



County Connection

News from the Washington Counties Risk Pool

January/February 2014



POOL NEWS



Welcome Our New Staff Member

We are pleased to welcome Leslie Lubrano to our claims staff as the claims assistant. Leslie comes to us with strong administrative, accounting and customer service skills. She enjoys traveling and spending time with her family.



Spring Conference Update

We look forward to seeing many of you at the 2014 Spring Conference at the Suncadia Lodge March 26th through the 28th!

The following CPO and CLE credits will be Available for attendees:

Managing the Disabled or Injured Worker
Presented by Benjamin Stone, Veris Law Group
1.5 CLE credits

Sexual Harassment Prevention
Presented by Robin Flint, Arthur J. Gallagher
1 CPO elective credit

Friday's Board Meeting
1 CPO elective credit

Searching for a policy or form? We have provided a keyword search tool within the Sample Policy Library to further assist you. Also, if you have any documents to share, forward them on to us and we will upload the document into the Library.
Debbie@wcrp.wa.gov

**Summer Conference and Annual (Board of Directors) Meeting
Save the Date!**

July 23 - 25, 2014, The Davenport Hotel (Spokane)

WCRP Executive Committee

Py 2014 President

Tammy Devlin, Thurston County

Py 2014 Vice-President

Andrew Woods, Columbia County

Py 2014 Secretary/Treasurer

Keith Goehner, Chelan County

Other Members

Thad Duvall, Douglas County

Robert E. Koch, Franklin County

Dean Burton, Garfield County

David Alvarez, Jefferson County

Lisa Young, Kittitas County

F. Lee Grose, Lewis County

Lisa Ayers, Pacific County

Steve Bartel, Spokane County

Risk Pool Staff

Administration

Vyrle Hill, Executive Director

Sue Colbo, Accounting Officer

Stacey Spears, Admin. Asst.

Debbie Larsen, Office Assistant

Claims

Susan Looker, Manager

Mike Cook, Senior Analyst

Lisa McMeekin, Representative

Leslie Lubrano, Claims Assistant

Member Services

David Goldsmith, Specialty Services

Jill Lowe, Loss Control



Jill Lowe, Loss Control Coordinator

SIGNS, SIGNS, EVERYWHERE SIGNS

Do you creep along when following driving directions or when traveling to somewhere you rarely go? I'm pretty sure we are all more attentive to road signs when driving on roads unknown to us. Well, I hope we are. I can think of a few times when my son was driving and we barreled past the road we were supposed to turn on. Well I won't go there....

Traffic signs are important. They provide comfort to drivers. More importantly, signs communicate rules, warnings, guidance and other information drivers need to safely navigate roads. Tim Chace, Director of Risk Management for Arthur J. Gallagher, has written a white paper titled "Road Sign Liabilities and Controls for County Government." Tim states that the purpose of the paper is to:

- Provide an understanding of the liability exposure regarding road signs on county roads.
- Help inform and highlight the potential for future claims if programs are not in place.
- Detail common accepted practices of loss control and help ensure active controls are in place to reduce the potential for claims and control them should they occur.

The paper describes the fundamentals of an effective sign policy/program. According to the U.S. Department of Transportation, Federal Highway Administration, "Public agencies that implement and follow a reasonable method in conformance with the national MUTCD would be in a better position to successfully defend tort litigation involving claims of improper sign retro reflectivity than jurisdictions that lack any method."

The paper also describes the elements of a sign management system including:

- Inventory
- Inspection
- Preventive Maintenance
- Repair and Replacement
- Reporting and Record Keeping

Tim performed a data analysis of WCRP losses and has participated in loss control visits to all member counties. He is systematically writing white papers to help member counties address losses. Tim notes, "I can certainly say from firsthand experience through my discussions with County Road Crew personnel this subject is not taken lightly, and the men and women who perform the functions of sign installation, inspection and maintenance are dedicated and skilled professionals."

Continued on next page

To access County Connection's e-version, go to www.wcrp.info

To receive by email, send your email address to:

Debbie@wcrp.wa.gov or call (360) 292-4493. Have any story or photos to share? Please submit them to the email address.

Published by



**WASHINGTON COUNTIES
RISK POOL**

Created by Counties for Counties

SIGNS, SIGNS, EVERYWHERE SIGNS, continued from previous page

Road signs are an important tool provided to the public. For tips on road sign liabilities and controls, Tim's white paper is located on the Washington Counties Risk Pool website "Reference Page and Library." This is a secure location, so you might need to contact your county risk manager for a copy of the white paper.



TRAINING & EVENTS

2014 Training Schedule



Cyber Security, Risk and Liability

March 6 – Benton County – Benton Franklin Health Building

Management and Supervisory Training (2 day class)

March 3-4 – Spokane County – Sheriff's Office Training Center

March 13-14 – Yakima County – First Street Conference Room

April 1-2 – Mason County – Public Works Conference Room

Staying Out of Court on Employment Claims

March 11 – Spokane County – Sheriff's Office Training Center

April 4 – Cowlitz County – Administration Building

April 8 – Walla Walla County – Legislative Training Room

Conducting Effective Performance Evaluations

April 3 – Lewis County – Veteran's Memorial Museum

April 7 – Franklin County – TRAC Center

Conducting Difficult Conversations

April 11 – Skagit County – Skagit Valley Gardens

April 15 – Spokane County – Sheriff's Office Training Center

April 17 – Chelan County – Confluence Technology Center

Our classes do not have a registration fee for member county attendees! For more information or to register for a class, see the WCRP webpage at www.wcrp.info and click on the Training tab. Class descriptions can be found under the More Information link. Registration is quick and easy, just click on the registration link and fill out a short form.



David Goldsmith, Member Specialty Services

MEETING HIGH STANDARDS OF EXCELLENCE IN OPERATIONS

Association of Governmental Risk Pools (AGRiP) Certificate of Recognition: The Washington Counties Risk Pool was among the first to meet the then newly adopted AGRiP Advisory Standards in the year 2000. These Advisory Standards have become the risk pooling’s mark of excellence in the operation and governance of Pools. From the Pool’s initial recognition and the several renewals since, the WCRP has maintained this high standard of conducting its business. The Pool is once again applying to renew this recognition.

In 2012 AGRiP revised the rigor of the Standard’s and added a number of elements including a Code of Conduct applicable to Pool directors, staff and contractors. The WCRP in its operational policies, procedures and philosophy has no problem meeting this criterion, but the Pool needs to reduce the internal process into a consolidated written document. This will be first reviewed by the Executive Committee, then presented at the Spring meeting for consideration and adoption by the Board of Directors.

The Pool should be proud to have maintained the AGRiP Standards recognition over the years. Not only is this a statement on how WCRP conducts its business, but also is reassuring to those who entrust the Risk Pool to protect their insuring investments; be that a member county or the Pool’s insuring partners.

What is AGRiP?
The Association of Governmental Risk Pools (AGRiP) is the recognized authority for public entity risk pooling in North America, and beyond. Emerging during the late 1980’s from the public entity risk management profession, AGRiP formed as an independent trade association of public entity pools and the partners that serve them.



Directors Orientation: The Spring Conference is just around the corner. This is a time to learn something new and to prepare for the annual marketing of Washington Counties Risk Pool to the insuring community. It is also a time for newly appointed delegates of the member counties to get a little more familiar with the language and practices of running this business. The Pool is a service entity providing mutual benefits to each member county. The Pool assists with protecting member counties from adverse financial losses due to liability and property claims. The new Director’s orientation will assist the newly appointed delegates to understand their roles and navigate the industry. The Risk Pool looks forward to working with you. See you in Suncadia!

COUNTY NEWS & EVENTS

Calf Dressing at the Cowlitz County Fair

The season for county fairs is fast approaching. Risk Manager Clyde Carpenter has given us a sneak preview of one of the many events at the Cowlitz County Fair...calf dressing!

Calf dressing takes on many different forms. It is usually a three person team, and the teams consist of co-workers representing local businesses in Cowlitz County. All teams are in the arena at the same time. The calves are turned loose out of the shoots and the first team to dress their calf is the winner. All in all it is harder than it sounds... or looks!



Fun Fact: Committeeman George Moore suggested in 1981 that the rodeo's name be changed to The Thunder Mountain Pro Rodeo because of the 1980 volcanic eruption of Mt. St. Helens. It aptly denotes the thundering hooves and energy which this rodeo brings to town!

K9's Teaming With Walla Walla Sheriff's Office

Walla Walla Sheriff's Office has added two police dogs to their roster. Deputy Dale Preas has been paired with Gudy, and Farel has been assigned to Deputy Travis Goodwin. This February, the teams will begin a 10 week training course. The dogs will be trained in tracking, protection and other police work.

In addition to the 10 week training, three Walla Walla County deputies are attending Canine 360. Funds for this training were made possible through the WCRP scholarship fund.



Submit photos and news from your county! We will share them with our members through the newsletter. Email photos to Debbie@wcrp.wa.gov



HELPLINE



Following are the latest Risk Management questions for January and February from the HR Risk Management HELPLINE HR Express Update:

January Question: *Is it OK for applicants to attach a resume to an employment application and write "see resume" instead of completing the information in detail on the application? I've been told that the information needs to be written on the application because it is a legal document.*

Response: If the employer has a job application, it can require that all candidates for employment complete it. Whether the employer is willing to accept only a resume in lieu of a completed application for employment is a decision the employer has discretion to make, although it should follow the same approach for all applicants (i.e., it should not accept a resume instead of an application from some candidates and not others who seek to submit the same thing). If the employer requires completion of a job application, then it can and should return any application for employment that bears a "see resume" notation (with a resume attached) back to the applicant so that he or she can complete the job application as the employer requires.

In fact, it is generally a best practice and our recommendation that employers require all applicants to complete the company's job application so that the employer can obtain the information that it deems relevant, important, and necessary to have in making hiring decisions – and not just what the candidate has chosen to disclose on his/her resume – and that it secures consistent data from each candidate. If an applicant chooses to supplement his/her job application with a resume (or if the employer requires a resume as well), certainly the employer can accept the same if it so chooses, but ideally the employer should require that all candidates complete the company's application for employment regardless.

Applications from those individuals who are hired should be retained in their personnel file. For candidates not hired, the employer should still retain the job applications for at least one year and ideally two.

February Question: *We have an employee who, when hired, promised to improve training for our organization. After almost a year in, there have been no improvements. We want to give her a second chance with different job duties...Could we if we needed to? If she doesn't succeed at this job can we terminate her? She is also older, and part of her self-improvement goals is to embrace technology...She isn't grasping this concept. We like her as a person, but professionally she isn't cutting it.*

Response: Assuming the employment relationship is at-will and not governed by a contract, the best practice in this situation is to ignore the fact of the employee's age and address the situation no differently than the company would for any other employee who held the same position. An employer is well within its rights to make lawful employment decisions as it sees

fit. If the subject employee is not meeting the performance expectations of the employer, then there is no reason why an employer could not seek to take appropriate disciplinary action consistent with its policies and procedures, up to and including transfer to a different position, or even dismissal. Indeed, in an at-will employment arrangement, the employer has the right to make business decisions for any lawful reason, including a legitimate decision to demote, reduce, or terminate the employment of one or more employees who are not measuring up to the employer's performance or conduct standards.

The fact of the subject employee's age should not factor into the employer's decision to issue disciplinary action, including demotion or termination of the employment, if it is doing so for business purposes and if such decision is consistent with employer policy and with how the employer has handled similar situations in the past, if any (i.e., the employer should not treat the subject employee worse than any other similarly situated employee who exhibited similar deficiencies).

Given that the employee's age is irrelevant to a business decision of this nature, it should not even be mentioned during any meeting with her. Instead, the employer should be candid with the employee about the reason for its decision rather than, for example, pointing only to the at-will nature of the employment relationship as the basis for ending it (if she is let go). Indeed, while individuals who are employed at will can be demoted or terminated at any time for good, bad or no reason (although they can't be disciplined or terminated for an unlawful reason, of course), we still recommend that employers make a practice of letting employees know the reason for its decision, rather than providing a vague (or worse, false) explanation.

The employer should always have a legitimate, non-discriminatory reason for seeking to discipline an employee or terminate the employment relationship, and when it does so, there is no reason not to provide it to the employee. In fact, it is a best practice to do so. Thus, if the employee was hired with the understanding that she would implement store training changes, and that she could grasp and embrace technological advances, then if she is not meeting those expectations, the employer can and should be truthful with her about it. Any subsequent action cannot, however, be more harsh than what the employer would issue for any other employee in her position who exhibited the same deficiencies. Of course, if the employee raises her age during any such discussion, the employer can at that point rebut any erroneous accusation, but otherwise the fact of the employee's age is irrelevant and has no place during any meeting to convey a decision to issue disciplinary action, or demote or transfer the employee, or terminate her employment altogether.

Source: HR Risk Management HELPLINE, www.hrhelpline.com/wcrp, January/February 2014

© 2014 Advisors Law Group, All Rights Reserved