Memorandum to Presidents

Date: January 28, 1983

From: Office of the University Counsel and Vice Chancellor for Legal Affairs

Subject: Revised Procedures for the Payment of Small Claims

To: Presidents, State-operated campuses

As a result of 1982 legislation (L. 1982, ch. 689, copy attached), the limited small claims procedure authorized by the State Finance Law has been simplified for claims of $100 or less. The payment of such claims may now be authorized by the approval of the President of a State-operated campus, eliminating the requirement for submission of such claims to the Chancellor and then to the Attorney General for investigation and approval prior to payment.

This legislation, effective September 1, 1982, adds a new subdivision 12-b to section 8 of the State Finance Law relating to the Comptroller's authority to pay claims against the State. Claims of $100 or less for injuries to person or property caused by the tort (i.e., a wrongful act) of a State University officer or employee, acting in the course of his or her employment, may be paid by the Comptroller directly upon approval and submission by the President of a State-operated campus or an appropriate designee.

It is important to note, however, that, just as has been the case before the law was amended, approval of all small claims must be based on a finding that the damage or injury was the direct result of an act or omission on the part of an officer or employee of the State. Care must be taken to be sure that facts are present which demonstrate very clearly the responsibility on the part of the State for the wrongful act and that proper documentation supports the amount of the claim. If questions should arise regarding liability or whether a claim is payable, University Counsel should be contacted for guidance. As you know, except for the limited small claims procedure, claims generally against the State must be brought in accordance with the procedures of the Court of Claims Act.
Claims for $100 or less, once approved by the President or designee, should be submitted with the appropriate voucher and supporting documentation to the State Comptroller as follows:

Chief Auditor of State Expenditures  
Department of Audit and Control  
Alfred E. Smith State Office Building  
Albany, New York 12236

Please note that small claims of between $100.01 and $5,000 (as increased by L. 1981, ch. 844) will continue to be handled as before, with completed claim forms, as approved by the campus President, sent to the Office of University Counsel for review and submission to the Chancellor and the Attorney General.

The Administrative Procedures Manual (Item 240) will be revised to provide further detailed information. Standard forms to be used for the processing of both levels of small claims will also be included.

If you have any questions, please contact our office.

Sanford H. Levine

Attachments

cc: Chief Business Officers,  
    State-operated Campuses

Copies for information only sent to:

    Presidents, Community Colleges  
    Deans, Statutory Colleges  
    President Coll  
    Vice Provost Spencer
CHAPTER 689 OF THE LAWS OF 1982

STATE OF NEW YORK

IN ASSEMBLY

March 30, 1982

AN ACT to amend the state finance law, in relation to payment of small claims

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions twelve-b and twelve-c of section eight of the state finance law are renumbered subdivisions twelve-c and twelve-d, and a new subdivision twelve-b is added to read as follows:

12-b. Notwithstanding any inconsistent provision of the court of claims act, and in addition to procedures for payment of claims set forth elsewhere in this section, examine, audit and certify for payment any claim for injuries to personal property, real property, or for personal injuries caused by the act of an officer or employee of the state-operated institutions of the state university of New York, while acting as such officer or employee, provided the claim shall have been approved and submitted for payment by the chief administrative officer of such institution, or an appropriate designee. Payment of any such claim shall not exceed the sum of one hundred dollars.

Section 2. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

EXPLANATION—Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.