



BOB RILEY
GOVERNOR

State of Alabama Alabama Department of Corrections

301 S. Ripley Street
P. O. Box 301501
Montgomery, AL 36130



DONAL CAMPBELL
COMMISSIONER

February 4, 2005

ADMINISTRATIVE REGULATION
NUMBER 106

OPR: LEGAL

BOARD OF ADJUSTMENT CLAIMS FOR ADOC EMPLOYEES

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for the filing of Board of Adjustment (BOA) claims for losses incurred by ADOC employees.

II. POLICY

It is the policy of the ADOC to receive and process Board of Adjustment claims from ADOC employees in accordance with this regulation.

III. DEFINITION(S) AND ACRONYM(S)

Board of Adjustment: The Board of Adjustment is a entity created by Alabama statute empowered to hear and consider claims to persons or property growing out of injury to the person or property by the State or any of its agencies, departments, boards or other entities, with the exception of claims involving personal injury arising out of the course of employment with the State where the injured employee is covered by an employee injury compensation program.

IV. RESPONSIBILITIES

It is the responsibility of the originator of the contract or lease agreement to ensure that the document is processed in accordance with Section V, below.

V. PROCEDURES

A. Any employee who desires to file a BOA claim will complete a BOA claim form and obtain the necessary certification submitting these documents to their supervisor. The supervisor will forward the appropriate recommendation to the Warden or Division Director for review.

1. Employee claims to the BOA for losses incurred to personal property.

- a. Employees are permitted to have personal property items at their place of work. The ADOC will not be responsible for any damage or loss to personal property by any means unless the claimant submits a certification from his/her supervisor, signed before the date of the loss, stating that the personal property is necessary to the performance of his/her duties and that the ADOC did not furnish the item to the employee.
- b. The only claims that will be considered on a loss to an employee's personal property without this certification will be when the employee uses a personal vehicle for state business. In such case, a claim for damage to the personal vehicle will be considered if the employee's supervisor certifies in writing that the vehicle was being used on state business when the damage occurred. These claims will be considered only to the extent that the damage to the vehicle exceeds any available insurance coverage.
- c. Claims for damage to personal vehicles while parked at the employee's work site will not be considered for payment. Claims for mechanical repairs incurred on personal vehicles, while being paid mileage, will not be considered for payment.
- d. Supervisors will not issue this certification on items of apparel or accessories, radio, televisions, cooking and health devices, decorative items, trophies, framed material or memorabilia. This certification will be issued only for items that have a direct use in the employee's job or duties.

2. Employee claims to the BOA for personal injury while off duty.

BOA claims for personal injury while off duty will not be considered for payment unless the off duty activity is of clear benefit to the ADOC or to its programs and unless the injured employee's supervisor certifies that the off duty activity was required or approved by that supervisor. For example, employee participation on an employee institutional athletic team will not be favorably considered for payment if personal injury results from that participation. This policy does not apply to injuries sustained by employees as a result to their participation in any activity or event for inmates if the ADOC institution or division sponsoring the event certifies that the employee's participation was necessary to the event or activity. Claims for personal injury while off duty will not be considered if it is determined that the employee is covered by an employee injury compensation program.

- B. The Warden/Division Director will forward the claim, certification, and recommendation to the Commissioner/designee for review/ approval/disapproval.
- C. The claim, certification, and Commissioner's approval or disapproval will be

forwarded to the Legal Division for appropriate response to the BOA.

VI. DISPOSITION

Any documents will be retained or disposed of according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

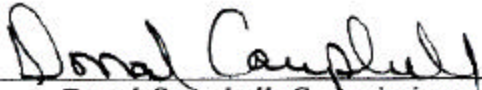
There are no forms prescribed in this regulation.

VIII. SUPERCEDES

This Administrative Regulation supercedes AR 106 dated April 14, 1987.

IX. PERFORMANCE

Title 41-9-60 et.seq. Code of Alabama 1975



Donal Campbell, Commissioner