



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
TORT CLAIMS ANALYST	36	B	11.412

CLASS CONCEPT

Under general supervision of a licensed attorney, analyze legal liability and conduct statewide investigations, evaluations, negotiations and adjustments of tort claims filed against the State of Nevada with the Office of the Attorney General.

Review, analyze, and evaluate general liability and personal injury claims filed against the State, pursuant to NRS Chapter 41, to determine the State's liability; analyze and evaluate the State's risk; evaluate and estimate the value of the submitted claims/damages; negotiate a settlement with the claimant when appropriate to ensure the appropriate reimbursements are made; document the file for possible litigation.

Investigate or direct the investigation of all claims filed with the Office of the Attorney General pursuant to NRS Chapter 41 occurring on State maintained roadways, in State owned or leased buildings, or involving State employees in the course and scope of their employment. Utilize adjustment and investigation techniques to determine the validity of claims submitted against the State to include interviewing claimants, witnesses, police officers, department employees, doctors and other medical personnel, employers, body shop personnel, etc.; obtain statements and incident reports; take photographs; inspect property damage to determine extent of State's liability.

Analyze and adjust submitted claims to determine the extent of damages incurred, whether to property, persons or both, and the fair value of the claim to include actual losses and economic damages. Claims include, but are not limited to, acts of negligence committed by State employees that occurred during the course and scope of their job duties, automobile collisions, and/or hazards on State controlled roadways or in State owned or leased buildings.

Analyze and summarize all evidence, conduct both legal and non-legal research to identify areas of concern, determine liability and write detailed reports; draft correspondence to claimants, attorneys, and/or insurance companies; negotiate settlement with claimants and claimants' attorneys and/or insurance companies; and recommend final settlement costs.

Provide support when litigation is filed against the State when settlement cannot be negotiated through the claims process; assist the Deputy Attorney General in case preparation by gathering supporting documentation for the case, preparing court exhibits, arranging for lay and expert witnesses, briefing them on case particulars and drafting legal documents for attorney review when requested; attend proceedings as an assistant to the Deputy Attorney General.

Develop and present training seminars for State personnel in State tort liability including education on avoiding liability and managing risk.

Conduct investigations relating to civil matters as directed; investigate reported incidents and activities to determine if State or department rules, regulations or laws have been violated.

Develop and maintain investigative files and document the results of tort claims investigations and aid in the defense of claims that are prosecuted judicially.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENTS:

- * Some positions require paralegal certification from a school approved by the American Bar Association at time of appointment and as a condition of continuing employment.
- * Position requires statewide travel.
- * Position requires working outdoors.

INFORMATIONAL NOTES:

- * Half of the qualifying experience may be in damage appraisal and/or tort litigation.
- * Successful completion of a recognized material damage adjuster training program and casualty accident investigation/reconstruction training program is equal to one year of experience.

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in risk management, business administration, public administration or closely related field and three years of experience which involved vehicle accident investigation, insurance adjusting, and/or paralegal experience in tort claim litigation; **OR** an equivalent combination of education and experience as described above. (*See Special Requirements and Informational Notes*)

ENTRY LEVEL KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application):

General knowledge of: legal research and analysis; tort law as applied to liability principles. **Working knowledge of:** property damage adjustment; casualty claim adjustment; accident/incident investigation accident prevention as applied to training employees in safe practices; vehicle damage repair procedures; substantive, procedural, evidentiary, and ethics law sufficient to analyze and formulate legal opinions regarding legal questions. **Ability to:** work independently; conduct legal and non-legal research; identify legal issues; evaluate possible risk exposure; prepare detailed reports including facts of the investigation, results of the negotiations, and recommendation to the Tort Claims Manager; identify and locate individuals who may have relevant knowledge and/or information; conduct interviews; obtain relevant documents from varied sources; evaluate liability and damages; make oral group presentations to provide information or explain procedures, policies, etc.; negotiate with contending parties and arrive jointly at decisions, conclusions, or solutions; interact with persons of various social, cultural, economic and educational backgrounds; establish and maintain cooperative working relationships; work independently, follow through on assignments with minimal direction, and perform effectively under conditions of fluctuating workload; operate a personal computer and associated software; recognize car-manufacturing design.

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (typically acquired on the job):

Working knowledge of: NRS Chapters 11, 41, and other statutes relating to specific agencies within the State necessary to determine liability and/or in defense to liability; policies and procedures as applied to tort claims adjustment and investigations; procedures of the Office of the Attorney General; litigation procedures including rules of evidence, rules of discovery, pretrial motions and courtroom procedures. **Ability to:** negotiate with estimators, attorneys and claimants in order to settle claims against the State.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

ESTABLISHED:	<u>11.412</u> 8/17/89R 7/6/90PC
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