



Approved By: Cabinet
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Category: Financial and Business Affairs
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Damage Reimbursement Policy

Pursuant to authority granted to the Comptroller, State of New York, payment of valid small claims may be made for damages to personal property, real property, or personal injuries of employees and other than employees, without formal legal action in the Court of Claims. In the event the claim against the State cannot be satisfied, the claimant can proceed in accordance with the Court of Claims Act.

Procedures

I. Filing a Claim

As a State Agency, the State University of New York does not carry liability insurance. However, there is a procedure for handling small claims. Claims must be based upon negligence, if any, on the part of the College or College employees. Damage caused by "an act of God" or other accidental occurrence, which does not involve fault or breach of duty by a State officer or employee, does not qualify for restitution. The individual causing the damage must be an officer or employee of the State of New York, not an independent contractor.

An individual who wishes to initiate a claim should contact the Associate Vice President for Administration and Finance as soon as possible after the incident. The Court of Claims Act requires filing of a claim or notice of intention to file a claim against the State within 90 days after the incident. Since time limitation on filing a claim and notice are strictly construed, prompt investigation and processing are essential.

This procedure requires a claimant to fill out a Claim and Release Form detailing the nature of the claim. For claims of up to \$250.00, two copies of each form need to be filled out and notarized. For claims in excess of \$250, five forms need to be filled out and notarized. The forms are filed with the Associate Vice President for Administration and Controller, who appends police reports or reports of investigations, and a statement from the President or his designee. The claim is then sent to University Counsel's Office in Albany for processing.

II. Employees Represented by a Negotiating Unit

Subdivision 12 of Section 8 of the State Finance Law establishes the authority and procedure for administration of small claims. Employees represented by a negotiating unit should refer to their collective bargaining agreement for information regarding payment of personal property claims.