GENERAL SERVICES
Risk Management

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CLARK COUNTY
WASHINGTON

1 July 2009

TO: Risk Management Division
General Services

FROM: Mark R. Wilsdon, Risk Manager

RE: Internal Procedures for Handling Claims

Since nearly all Tort Claims received by Risk Management, or Law Suits received by the County belong to the Washington Counties Risk Pool (WCRP) by Interlocal Agreement signed 2002, we adhere and comply with the WCRP "Claims Handling Policies and Procedures", as posted on both the intranet and internet and maintained by the WCRP. On those occasions where there may not be coverage, or a nexus to the pool, we will still utilize the same policy and procedure. The difference will only be in the limits of authority, case review periods, reporting requirements to the Pool, and our legal defense will begin with our Prosecuting Attorney's Office. Since Clark County does not own an electronic claims database, these losses will be recorded along with the Pool cases but handled separately.

Clark County Code (CCC) 2.95 and 2.97 direct internal claim handling policy and procedure. We only augment and clarify this code, not change the law.

To illiterate the procedure internally based on CCC 2.95, the Tort Claim is delivered to the Clerk of the Board at the BOCC. It is date-stamped, the original comes to us, we date-stamp it, a copy is retained and logged in at the BOCC and a copy goes to the PA Civil Office; by code this all occurs within 3-days.

Once we receive the Tort Claim, we date stamp it, it is given to the Risk Manager to determine assignment, and an initial Claim Investigation Sheet is entered and what can be filled out is entered. This, stapled to the left inside jacket, will help develop whether there is standing, statute dates (s) (check for a minor), amount claimed verses our projected exposure, Liability (Duty Owed, Breached, Cause, and Damages), actual property and or casualty loses known, direct or represented and then automatically generate the "60 day" letter. This all occurs within 24 hours.

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If it looks like the reserves will be $2,500 or less, the case may be assigned to the Claims Asst. (Office Claims Rep, OCR).

That OCR file now assigned to the Claims Assistant will be reviewed each Monday during case review with the Risk Manager. If the file is retained by the Risk Manager, the diary will be the initial 60 days to match the confirmation letter and every 90 days thereafter. For stale files, and by the second diary, if there is no cooperation from the claimant, a decision to accept, suspend, compromise, or paid will be made and processed.

If the file becomes litigated, the Prosecuting Attorney Office, Civil Division, will maintain the diary and process schedule based on court and litigation requirements. The Risk Manager meets monthly with the PA's Office, the Chief Civil Deputy and others, for a case review of currently litigated files.

Any payments over $600.00 will require the County to produce a 1099 at the end of the year, therefore tax information must be gathered through a W-4.

If damages are not easily ascertained during this phase since insufficient proof was provided by the claimant, records will be requested from the various departments, an independent adjuster may be dispatched, and additional investigation may be made to include recorded statements, photos of the scene and damages, request and release for records, and an Index run. An MMSEA Form (section 111) if injury may be involved or the claimant may be a recipient of government funds.

If payment is made to an inmate or someone recently released from incarceration, or a claimant that may owe the County money, we will endeavor to attempt to coordinate the collection.

Small Claim Cases or Tow Hearings are controlled by the Risk Manager, but may delegate the handling, with case review, to the Assistant Claims Rep.; this is as written in CCC 2.95.

Once a claim is closed or denied, these files are processed through our Records department based on current Washington State Retention/Destruction rules. For a loss filed by a minor's representative or attorney, we will retain that file for the age of majority plus statute (3 years).

The initial version of this was written when the legislature changed the "substantial compliance" rules for Tort Claims under RCW Chp 4. The current version of the update of this Policy is 1 January 2012 incorporating the latest CCC updates.