

Table of Contents

JOB DESCRIPTION – ORM-C450 3

Job Description..... 3
Update job description 5

HANDLING OF ACCIDENT/LOSS NOTICE – ORM-C451..... 6

Non-Litigated Claims..... 6
Receive and review claim 6
Review and adjust reserves for claim 7

First Party Claim Denying Coverage/Loss 7

PHYSICAL DAMAGE/CLAIMS – ORM-C452 8

Processing Physical Damage Claim..... 8

Windshields 8

LAWSUITS – ORM-C453 9

Processing Transportation-Related Claim Involving Law Suit..... 9

INDEPENDENT ADJUSTER – ORM-C454 11

Assign Independent Adjuster 11

Follow-up and Settlement of Claim..... 11

SALVAGE AND SUBROGATION – ORM-C455 13

Handling Claims Involving Salvage and Subrogation..... 13

ROUTINE SUPERVISORY ACTIVITIES – ORM-C456..... 14

Process Daily Mail..... 14
Mail Review..... 14
Appointment and Contract Approval Form 14

Case Management..... 14
Review of Data Entry and Pending Claims 14

Hire New Employee to Fill Vacancies 15

DOA ORM Claims: Claims Adjuster 5 – Transportation Unit

Time and Attendance Records..... 15

Prepare Personnel Performance Ratings (PPR) 16

Provide Training 16

Attend Mediations, Trials, Claims Council and DRL Staffings 16

Evaluate Proposed Legislation..... 16

Handle Complaints 16

Assigned Projects and Resolution of Claims 16

RESERVES – ORM-C457..... 18

JOB DESCRIPTION – ORM-C450

Responsibility

The Transportation 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

Job Description

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.

DOA ORM Claims: Claims Adjuster 5 – Transportation Unit

- Attends and participates in mediations towards resolution of disputed issues and/or settlement of claim.
- Attends trials and testifies as needed.
- 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.
- Ensure 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.
- Ensure 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 assist 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.
- Be 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. Revise the SRC Adjuster 5 job description as requested.
2. Give the revised job description to the requesting manager and/or administrator for review and approval.
3. Make changes as needed and return it to the approval authority.

HANDLING OF ACCIDENT/LOSS NOTICE – ORM-C451

Responsibility

The Transportation Unit State Risk Claims (SRC) Adjuster 5 performs activities for handling of accident/loss notice within the Transportation Unit as follows.

Forms or Reference Material Required

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

ORM-C400 Claims Adjuster 1-4 Transportation – Set Up New Claim File section

DA2041 form – automobile

DA 2073 – glass replacement or repair

#DOTD 03-18-3023 – vehicle and hull claims

#DOTD 03-18-3024 – pedestrians injured on the ferry

Aircraft Incident/Accident Statement form

Procedure

Non-Litigated Claims

Generally, a loss notice or Accident Report is received by the Claims Adjuster 5 who assigns the case to an Adjuster. Loss reports are distributed to Adjusters based on alphabetical assignment. Claims are opened within two (2) working days of receipt. Subrogation potential is investigated in accordance with procedures. See Subrogation/Salvage procedure. If the claim is a comparative negligent case, then the automobile liability adjuster handles the subrogation claim on the agency's licensed vehicle. Refer also to ORM-C400 Claims Adjuster 1-4 Transportation and ORM-C800 General – Set Up New Claim File sections.

Receive and review claim

1. Receive Loss Notice/Accident Report claim printout via email, fax, or mail.
 - Automobile claims (including rock peck claims on 3rd party vehicles) reported on a DA2041 form.
 - Marine losses (liability and hull) reported on the following forms: private vehicle report #DOTD 03-18-3023, 7/79 for vehicle and hull claims; passenger injury report #DOTD 03-18-3024, 7/79 for pedestrians injured on the ferry
 - Glass replacement or repair claims reported on DA 2073 form (see example)

NOTE: Forms are on LA ORM website that can be filled out online by agency and directly emailed to the Transportation Unit. DA2041 online is to be sent by agency

DOA ORM Claims: Claims Adjuster 5 – Transportation Unit

- within 48 hours after the accident and emailed, faxed, or mailed to Transportation Unit. The State Police will fax a Fleet Incident Report.
2. Review the accident/loss notice and note any concerns on the report to the assigned Adjuster.

Review and adjust reserves for claim

1. Review original reserves with the Adjuster if needed.

First Party Claim Denying Coverage/Loss

1. Review any first party claim which involves denying coverage and/or loss.
2. Prepare a letter of explanation as to the reason loss was denied and give to Claims Manager for review and approval.
3. Forward the approved letter of explanation with the reason loss was denied to the agency involved.

PHYSICAL DAMAGE/CLAIMS – ORM-C452

Responsibility

The Transportation Unit State Risk Claims (SRC) Adjuster 5 performs activities for physical damage and claims filed in the Transportation Unit as described in this procedure.

Forms or Reference Material Required

ORM-C400 Claims Adjuster 1-4 Transportation procedure

Procedure

Processing Physical Damage Claim

All auto-collision claims carry a mandatory \$1000.00 deductible. A \$1000.00 deductible applies to comprehensive losses. There is a \$1,000 deductible on windshield repair claims. On auto physical damage claims, the insured agency will provide two itemized repair estimates. If the agency's vehicle is not drivable and/or at a storage yard, the appraisal may be made with the Claims Supervisor's approval. The State employee can be reimbursed up to \$1,000.00, based upon their automobile insurance deductible, when using their personally owned vehicle on State approved business.

1. Complete or assign an Adjuster to complete the appropriate Claim Add Form to be opened within two (2) working days of receipt.
2. Ensure the insured agency provides two itemized repair estimates for an auto physical damage claim.

NOTE: A Proof of Loss will be required for first party claims involving total loss.

Windshields

For first party windshield damage claims to State-owned vehicles where the windshield damage exceeds the deductible of \$1,000, the agency should complete the ORM Vehicle Glass Repair form (DA2073). The Claims Adjuster should request two estimates and should pay the lower of the two estimates, less the \$1,000 deductible

When the Vehicle Glass form is received, give the claim to Adjuster for processing according to ORM-C800 General procedure – Claims Payment section.

LAWSUITS – ORM-C453

Responsibility

The Transportation Unit State Risk Claims (SRC) Adjuster 5 performs activities for processing transportation-related claim involving a law suit as follows.

Forms or Reference Material Required

ORM-C800 Claims Adjuster 1-4 General – Case Management section

Processing Transportation-Related Claim Involving Law Suit

1. The Claims Administrative Manager processes and transmits new lawsuits to the Claims Adjuster 5, Transportation Unit Supervisor. Lawsuits are a priority and should be processed immediately upon receipt.
2. Record receipt of lawsuit in **Suit Log**.
3. Review lawsuit and determine if the claim is to be handled by an ORM staff adjuster or contract adjuster (IA). Make notes regarding any special instructions and transmit claim to ORM staff adjuster for further handling and notify the Claims Administrative Manager.
4. If an independent adjuster is assigned to the case, 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. Discuss all decisions concerning settlements, cross claims, third party suits, and interventions with the Adjuster and/or Claims Council.
8. Review and approve, along with Claims Manager, the hiring of experts as requested by Adjuster and attorney.
9. Review and approve all settlements.

Obtain Settlement Approval

By statute, concurrence must be obtained by the Attorney General for settlements above \$25,000. 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.

1. Requests for Settlement Authority over \$100,000 received by ORM must be transmitted to the Chief Counsel 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. This

DOA ORM Claims: Claims Adjuster 5 – Transportation Unit

authority is sought after the ORM Claims Council and the Office of the Attorney General has agreed upon the terms of the settlement.

3. Supervisor has settlement authority up to \$50,000. The unit Claims Manager, Claims Adjuster 6, has settlement authority from \$50,000.01 to \$100,000.00. The ORM Claims Council decides claims in excess of \$100,000.00. The Claims Adjuster 5, is required to review RSA's with Adjuster prior to Claims Council presentation.
4. If significant or complicated case, request that the Claims Council review the claim.

NOTE: The ORM Claims Council consists of the State Risk Administrator (or designee) plus two (2) supervisors/managers (The Chief Counsel may elect to attend the ORM Claims Council and decide claims). Claims Supervisors are not permitted to decide claims under their direct supervision that are valued at or above \$100,000.

5. The Claims Council must decide all settlements for amounts above \$100,000. Requests to mediate, waive a jury, permission to try the case or appeal must be presented to the Claims Council.
6. The Office of the Attorney General must approve all settlements above \$25,000.
7. 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.
8. Notify the ORM Loss Prevention of any alleged defect that may need correction.

INDEPENDENT ADJUSTER – ORM-C454

Responsibility

The Transportation Unit State Risk Claims (SRC) Adjuster 5 performs activities relating to Independent Adjusters.

Forms or Reference Material Required

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

Vendor Assignment Log

Approved independent adjuster list

Letter of acknowledgement from IA

Procedure

Assign Independent Adjuster

9. Give the Claims Adjuster 4 a list of activities that the IA is to perform and determine which IA to use.
10. Refer to **Independent Adjuster** section of **Contracts – ORM-C806** procedure.
11. Assign the claim to the independent adjuster from the approved independent adjuster list in the area of the claim.
12. If available, assign to IA who can also do appraisals, if needed.
13. Record the following information for the assigned IA in Vendor Assignment Log:
 - Date
 - Vendor name and city location
 - ORM number
 - Adjuster number
 - Amount
14. Phone in new claimant assignment to IA.

Follow-up and Settlement of Claim

1. Receive a letter of acknowledgement from IA within ten (10) days from date of assignment.
2. Follow up on claim to ensure contact was made with claimant and/or operator within 24 hours of the receipt of the assignment.
3. Ensure a captioned report is received within thirty (30) days from date of assignment. The captions should include most or all the following:
 - Insured agency and coverage
 - Description of the drivers (operators)

DOA ORM Claims: Claims Adjuster 5 – Transportation Unit

- Reason for delay (if any)
 - Description of vehicles involved
 - Description of scene
 - Police Report - Ordinance
 - Diagrams
 - Description of the accident
 - Recap statement of insured employees and claimants
 - Insured
 - Liability (100% or comparative)
 - Injuries and reserves
 - Property damage
 - Attorneys
 - Subrogation
 - Liens (if applicable)
 - Remarks and recommendations
4. Settle any case greater than \$2,000 that does not exceed \$50,000.

NOTE: Independent adjusters can authorize settlement of a claim up to \$2,000 without further ORM approval. Claims Supervisor has authority to settle any case that does not exceed \$50,000. Any authority over \$100,000 must be presented to the Claims Council for approval

SALVAGE AND SUBROGATION – ORM-C455

Responsibility

The Transportation Unit State Risk Claims (SRC) Adjuster 5 performs activities associated with salvage and subrogation in the Transportation Unit as described in this procedure.

Forms or Reference Material Required

Guidelines established by La Property Assistance Agency and Division of Administration for State owned/licensed vehicles

Title 37, Chapter 31, Paragraph 3109 (I)

Procedure

Handling Claims Involving Salvage and Subrogation

1. Follow guidelines established by La Property Assistance Agency and Division of Administration for State owned/licensed vehicles that are deemed a total loss (salvage).
2. Ensure all collision claims are perfected within eighteen (18) months from date of loss in accordance with Title 37, Chapter 31, Paragraph 3109 (I).
3. If subrogation is involved, ensure physical damage claims are made prior to twelve months from the date of loss.
4. Turn over claims involving subrogation to the Subrogation unit for handling in accordance to ORM-C800 General procedure – Case Management / Subrogation Process section.
5. Give a copy of DA2041 Loss Report Notice form to Subrogation Supervisor.
6. When claim is completed by Adjuster, give Subrogation Unit additional claims payment information as needed to pursue reimbursement from third party/carrier.
7. On cases involving comparative negligence, ensure Subrogation Unit is notified.

ROUTINE SUPERVISORY ACTIVITIES – ORM-C456

Responsibility

The Transportation Unit State Risk Claims (SRC) Adjuster 5 performs routine supervisory activities as described in this procedure.

Forms or Reference Material Required

Appointment and Contract Approval Form

Suit Log

Supervisor Log

Contract Performance Evaluation form

Procedure

Process Daily Mail

Mail Review

1. Review all mail associated with claims on a daily basis.

NOTE: Reviewing mail provides an opportunity to monitor what is going on with cases assigned to Adjusters.

2. 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.

Appointment and Contract Approval Form

1. Receive Appointment and Contract Approval Form for appointment of attorney from the Attorney General's Office.
2. Enter information in Suit Log.

Case Management

Review of Data Entry and Pending Claims

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

DOA ORM Claims: Claims Adjuster 5 – Transportation Unit

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.

Review of Claim Payments

1. All payments entered into STARS will be emailed to the Supervisors on a daily basis.
2. Every supervisor must randomly review at least one (1) payment per adjuster (under their Supervision) and note their review on the Payment Review Log. For the selected payments, the Supervisor must pull the claim file to ensure the validity of the payment and that all documentation is attached to the payment request. Particular attention should be paid to settlement payments that fall within the adjuster's payment authority level.
3. On all claim payment requests for non-litigated files, the supervisor will be required to pull the claim file and review the contents of the file in its entirety to ensure the validity of the payment and that the required documentation is attached.

Process Contract Performance Evaluation Forms

1. Receive and review contract diary from Accounting on a monthly basis.
2. Send a copy to each Adjuster for them to complete the contract evaluation form and return for approval.
3. When receive the evaluation form for approval, document which ones have been completed.
4. If not completed by a designated date, send an email with name and claim number to Adjuster reminding them they need 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.

Prepare Personnel Performance Ratings (PPR)

DOA ORM Claims: Claims Adjuster 5 – Transportation Unit

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 30 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 or how to handle cases differently.
3. Provide Adjuster training on how to investigate a case.
4. Require new Adjuster to review caseload.
5. Provide guidance to Adjusters for meeting with Claims Council.
6. Provide other periodic training as needed.
7. Receive request for training from supervised employee. Provide training to employees as needed or as requested.
8. Ensure training records are maintained.

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 for settlement authority up to \$500,000.
3. Attend and coordinate meetings with the Attorney General's Office and other entities regarding items or claims that need to be dealt with.

Evaluate Proposed Legislation

1. Evaluate proposed legislation that affects the 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

1. Work on projects as assigned by Supervisor.
2. Answer Adjusters' questions and assist them in resolution of claims.
3. Review and approve amounts for settlement.

4. Make sure claims are handled in a timely manner.

RESERVES – ORM-C457

Responsibility

The Transportation State Risk Claims (SRC) Adjuster 5 performs activities for handling reserves for claims as follows.

Forms or Reference Material Required

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

Procedure

1. Check reserves to make sure the amount entered in the claims information is a realistic amount.
2. Make sure reserves are maintained to cover claims.