



County Connection

News from Washington Counties Risk Pool

Winter 2007

Adams County Moves From One Store to Another

Gutted Grocery Store Gives Way to Stylish Public Services Site

A remodeled Safeway store served as the home for the Adams County Services Building in Othello for many years prior to the 2004 purchase and remodel of another former grocery store.

The newly refurbished building, at 425 E. Main St. in downtown Othello, provides an auxiliary facility for residents in the nearby area to access county services, minimizing travel costs for residents who would otherwise have to go all the way to the county seat of Ritzville, for some a drive of more than 50 miles.

The \$3.5 million project reflects building and land purchase, new construction, remodeling what was salvageable and now consolidating all services in one facility.

The modern, eye-pleasing design was the work of architect Paul Coppock of The DOH Associates in Wenatchee. Streamlining of the existing store and new construction work was provided by Legacy Construction Group in Othello.

The completed 18,603-square-foot



Photos courtesy of Adams County

Top: the vacated grocery store, and below, the dramatic new facelift.

building now houses the offices of Economic Development, Building and Planning, Solid Waste and Recycling, Juvenile, Othello District Court, Support Enforcement, and Integrated Health Care Services, as well as an auxiliary licensing office under the Auditor, all services popular with county residents.

An open house was held last November, and was attended by legislators and com-

munity members.

"The building has been well received by the public," notes **Linda Reimer**, Clerk for the Board of Adams County Commissioners/WCRP Board Member.

"Adams County realizes operational cost savings due to the convenience of having certain higher volume services such as licensing and planning readily available to the public all in one facility."



Old toppers above where groceries were once displayed are about the only signs that this gutted space was once a store.



The inviting entrance to Adams County's Integrated Health Care Services, which occupies about half the new building.

DIRECTORS PAGE

Major Risk Pool Strength is Sum of its Parts

By Mark Abernathy

WCRP Executive Committee



Once upon a time, two rowing clubs decided to have a boat race. Both teams practiced hard, and came the big day, they were as ready as they could be. One team won by a mile.

Afterwards, a decision was made by the losers that the reason for the crushing de-

feat had to be found, so the Risk Manager was set up to investigate and report. His findings were:

"The problem was," he said, "that they had eight people rowing and one steering, whereas we had one person rowing and eight steering."

The Risk Manager was then asked to go away and come up with a plan to prevent a recurrence the following year, for their pride had been damaged, and another defeat was not wanted.

Two months later, the Risk Manager had worked out a plan, and gave his (customarily brief) summary:

"The guy rowing has got to work harder."



It's easy to dwell on the negatives in our working careers, our relationships and our lives. I admit it, I grouse as well as anyone. Risk Management, loss control, and insurance involve tough (and sometimes thankless) decisions, but also necessary ones. Many in our organizations see our role as an impediment to getting their job done.

I have a different view—call me a "bureaucrat" and you'll get an earful. The minute I feel like a bureaucrat at work, I'll find something else to do.

I see us as facilitators. Many of the essential services provided to the taxpayers would not happen but for what we do. Injured workers, lawsuits, and damaged property, tools and equipment are roadblocks to getting the job done, not risk management and insurance.

Although we don't often directly provide the services to the citizenry, we can help our co-workers perform the job better,

safer and more cost-efficiently.

Such has been my experience with the Risk Pool. I've been attending Pool meetings for over 10 years, and was recently elected to the Executive Board. A common theme during this tenure is that the Pool is meant to work for its members by its members. I think it does.

The reason that it works is because of the broad range of experiences that the Pool staff, Board and its members bring together.

That is the beauty of the Pool. At our meetings, I've met lawyers, engineers, police officers, farmers, politicians, finance directors, auditors and personnel managers. Few in this group started their careers

in claims and insurance (hallelujah!) Everyone I've met has had something to add to the organization.

The strength of the Pool lies not in our individual capacity but in the fact that we've all done and do something well.

Like us, the Pool does not exist to handle our claims and lawsuits and insurance policies, but to help us do that part of our jobs more effectively. If we don't like the way the Pool is doing something, volunteer your time and make it better yourself. As a whole, we can create an entity greater than the sum of its parts.

I recently read that a modern U.S. Navy cruiser now requires 26 tons of manuals. This is enough weight to affect the vessel's performance. Guidance should help, not hinder, our organization's ability to provide services.

The Pool can be an effective tool, and there is strength in the numbers when we participate. We, the risk managers for organizations, must realize that if we pull together, we may not always win but we won't look silly doing it, either.

Mark Abernathy is Risk Manager for Kitsap County

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Member Services

David Goldsmith, Manager
 Jill Lowe, Loss Control Coordinator
 Kitty Bottemiller, Editor/Events

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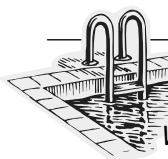


**WASHINGTON COUNTIES
 RISK POOL**

Created by Counties for Counties

The Pool's Mission

- To provide comprehensive and economical risk coverage,
- reduce the frequency and severity of losses, and
- decrease costs incurred in the managing and litigation of claims.



Poolside

With Executive Director
Vyrle Hill



Can you believe that a third of the Pool's 19th year is already behind us? We have much to be proud of, and hopefully more to look forward to.

Claims: Pool Year 2006 was again busy for this division. Though the staff had been operating with one less person than the staffing levels from prior years, we're pleased to report the addition of **Tammy Cahill** to the staff as our new Claims Representative.

Tammy has both insurance and real estate in her background, and has spent nine years processing claims for Nationwide Insurance, where she handled several types of claims including automobile, property and homeowner's. She and her husband Dan have three children, their oldest currently serving in the U.S. Army in Iraq, a middle son in vocational school and a daughter, who recently graduated from high school.



Tammy Cahill

Our database reflects 13,643 claims and lawsuits reported to the Pool from its inception through the end of Policy Year 2006. Some 153 lawsuits and 247 claims remained in "open" status at year's end, carrying with them nearly \$2.7 million in outstanding Pool reserves. Another biennial claims audit was performed by PricewaterhouseCoopers LLP in December, and we are still awaiting the results.

We extend our sincere appreciation to Claims Manager **Susan Looker** and her staff for their claims management efforts, and acknowledge their continuing commitments to the Pool.

Member Services: **David Goldsmith** has returned from a several-month hiatus as San Juan County's Interim County Administrator. Upon his return, Membership Compact compliance auditing has been re-energized. David plans to complete the initial examinations of all 28 member counties by year's end.

Jill Lowe has also joined the Pool staff as our Loss Control Coordinator. Following Rich Bodell's departure last summer, the

job description was rewritten to perform assessments, conduct analyses, provide advice and coordinate training with a loss control focus for the Pool and its member counties. She is truly "hitting the ground running." With David or me tagging along, she has met or will meet with each county's designated risk management and loss control representatives before the Risk Pool's Spring Session in March.

Her background includes seven years working in the City of Tacoma's Risk Management office. She has a son in college, and a daughter in high school.

Washington Counties Property Program: Lewis, Okanogan and Columbia counties are the newest Risk Pool member counties to join the property program, bringing total participation to 25 counties since the original 17 signed on in October 2005. The WCPP combined individual limits to achieve extraordinarily high limits of coverage with very competitive prices. If your county is not yet taking advantage of this, please contact us—we'd be pleased to make you an offer!

Headquarters: An "Open House" was held February 1 to showcase the new facilities we now share with Washington Counties Insurance Fund. Nearly 100 people attended the event. Guests are welcome anytime, and we're happy to provide tours. If you're in the area, stop by and say hello.

Financial Audit: The State Auditor's Office recently finished the annual audit of last year's financial activities. During the February 8 exit conference, we learned that no findings will be reflected in the report, and only two minor discrepancies were communicated as audit recommendations. WCRP has operated since its inception without any audit findings.

Financial Position: Highlights reported for our recent financial audit to be included in the 2006 Annual Report:

- Total Assets grew more than 7 percent, an increase of nearly \$1.5 million to \$22.5 million. Cash (and investments) increased by 17 percent (\$2.7 million) while receivables declined by 29 percent (\$1.4 million).

Operating Income rose over 75 percent, from \$1.83 to \$3.20 million, due in major part to the recovery of reinsurance receivables not invoiced, and reductions in the independent actuary's estimates of

- percent from \$10.42 to \$8.38 million), while overall claims frequency remained fairly stable. The WCRP-to-date claims count rose to 13,642 but only 400 remained "open" at the end of PY2006. The actuary projects that another 520 claims will be filed for occurrences for all years through September 2006.

- Non-Operating Revenues increased by nearly 340 percent, more than \$.61 million. This resulted from a larger available surplus to invest, and rising investment rates. They combined to generate earnings that grew by more than \$.3 million, nearly 170 percent. The surplus (funds not needed for current operations) was invested in the Local Government Investment Pool with the Washington State Treasurer. Also, sale of the former WCRP headquarters netted nearly \$.31 million.

- Assets Exceeded Liabilities (Net Assets, sometimes referred to as Members' Equity) on September 30, 2006 by more than \$4.75 million. Over \$3.13 million remains 'restricted' as satisfaction of the provisions established by the Board of Directors (Underwriting Policy, Section D). Also, nearly \$.76 million is invested in Capital Assets (net of debt), and over \$.86 million was left at year's end as "Unrestricted Net Assets." The WCRP governing Board determines if, how much and when distributions of Net Assets are to be made.

Executive Director Contact: Share your comments, suggestions and criticisms! Send to 2558 RW Johnson Rd SW, Suite 106, Tumwater WA 98512-6103, call (360) 292-4495, or fax (360) 292-4501.

WCRP STAFF NEWS

Member Services

The Compact Audits continue at a brisk pace, field work having been completed on 11 member counties, presentations complete on three, and most others in final form waiting for an opportunity to meet with the county's legislative authority. Severe winter weather hampered returning to completed eastern Washington counties as soon as we had hoped.

The road of the compact audit is an interesting one, enabling me to share information between counties to help their risk management programs.

For example, Douglas County has an ex-

Staff News continued on Page 4

STAFF NEWS from page 3

using their own vehicles on county business, while Jefferson County's Auditor keeps a copy of a valid driver license and insurance for those seeking county reimbursement for mileage. Kitsap County has a thorough training program, and the list goes on. When this process is complete, we should have a clear picture of good practices and a resource library to share with all member counties.

Also becoming clear is where the WCRP can help its members. Training is always a hot topic, as it's one of the most pro-active activities counties can engage in to manage exposures. It is becoming apparent that the scholarship fund should be structured to assist individual counties address internal training needs (training the trainer). Training opportunities identified include personnel, first-time supervisors, employee development, and promoting a healthy work environment.

WCRP's Risk Management Committee is developing a model Risk Management Policy, the purpose of which is to identify the local risk management process, structure, authorities, and review. While each county audited has a practice, only about half have their practices reduced into a single policy.

On the whole, counties are actively engaged in managing their risk and exposures. Counties are aware of their unique circumstances as well as the broader issues facing public entities. Most importantly, county legislative bodies are also aware of their responsibilities to set the example and create an atmosphere to institutionalize good risk management practices as part of the county's culture.

David Goldsmith

Member Services Manager

Loss Control

This may be my first introduction to many of you, and it looks like I'm going to be revealing my advancing age right away.

Remember when we didn't have cell phones, much less consider them emergency equipment when on the road? Or when your car broke down by the side of the road and you knew you could count on a trucker to stop and help? Those days are gone.

Why is this important? It seems that

weekly I hear of a serious incident occurring when a vehicle has stopped on the side of the road. Losses are nearly always high. People are often killed or seriously injured. According to a recent ABC News article, 120 policemen have been killed in roadside crashes between 1995 and 2004. That's roughly one police officer a month.

What do your driving policies direct personnel to do if they must pull over on a busy road? Have you addressed this issue with your employees who drive as part of their essential duties?



Here are some tips for avoiding being part of a roadside accident:

- Don't stop on the roadside if at all possible; take the next exit or driveway.
- If an officer is pulling you over, slow down and turn your flashers on, then park in a safe place.
- If you must park along a busy highway, leave your flashers on and wait outside your vehicle, on the other side of the guardrail if possible. Carry flares or reflective triangles in your trunk in case you do break down.

And about training, we have several classes scheduled this spring (please turn to Page 7 for details).

It's great to be here and I'm looking forward to working with you. Please don't hesitate to contact me at (360)-292-4492, or jill@wcrp.wa.gov

Jill Lowe

Loss Control Coordinator

Claims Division

When Bad Things Happen to Good Cases

One of the hardest, yet most delicate, tasks a defense lawyer faces is explaining to the client the wisdom of settling a strong defense case, particularly when the client believes he or she has acted correctly. The client vindication that only a verdict can bring.

An experienced defense lawyer will always explain that the strongest defense case imaginable still presents the possibility of a plaintiff verdict. The dynamics of trial cannot guarantee a favorable defense outcome. Yet the client remains convinced that the jury of able peers will "see things the right way."

Many Pool cases are litigated over sev-

eral years. There can be numerous reasons to feel confident that a defense verdict will be obtained: litigious plaintiffs with a history of questionable lawsuits; claims dismissed on summary judgment; nebulous factual claims unsupported by hard evidence; plaintiffs who will not "come off well" with the jury; defense witnesses consisting of hardworking public servants and extremely competent experts. And the Pool's cases are handled by the best legal defense teams in the state.

Yet, when all is said and done, the jury has deliberated and the courtroom is cleared, bad things can happen: multi-million-dollar judgments, punitive damages, and attorney's fees awarded.

What went wrong, you ask? Nothing more nor less than what can go awry in any jury trial. No fact pattern, no matter how strong, is impregnable. No lawyer, no matter how skillful, can control the judge or the jury's minds.

The Pool is in the business of defending claims and helping our members manage risks. The Pool and its defense teams are never afraid to go to trial. But the risk of an unexpected unfavorable jury verdict must always be considered when determining the settlement value of a case, before it is too late.

Susan Looker
Claims Manager

Veteran State Risk Manager Retires at End of February

State Risk Manager John Nicholson, of the state Office of Financial Management/Risk Management Division, is retiring February 28.

Nicholson, who has worked with Pool leadership for many years, is leaving after 37 years of state service.

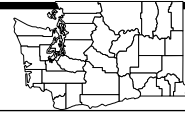
"Momentum has developed in the field of risk management and I am sure it will continue for many years," he wrote in a memo to co-workers.

"Employees and citizens will experience less injury and trauma as a result of the very good programs that each (division) staff are building and support."

Nicholson says he has some plans heading into retirement, however, "part of the excitement is not identifying all paths and seeing where the sands of time drift."



MEMBER NEWS



Benton County

The county has a new Senior Deputy Prosecutor, **Eric Hsu**. He grew up in Vancouver, B.C., and received a BA degree in Business at the University of British Columbia. After graduating, he moved to Eugene, Ore., where he attended the University of Oregon Law School, earning his JD in 1997. While a student, he clerked for a local law firm, and hired on as an associate after graduation. His emphasis there included insurance defense and litigation.

Two years later, he changed careers and joined the police force in Corvallis. It was cut short by a car accident, after which he moved to Washington and signed on as a contract attorney for a Seattle firm representing Microsoft in federal antitrust litigation. As that project waned, he returned to Oregon and joined the Linn County District Attorney's Office as a criminal prosecutor, where he tried numerous jury cases.

Chelan County

A one-time church building dating back to the 1920s that was largely used as a public auditorium then in the 1970s was renovated for an auxiliary courtroom, now houses county offices.

Vacated in 1999 due to a broken water pipe, the building's service was restored the following year so it could be used as transitional space while other sections of the County Complex were renovated. In late 2004 and into 2005, the courtroom was used for the trial regarding the contested Governor's race of 2004, then closed after that for remodeling.

It reopened in August 2006, and is now home to the Board of County Commissioners and staff, several meeting rooms, WSU Cooperative Extension, Noxious Weed, Horticulture and Forestry Education programs. The outside of the building was left as it was. Staff moved from across the street into what is now called the County Administration Building, said County Administrator **Cathy Mulhall**.

Clallam County

The county completed supervisory training, mandatory for supervisors and managers, in October. The 2-1/2-day session, presented by Connie Poulsen of Peninsula College and attorney Nicki McCraw, whom many member counties may know from employment law training, is highly attended and receives rave reviews, reports Safety/Training Officer

Toni Gilbert. Clallam had 11 employees attending, along with employees from Jefferson, Pacific, Kitsap, Lewis and Mason counties. Training held in June included employees from Chelan, Kitsap and Lewis. Clallam plans a 2007 session as well. Interested? Contact Toni at (360) 417-2355, or TGilbert@co.clallam.wa.us

Clark County

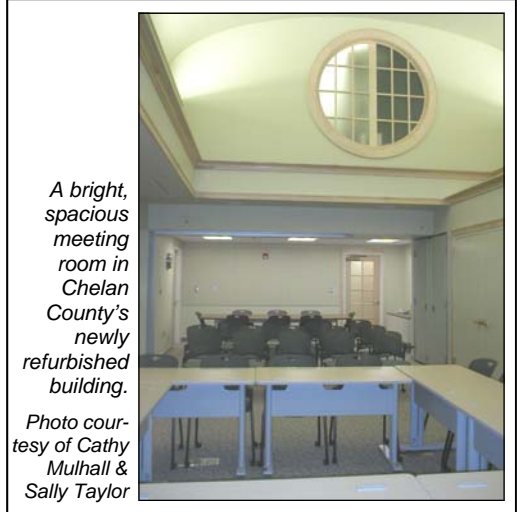
Bernard Veljacic has recently joined the county's Civil Prosecutor's Staff. His background includes industrial insurance defense, family law and immigration, before he started with the county in January 2001. Before moving to the civil side, he prosecuted criminal cases and drug-related felonies. Now on the civil staff, he represents the Health Department and assists in other areas as needed. Originally from Los Angeles, Bernard moved to the Northwest in 1995 to attend Seattle University School of Law, from which he graduated in 1998. Being a lover of the outdoors, he decided to stay. He and his wife of 10 years have a 16-month-old daughter who keeps them laughing and busy. His hobbies include cycling, hiking and soccer, and most recently, he says, running after a very active toddler.

Veteran County Risk Manager/WCRP Board Member **Ed Pavone** retires as of May. He has been in the insurance business most of his career, including stints at Farmers, Hartford and Transamerica, and several years involving aircraft adjusting, which allowed him to fly a Cessna 172 and get paid for it, he says. Out of college and with a pilot's license in hand, he set out to fly for an airline, just as the industry changed its eyesight standards, and he disqualified. He eventually signed on with Ohio Casualty, where he handled many types of insurance, including business and watercraft. After a brief stint with another company that went belly up, he took an adjuster job with Clark County, and with help from a supportive boss, developed it into a Risk Manager post.



Ed Pavone

His biggest challenge has been getting all department heads to believe in the risk management process, and that *all* would benefit from fewer accidents and employee injuries, he said. He looks to retirement with gusto, already planning trips to a California racetrack, and to Italy for three weeks. In between, he'll happily serve as house husband to wife Charlene, and is thinking of something part



A bright, spacious meeting room in Chelan County's newly refurbished building.

Photo courtesy of Cathy Mulhall & Sally Taylor

time but not at least till summer ends.

Columbia County

Andrew Woods, County Engineer/Public Works Director, has been appointed as the county's WCRP Board Director, and Commissioner **Dwight Robanske** as WCRP Board Alternate. Woods replaces longtime WCRP Board Director, Commissioner **Charles Reeves**.

Garfield County

Officials broke ground at the county fairgrounds in November for construction of the eastern Washington agricultural museum. The project has been at least two years in the making by a group of about 20 local farmers intent on preserving their heritage. Since the 1860s, area farms have produced many key crops including wheat, barley, peas, potatoes, cattle, sheep and grass seed. In 1910, the county's population, just shy of 4,200, had 504 ranches and farms. In 2002, there were still 198 farms and some 2,340 residents.

Upon completion, the 72x120-square-foot museum will house antique farm equipment, tools, books, vehicles and other artifacts from the early horse-drawn era to the 1950s. Funds were raised by the farmers group from donations and fundraisers, and a \$150,000 state grant. Commissioners **Dean Burton** (WCRP Board Director), **Virgil Klaveano** and **Steve Ledgerwood** took turns guiding a plow through the sod at the groundbreaking ceremony.

Plans are to open the museum by late March for the county's Spring Farm Days.

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MEMBER NEWS



MEMBER COUNTY NEWS

from Page 5

Jefferson County

As 2006 became 2007, the legal community in Port Townsend and Jefferson County paused to recognize retirements of two stalwarts, Civil Deputy Prosecutor/WCRP Board Alternate **David Alvarez** reports. District Court Judge **Mark Huth**, who served as the Prosecuting Attorney from 1991-1994 and as District Court Judge from 1999 through 2006 retired and handed over his gavel to **Jill Landes**, formerly a Deputy Prosecuting Attorney in both Jefferson and Clallam counties.

John Raymond, who served as the county's Prosecuting Attorney from 1981-1991, also retired after serving the last three years as a Deputy Prosecuting Attorney, advising other deputies and representing the state in District Court matters.

In the last newsletter, we reported that **Matthew Tyler** was named new Parks and Rec Director. He replaced **Warren Steurer**, who retired in December 2005.

Kitsap County

Senior Deputy Prosecutor **Jacquelyn Auferderheide** has been appointed WCRP's Board Alternate, replacing Civil Deputy Prosecutor **Neil Wachter**, interim Board Alternate while the previous alternate was on medical leave. In other news, the Public Works Department recently renewed its membership with Evergreen Safety Council, for its fifth year.

Kittitas County

County Assessor **Iris Rominger** celebrated her retirement from the county at a courthouse reception December 29.

Lewis County

Risk Manager **Harry Green** urges fellow Pool members to help support efforts to change the law allowing governmental entities (counties included) access to driving abstracts. A Senate Bill to this effect (SB 6684) was introduced last legislative session, but did not get through the system. If approved, this proposal would allow state colleges, universities and agencies access to such records for employment and risk man-

agement management purposes. Without such a law, these self-insured entities are unable to confirm driving records of new hires or subsequent routine checks, thereby creating liability for each of those agencies.

"As the make-up of the House and Senate has changed to a 'Democrat' bent, it has been suggested that a sponsorship of last year's bill by a Democrat would work better," Harry said. He asks that anyone who has contact with Democratic senators and representatives urge their support and action in this matter this session. Last year's effort was approved by the Pool's Board of Directors, and all 28 member counties, Harry notes.

Mason County

Employees are in the midst of their annual Health Challenge, which began January 2 and continues through March. Some 170 staff members are taking part, reports county employee **Shannon Goudy**. Last year, Mason took third for government agencies in the state's 10-Million-Mile Challenge, racking up 86,692 miles. In other news, 19 departments entered trees in the annual Employees Group Holiday Tree Contest (the Assessors Office won). The trees were donated to Meals on Wheels recipients, many of whom are home-bound. Also, the county reports retirements of Sheriff **Steve Whybark**, first elected in 1994, and Auditor **Al Brotche**.

San Juan County

The winds of change continue to blow here: a home rule charter was passed in November 2005, the commission form of government converted to a separation of powers model, and **Pete Rose** was hired as the first County Administrator following interim leadership by WCRP Member Services Manager **David Goldsmith**. The full,

six-member County Council was seated in December, and work establishing the new structure is underway. Pete began with the county in July, following 27 years in local government, including stints as City Manager in Woodinville, City Administrator for Medical Lake, and City Administrator of Quincy. He has also held a number of regional board positions with -most important to San Juan - an affordable housing group, and as a trustee for Washington Cities Insurance Authority.



Pete Rose

Skamania County

Three officials celebrated retirement at a public reception December 20 at the courthouse: Clerk **Rena Hollis**, Assessor **Gary Martin** and Commissioner **Al McKee**. And, the county recently renewed membership with Evergreen Safety Council for the 10th year.

Spokane County

Risk Manager **Leon Long** successfully completed his Associate of Risk Management certification in October.

Thurston County

Commissioner/WCRP Board Director **Diane Oberquell** was named again to serve this year for the National Association of Counties. Diane is on NACO's Justice and Public Safety Steering Committee. Also, the county recently renewed Evergreen Safety Council membership for its 15th year, and employees **Brian Sahli** and **Steve Granger** recently completed ESC's First Aid/CPR Instructor class.

Walla Walla County

The county has a new Emergency Medical Services Director, **Patricia Courson**. She replaces **Nina Conn**, who retired recently. Patricia has more than 25 years of experience in emergency medical services, as a provider in the field, educator and EMS systems management. The Richland native directed such services for Benton-Franklin counties prior to accepting the Walla Walla post. She is a mother of two and grandma of six.



Risk Pool Staff photo

Front, left to right: **John Austin**, Jefferson County, **David Sauter**, Klickitat County, and **Joe Bond** of Ferry County, at a presentation about WCRP's program during the Washington State Association of Counties orientation for newly elected county officials in December in Olympia. Risk Pool Executive Director **Vyrle Hill** and Member Services Director **David Goldsmith** shared details about services and programs WCRP offers.

TRAINING & EVENTS

Compact Training Set for May

WCRP is offering two *Introductory* courses to help member counties fulfill their education requirements set forth in the Risk Pool Membership Compact.

Separate review classes will be offered, one for *Intro to Property and Liability Insurance* and one for *Intro to Claims*, from 1 to 5 p.m. Tuesday, May 15, with exams administered at 8 a.m. the following day, in Yakima.

Reviews will be conducted simultaneously, using materials purchased from the Insurance Institute of America. Text materials are issued to each registrant in advance of the review, and participants are expected to read the material prior to the review. It will consist of a thorough, half-day highlighting of key points in the material, led by insurance industry and claims professionals.

Interested member county employees should contact the Pool at either kitty@wcrp.wa.gov or jill@wcrp.wa.gov

The *Intro* courses are scheduled to coincide with the Association of Washington Cities' annual Labor Relations Institute, which begins the afternoon of May 16. The AWC will be providing more information on this conference shortly.

In other compact training-related news, congrats to the following for successfully completing the *Intro to Claims* course offered by the Risk Pool last October: **Cathy Mulhall**, Chelan County; **Andrew Woods**, Columbia County; **Ryan Verhulp**, Franklin County; **Vickie Chambers**, Island County; **Harry Green**, Lewis County; **Nanette Kallunki**, Okanogan County; **Bryan Harrison**, Pacific County; **Don Ramsey**, Pend Oreille County; **Steve Bartel**, Spokane County; **Randy Watts**, Whatcom County; and **Larry Peterson**, Yakima County.



Spring Session Plans for Skamania Finalized

RiskMaster Training, roundtable discussions for Claims Administrators and Risk Managers, new Board Member Orientation and Board Development Training are all on the agenda for WCRP's Spring Session March 27-30 at Skamania Lodge in Stevenson.

That's of course in addition to the Board of Directors Work Session and Board Meeting Thursday and Friday of the week, respectively.

The schedule, which is still under refinement, starts off Tuesday with RiskMaster training, followed by a RiskMaster Users Group luncheon and meeting. Next up is the Claims Administrators Roundtable discussion.

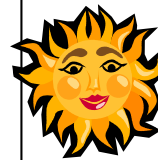
Wednesday's schedule includes a Risk Managers Roundtable, a review of and training for the Washington Counties Property Program, and a social reception hosted by **Marilyn Butler**, Skamania County Administrative Services Director and the county's WCRP Board Director.

An orientation session for new board members meets Thursday, followed by Board development training. The Board meets in Work Session that afternoon, and time has been set aside after that to allow for any standing committees who wish to convene. The Executive Committee will meet that evening.

Friday's Board Meeting will begin at 9 a.m. and adjourn before lunch.

For more conference details, go to www.wacounties.org/wcrp or contact Kitty at (360) 292-4490.

Summer Conference in Leavenworth July 23-27



Various training opportunities, roundtable discussions, the annual Board of Directors Workshop/ Meeting as well as social activities are slated for WCRP's 19th annual

Summer Conference the week of July 23 in Leavenworth.

Details are in the works and expected to be available shortly for planning purposes and reservations. Questions? Contact kitty@wcrp.wa.gov or call (360) 292-4490.

Sex Harassment Topic of Coming *Focus* Series

Next up in WCRP's *Focus* Training series is *Sex in Litigation: Fantasies, Truths and Trends*, taught by veteran attorney Mike Patterson of the Seattle law firm Lee, Smart, Cook, Martin and Patterson, Inc.

The eastside session is set from 9 to noon Tuesday, April 17 in Moses Lake, and the westside session, from 9 a.m. to noon Wednesday, April 18, in Tacoma, with the target group including member county Risk Managers, HR Managers and Civil Prosecutors.

Patterson will give an overview of the basics of sexual harassment-related law, discuss the current climate for sexual misconduct litigation, and talk about actual high-profile cases and verdicts. He will also touch on six variables that can help affect case value in sexual harassment-related matters, and offer suggestions on developing press relations in such cases.

Watch for detailed flyers on these *Focus* offerings shortly, or tell your county's Risk Manager you are interested in attending.

Member County Employees Graduate as CPOs

Kudos to WCRP member county employees who have recently completed the rigorous coursework required of the Certified Public Officials (CPO) program, training which the Risk Pool helps sponsor.

The 2006 Risk Pool member county graduates are: **Fred Bowen** and **Frank Brock** of Franklin County; **Joe Somday** and **Frank Rogers**, Okanogan County; **Vern Spatz**, Grays Harbor County; and **Chandra Wrzesinski** of Lewis County.

Pool Staffer Completes Driver Safety Course

WCRP Member Services Division staffer **Kitty Bottemiller** successfully completed driver safety instructor certification training offered through Evergreen Safety Council in January.



Doc's Note Can Trigger Employer's Reinstatement Duty

This case review was discussed during a recent presentation on "Public Sector Human Resource Management Case Law Update" by Spencer Fane Britt & Browne LLP of Omaha.

Linda Brumbalough began working for Camelot Care Centers as a Clinical Director in October 1997.

Camelot provides treatment, care and placement for abused and neglected children in the custody of the state Department of Children's Services, as well as counseling to non-custodial children, and to troubled families.

In July 2000, Brumbalough assumed the position of State Clinical Director, in which she supervised the Clinical Directors at the five Tennessee offices and its residential treatment center. By 2001, she was working more than 60 hours a week and traveling almost every day.

She was also required to be on call 24/7. In mid-June, Brumbalough's physician submitted a Family Medical Leave Act (FMLA) certification form, stating that Brumbalough was incapacitated and needed two to three months to recover.

Camelot explained to Brumbalough that she was to inform them about her status every 30 days and that she would be required to present a fitness-for-duty certifi-

cation prior to returning to work. Camelot also told her she would need a recertification from her physician after two months, as his initial request for leave was vague about her return date.

Brumbalough emailed Camelot's National Clinical Director on July 27, to inform her that she felt ready to return to work within the next week or so. Camelot's HR representative sent her a letter dated July 31 acknowledging her return-to-work request, and asked that Brumbalough provide a fitness-for-duty certification no later than August 7.

Brumbalough received this letter August 4. The previous day, she had had an appointment with her physician, during which he provided her with a handwritten note on a prescription pad stating, "she may return to work on 8/13/01. She should only work 40-45 hour week and limit her out-of-town travel to one day per week."

Brumbalough claims that she faxed this note to Camelot, but Camelot denies receiving it. Ultimately, Camelot extended the deadline for the certification until August 15.



Brumbalough failed to submit the certification by the 15th. She was informed of her discharge by a letter dated August 17.

The Sixth Circuit reversed, explaining that while the FMLA permits employers to require a fitness-for-duty certification prior to reinstatement, the certification only needs to be a simple statement indicating that the employee is able to return to work.

Thus, once an employee submits a statement from her health care provider indicating she may return to work, the employer's duty to reinstate the employee has been triggered under FMLA.

The Sixth Circuit added that there is no controlling case law on what a "simple statement of an employee's ability to return to work" must include to be sufficient under the regulation.

The Court stated, however, that a plain reading of the regulation indicates that the fitness-for-duty certification need only state that the employee can return to work.

The Court stated that if Camelot decided that the doctor's note was insufficient as a fitness-for-duty certification, it should have sought clarification from Brumbalough's doctor.

Cash-Value Basis Adjustment Available for Classic Vehicles

Mike Croke, ARM and Vice President of Risk Pool broker Willis of Seattle, shares the following:

"One of our clients just incurred a loss to an older vehicle that could be considered a classic. Provisions in the Pool's current Lexington policy will adjust vehicle losses on an actual cash-value basis."



Needless to say, Mike adds, this could mean a significant difference in loss dollars if you incur a loss to one of these antique/classic vehicles.

Both Pool policy providers Affiliated and Lexington are willing to add these vehicles on an agreed-amount basis,

Mike said. To determine the proper value, he recommends seeking an independent third party to secure the correct valuation.

Does your county have any vehicles and/or equipment that could be classified as antiques/classics? This is food for thought - King County has some old buses used for parades and its trolley fleet. Mike says he knows several cities and perhaps counties with farm equipment that could classify as classics.

Helpline Services Launched

Helpline, a service offered at no charge to WCRP member counties, is up and running, allowing toll-free and online access to attorneys with expertise in employment law, and sample HR policies.

Interested? Contact your county's Risk Manager for the name of your county's designated user.

Deadline Looms for Small Entity PRIMA Scholarships

Scholarships are available for attendance at risk management training this June in Boston.

The scholarships are awarded by the Public Entity Risk Institute (PERI), for participation in the Public Risk Management Association (PRIMA) Conference and Expo in Boston.

Eligibility includes employees and elected officials of counties with a population of 100,000 or fewer as well as community-serving non-profit organizations with an annual operating budget of \$2 million or less.

Application deadline is March 1, 2007.

For details, go to www.riskinstitute.org. For conference details, go to www.prima-central.org