



Board Policy
Chapter 3 – General Institution

BP 3810 Claims Against the District

References:

Education Code Section 72502;
Government Code Sections 900 et seq., 910 et seq., 935, and 945.4

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- A. Claims by public entities—claims by the state or by a state department or agency or by another public entity.
- B. Claims by current and former employees related to wages, fees, and allowances—claims for fees, salaries or wages, mileage, or other expenses and allowances must be presented according to the following procedures established under Government Code section 935:

Unless a procedure for processing employee claims is otherwise required by law, and notwithstanding any of the exceptions set forth in Section 905 of the Government Code, all claims by public officers or public employees for salary, wages, overtime pay, holiday pay, compensating time off, vacation pay, sick leave pay, or any other expense, fee, allowance, money, liquidated damages, or penalties alleged to be due from the Palomar Community College District, or any of its officers or employees, shall be presented not later than one year after the accrual of the cause of action and in the manner prescribed by Sections 910 through 915.2 of the Government Code.

Additionally, all claims shall state the specific grounds under which the claim is founded, the amount claimed, and shall include written records establishing the claimant's entitlement to the amount claimed. All claims shall be verified under penalty of perjury by the claimant, or if applicable, by his or her guardian, conservator, executor, or administrator.

Claims on behalf of a class of persons are not permitted, unless every member of the class has verified the claim under penalty of perjury. All class member verifications must be provided to the District at the time the claim is presented.

All claims shall be subject to the provisions of Section 945.4 of the Government Code relating to the prohibition of lawsuits in the absence of the presentation of claims in accordance with this procedure and action thereon by the Board.

The designated place for service of claims, lawsuits, summons, or other types of legal processes upon the district is:

- A. Palomar College Designee (Assistant Superintendent/Vice President of Finance and Administrative Services), Palomar Community College District, 1140 West Mission Road, San Marcos, CA 92069-1487
- B. Pursuant to Government Code §§935.2 and 935.4, the district is authorized to delegate to an employee such functions relating to claims as the district designates (i.e. ruling on the sufficiency of claims or automatically rejecting certain classes and approval of settlements up to \$5,000).

This policy is retroactive and shall apply to all potential claims, including any that may have accrued as of the effective date of this policy.

Also see AP 3810 Claims Against the District and BP/AP 6540 Insurance.

Adopted: 6/10/09;

Revised: 8/11/20, 5/12/26;

*(Replaces former Palomar College Policy 509
and all previous versions of BP 3810)*