



ADMINISTRATIVE PROCEDURE
SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7180

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CATEGORY: **Personnel, General**

EFFECTIVE: **1-29-62**

SUBJECT: **Employee Liability**

REVISED: **4-29-05**

A. PURPOSE AND SCOPE

1. To provide administrative regulations and procedures governing district/employee liability coverage when acting within the scope of employment.
2. **Related Procedures:**
Instruction for obtaining transportation for school-related activities 4586
Legal process including subpoenas, summonses, and complaints1710

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: B-2700, G-2000, H-7920, I-1200, I-1350, I-1900, I-2815, I-4400; Education Code Section 35208.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Risk Management Department, Business Operations Division, Office of School Site Support.
2. **Definition. Scope of employment:** All activities performed within duties and responsibilities defined in an employee’s position description, including extracurricular activities, transportation of students in the line of duty (driving injured or sick students home), and “other duties as assigned” when authorized or approved by the employee’s supervisor or other district official. (Use of private cars to transport students on field trips is covered in Procedure 4586.)
3. **District/Employee Coverage.** The district has insurance covering its legal liabilities and those of its employees. Generally, employees are covered when acting solely within the scope of employment. Coverage in specific cases is a matter of legal interpretation involving the terms and conditions of the insurance policy and the nature of the incident under consideration.
4. **Employee Insurance.** Employees are encouraged to carry at least \$100,000/\$300,000 liability coverage on their automobiles. In the event of a judgment against an employee resulting from the use of a private automobile while on district business, district insurance coverage takes effect only after the employee’s insurance company, as prime carrier, has paid. The employee must have liability insurance coverage on the vehicle. Employees using private automobiles on district business, including

transportation of students, on a frequent basis should so advise their insurance agents. This may be considered a business use of the vehicle by some insurance companies and may result in increased premiums. However, if an employee has not advised the carrier of this use of the vehicle, he/she may not be covered in the event of an accident. The district does not provide coverage for damage to an employee's vehicle or loss of use of the vehicle.

5. **Driver's License Certification**

- a. Any employee whose job description requires possession of a driver's license, or who drives a vehicle or operates equipment that is leased, owned, rented, loaned, operated by, or maintained by the district, must possess the California license appropriate to the job classification. "Equipment" refers to vehicles regulated by California Vehicle Code and/or regulations in California Code of Regulations, Title 13, that require a driver's or operator's license to operate (e.g., golf carts/electric vehicles). If required by the California Department of Motor Vehicles, employees must also possess a valid medical certificate.
- b. Regular and random certification may be conducted by district supervisors and/or lead personnel to determine that employees possess a valid California driver's license appropriate to the job class and if applicable, a valid medical certificate.
- c. Any loss, suspension, or change of status of required driver's license, operator's license, and/or medical certificate *must* be reported immediately by the employee to his/her supervisor.

D. **IMPLEMENTATION**

1. **Accident Reporting**

- a. **Employee** informs principal/department head of all accidents and other actions that might result in litigation. Completes "Report on Accident, Nonemployee" form (E.1.) in case of accident or injury, or "Acord" form (E.2.) in case of accidents involving district vehicles; submits report to principal/department head.
- b. **Principal/department** head signs report; forwards three copies to the Risk Management Department within twenty-four hours and files fourth copy.

- c. **Risk Management Department** forwards original report of bodily injury to adjusting agency immediately. In case of vehicle accidents involving property damage only and clear liability on the part of the district, adjusts claim and authorizes payment to the claimant. Confers with adjusting agency and principal/department head as appropriate. Notifies the Office of General Counsel if a legal problem arises.
2. **Investigation of School Accidents by Adjusting Agency**
 - a. **When adjuster comes to school:** After adjuster produces proper identification, principal or designee may cooperate fully in answering questions and giving information.
 - b. **When contact is made by phone:** To verify authority, principal or designee obtains adjuster's name and offers to return the call. Principal or designee calls office of adjusting agency, asking for adjuster by name; may cooperate fully in answering questions and giving information.

E. FORMS AND AUXILIARY REFERENCES

1. Report on Accident, Nonemployee, Inventory Item 22-R-2652
2. Claim form (Acord form, available in the Risk Management Department and at <http://prod031.sandi.net/risk/forms.htm>) provided by insurance carrier for vehicle accident

F. REPORTS AND RECORDS (D.1.a. and b.)

G. APPROVED BY

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For the Superintendent of Public Education