

# Property & Liability Outreach

Produced by Department of Administration Bureau of State Risk Management

November 2016  
FY17, Quarter 1

## P&L Manual Link



## Vehicle Glass Repair and Replacement Link

The Safelite Vehicle Glass Repair and Replacement Contract letter was just updated in September. The contract # and other information is the same. The only changes were to our BSRM contact information. Please take a look at the letter if you are not familiar with the vehicle glass replacement procedure.

## Paid Property Claims

Auto	Auto
<u>FY16 Q1</u>	<u>FY17 Q1</u>
\$116,566.56	\$53,452.64

Property w/o Auto	Property w/o Auto
<u>FY16 Q1</u>	<u>FY17 Q1</u>
\$620,317.44	\$2,678,513.36

## Welcome

Hello and welcome to our second issue. We look forward to seeing you at our 21<sup>st</sup> Annual Risk Management Conference on November 9<sup>th</sup> & 10<sup>th</sup>. In this newsletter we are going to introduce you to our newest staff member at BSRM, Olivia Johnson. Olivia started with us in January as our Risk Management Specialist that oversees property claims.

*-Contributor Andy Jennings*

Beginning my state service with the Department of Public Instruction as a Financial Specialist Senior, I gained valuable insight into governmental business and has allowed me to become familiar with STAR PeopleSoft, both of which aid me in my current role as the Property Risk Management Specialist. I earned my Bachelor's degree from UW Oshkosh in Business-Finance and am currently pursuing a Master's degree in Business from UW Whitewater. I look forward to meeting and working with you all.

*-Olivia Johnson*



## In This Issue:

Vehicle Class Repair Letter

Winterizing

Notice of Claim

Experts Corner with Dave Brown

## Winterization: Preparation and Aftermath

With fall upon us, it's not too early to start thinking and preparing for winter. A thorough winterization plan is key in preventing or minimizing damage to occupied and unoccupied state property. The first step is to **identify historical problem areas**. As every building is different so too does it have different vulnerable features that may tend to be problematic every winter. If you are aware and conscious of these issues, you are in a much better position to prepare for and prevent or in the unfortunate event, to react to incidents as they occur. Second, **identify differed maintenance**. During the year, there may have been maintenance forgone due to budget constraints or lack of time and man power, however, it is essential to keep track of these items and prioritize the backlog of work. Lastly, it is important to **develop a checklist**. Start by looking at buildings with reoccurring claims and consult with your agencies facilities department to develop an action plan on preventing these incidents/losses from occurring again. Inspect buildings periodically throughout the winter to ensure that further action is not necessary.

When developing a check list for your buildings, keep in mind the following:

- Inspect gutters, seams, downspouts, guards, and hangers; clean out as necessary
- Inspect roofs for missing or damaged components
- Check flashing and seals around chimneys and other vents
- Check the sealant on windows and doors; replace with glaze or caulking as needed
- Clean chimneys and flues
- Check to make sure air intake vents are not blocked
- Ensure heating systems is clean and running properly
- Drain exterior sprinkler systems and hoses

For an example winterization checklist for unoccupied buildings follow the link below:  
<http://www.naiearlefurman.com/Portals/109/docs/Winterize%20Your%20Commercial%20Property.pdf>

*(Continued on next page)*

In the event that a loss occurs, it is important to take action right away. Call a restoration company or other vendor in to mitigate the loss and prevent any further damage from occurring. Notify BSRM or Dave Brown at Cunningham Lindsey as soon as possible to assist on the handling of the claim. Make note of the cause of the loss and work with facilities department on how to prevent these types of losses in the future.

-Contributor Olivia Johnson

## Liability Liaise

The State of Wisconsin benefits from a legal doctrine commonly referred to as **Sovereign immunity**, or crown **immunity**, simply put the **sovereign** or state cannot commit a legal wrong and is **immune** from civil suit or criminal prosecution. This principle is commonly expressed by the popular legal maxim *rex non potest peccare*, meaning "the king can do no wrong." Although the State of Wisconsin itself is protected by this immunity, employee's working in the scope of their employment or agents of the state conducting business on behalf of the State of Wisconsin are not. This means that the state can be liable for the negligent actions of its employees (who are working in the scope of their employment) against third party persons.

Many of the liability claims sent to BSRM are handled very quickly as the liability or negligence involved is clear, meaning little investigation is needed to determine the legal liability. In these cases claimant's damages are handled in a timely fashion however many of the claims presented to the state will take months and oftentimes, years to settle or be brought to resolution. In these cases **Wis. Stats., s. 893.82** establishes claim procedures and sets time requirements for filing a notice of claim against a state employee. It also places a limit on the amounts recoverable in civil actions or civil proceedings against any state officer, employee or agent. If a claim is not settled within 90 days of the date of loss, the agency should consult with State Risk Management and notify the unrepresented claimant of the NOC requirement. If the claim will not be settled until after 120 days from the date of loss, the claimant or his/her representative must file a Notice of Claim with the Attorney General's Office.

For a Notice of Claim to be considered "Proper" it must include the following information:

- NOC must be received within 120<sup>th</sup> days of the event giving rise to the claim for such injury, damage or death
- NOC must be sworn to by the claimant and served upon the Attorney General by certified mail
- NOC must present the names of state officers, employees or agents involved
- NOC must indicate the time, date, location and circumstances of the event giving rise to the claim for the injury or loss
- 

If you are interested in learning more about NOC procedures, please contact me.

- Contributor Bradley Templin

## Experts Corner

### Dave Brown

Company: **Cunningham Lindsey**

Position: **Regional General Adjuster**

Reminders on what to do when Mother Nature calls: If She drops a tree on your roof, call an emergency restoration contractor and request assistance for board up ASAP. Most of these restoration contractors have contacts for tree removal and board up. Don't wait on the adjuster, let's do what we can to keep the elements out and begin the mitigation process. If She gives you too much water, again, let's get the proper personnel in to dry things out. If She sends you a tornado, go to the basement, call when safe, and I will be there as fast as my Dodge will travel! Final point- if you don't know who to call for emergency services, I do, and will deploy the closest for our mutual benefit.



## Paid Liability Claims

<u>FY16 Q1</u>	<u>FY17 Q1</u>
\$2,400,444	\$2,344,665

## Open Claim Counts

November 2016

<u>Auto</u>	<u>General</u>
24	13
<u>Civil Rights</u>	<u>Environmental</u>
100	1
<u>Medical Malpractice</u>	
48	
<u>Professional</u>	
10	
<u>Employment Practices</u>	
8	
<u>Total</u>	
204	

**Website:**  
[P&L Webpage](#)

## Contact Us

Property & Liability Program Manager  
Andy Jennings, ARM-P  
(608) 266-0168  
[Andy.Jennings@wisconsin.gov](mailto:Andy.Jennings@wisconsin.gov)

Property & Liability - Property Specialist  
Olivia Johnson  
(608) 267-2731  
[Olivia.Johnson@wisconsin.gov](mailto:Olivia.Johnson@wisconsin.gov)

Property & Liability - Liability Specialist  
Bradley Templin  
(608) 267-0643  
[Bradley.Templin@wisconsin.gov](mailto:Bradley.Templin@wisconsin.gov)

\*\*Please contact us with feedback and/or suggestions for future articles.\*\*