



ADMINISTRATIVE PROCEDURE

SUBJECT: LIABILITY CLAIMS	Number <u>IX-7</u>	Effective Date: Issued: <u>03/06/1992</u> Revised: <u>03/15/1997</u> Revised: <u>12/30/2003</u> Revised: <u>10/17/2019</u>	Page 1 of 3
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PURPOSE:

To provide a framework for the administration of third-party liability actions and claims involving the District.

POLICY:

Third-party liability claims are initially processed and coordinated through the Human Resources & Risk Division.

PROCEDURES:

The public may file a claim against the District for damages or injury resulting from operations, personnel, vehicles, or equipment.

Any person making a claim against the District is required to complete the District's claim form, including enough information to identify when and where the incident occurred, the circumstances surrounding the incident, the extent of the injuries or damages sustained, related expenses (including receipts), and if possible, the names of the District employees involved in the incident.

All reasonable attempts will be made by the District to investigate any incident involving a public claim to determine if the District is liable for the claimed damage or injury.

If the incident cannot be identified or if the claim is vague as to the extent or other essential details of the alleged injury or damage, the Risk Management Officer, or designee, is authorized to issue a notice to the claimant, rejecting the claim based upon the claimant's failure to provide sufficient information.

1. The following procedures apply to injury or damage claims against the District:

Employees:

- a. Report all vehicle and/or equipment incidents immediately to the supervisor. This includes, but is not limited to vehicle accidents, punctures of utility lines, main breaks or other incidents that could result in a claim against the District. A police report should be obtained whenever possible for vehicle accidents.

Note: Do **not**, under any circumstances, inform a member of the public that the District will pay for the damage or admit fault.

- b. Inform the public to contact the District's Risk Management Officer for further information regarding how to file a claim against the District.
- c. Refer all calls or questions regarding claims against the District to the Risk Management Officer.

Supervisors:

- a. Advise the Risk Management Officer and the Manager of Health and Safety immediately following any accident or incident which could result in a liability claim against the District.
- b. Complete a vehicle accident report when a District vehicle is involved and submit the report to the Risk Management Officer within one-business day of knowledge of the incident.
- c. Cooperate with the Risk Management Officer or designee with the investigation of the claim.
- d. Follow up on requests to collect information regarding the claim.

Risk Management Officer:

- a. Assist the public by providing a claim form upon request.
 - b. Establish and maintain a file for each claim presented to the District.
 - c. Conduct or participate in all investigations of claims against the District.
 - d. Determine which claim files will be assigned to the third-party claims administrator and/or legal counsel.
 - e. Coordinate all correspondence between the claimant, the third-party claims administrator, and legal counsel.
 - f. Coordinate claim settlements.
 - g. Prepare agenda docket or closed session memos for Board meetings as appropriate.
2. Claim settlements shall be authorized as indicated below:
- a. The Risk Management Officer shall approve settlement of claims within the authorization limit.

- b. The Human Resources & Risk Manager, Assistant General Managers, and the General Manager, or designees, shall approve settlement of claims within the authorization limit.
- c. Claims settlements beyond the authorization limit of the General Manager, or designee, shall be presented to the Board of Directors for approval.

RESPONSIBILITIES:

- 1. The Risk Management Officer is responsible for coordination of all settlement offers or claim denials.
- 2. Department Heads and Supervisors are responsible for:
 - a. Consistently carrying out the provisions of this policy.
 - b. Informing employees of policy provisions.
- 3. Employees are responsible for:
 - a. Complying with the provisions of this policy.
 - b. Referring potential claimants to the Risk Management Officer.
 - c. Cooperating and assisting in the investigation of claims against the District as required.

APPROVED:


Jerry Brown
General Manager