

PHOENIX FIRE DEPARTMENT

VOLUME 1 – Operations Manual

PROPERTY LIABILITY CLAIMS

MP102.05C 04/06 – R

PURPOSE

This procedure identifies the procedure and responsibility for processing property liability claims. This pertains to claims from citizens alleging Phoenix 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 Phoenix 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 Performance Auditing Section. Citizens desiring to register a claim should be directed to call 534-0625 between the hours of 7:00 a.m. and 4:00 p.m. on weekdays. After normal business hours, any employee receiving a complaint will complete a Complaint Record Form #90-68D and forward it to Performance Auditing.

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

STAFF WORK

The staff work required of the Battalion Chief in processing a claim includes:

1. Complete the Fire Department Loss, Stolen or Damaged, Form #92-22D (include determination of liability and if payment for damages is recommended).
2. Visit incident site and photograph the alleged damage.
3. If the claim is \$200 or less, request claimant secure estimates for repair from three business concerns providing repair service for damages specified in the claim. The City's claims adjuster will investigate claims over \$200 and estimates will not be required.

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 Battalion Chief will:

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

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

If the claimant and the Battalion Chief disagree on the extent of damage, or the cause being Fire Department liability, the Performance Auditing Section will be contacted immediately to investigate. If the claim is unfounded, the Performance Auditing Section 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 three estimates on the cost of repairs. Estimates will be submitted to the Battalion Chief for inclusion in the staff work packet. A completed claim package will be submitted to the Performance Auditing Section.

The City shall also reserve the right to secure estimates for the cost to repair the damage.

After review for completeness, the Performance Auditing Section will forward the claim packet to the Administrative Services Officer. If the claim is considered valid and \$200 or less, the Administrative Services Officer may authorize payment within the Fire Department. When the claim is paid internally, Fiscal Management 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, Fiscal Management will reimburse the claimant solely for the deductible amount. When a claim is settled by Fiscal Management Section, the Battalion 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.

PROCESSING CLAIMS - \$200 AND OVER

If the estimates submitted by the claimant are over \$200, or the extent of damage is obviously over \$200, the completed claim packet will be reviewed by the Performance Auditing Section and then forwarded to the Administrative Services Officer. The Administrative Services Officer will submit the claims considered to be valid to the Finance Department's Risk Management Division. Risk Management will have their claims adjuster investigate the claims.

On claims obviously exceeding \$200 in damages, the desired turnaround time from date of incident to receipt of claim by the Administrative Services Officer 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 City 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 contract with the City.

When the City 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 payment is made by the Fire Department, the Battalion 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 of Personnel Services who will coordinate the lawsuit with the City Attorney's Office.