



# County Connection

News from the Washington Counties Risk Pool

November/December 2011

## WCRP Staff Changes



WCRP welcomes Stacey Spears as its new Administrative Assistant. Stacey joins the WCRP staff after working on a temporary assignment in a similar position at the Washington State Transit Insurance Pool (WSTIP). Stacey has

a background in Education with a B.A. degree from the University of Washington. She started her new duties with the WCRP in the middle of December. Her professional areas of interest include training, accounting and graphic design. In addition to her past office experience, Stacey is a very active member in the PTA at her local elementary school and has worked with event planning, yearbook design and bookkeeping. She is married to Jerry Spears, who also works in the Pooling industry. Jerry has worked at Washington Cities Insurance Authority, the Association of Washington Cities, and he is currently the Deputy Director at WSTIP. They have two boys, ages 9 and 15 that keep them very busy. Jerry and Stacey are active in the recreational tennis community here in Olympia. This fall, Stacey captained a mixed doubles tennis team that finished in first place for their division. Stacey and her team will be competing and representing Southwest Washington in the sectional championships in Oregon this summer.

In other staffing news, Carli Gochnour has been selected as the new WCRP Claims Assistant. She will begin her duties on January 3, 2012. Carli comes to us with a Bachelor of Arts degree from the University of Puget Sound. She has done a variety of office jobs/duties as well as a few months at Labor

and Industries. We look forward to her coming on board and joining our claims team.

Claire Thompson is retiring after more than 17 years with WCRP. Claire started her career here in October 1994 as the Claims Assistant. She moved into a Claims Representative position for a time, but she preferred the Claims Assistant duties and with management approval, switched jobs with Candy Drews. About three years ago, Claire moved into the Administrative Assistant position. Claire is looking forward to retirement with her husband Brian; he retired approximately one year ago. They plan to spend time with their children and grandkids, travel, and Claire will continue working with creative fiber arts such as spinning, quilting and sewing. She also works on jewelry design with her father; they work with silver as well as enamel on copper for their jewelry making endeavors. Claire and Brian have a trip to the American Southwest planned in March. Although they spent 14 years living in the San Diego area, they did not travel in the Southwest United States outside of California. They plan to explore the indigenous art communities in New Mexico with stops in Colorado as well. If all that wasn't enough, Claire will keep up her healthy lifestyle that includes walking a few miles each day.

Claire finds the Risk Pool to be an extremely relevant and helpful agency for county members and enjoyed working with such a great staff and fabulous county personnel. She had a real talent and interest in all her database work over the years. Claire's professionalism, knowledge and dedication will be missed. Best wishes Claire!





# Happy Holidays!



From the Staff of the  
Washington Counties Risk Pool

### Executive Committee

#### 2011/12 President

Steve Bartel, Spokane County

#### 2011/12 Secretary/Treasurer

Mark Wilsdon, Clark County

#### Other Members

Tammy Devlin, Thurston County

F. Lee Grose, Lewis County

Laura Merrill, Pend Oreille County

Steve Clem, Douglas County

Randy Watts, Whatcom County

Andrew Lampe, Okanogan County

Keith Goehner, Chelan County

Jay Winter, Walla Walla County

Marilyn Butler, Skamania County

#### Risk Pool Staff

##### Administration

Vyrlie Hill, Executive Director

Sue Colbo, Accounting Officer

Stacey Spears, Assistant/Editor

##### Claims

Susan Looker, Manager

Candy Drews, Senior Analyst

Mike Cook, Senior Analyst

Tammy Cahill, Analyst

Lisa Daly, Representative

Carli Gochnour, Assistant (1/3/2012)

##### Member Services

David Goldsmith, Member Services

Jill Lowe, Loss Control Coordinator

To access *County Connection's* e-version, go to [www.wcrp.info](http://www.wcrp.info)

To receive by email, send your email address to [stacey@wcrp.wa.gov](mailto:stacey@wcrp.wa.gov) or call (360) 292-4490. Got story/photo ideas? Please submit them to the email address above.

*Handwritten signatures: Candy, Susan, Lisa, Jill, Sue, Tammy, Mike, Vyrlie, Carli, Stacey*



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# Helpline NEWS



## Here are the latest Questions of the Month from the Helpline for WCRP Members' HR Express Update:

**November Question:** *I have an ADA accommodation request from an employee who has provided a doctor's note stating that she needs an ergonomic chair and workstation with a diagnosis of lumbar spondylosis. She is requesting that we pay for the ergonomic chair and workstation. Am I required to comply with her request and purchase the furniture?*

**Response:** Generally employers are required to provide a safe and healthful work environment under OSHA, including an appropriate chair for employees who do their work seated. This does not mean that the employer has to buy the most expensive chair around. Rather, a chair that is well-designed and appropriately adjusted, even if moderately or even inexpensively priced, will still fit the bill of contributing to a safe and productive workstation. According to OSHA, a "good chair provides necessary support to the back, legs, buttocks, and arms, while reducing exposures to awkward postures, contact stress, and forceful exertions." For more information, please see :

[http://www.osha.gov/SLTC/etools/computerworkstations/components\\_chair.html](http://www.osha.gov/SLTC/etools/computerworkstations/components_chair.html).

Of course, if an employee is disabled -- as may be the case if the employee suffers from lumbar spondylosis (but the employer is entitled to documentation from the employee's physician to make this determination) -- and needs accommodation in the form of a more ergonomically sound chair and/or workstation than what you currently provide, you may need to change (or upgrade) the chair or workstation, or perhaps look into less expensive options such as supportive pillows, cushions, articulating keyboard drawer, foot stools etc., if doing so is reasonable. In such a case, the employer may require medical documentation to support the employee's need for reasonable accommodation.

Denying an accommodation because the expense of doing so is per se not in the budget may create exposure to a potential failure-to-accommodate claim under discrimination laws if the employee is disabled and the employer is unable to prove that an accommodation would cause it to suffer "significant difficulty or expense." Remember, though, that a reasonable accommodation for purposes of the ADA is not necessarily the one the employee wants (i.e., new chair or workstation) if there is another, less expensive option (i.e., cushions, foot rest, modifications to existing chair and workstation, etc.) available that achieves the same result. We encourage you to engage the employee in an interactive discussion to explore these options. For more information, please see <http://www.eeoc.gov/facts/accommodation.html>.

**December Question:** *We are entering our slow season and we need to lay people off (at least temporarily). We want to make sure that we do it properly. Can you tell us the proper process for layoffs, both temporary and permanent?*

**Response:** Barring any applicable collective bargaining

agreements or other employment contracts that govern termination of employment, an employer is generally within its rights to make staffing decisions, including layoff and reorganizational decisions, as it sees fit to maximize effectiveness, productivity, and profitability. The justification for any layoff or reduced capacity decision and the selection criteria must be legitimate and not unlawfully discriminatory. When determining which employees to select to be impacted by such decisions, an employer would be within its rights to use criteria like seniority or tenure, classification (i.e., full/part time), past performance, skill set, value to the employer, flexibility for future roles in the organization, or some combination of these, but it is not required to use all or any particular one. Indeed it is a business decision to determine the criteria to use to make layoff decisions, so long as they are not unlawfully discriminatory or retaliatory. Note, however, that if an employer uses attendance and flexibility for future roles as selection criteria, to the extent any employee had unsatisfactory attendance or less flexibility due to things like disability or religious beliefs or other protected class status, it would be unlawful to use these factors in making layoff selection decisions. The best practice relative to conveying a layoff decision is just to be candid with the affected employees about the layoff decision and why they were selected for impact.

Should business needs later justify increased headcount, or if a position becomes available because another employee has voluntarily vacated it, we are not aware of any legal requirement imposed upon an employer to rehire laid-off or terminated employees. Employers generally have the right to hire the best qualified person for a vacant position. Ideally, the employer should be candid at the time of a layoff about whether the impacted employees would be eligible for rehire or not (without making any promises or commitments). You can always give greater weight or consideration to former employees, which may impact them positively, if they were good performers, or negatively, if they were not, if you choose to make that part of the hiring criteria when there are job openings later on. If a former employee is passed over for rehire and seeks to challenge that decision as discriminatory, if you can articulate a legitimate, nondiscriminatory justification for the decision (i.e., you hired a better qualified candidate), you ought to be able to defend such a claim. However, if you advise any laid-off worker that he/she will be eligible for rehire, and then fail to even consider that person for re-employment without a legitimate justification for the turnaround, it would be more difficult to defend a challenge to the decision.

Ultimately, the best practice is to be very clear with impacted employees at the time of a layoff about whether or not they will be eligible for rehire. If you are, there should be no legal issues associated with not considering and/or not rehiring a laid off employee who was previously advised of his/her eligibility (or ineligibility) for reemployment (and assuming the reason the individual was not eligible for rehire was legitimate, as it should be).

Source: HR Risk Management HELPLINE for WCRP Members, [www.hrhelpline.com/wcrp](http://www.hrhelpline.com/wcrp), November and December 2011

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# TRAINING & EVENTS



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## **February 2012**

2/29—3/1/12—Management and Supervisory Training, Kittitas County

## **March 2012**

3/13/12—Conducting Excellent Performance Evaluations, Spokane County

3/15/12—Conducting Excellent Performance Evaluations, Kittitas County

3/21-23/2012—WCRP Spring Conference and Board (of Directors) Meeting, The Lodge at Suncadia, Cle Elum, WA.

3/28/12—Conducting Excellent Performance Evaluations, Thurston County

## **April 2012**

4/4/12—Permit Error Webinar, 10:30-11:30 a.m.

4/10/12—Conducting Difficult Conversations, Spokane County

4/12/12—Conducting Difficult Conversations, Chelan County

4/17/12—Conducting Difficult Conversations, Benton County

4/19/12—Conducting Difficult Conversations, Kittitas County

## **May 2012**

5/1/12—Conducting Difficult Conversations, Lewis County

5/3/12—Conducting Difficult Conversations, Clark County

5/14/12—Conducting Difficult Conversations, Jefferson County

5/16/12—Conducting Difficult Conversations, Skagit County

## **July 2012**

7/25-27/2012—WCRP Summer Conference and 2012 Annual Board (of Directors) Meeting, Shilo Inn, Ocean Shores, WA.

**You can get more information, access driving directions,  
and register for classes and events at:**

**[www.wcrp.info](http://www.wcrp.info)**