This procedure is applicable to all Board staff.

IV. DEFINITIONS

Commonwealth Property or Equipment: Property or equipment other than real property, which is owned or possessed for use by the Commonwealth. The property may be dedicated for use by a single individual or open to use by a group of individuals. This includes, but is not limited to, items such as radios, laptops, cell phones/electronic communication devices, Board weapons, badges, automobiles, handcuffs, leg shackles and body armor.

Board Weapons: All Board firearms regardless of caliber/gauge or barrel length, electronic control devices, chemical agents regardless of their delivery system, and expandable batons.

Reasonable Care: Acts or omissions, whether intentional or unintentional, which reflect that ordinary diligence has been exercised to safeguard the property from loss or damage, or to facilitate recovery or repair immediately following discovery of the loss or damage.

Replacement or Repair Cost: The actual value or percentage thereof assigned to replace or repair property or equipment.

V. POLICY

A. Responsibility and Accountability

1. Employees shall be responsible for all issued or provided Commonwealth Property and Equipment, and shall ensure it is serviceable and available for use at all times. Commonwealth Property and Equipment issued or otherwise provided by the Board shall be used exclusively in the performance of official Commonwealth duties and in conformance with the law, Commonwealth and Board directives and procedures and, when appropriate, in accordance with training and/or instructions provided on the proper use and care of such equipment.
2. Loss of or damage to issued or provided Commonwealth Property and Equipment may require reimbursement by employees for Replacement or Repair Cost to the Board or Commonwealth.
3. Employees may be subject to disciplinary action up to and including termination if it is determined that the loss or damage to Commonwealth Property and Equipment was a violation of law and/or Commonwealth or Board procedures and policies.

B. A finding that the employee did or did not exercise Reasonable Care, or the assessment of Replacement or Repair Costs pursuant to this procedure, is not a disciplinary action.

VI. PROCEDURE

A. Reporting loss or damage to Commonwealth Property or Equipment

1. Upon an occurrence (except as described in VI. B below), a Loss of or Damage to Commonwealth Property or Equipment Report, PBPP-363, shall be submitted immediately by the employee responsible for the item via the chain of command to the employee's Office Director who will forward it to the Director, Office of Administrative Services. In the case of an employee who terminated employment with the Board and who did not submit such report, the employee's supervisor shall submit the report. Continued processing of the report shall be in accordance with the instructions in Appendix A.
2. The employee's supervisor will conduct an administrative review of the case, complete PBPP-363 and send it via the chain of command to the employee's Office Director, who will forward it to the Director, Office of Administrative

Services. The administrative review will explain all the circumstances of the loss or damage to Commonwealth Property and Equipment.

3. If the item is lost or damaged beyond repair, the supervisor will also follow the proper procedures to remove that item from inventory. The determination to replace the item will be at the sole discretion of the Director, Office of Administrative Services after consultation with the appropriate Office Director.
4. Damage to Board vehicles sustained as a result of traffic accidents or other incidents shall be reported on Automobile Accident or Loss Notice, STD-541.

B. Reporting loss or damage to Badges and Board Weapons

When badges or Board weapons are lost, stolen, or damaged, employees shall immediately submit a Special Field Report, completely describing the circumstances surrounding the loss, theft, or damage and any immediate action taken to resolve the situation. Additionally, employees reporting lost or stolen Board firearms and electronic control devices shall follow the instructions in Procedure 4.03.08, Resistance and Control.

A copy of the Special Field Report will be submitted as an enclosure along with any police report and other relevant documentation with the Loss of or Damage to Commonwealth Property or Equipment Report, PBPP-363.

C. Determination of Accountability

Upon receipt of the PBPP-363, the Director, Office of Administrative Services, in his/her sole discretion, shall make a determination of whether the employee did or did not exercise Reasonable Care. If it is determined that the employee did not exercise Reasonable Care, then the Director, Office of Administrative Services, will determine the amount that the employee shall reimburse the Commonwealth. The determination of the Director, Office of Administrative Services, shall be returned to the individual via regular mail and/or email. A copy is sent to the employee's Office Director who will send it to the supervisor via the chain of command.

D. Found or Recovered Property or Equipment:

Commonwealth Property or Equipment, that is found or recovered remains the property of the Commonwealth and shall be returned to the employee's supervisor. The supervisor shall immediately report the recovery through the chain of command to the employee's Office Director who will notify the Director, Office of Administrative Services, via email, telephone or memo.

1. If the employee has reimbursed the Board for the Property or Equipment, the Board will refund the reimbursement to the employee if the returned item is:
 - a. Serviceable
 - b. Identical or substantially equal to items, that are in the Board's inventory and in use when the item is returned.

2. All costs associated with the loss, recovery, and return of the item shall be deducted from any refund.
3. The Director, Office of Administrative Services, shall determine, in his/her sole discretion after consultation with the appropriate Office Director, if a refund is appropriate and, if applicable, the amount.

E. Appeal

1. Employees

Employees choosing to appeal shall complete the Appeal section of the Loss of or Damage to Commonwealth Property or Equipment Report and return it directly to their Office Director, who will forward it to the Director, Office of Administrative Services. Such appeal must be received by the Office Director no later than 45 calendar days after the initial determination of the Director, Office of Administrative Services is dated. The employee may submit correspondence to accompany his appeal, describing any mitigating circumstances he wants considered in the appeal. Appeals after 45 calendar days will be deemed untimely and will not be considered.

2. Director, Office of Administrative Services

Upon receipt of the appeal, the Director, Office of Administrative Services, shall forward the appeal to the Chairman for final determination.

3. Chairman

The Chairman shall have the authority to make a final disposition of the matter. The decision of the Chairman shall be final and binding. The decision of the Chairman shall be returned to the employee via regular mail and/or email. A copy is sent to the Director, Administrative Services, who will send it the employee's supervisor via the employee's Office Director and chain of command.

F. Payment Disposition

Payment for the replacement and/or repair cost shall be made by check or money order payable to the "Commonwealth of Pennsylvania."

1. Voluntary Reimbursement

Employees deciding to make voluntary reimbursement to the Board shall submit a Loss of or Damage to Commonwealth Property or Equipment Report, PBPP-363, and payment to their Office Director via their chain of command. The Office Director shall forward the payment to the Director, Budget Division. No administrative review is expected if the voluntary reimbursement option is selected. Voluntary reimbursement is not an admission of liability nor will it preclude disciplinary action by the Board if additional investigation deems such action appropriate.

2. Required Reimbursement:

Payment shall be remitted directly to the employee's Office Director within 45 calendar days of the date the Director, Office of Administrative Services, mails his determination, or in the event of an appeal, within 45 days of the date of the Chairman's final disposition. If the employee does not remit payment within 45 calendar days, the Office Director will notify the Director, Bureau of Human Resources. The Director, Bureau of Human Resources, will initiate a request to deduct the payment from the employee's pay. Upon approval by the Office of the Chief Counsel, the request will be submitted to Commonwealth Payroll.

Note: For payments in excess of \$100.00, a grace period and payment plan may be arranged through the Director, Budget Division, upon approval of the Director, Office of Administrative Services.

3. Separation

- a. In the event an employee is separating from the Board and Commonwealth property or equipment has not been returned, the employee's supervisor shall immediately notify the Director, Bureau of Human Resources. The Director, Bureau of Human Resources shall ensure an adjustment is made to the final salary check or retirement fund for the applicable amount.
- b. In the event an employee is separating from the Board and payment has not been remitted for lost or damaged Commonwealth property or equipment, the Director, Bureau of Human Resources shall ensure an adjustment is made to the final salary check or retirement fund for the applicable amount.

VII. SUSPENSION DURING AN EMERGENCY

This procedure may be suspended during an emergency at the sole discretion of the Chairman.

VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights under law.

IX. RELEASE OF INFORMATION AND DISTRIBUTION OF PROCEDURE

- A. This procedure does not contain information that impacts the security of Board staff or parolees and may therefore be released to the public.
- B. This procedure is to be distributed to all Board staff.

X. CROSS REFERENCES

- A. Statutes

1. Federal

None.

2. State

a. 61 Pa.C.S. § 6112

B. Board Policies

None.

C. American Correctional Association Standards

1. 4-APPFS-3E-02

2. 4-APPFS-3E-10

3. 4-APPFS-3E-15

D. Management Directives

None.

E. Other

None.

