

GENERAL DESCRIPTION OF CLASS

The CLAIMS REPRESENTATIVE 2 investigates, evaluates, and negotiates resolutions to claims presented against the State.

DISTINGUISHING FEATURES

This is the second level of a two-level series. This class is distinguished from the lower class by its involvement in a high percentage of unique, one-of-a kind claims. There are no established procedures or guidelines for the investigating, evaluating, or negotiating of these types of claims. It is therefore essential that individuals are able to independently develop effective strategies to satisfactorily resolve these claims.

This class is further distinguished from the lower class by its involvement in claims of a complex nature, of large monetary exposure, involving policy or politically sensitive issues, and in which varying forms of relief and remedies are sought. Most negotiations are directly with legal counsel for the adverse party. A higher number of cases are in litigation and require working closely with the Attorney General's (AG) office in development of defense strategy and granting them settlement authority.

DUTIES AND RESPONSIBILITIES

Employees in this class are responsible for managing a diversity of tort claims on behalf of the State of Oregon, its officers, agents, and employees. These employees operate with autonomy on individual claims within assigned authority (normally \$0-\$50,000), and also handle those claims up to and beyond the statutory limit (in Federal cases). They are responsible from inception to conclusion for all facets of claims which represent the legal interests and obligations of the State of Oregon. These employees exercise financial control on claims in litigation and advise the AG on whether cases should be defended or settled for the amounts authorized.

1. Investigation. Typical tasks: determines nature and extent of investigation to be conducted on each claim; interviews, solicits information, and takes statements from State officers, employees and agents, adverse party, and witnesses; inspects scene of incident to preserve evidence by taking photographs, measurements, diagrams, etc.; obtains and reviews reports from relevant sources (i.e. police reports, motor vehicle accident reports, other agency reports, autopsies, medical records, court records, independent investigative reports, contracts, lease agreements, etc.); identifies State and Federal statutes, administrative rules, practices and procedures, and case law applicable to the claim along with proper consideration of insurance policies, contracts, agreements, and other collateral sources.

2. Evaluation and Analysis. Typical tasks: applies facts obtained through investigation to specific procedures, practices, and the law to determine legal liability; distinguishes tort from contract issues; determines applicability of statutory and common law immunities and limitations; resolves issues involving contribution and indemnification through the application of comparative negligence, contract, common, and statutory law; establishes nature and extent of damages by determining claim value based on bodily and personal injury suffered and damage sustained through review and analysis of medical reports, medical treatment, loss wage information, future earning capacity, impact on other family members, and previous medical history which may influence current injury; determines

credibility of claimant and resultant jury verdict based on the history of jurisdiction where trial would be held; reviews and establishes repair estimates, acceptable repair procedures, depreciated values, residual and salvage values, and previous property damage which may overlap damage claimed; establishes values for replacement of property with like kind and quality; establishes a settlement value/range through consideration of probable settlement or verdict range, special damages (i.e. current and future medical expenses), income loss and all other economic loss, and general damages (i.e. those damages for pain and suffering, humiliation, emotional distress, etc. which have no set economic value).

3.Negotiation and Resolution. Typical tasks: evaluates economic value of an injury (i.e. bodily injury, personal injury, and property damage); presents State's case to adverse parties or their legal counsel in order to justify the amount of settlement offer or denial of claim; determines the most mutually advantageous form of settlement (i.e. cash settlement, annuity, change in agency procedures and administrative rules, and other remedies); determines and completes the legal documents required to release the State of Oregon from legal liability, such as: Release of All Claims, Parent-Guardian Releases, Court Approved Guardianships, Assignment of Rights, Indemnity Agreements, Open-ended Release for Future Damages, Covenant Not to Sue; issues checks in the proper legal format to correspond with the releases taken; resolves State's liability through contractual indemnity by shifting the State's responsibility to a contract vendor; negotiates monetary contributions from joint tortfeasors (i.e. other responsible parties); participates in pretrial settlement conferences held in Judge's chambers to facilitate and authorize settlements.

RELATIONSHIPS WITH OTHERS

Employees in this class have regular contact with adverse parties, legal counsel, insured employees, agents, repair facilities, service providers, witnesses, and State government middle-management personnel. Employees in this class have only occasional or periodic contact with top-level State managers, Trial Division Attorneys, Agency General Counsel, physicians, other medical personnel, local officials, private sector entities, employers, and professionals in various fields. Contact is in person, by telephone, and/or in writing and is for the purpose of establishing facts, extent of injury, liability, damages, and negotiating resolutions of claims.

SUPERVISION RECEIVED

Employees in this class are exclusively responsible for all claims assigned within their settlement authority (normally \$0 to \$50,000). Claims beyond their authority are subject to general supervision. A small percentage of the entire case load is randomly audited on a periodic basis for content, file organization, and exercise of judgment used in claims resolved.

KNOWLEDGE, SKILLS, AND ABILITIES (KSA)

Extensive knowledge of liability claims adjustment concepts and practices.

Extensive knowledge of progression of legal requirements regarding litigation and rules of civil procedure.

Extensive knowledge of insurance coverage, contracts, agreements, and exotic coverages; i.e. private bonds, fidelity, fire suppression expense coverage, etc.

General knowledge of the application, limitations, and immunities of public tort law, statutes, rules, and procedures dealing with damage to property.

General knowledge of principles and procedures of property loss adjusting.

General knowledge of legal terminology, judicial terminology, procedures, and practices.

General knowledge of law, damages, and collection procedures used in the collection of subrogated debt.

Basic knowledge of human anatomy and medical terminology, trauma, treatment, and recovery.

Basic knowledge of policies and regulations of State agencies and the interaction thereof.

Skill in obtaining investigative data through on-site observation, telephone, and/or written contact.

Skill in developing effective and strategic resolution of claims.

Skill in setting monetary reserves on each claim commensurate with anticipated damages and legal exposure.

Skill in independently organizing and managing complex claim file case load information.

Skill in negotiating disputes with claimants and/or their legal representatives under adversarial conditions.

Skill in writing concise and effective technical letters and reports.

Skill in communication, orally and written, with people of differing social and economic backgrounds.

Skill in providing direction to clerical support staff in developing claim files.

Skill in distinguishing those situations which affect a particular class of people and the remedies thereof.

Skill in evaluating the monetary value and/or other considerations of property damages, bodily injury, personal injury, injunctive and declaratory relief, and other legal claim.

Ability to recognize those situations which could give rise to future similar claims and/or adversely affect the agency.

Ability to evaluate legal liability exposure and damages.

Ability to deal effectively with hostile claimants and attorneys.

Ability to use tact and diplomacy in support of a particular method of resolving a claim.

Ability to make effective oral presentations with peers and legal counsel for purposes of claim evaluation and assessment.

Ability to observe and apply relevant laws, rules, policies, procedures and standards.

Ability to keep current in field by study, professional organizations, and consultation with peers.

Ability to advise directors and policy makers in how and why to claim

resolution.

Ability to advise directors and policy makers about changing needs in policies and procedures.

SPECIAL QUALIFICATIONS

A comprehensive background showing increasing responsibility in multiline claim handling or three more years of related experience. Experience must include responsibility over claims of a complex nature, including litigated cases. Must have a valid driver's license.

NOTE: The KNOWLEDGE and SKILLS are required for initial consideration. ABILITIES may be required for initial consideration, at any time during the selection process, or during a trial service period as a final stage of the selection process. Some duties performed by positions in this class may require different KSA's. No attempt is made to describe every KSA required for **all** positions in this class. Additional KSA requirements will be explained on the recruiting announcement.

Adopted 4/90

Revised

Examples of work are typical of duties assigned to this class. No attempt is made to describe every duty performed by all positions in this class.