

---

**Section: 1.12      Property Liability Claims**

Effective Date:      07/01/2008

Revision Date:      05/01/2007

Approved by: J. Ehret 05/01/2007

---

**SCOPE:**

This policy applies to all employees of the South Metro Fire Department.

**PURPOSE:**

This procedure identifies the procedure and responsibility for processing property liability claims. This pertains to claims from citizens alleging South Metro Fire Department responsibility for damage or destruction of property. This excludes bodily injury or vehicular accident claims which are handled by Risk Management.

Fire Department employees in the performance of their jobs will sometimes be involved in incidents that may result in damage or destruction to a civilian's property.

When a claim alleging South Metro Fire Department liability for property damage is received, the Fire Department is required to deal with the claim in a prompt and professional manner.

**PROCEDURE:**

Liability claims for property damage involving Fire Department personnel will be referred to the Assistant Chief. Citizens desiring to register a claim should be directed to call the Assistant Chief between the hours of 8:00 a.m. and 4:30 p.m. on weekdays. After normal business hours, any employee receiving a complaint will complete a record and forward it to the Assistant Chief.

The Assistant Chief will review the complaint and assign it as appropriate for completion of staff work as outlined below. Upon completion of staff work, the packet will be returned to the Assistant Chief for additional review prior to submitting it to Administrative Services for processing. Depending on the amount of the claim, Administrative Services will make a determination whether the Fire Department will pay the claim or forward it to the insurance carrier.

**STAFF WORK:**

The staff work required in processing a claim includes:

1. Complete a Fire Department Loss Report.
2. Visit incident site and photograph the alleged damage.
3. If the claim is \$200 or less, request claimant secure estimates for report from two business concerns providing repair service for damages specified in the claim. The Department's claims adjuster will investigate claims over \$200.

**VERIFICATION OF DAMAGE:**

Property damage claims lodged against the Fire Department will be verified by Fire Department staff. In verifying the alleged damage actually occurred as claimed, the Assistant Chief will:

1. Visit the incident site.
2. Interview the claimant.
3. Photograph the damage.

**THE ASSISTANT CHIEF WILL MAKE NO COMMITMENT TO THE CITIZEN THAT THE DEPARTMENT WILL PAY FOR DAMAGES NOR ACKNOWLEDGE THE DEPARTMENT'S LIABILITY WHILE VERIFYING DAMAGE.**

---

**Section: 1.12      Property Liability Claims**

Effective Date:      07/01/2008

Revision Date:      05/01/2007

Approved by: J. Ehret 05/01/2007

---

If the claimant and the Assistant Chief disagree on the extent of damage, or the cause being Fire Department liability, the Department insurance carrier will be contacted immediately to investigate. If the claim is unfounded, the Department insurance carrier will notify the claimant of the Fire Department's findings and no other action will be taken by the Department. If the claimant's allegations are considered valid, the claim will be processed in accordance with this procedure.

**PROCESSING CLAIMS – UNDER \$200:**

If the claim is \$200 or less, the claimant will secure two estimates on the cost of repairs. Estimates will be submitted to the Assistant Chief for inclusion in the staff work packet. A completed claim package will be submitted to the insurance carrier.

The Department shall also reserve the right to secure estimates for the cost to repair the damage. After review for completeness, the Assistant Chief will forward the claim packet to the Fire Chief. If the claim is considered valid and \$200 or less, the Fire Chief may authorize payment within the Fire Department. When the claim is paid internally, the Fire Chief will prepare a Payment Control Document to the company completing the repair work, not to the claimant. A Payment Control document will be prepared directly to the claimant only when receipt of payment for completed work is presented. If the homeowner's insurance policy pays for the damages, the Fire Department will reimburse the claimant solely for the deductible amount. When a claim is settled by the Fire Department, the Assistant Chief will hand carry the Payment Control document to the claimant and will secure the claimant's signature on the waiver form (Appendix A), acknowledging a total settlement release which will preclude future/additional claims on the same incident.

On claims obviously exceeding \$200 in damages, the desired turnaround time from date of incident to receipt of claim by the Fire Chief should not exceed five working days.

**RISK MANAGEMENT:**

Risk Management reviews property damage claims submitted by the Fire Department for legal liability and does a preliminary investigation. Risk Management denies claims considered to be without merit or refers the claim to the City's claims adjuster for further investigation and determination of damage estimates.

If the Department is deemed legally liable for the damage, the adjusting firm will obtain proper authority from Risk Management to settle the claim in accordance with its contact with the Department.

When the Department is deemed not to be legally liable, the adjuster will refer the claim back to Risk Management for return to the Fire Department. At this time, the Fire Department may make a decision to voluntarily pay the claim internally. If the payment is made by the Fire Department, the Assistant Chief will have the release form signed by the citizen in exchange for the final payment and settlement.

**LAWSUIT CLAIM:**

A property damage claim received in the form of a lawsuit should be hand carried directly to the Assistant Chief who will coordinate the lawsuit with the City Attorney's Office.