

Article B.7: Reimbursement for Personal Property Loss

❖ Overview

This article provides for limited coverage of damage to personal vehicles, and loss or damage of personal materials at work or as a result of being employed by a school district.

❖ Article B.7: Reimbursement for Personal Property Loss

1. *Private Vehicle Damage*

Where an employee's vehicle is damaged by a student at a worksite or an approved school function, or as a direct result of the employee being employed by the employer, the employer shall reimburse the employee the lesser of the actual vehicle damage repair costs, or the cost of any deductible portion of insurance coverage on that vehicle up to a maximum of \$600.

2. *Personally Owned Professional Material*

The employer shall reimburse an employee to a maximum of \$150 for loss of, damage to or personal insurance deductible for personally owned professional material brought to the employee's workplace to assist in the execution of the employee's duties, provided that:

- a. The loss or damage is not the result of negligence on the part of the employee claiming compensation;*
- b. The claim for loss or damage exceeds \$10;*
- c. If applicable, a copy of the claim approval from his/her insurance carrier shall be provided to the employer;*
- d. The appropriate Principal or Vice-Principal reports that the loss was sustained while on assignment for the employer.*

Note: Any and all superior or additional provisions contained in the Previous Collective Agreement shall remain part of the Collective Agreement.

❖ Explanation

B.7.1 1. *Private Vehicle Damage*

Where an employee's vehicle is damaged by a student at a worksite or an approved school function, or as a direct result of the employee being employed by the employer, the employer shall reimburse the employee the lesser of the actual vehicle damage repair costs, or the cost of any deductible portion of insurance coverage on that vehicle up to a maximum of \$600.

An employee may seek reimbursement for vehicular damage (including theft of the vehicle, but not theft from the vehicle), where the employee's vehicle is damaged by a student:

- At a worksite, or
- During an approved school function

An employee may also seek reimbursement for vehicular damage "as a direct result of the employee being employed by the Employer." This wording has been found to exclude damage caused to an employee's vehicle where the vehicle was only being used by the employee to travel to and from work. If an employee was required to use their vehicle to transport students or equipment, damage caused during such use would be covered under this provision even if such damage was not caused by a student.

"School function" should be read to include extracurricular activities at which the employee is acting in an official capacity; e.g., coach of a team at an out-of-town tournament.

The vehicle must be repaired before an employee can file a claim, and reimbursement is limited to a maximum of \$600 and is the lesser of:

- The actual vehicle damage repair costs, or
- The insurance deductible.

Districts should establish clear processes for filing claims under this article. A "Claim Form for Private Vehicle Damage" is provided for districts to use if they so wish (see the administrative form at the end of this article); the form may also be modified to meet district needs.

B.7.2 2. *Personally Owned Professional Material*

The employer shall reimburse an employee to a maximum of \$150 for loss of, damage to or personal insurance deductible for personally owned professional material brought to the employee's workplace to assist in the execution of the employee's duties, provided that:

- a. The loss or damage is not the result of negligence on the part of the employee claiming compensation;*

- b. *The claim for loss or damage exceeds \$10;*
- c. *If applicable, a copy of the claim approval from his/her insurance carrier shall be provided to the employer;*
- d. *The appropriate Principal or Vice-Principal reports that the loss was sustained while on assignment for the employer.*

An employee may seek reimbursement for personally owned professional materials that the employee has brought to work to use in his/her assignment. For the purposes of this article, examples of professional materials are books for lesson support, video cameras used to tape and provide feedback on student performance, and computer software to enhance a learning activity. While cameras may be considered equipment, as opposed to materials, devices to record student performance were discussed during bargaining and may be eligible.

Each employee is covered to a maximum of \$150 per claim.

Reimbursement is subject to the following:

- a. The employee has not been negligent. Negligence is defined in *Black's Law Dictionary* as "the failure to use such care as a reasonably prudent and careful person would use under similar circumstances." For example, an employee brings software to work and leaves it in an unlocked room, and the software is then stolen.
- b. The total claim must exceed \$10 in value.
- c. If the loss is financially large and the employee has filed a claim on his/her homeowner's insurance, s/he must provide a copy of the insurance claim approval and deductible.
- d. The principal or vice-principal must report that the loss was sustained at work.

Article B.7 applies to Teachers-on-Call in the same manner as it is applied to other eligible employees.

Note *Note: Any and all superior or additional provisions contained in the Previous Collective Agreement shall remain part of the Collective Agreement*

The determination regarding superiority of existing local language will be made during preparation of your working document. If you have any questions about the interface between existing local language and this new provincial language, please contact your BCPSEA liaison.

❖ Implementation

BCPSEA recommends that districts set up a system to register personally owned professional materials when they are brought into the school. A “Registration Form for Personally Owned Professional Materials” is provided for districts to use if they so wish (see the form at the end of this article); the form may also be modified to meet district needs.

Districts should establish clear processes for filing claims under this article. A “Claim Form for Loss or Damage over \$10 of Personally Owned Professional Materials” is provided for districts to use if they so wish (see the form at the end of this article); the form may also be modified to meet district needs.

This article is effective July 1, 2006.

Claim Form for Private Vehicle Damage

Under Article B.7.1

Where an employee's vehicle is **damaged by a student at a worksite or an approved school function**, or as a **direct result of the employee being employed by the employer**, the employer shall reimburse the employee **the lesser of the actual vehicle damage repair costs, or the cost of any deductible portion of insurance coverage on that vehicle up to a maximum of \$600.**

(Boldface emphasis added)

Note: Article B.7.1 does not cover theft from a vehicle.

Employee Name: _____ School: _____

Description of Vehicle Damage: _____

Date of Damage: _____

Location Where Damage Occurred: _____

Did a student cause the damage? If so, what is the student's name? _____

Was the damage a direct result of being employed by the school district? _____

Witnesses (names and contact numbers):

If there are no witnesses, how do you know the damage was done by a student and/or is a direct result of being employed by the school district?

Employee's Signature

Date:

Attach a copy of the following:

1. A receipt for vehicle damage repair costs
2. A copy of insurance coverage indicating the deductible for comprehensive loss.

Please forward this form and the required attachments to the secretary treasurer.

Registration Form for Personally Owned Professional Materials Under Article B.7.2

The employer shall reimburse an employee to a **maximum of \$150** for **loss, damage, or personal insurance deductible** to personally owned professional materials brought to the employee's workplace to assist in the execution of the employee's duties, provided that:

- The employee was **not negligent**.
- The claim **exceeds \$10**.
- If applicable, a **copy of the insurance claim is provided**.
- **The principal or vice-principal reports that the loss was sustained while on assignment.**
(Article B.7.2 summarized and boldface emphasis added)

In order that the principal or vice-principal can confirm the loss was sustained while on assignment, it is recommended that all personally owned professional materials that the employee wishes to be covered be registered with the school when brought into the workplace.

Personally owned professional materials include books for lesson support, computer software to enhance a learning activity, and equipment to record student performance (e.g., cameras or tape recorders).

Employee Name: _____ School: _____

Date Materials Brought into School: _____

Description of Professional Materials at the Workplace: _____

Employee's Signature Vice-Principal's Signature Date:

Claim Form for Loss or Damage over \$10 of Personally Owned Professional Materials

Under Article B.7.2

The employer shall reimburse an employee to a **maximum of \$150** for **loss, damage, or personal insurance deductible** to personally owned professional materials brought to the employee's workplace to assist in the execution of the employee's duties, provided that:

- The employee was **not negligent**.
 - The claim **exceeds \$10**.
 - If applicable, a **copy of the insurance claim is provided**.
 - **The principal or vice-principal** reports that the loss was sustained while on assignment.
- (Article B.7.2 summarized and boldface emphasis added)

Claim for Loss or Damage over \$10

Employee Name: _____ School: _____

Description of Loss/Damage: _____

Location of Loss/Damage: _____

Date of Loss/Damage: _____

Employee's Signature Date:

- Attach a copy of the following:
1. An invoice/receipt for original purchase, repair, or replacement
 2. A copy of the insurance policy indicating the deductible
 3. If applicable, a copy of the insurance claim.

Please forward the form and the required attachments to the principal.