

**CHAPTER 900. GOVERNMENT OF THE BOARD OF CLAIMS—
STATEMENT OF POLICY**

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Source

The provisions of this Chapter 900 adopted December 17, 1993, effective December 18, 1993, 23 Pa.B. 5938, unless otherwise noted.

§ 900.1. Creation and meetings.

(a) The Legislature created the Board of Claims (Board) and it is required to devote full time to the duties imposed by the act of May 20, 1937 (P. L. 728, No. 193) (act) (72 P. S. §§ 4651-1—4651-10). The Board will be open and operating Monday through Friday in Harrisburg except on legal holidays as established by the Board.

(b) Executive administrative meetings of the Board, as needed, will be held in the Harrisburg headquarters location, 7th Floor Fulton Building, 3rd and Locust Streets, Harrisburg, Pennsylvania.

(c) The Board will comply with the Sunshine Act (65 P. S. §§ 271—286) and other laws applicable to regular meetings.

(d) Special meetings of the Board may be held at the Harrisburg headquarters, and special meetings may be called by the Chairperson or Vice Chairperson with concurrence of one other member upon 1 day's notice or special meetings may be held at any time by unanimous consent of the Board. In the case of special meetings, the Sunshine Act and other laws applicable to special meetings will be fully complied with. Business of the Board's government will be transacted at administrative or special meetings.

§ 900.2. Quorum.

At the hour appointed for meetings, the Executive Secretary or Secretary will call the roll of the members and announce whether a quorum is present. If a quo-

rum is present, the Board will proceed with the business before it. Two members of the Board will be necessary to constitute a quorum and no action of the Board will be binding unless two members vote in favor thereof.

§ 900.3. Officers.

The officers of the Board for its government shall be a Chairperson, who will be the Lawyer Member and Chief Administrative Judge; Vice Chairperson, who will be the Citizen Member; and Secretary, who will be the Engineer Member. These officers will have a term which corresponds to their term of office as required by the act and until their successors are appointed and qualified.

§ 900.4. Chairperson.

The Board Chairperson, Lawyer Member, will preside at meetings at which he is present. He will be the Chief Administrative Judge and will have general supervision of the legal administrative affairs of the Board subject to the act, this chapter and associated policy and procedure directives issued by the Board.

§ 900.5. Vice Chairperson.

The Vice Chairperson, Citizen Member, will perform the duties and exercise the functions of the Chairperson in his absence, or during his inability to act or during a vacancy in the office of the Lawyer Member. The Vice Chairperson will have charge of overseeing the requisition, purchasing and personnel functions as approved by Board resolution. The Vice Chairperson will perform other duties as may be assigned by the Board.

§ 900.6. Secretary.

The Secretary, Engineer Member, subject to the act, this chapter and associated policy and procedure directives will have charge of overseeing the budgeting and expenditure of funds as approved by Board resolution.

§ 900.7. Senior Counsel.

(a) The Senior Counsel will be appointed by the Board and will be a lawyer in good standing before the Supreme Court of Pennsylvania. He will be responsible for the overall management of claims submitted to the Board so that all cases will, as far as practicable, be listed for hearing in a timely manner, will supervise all legal counsel employed by the Board and coordinate and expedite the proceedings as governed by 231 Pa. Code (relating to the Rules of Civil Procedure) and this chapter, not otherwise inconsistent with the act.

(b) The Senior Counsel will, in cooperation with the Executive Secretary, be responsible for the performance of the reporter function, to catalog and have published the Opinions of the Board, under the act and other incidental duties assigned by the Board. The Senior Counsel will be required to devote full time to these duties.

§ 900.8. Executive Secretary.

The Executive Secretary will be appointed by the Board and devote full time to the duties assigned by the Board. The Executive Secretary will be responsible for the processing of claims in the Fiscal Code Division, performance of the custodial functions of the Board's documents and, with the Senior Counsel, carry-out the reporter function and other incidental duties assigned by the Board.

§ 900.9. Chief Administrator.

The Chief Administrator will be appointed by the Board and devote full time to the duties assigned by the Board. The Chief Administrator will be responsible for administering the clerical staff support functions, preparation of the budget, payroll, purchasing and payment documents and other incidental duties as assigned by the Board.

§ 900.10. Hearing panels.

(a) The Board will be responsible for the appointment of three hearing panels and oversight of their operation and performance in conducting hearings and submitted findings and recommendations.

(b) The Board may appoint three hearing panels regionally located in the western, central and eastern parts of this Commonwealth. Each hearing panel shall consist of two individuals, one of whom will be a registered engineer and the other of whom will be a lawyer in good standing before the Supreme Court of Pennsylvania and will be the Panel Chairperson. The Board will appoint qualified panelists from the respective regions and may appoint alternate panel members, lawyers in good standing before the Supreme Court of Pennsylvania or registered in engineering when panel vacancies are anticipated to observe and study the Board's claim process. The Board, in a timely manner, will review and approve case assignments to panels and the location of their hearings and submissions of recommendations.

§ 900.11. Board employees.

With majority consent, the Board will have the power to and may appoint, promote, demote or discharge employees, including lawyers, engineers, stenographers and legal assistants as needed in the proper exercise of its function.

§ 900.12. Orders.

Actions of the Board will be memorialized by orders of the Board.

§ 900.13. Case discussions.

The Board will establish the time and dates for executive case discussion meetings after all Findings of Fact and Conclusions of Law have been filed with the Board by the plaintiff and defendant.

§ 900.14. Amendment of chapter.

This chapter may be altered, amended or repealed and a new statement of policy may be adopted by the Board.

§ 900.15. Inconsistencies.

A statement of policy of the Board that is inconsistent with this chapter is void.

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