

**Table of Contents**

**JOB DESCRIPTION – ORM-C750 ..... 3**  
    Update job description ..... 4

**ROUTINE SUPERVISORY ACTIVITIES – ORM-C751..... 6**

**Process Daily Mail..... 6**  
    Appointment and Contract Approval Form ..... 6

**Supervise Satellite Office and Adjusters..... 6**

**Case Management..... 6**  
    Review of Data Entry and Pending Claims ..... 6

**Process Contract Performance Evaluation Forms ..... 7**

**Hire New Employee to Fill Vacancies ..... 7**

**Time and Attendance Records..... 7**

**Prepare Personnel Performance Ratings (PPR) ..... 7**

**Provide Training ..... 8**

**Attend Mediations, Trials, Claims Council and DRL Staffings ..... 8**

**Evaluate Proposed Legislation..... 8**

**Handle Complaints ..... 8**

**Assigned Projects and Resolution of Claims ..... 8**

**HANDLING OF LOSS NOTICE – ORM-C752 ..... 9**

**Handling of General Liability Loss Notice ..... 9**  
    Receive, review, and assign claim ..... 9  
    Third party claims with glass damage or property damage to a privately owned vehicle..... 10  
    Investigate for Subrogation Possibilities ..... 10  
    Settlement of Claims Not in Lawsuit..... 10

**LAWSUITS – ORM-C753 ..... 11**

**Steps Performed by Adjuster 5..... 11**

**CGL FOR SUPERDOME – ORM-C754 ..... 13**

**DOA ORM Claims: Claims Adjuster 5-Comprehensive General Liability (CGL)**

---

**Superdome..... 13**

**CGL FOSTER PARENTS/CHILDREN CLAIMS – ORM-C755..... 14**

**Contractual Liability ..... 14**

**RESERVES – ORM-C756..... 15**

## **JOB DESCRIPTION – ORM-C750**

### **Responsibility**

The Comprehensive General Liability (CGL)/Civil Rights Unit State Risk Claims (SRC) Adjuster 5 updates the SRC Adjuster 5 job description when requested by a supervisor or ORM Administration.

### **Forms or Reference Material Required**

Job description (general for all SRC Adjuster 5s regardless of unit)

### **Procedure**

Depending on the line of coverage an Adjuster is assigned to, some of the following duties may not be fully applicable.

The SRC Adjuster 5 position performs the following:

- Supervises units of claims Adjusters in the investigation, evaluation, negotiation, settlement, and management processes through conclusion for new and pending claims involving the various lines of coverage administered by the Louisiana Self Insurance Program.
- Evaluates cases involving litigation and assigns cases to Adjusters based on level of complexity.
- Refers cases to the Department of Justice for legal opinions and representation.
- Directs and supervises the beginning of claims assigned to the individual Adjusters.
- When specifically overseeing workers' compensation claims:
  - Supervises and administers the application of the workers' compensation laws, rules, regulations, policies, and procedures.
  - Receives and processes all petitions filed by employees to receive compensation for work-related injuries.
  - Oversees the rehabilitation of injured workers, working closely with the rehabilitation efforts of the physician and rehabilitation counselors in an effort to return the claimant to gainful employment.
  - Evaluates permanent partial and permanent total disability cases upon completion of the rehabilitation program to determine claimant's occupational ability.
- Evaluates cases involving litigation.
- Obtains legal opinions and case evaluations from defense attorneys, especially on cases requiring legal interpretation and/or posing major financial losses to the State.
- Provides and submits completed case analysis with settlement recommendations to appropriate claims level and/or Claims Council, negotiates settlements with plaintiff's attorney(s), supervises, evaluates, and disposes of difficult litigation cases in satellite offices.
- Attends and participates in mediations towards resolution of disputed issues and/or settlement of claim.
- Attends trials and testifies as needed.

## **DOA ORM Claims: Claims Adjuster 5-Comprehensive General Liability (CGL)**

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- Serves as a voting member of claims council which authorizes claims settlements up to a limit of \$5,000,000.
- Possesses individual payment and settlement authority of \$50,000 without additional approvals.
- Extends an Adjuster's payment and settlement authority within the authority of the Adjuster 5, up to a maximum of \$50,000, that exceeds the authority granted to the individual Adjusters under his/her supervision.
- Performs audit/file reviews (quality control) to determine the progress of the Adjusters while assessing files for correctness and completeness of data and to ensure Adjusters adherence to established guidelines, policies, and procedures.
- Ensures the claim has been submitted to an excess carrier, second injury fund, or referred to ORM subrogation unit for potential recovery, e.g., any major head injuries must be reported to excess carrier.
- Ensures that adjusting staff establishes adequate claim reserves that reflect the State's liability and exposure.
- Directs discrepancies to handling Adjuster for additional investigation assessment.
- If the claim is a small claim involving DOTD, ensure claimant reports claim to the appropriate DOTD office prior to processing claim.
- Assists individuals and state agencies with claim filing procedures and coverage questions.
- Engages in joint projects with the loss prevention unit and the underwriting section, coordinating the activities of subordinate Adjusters to address and resolve special problems in specific agencies and departments which have produced or could result in personal injury and/or property damage.
- Participates in training seminars and assists Adjuster 7 and Adjuster 6 in the proper training of staff Adjusters.
- Assists in drafting legislation to modify and improve the self insurance program.
- Evaluates proposed legislation to assess the fiscal and functional impact on the self insurance program and the overall fiscal condition of the state.
- Is willing to travel to any part of the State of Louisiana or elsewhere in the performance of his/her duties and to assist staff Adjusters in accomplishing the investigation, adjusting, and handling of a claim to its conclusion.
- Performs any and all other duties as assigned.
- Adjusters, Supervisors and Managers are subject to be moved to another unit at the discretion of management.

### **Update job description**

The SRC Adjuster 5 uses the following procedure for updating and maintaining the SRC Adjuster 5 job description.

1. Revises the SRC Adjuster 5 job description as requested.

## **DOA ORM Claims: Claims Adjuster 5-Comprehensive General Liability (CGL)**

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2. Gives the revised job description to the requesting manager and/or administrator for review and approval.
3. Makes changes as needed and return it to the approval authority.

## **ROUTINE SUPERVISORY ACTIVITIES – ORM-C751**

### **Responsibility**

The CGL/Civil Rights Unit SRC Adjuster 5 performs routine supervisory activities as described in this procedure.

### **Forms or Reference Material Required**

Appointment and Contract Approval Form

Suit Log

Supervisors Log (g:\\_PEOPLE)

Contract Performance Evaluation form (g:\Claims-General\ORMtemplates)

Attorney General Performance Evaluation (g:\Claims-General\ORMtemplates)

### **Procedure**

#### **Process Daily Mail**

##### **INCIDENT REPORTS**

Review all incident reports and determine whether a claim will be set up.

Review STARS record for duplicates or other claims by claimant.

Review all mail associated with claims on a daily basis.

1. **NOTE:** Reviewing mail provides an opportunity to monitor what is going on with cases assigned to Adjusters.
1. If there are significant circumstances or situations that need to be addressed, address the issue(s) and inform the Adjuster of situation, e.g., situation that may require approval authority that Adjuster does not have.
2. Receive and send mail to satellite office Adjuster as needed

##### **Appointment and Contract Approval Form**

1. Receive Appointment and Contract Approval Form for appointment of attorney from the Attorney General's Office.
2. Maintain lawsuit details in the Suit Log found on the Gdrive/claims/general liability.

#### **Supervise Satellite Office and Adjusters**

Travel to satellite office periodically to meet with Adjuster, review files and provide training

#### **Case Management**

##### **Review of Data Entry and Pending Claims**

1. Generate and review STARS monthly report of new claims entered by each Adjuster.

## **DOA ORM Claims: Claims Adjuster 5-Comprehensive General Liability (CGL)**

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2. Review 10% of new claims entered per Adjuster by checking the claim file against the data entry. Entries should be made in accordance with procedures outlined in ORM-C800 Claims Adjuster 1-4 General, Set Up New Claim File section.
3. Complete an entry in the Supervisor Log (located in g:\\_PEOPLE) for New Claims Entered with the review date, claim number, date entered, supervisor code/initials, and comments.
4. Comments should indicate that the entry was properly coded or the corrections required.
5. If it is determined that a new code is needed, the supervisor will submit a request to the STARS committee.
6. If corrections are needed, have the Adjuster make the corrections. Then enter the log to note corrections made, date and initials for verification.
7. For pending claims, review work in progress, steps to be taken and/or corrective action.

### **Process Contract Performance Evaluation Forms**

1. Receive and review contract diary from Accounting on a monthly basis.
2. Send information to Adjusters for completion of the appropriate contract evaluation form and return for approval.
3. Document completion of contract performance evaluation.
4. If not completed by a designated date, send an email with name and claim number to Adjuster reminding him/her to complete the evaluation form to ensure the contract does not expire.

### **Hire New Employee to Fill Vacancies**

1. Interview potential employee to fill vacancy as needed.
2. Hire new employee per Civil Service procedures and provide training as described below.

### **Time and Attendance Records**

1. Be responsible for time and attendance records for staff. Approve leave and compensatory time requests as deemed appropriate. Make sure that time sheet times and codes agree with LEO entry.

### **Prepare Personnel Performance Ratings (PPR)**

1. Perform a performance evaluation for each Adjuster in Unit within 60 days of anniversary date.
2. Review Adjusters' files.
3. Check computer entries for accuracy.
4. Prepare performance rating for each Adjuster.
5. Submit to Claims Manager for review 14 days prior to due date.
6. Prepare new expectations and review with Adjuster within 30 days after PPR.

### **Provide Training**

1. Provide training to new hires and to Adjusters on how to do their job.
2. For current Adjusters, provide training on new laws, recent significant court decisions, and claims procedures.
3. Provide Adjuster training on how to investigate a case.
4. Require new Adjuster to review newly assigned caseload.
5. Provide guidance and pre-approval to Adjusters for meeting with Claims Council.
6. Provide other periodic training as needed.
7. Receive requests for training from supervised employee. Provide training to employees as needed or as requested.
8. Ensure training records are maintained.
9. Provide training on payment of contract attorney invoices submitted through TrialNet.
10. Provide training for handling of contract diary sent to adjuster through TrialNet.

### **Attend Mediations, Trials, Claims Council and DRL Staffings**

1. Attend mediations and trials on as needed basis.
2. Sit on Claims Council on any line of Claims outside of unit. Supervisor is a voting member of Claims Council.
3. Attend and coordinate meetings with the Attorney General's Office and other entities regarding items or claims that require decisions.

### **Evaluate Proposed Legislation**

1. Evaluate proposed legislation that affects general liability unit to assess the fiscal and functional impact on the self insurance program and the overall fiscal condition of the state.

### **Handle Complaints**

1. Receive complaints from outside entities regarding their legal representation.
2. Address complaints and resolve issues as appropriate.

### **Assigned Projects and Resolution of Claims**

- 1Work on projects as assigned by Supervisor.
- 2Answer Adjusters' questions and assist them in resolution of claims.
- 3Review and approve amounts for settlement.
- 4Make sure claims are handled in a timely manner.

## **HANDLING OF LOSS NOTICE – ORM-C752**

### **Responsibility**

The CGL/Civil Rights Unit SRC Adjuster 5 performs the following activities for handling of loss notices within the CGL unit.

### **Forms or Reference Material Required**

General Liability Loss Notice (ORM Website in Forms folder)

Request for Subrogation Recovery Claim form (g:\Claims-general\ORMtemplates)

ORM-C800 Claims Adjuster 1-4 General - Set up New Claim File – ORM-C802

### **Procedure**

#### **Handling of General Liability Loss Notice**

##### **Receive, review, and assign claim**

1. Receive General Liability Loss Notice for the agency named as defendant and assign claim to appropriate adjuster.

**NOTE:** All loss notices are to be stamped in and forwarded to the supervisor by mailroom clerk. Most losses are reported in memorandum or letter form, or by email attachment.

2. Review the loss notice and verify coverage.
3. Review any claim for which coverage and/or loss is being denied or present the claim to the Claims Administrator and/or Claims Manager for review.
4. Forward a letter of explanation as to the reason for denial of coverage/loss to the agency/claimant involved.
5. If needed, assign the case to an independent Adjuster (IA) on a rotational basis, and maintain a log on IA assignments.
6. Ensure Adjuster sends assignment letter to independent adjuster when necessary, and copy contact person for the state agency involved and ORM Accounting Section.
7. Assign case to in-house Adjuster to enter the claim information in the computer system within two (2) working days of receipt of loss notice.
8. Refer to ORM-C800 Claims Adjuster 1-4 General - **Set up New Claim – ORM-C802** procedure for details on setting up a new CGL claim.

**NOTE:** Ensure that Adjuster will report claimant information on all claims involving bodily injury to ISO Claim Search (Index Bureau) via the internet.

9. Ensure the majority of small claims with property damage only are resolved within sixty days of receipt of the claim.

**Third party claims with glass damage or property damage to a privately owned vehicle**

1. Upon receipt of loss notice, DA 2073, memo, or CGL Loss Notice Form, review the claim for completeness.
2. Assign to Claims Adjuster.
3. Ensure third party claims with glass damage or property damage to a privately owned vehicle are handled per the procedures in that section of ORM-C700.
4. Refer to procedure ORM-C700 Claims Adjuster 1-4 CGL – Miscellaneous Activities section

**Investigate for Subrogation Possibilities**

The possibility of subrogation on claims must always be considered. Refer to ORM-C800 General Procedure - Case Management / Subrogation Process section

**Settlement of Claims Not in Lawsuit**

1. For authority to settle claim, refer to the Approval Levels table in ORM-C800 Claims Adjuster 1-4 General – Contracts section.
2. Ensure that Adjuster requests appropriate Release / Receipt.
3. A release will be required from claimants on all third party claims. The only exception to this will be property damage claims of third party for \$500 or less. These claims will not require a release (see Release of Claim form).
4. For all settlements involving minors, a parent/guardian release will be obtained up to \$5,000. Any settlements involving minors in excess of \$5,000 will require court approval (see Parent-Guardian Release form).

## **LAWSUITS – ORM-C753**

### **Responsibility**

The CGL/Civil Rights Unit SRC Adjuster 5 performs the activities for handling lawsuits within the CGL/Civil Rights Unit as follows.

### **Forms or Reference Material Required**

ORM-C700 Claims Adjuster 1-4 CGL – Set Up New Claim section

ORM-C800 Claims Adjuster 1-4 General

E-mail or FileNet copy of lawsuit/petition

Suit Log

IA Assignment Log

Training Instructions in Claims Policies

Appointment and Contract Approval form

### **Procedure**

#### **Steps Performed by Adjuster 5**

1. Give immediate attention upon receipt of lawsuit by reviewing and determining whether the allegations fall within the line of coverage of general liability tort.
2. Record receipt of lawsuit in **Suit Log (located in Gdrive\claims\generalliability)**.
3. Assign the case to in-house Adjuster for further handling and notify the Claims Administrative Manager.
4. If the need exists for an independent adjuster to be assigned to the case, make the assignment and record it in the IA Assignment Log (see Suit Log and IA Assignment Log).
5. Refer to ORM-C800 Claims Adjuster 1-4 General - Set up New Claim File section– for handling of lawsuit by Adjuster.
6. Upon receipt of notification of the attorney appointment, record the appointment in the suit log and route to the Adjuster.
7. Maintain and monitor Loss Prevention Log entries in G-drive for any claims referred to that unit for investigation and remediation of unsafe conditions.
8. Discuss all decisions concerning settlements, cross claims, third party suits, and interventions with the Adjuster and/or Claims Council.
9. Review and approve the hiring of experts as requested by Adjuster and attorney.
10. Review and approve all settlements.
11. Obtain settlement approval in excess of authority of \$50,000.
12. Review all closed files to determine completeness of STARS entries, particularly the Litigation Tab Suit Financial Information, State Level Court and Federal Level Court information. Note review in STARS.

## **DOA ORM Claims: Claims Adjuster 5-Comprehensive General Liability (CGL)**

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By statute, concurrence must be obtained by the Attorney General for settlements above \$25,000 for claims in litigation. When the RSA or agreement to settle is submitted by a contract attorney for over \$25,000 and is approved by Claims Council, it is required that the Adjuster requests the concurrence of the AG by submitting a copy of the RSA and Claims Council decision with a cover memo to the Senior Executive Secretary, DOJ.

If a small claim is filed, it is usually negotiated and or settled with claimant. If lawsuit is filed, the claim is settled with lawyers and claimant. Payment is usually made directly to claimant.

1. Requests for Settlement Authority over \$100,000 received by ORM must be transmitted to the Assistant Director of Litigation for review and comments prior to the case being scheduled for Claims Council.
2. Settlements of \$500,000 or more require the approval of the Commissioner of Administration and the Joint Legislative Subcommittee on the Budget.
3. Supervisor has settlement authority up to \$50,000. Review RSA's with Adjuster prior to Adjuster's presentation to Claims Council.
4. If significant or complicated case, request that the Claims Council review the Request for Settlement Authority.
5. All requests to waive the jury must be presented to Claims Counsel.

**NOTE:** The ORM Claims Council consists of the State Risk Administrator-Claims (or designee) plus two (2) supervisors/managers. The Assistant Director of Litigation may elect to attend and participate in the ORM Claims Council. Claims supervisors are not permitted to decide claims handled by adjusters under their direct supervision that are valued at or above \$100,000.

6. The Claims Council must decide all settlements for amounts above \$100,000.
7. The Office of the Attorney General must concur on all settlements above \$25,000 for claims in litigation.
8. The Office of the Attorney General supervisory staff must review and approve all requests for settlement authority submitted by AG staff attorneys prior to submission to ORM.

## **CGL FOR SUPERDOME – ORM-C754**

### **Responsibility**

The CGL/Civil Rights Unit SRC Adjuster 5 performs the activities associated with comprehensive general liability of Superdome as follows.

### **Forms or Reference Material Required**

Coverage Matrix for all Covered Agencies

Claims Handling and Coding Guide (maintained by Underwriting Unit)

### **Procedure**

### **Superdome**

The Office of Risk Management will cover liability claims for the Superdome effective **July 1, 2005**.

A private carrier insured third party claims involving the LA Stadium and Exposition District as of July 1, 1996 through June 30, 2005. The claim or petition should be forwarded to American Alternative Insurance Corporation through their agent of service, Gallagher & Bassett, by the Claims supervisor or Claims Manager, if the date of loss is prior to July 1, 2005. Refer to the Coverage Matrix for all Covered Agencies and Claims Handling and Coding Guide for details.

## **CGL FOSTER PARENTS/CHILDREN CLAIMS – ORM-C755**

### **Responsibility**

The CGL/Civil Rights Unit SRC Adjuster 5 performs the activities for contractual liability as follows.

### **Forms or Reference Material Required**

### **Procedure**

### **Contractual Liability**

In cases involving foster parents and children, the Adjuster must obtain a copy of any existing contract between the foster parent and the State of Louisiana.

The State of Louisiana insures the state workers, not the foster parents/children. Therefore, the provisions of the contract control the state's liability obligation.

Note: Any other claim involving contractual liability on the part of the State should be investigated similarly and copies of contract agreement obtained.

## **RESERVES – ORM-C756**

### **Responsibility**

The Unit State Risk Claims (SRC) Adjuster 5 performs activities for handling reserves for CGL claims as follows. The Adjuster 5 has authority to input reserves up to and including \$150,000.

### **Forms or Reference Material Required**

ORM-C800 Claims Adjuster 1-4 General – Reserves section

Eason's Louisiana Quantum Study

### **Procedure**

1. Check initial reserves when reviewing the data input into STARS to determine whether the amount entered in the claims information is a realistic amount for the alleged damages.
2. Advise adjusters to periodically review reserve amounts to maintain an adequate balance.

### **Payment Review Procedure**

A list of all check requests will be emailed to supervisors daily for review. Randomly review at least (10 payment per adjuster under supervision and note review in the Payment Review Log. Review file to determine validity of payment and verify that all documentation is attached to the payment request.