

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 393  
SENATE BILL 320

AN ACT TO ALLOW THE SECRETARY OF HUMAN RESOURCES TO ADOPT RULES ON DAMAGE OR THEFT OF PERSONAL PROPERTY BELONGING TO EMPLOYEES, VOLUNTEERS, AND CLIENTS IN INSTITUTIONS OF THE DEPARTMENT OF HUMAN RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"Article 7A.

"DAMAGE OF PERSONAL PROPERTY IN STATE INSTITUTIONS.

"§ 143-127.2. **Repair or Replacement of Personal Property.** – The Secretary of Human Resources may adopt rules governing repair or replacement of personal property items excluding private passenger vehicles that belong to employees, volunteers, or clients of State facilities within the Department of Human Resources and that are damaged or stolen by clients of the State facilities provided that the item is determined by the Secretary to be:

(a) Damaged or stolen on or off facility grounds during the performance of employment or volunteer duty and necessary for the employee or volunteer to have in his possession to perform his assigned duty; or

(b) Damaged or stolen on or off the facility grounds while the client is under the supervision of the facility and necessary for the client to have in his possession as part of his treatment environment.

"§ 143-127.3. **Negligence.** – Reimbursement for items damaged or stolen shall not be granted in instances in which the employee, volunteer, or client, if competent, is determined to be negligent or otherwise at fault for the damage or loss of the property. Negligence shall be determined by the director of the facility.

"§ 143-127.4. **Other Remedies.** – The director of the facility shall determine if the person seeking reimbursement has made a good faith effort to recover the loss from all other non-State sources and has failed before reimbursement is granted.

"§143-127.5. **Limitations.** – Reimbursement shall be limited to the amount specified in the rules and shall not exceed a maximum of two hundred dollars (\$200.00) per incident. No employee shall receive more than five hundred dollars (\$500.00) per year in reimbursement. Reimbursement is subject to the availability of funds.

"§143-127.6. **Appeals.** – The Secretary of Human Resources shall establish by rule an appeals process consistent with Chapter 150A of the General Statutes."

Sec. 2. The Secretary of Human Resources shall submit a report to the General Assembly by March 1, 1987, on the implementation of this law. The report shall include all the reported incidents, the total amount of funds expended, the amount expended per incident and the types of property damaged or stolen for which reimbursement was granted. This report shall also include incidents related to private passenger vehicles.

Sec. 3. This act shall become effective October 1, 1985, and shall apply only to acts occurring after that date. This act shall expire July 1, 1987.

In the General Assembly read three times and ratified, this the 14th day of June, 1985.