



County Connection

News from the Washington Counties Risk Pool

November/December 2010

Garfield County Courthouse Renovated



County Commissioner Dean Burton, acting as the project's clerk of the works, has been overseeing the \$2 million renovation of the Garfield County Courthouse. During the months of September and October, construction crews began removing asbestos, flooring, lath and plaster walls. The windows were covered with plywood during the demolition phase, and many windows will be refinished to meet the requirements of the Historical Society. During the next phase of renovation, upgraded electrical and mechanical components will be installed. Dean estimates the renovation will be complete by July 2011.



Commissioner Burton viewing the main floor.



The eaves at the attic level—a solid foundation will be laid with plywood to finish and decorative frieze will be reinstalled on the outside of the courthouse.



Entrance to Courtroom

Entrance to the jail, a new visitors room is planned.





SPECIAL NOTICE—REPORTING CLAIMS ON-LINE: The Risk Pool recently updated the website to encourage members to report both liability and property claims on-line, and it may have led to some confusion. When reporting a third party liability claim, those that involve losses to members of the general public, please select “3rd Party Liability Claim Report Form (JSILP)”. When this choice is selected, you will enter the familiar green Roundabout program. When the county experiences a loss to their own property that is covered under the Washington Counties Property Program, please select “1st Party Property Loss Reporting Form (WCPP).” Selecting this choice will direct you to a spreadsheet type form where you can provide information about the loss to county property.

In the majority of instances, you will want to continue to report using the 3rd Party Liability Claim Report Form. If you have any questions about which form to use to report a loss, please contact Susan Looker, Claims Manager, susan@wcrp.wa.gov, or Lisa Daly, lisa@wcrp.wa.gov. They can provide the guidance you might need to report claims.

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Marilyn Butler, Skamania County

2010/11 Secretary/Treasurer

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Lisa Daly, Assistant

Member Services

David Goldsmith, Member Services

Jill Lowe, Loss Control Coordinator

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Published by

**WASHINGTON COUNTIES
RISK POOL**

Created by Counties for Counties



Happy Holidays!

From the Staff of the
Washington Counties Risk Pool

Handwritten signatures of the staff members:

- Susan
- Lisa
- Jill
- Candy
- Sue
- Tammy
- Mike
- Vyrle
- David



MEMBER SERVICES



OUR MEMBERS SPEAK OUT—Annual Membership Survey

By David Goldsmith, Member Services

As we wrap up another year I wish to thank each of our member Counties for their efforts in making the Washington Counties Risk Pool the organization that it is. We are fiscally strong, we have a solid staff and we are seen in the industry as one of the best. This is the direct result of your participation and thoughtful counsel.

As we close out this calendar year I'd like to reflect a bit on what is said about this organization as seen through the eyes of the owner membership in response to the annual membership survey:

CLAIM ADMINISTRATION

In the area of Claims Administration, on a scale of 1-5 (5 being the highest), our level of communication with you is 4.18, the quality of investigations is 4.21, the quality of assigned counsel is 4.50, the confidence you have in us to represent your interest is 4.47 and the content and timeliness of interim reporting is 4.12. The soundness of recommendations to deny or settle claims is 4.21, the reserving of claims 4.06, the responsiveness of staff to your inquires is 4.82, the procedures to submit claims 4.06, quality of claim activity reporting 4.09, assistance in reporting 4.25, and the pre-defense review program received a rating of 4.38.

Overall, the claims functions regularly met and exceeded expectations with just under half of the respondents reporting they experienced exceptional service.

LOSS CONTROL/RISK MANAGENT

In the area of loss control/risk management, the quality of trainings received a rating of 4.25, responsiveness of staff was rated 4.38, staff assistance with loss control issues was rated 4.16, the usefulness of the scholarship program 3.83, and the risk management audits were rated at 3.75.

Overall the loss control/risk management function is experienced as regularly meeting and exceeds expectations.

BROKER/PRODUCER SERVICES

The placement of our liability insurance was rated at 4.28, the property program placement was rated 4.16, individual county placement was rated 3.00, responsiveness to questions received 4.25, participation of the broker at Pool board meetings 4.17, and the risk management assessments were rated at 4.00.

Overall the broker/producer services were experienced by the membership as regularly meeting and exceeding expectations.

ADMINISTRATIVE SERVICES

The services the Pool provides its members is beyond what you would experience from a commercial insurance carrier. These include: organization and content of meetings rated 4.00, Board of Directors manual 3.85, orientation of county designees 3.90, the strategic plan and annual work program 3.87, financial and annual report 4.03 and 4.06 respectively, the newsletter 4.09, responsiveness to county concerns 4.53, handling of certificates of insurance 4.74, and marketing strategies 3.80.

Again, the overall impression is that these Pool services meet and exceed members' expectations.

MANAGEMENT AND EXECUTIVE COMMITTEE

The key role of management and the executive committee is to assure that the WCRP meets the goals established by the membership. In this area, keeping the membership informed was rated 3.88, effectiveness of the board 4.13, effectiveness of board meetings 3.84, effectiveness of executive committee 4.10, the productivity and effectiveness of the committee structure of finance-personnel-risk management-underwriting were rated 4.10-3.97-4.17-4.13 respectively. The annual Pool update to the County legislative authority was rated at 3.88, the Pool's communication and resolution of key issues was rated 3.97.

OVERALL IMPRESSION

And most importantly, our membership rated the Washington Counties Risk Pool at 4.44; half our membership felt the Pool met or exceeded their expectations, the other half felt the Pool provided Exceptional Service with very positive results.

The annual membership survey acts as a barometer of our efforts. And while the results are very favorable, there is always room for improvement. Over the course of this next year we, the staff, will be striving to assure that each service provided and each function performed is experienced by you, the member county, as being an exceptional effort on the part of your insuring entity, the Washington Counties Risk Pool.

Thank you for your participation!



MEMBER SERVICES



Jill Lowe, Loss Control Coordinator

Bleachers and Fall Protection

In February 2010, KING 5 news reported on a 17-month-old-girl who slipped into “a very small hole or gap at the back of bleachers” at the Tacoma Dome. An excerpt from the Tacoma News Tribune states “Tacoma deputy fire chief Jolene Davis said the girl apparently slipped between the bleachers and fell 20 to 30 feet to the floor. She was transported to Harborview Medical Center in Seattle.”

Over the last 2 years, I’ve visited 21 of the 27 member counties while conducting visits of county facilities. Tim Chace of Arthur Gallagher and I have scrutinized those county facilities that pose an elevated third party liability risk for counties. Facilities posing higher risks often include fairgrounds, corrections, quarries, transfer stations and parks. A good example of third party liability is when a non-employee trips in a stadium or when a private citizen is injured in a motor vehicle accident caused by a county employee in a county vehicle.

In many county facilities with bleachers, we have recommended improving fall protection. Many of the bleachers pose fall hazards because they were built and installed when the building codes did not require guardrails and allowed openings that were big enough to permit a child to fall through them. Most codes do not have provisions for existing structures to be applied retroactively. According to the “Guide for Retrofitting Bleachers” written by the U.S. Consumer Product Safety Commission (CPSC), any opening greater than 4 inches above a potential fall of 30 inches or more should be encased in a way that will prevent a potential fall. In addition, guardrails should be at least 42 inches in height to prevent inadvertent falls over railings.

The 30-inch surface height recommendation for

limiting openings is based on the severity of injuries that can be sustained when a fall occurs from this height. Falls from bleachers can occur when guardrails are missing from the backs or open sides of the bleachers.

Bleachers can pose other potential hazards. Collapse of bleachers, particularly manually-operated telescopic bleachers, can occur if the bleachers are not operated properly. Falls on bleachers can occur when there are missing or inadequate components that assist in access and egress, such as aisles, handrails, and non-skid surfaces.

Many counties have addressed this fall protection issue by using chain link fencing (mesh size of 1.25-inch square or less) or equivalent materials deemed sturdy enough to prevent a fall. CPSC recommends use of rigid materials, such as aluminum extrusions or grating material, to close the openings between the seating components. CPSC does not recommend the use of chain link or other fencing material to close openings under the seatboards and footboards due to the potential to introduce trip hazards or collect combustible or unsanitary debris. It is important to think through retrofit considerations to ensure that new hazards are not introduced.

You can find the CPSC recommendations for Retrofits and Guardrails on the WCRP website at www.wcrp.info, click on Model Policy Library.

For more information on this issue, click on the following link <http://www.cpsc.gov/cpscpub/pubs/330.pdf> or Google: Guidelines for Retrofitting Bleachers, U. S. Consumer Product Safety Commission. The publication number is 330-000011.

If your county has not yet addressed this issue, place it on your list of items that need to be addressed. If money is not available to make corrections immediately, make sure that you have a procedure to limit the risk.



MEMBER SERVICES



Jill Lowe, Loss Control
Coordinator

It's almost Christmas and for me, this is a time of "quiet before the storm". My calendar for February through May has me out of the office nearly full time. The Risk Pool is offering a variety of workshops geared toward helping counties reduce their risk. You can find a full listing of the classes by going to the Washington Counties Risk Pool website and clicking on Training. I also spend a fair amount of time working individually with counties. Please feel free to contact me regarding possible liability issues.

I was recently talking to Connie Poulsen who has helped so many of us with management and supervisory issues and is now a co-instructor for the upcoming "Conducting Excellent Performance Evaluations" workshops. Connie told me the following, chilling story:

Connie was returning home late at night to her hometown of Sequim. She had finished facilitating a Risk Pool supervisory workshop and was anxious to be settled in with her family - Soren, Cody and Emily. She noticed a car driving about 100 feet ahead of her. The car took a severe, sharp turn and was suddenly gone from sight.

You know how you think you see something that you don't really know if you truly saw it? You're pretty sure you saw it, but what if you didn't? What if you report an incident to local law enforcement officers who you personally know and have trained in leadership principles and those officers spend several hours on a dark and cold night searching for a car on the side of

the road that was never really there?

Well, thankfully, Connie followed her intuition. She called 911 and told Dispatch that she couldn't be sure that a car had gone off the road but she thought that one had. Nearly four months later, Connie was contacted by the County Prosecutor's office with follow-up questions about the incident. She couldn't offer much more than what had already been provided. She asked if there truly had been a car that swerved off the road and if so, how was the driver?

Well, it turned out that Connie saved a life that night. The driver had been drinking and was seriously injured. The car was well hidden in brush and probably would not have been found for days. Had county law enforcement not gone looking for the car, there would have been yet another grisly news report and a very sad family.

I will be nominating Connie for a Governors Lifesaving Award through Labor and Industries. All employees who are covered by industrial insurance, either the State Fund or Self-insurance fund are eligible. Keep this in mind should you have an employee who is helpful in saving a life. The action does not have to be work related. Nominees receive their awards from the Governor during the Governor's Safety Conference each year.

If you would like to nominate someone for the Governors Lifesaving Award, contact Laura Glover, Lifesaving Awards Coordinator at glol235@lni.wa.gov or 360-902-5533.



Automobile Repairs and Total Losses

Tammy Cahill, Claims Representative

The following information was recently presented at the WCRP Fall Conference:

When counties are faced with a vehicle that has been damaged they must consider two possibilities. First, does it appear it could be a total loss? Or, should it be repaired? Our first recommendation would be that an automobile damage appraiser should be hired.

The appraiser will do an estimate to repair that vehicle and if they think it will be a total loss, they will also do a condition report. They will look at all aspects of the vehicle. They will go around the vehicle and inspect for prior damage that should be deducted from the vehicle's value, they will look at tire tread depth, and they will look at the vehicle's glass and paint. They will then turn to the interior of the vehicle and how much wear it shows, i.e., is the interior stained, ripped, or in need of replacement? They will look at how many miles are on the vehicle, they will look at the engine compartment for signs of wear – i.e., belts, dirt, does this vehicle look like it has been maintained properly.

They will then do a comparative market analysis for vehicles that have sold and are currently on the market for sale. This is done through CCC (Certified Collateral Corporation) or ADP (Automated Data Processing). These databases are updated thoroughly with information on vehicle sales (sold) and vehicles for sale. Note this valuation is done with the condition ratings given by the Field adjuster. This valuation will make additions and deductions based on the reported condition. If a lot of prior damage exists they will run an estimate on that damage to consider what should be deducted for that damage.

Insurance companies will look at vehicle damage that exceeds the 70-75% range of the NADA book value and run a total loss valuation report to verify the vehicle is a total loss prior to doing any repairs. Most insurance companies do not use Kelley Blue Book, which is generally used by

dealerships selling vehicles in showroom condition. NADA is more reliable for the everyday type of vehicles being driven for personal use. Once a settlement value is established, negotiations with the claimant begins. Once an agreement has been reached, pay-off of any loans, decisions regarding retention of salvage, and the title paperwork must be done; reporting to the State of WA, Dept of Licensing is also completed. **Please remember, even if the claimant retains the salvage, a report must be made to the Department of Licensing within 15 days.** If the vehicle will be sold, the title must be sent to the State of Washington to be re-issued to the purchaser as a branded title. A lot of times the DOL will require that the vehicle be inspected by WSP for road worthiness depending on the amount of damages.

If you have a repairable vehicle or you proceed with repairing a totaled vehicle, you are obligated for loss of use and supplements up until the vehicle is returned to the owner. Once a fair market settlement has been made on a total loss, loss of use can be cut off. You would want to consider if Bodily Injury is involved – Loss of Use can be negotiated with that portion of the settlement. A lot of times the total cost of repairs will not be known until the vehicle is torn down to expose all damaged components of the vehicle. Once again, if you are going to repair the vehicle you should have a licensed appraiser working with the shop to get an agreed price of repair up front. That adjuster will work with the shop including doing re-inspections if additional damages are found. They will let the shop know that they are not to repair any items not included in their agreed cost of repairs. These appraisers have established relationships with the shops and know what the normal hourly rates are for that area and will look for alternatives to just buying all new parts for vehicles, including repairing parts, obtaining used parts from salvage yards or purchasing after market parts, etc.

(Continued on page 7)



Marie Guernsey writes from Pacific County: “Today (11/1/10) we celebrated County Administrative Officer Bryan Harrison’s 50th Birthday! His modern equipment was replaced with blasts from the past; a manual typewriter replaced his computer, a coffin wall phone replaced his modern telephone, and pictures were replaced with old “puzzle” pictures. A “kitty litter” cake (representing a favorite pet Puddie-poo) was made for him—appearance was terrible, but the taste was great! Retired DCD Director Kay Hasu, who worked with Bryan for many years, came and helped us celebrate.”

HAPPY 50TH BIRTHDAY, BRYAN!!

Automobile Repairs and Total Losses (Continued from page 6)

Loss of Use – If you are going to repair a vehicle, you owe the claimant “Loss of Use.” You can elect to cash out that person or authorize rental through a rental agency. The appraiser will let you know the expected time of repair to allow for Loss of Use.

We get a lot of questions regarding small auto losses, total losses and loss of use here at the Risk Pool. Please just keep in mind that auto body shops are in business to make money. We would always recommend you hire a professional auto appraiser to look at the damages. Over time you will save money and the shops will learn that someone will be checking behind them to make sure their estimates are written as cost effectively as possible.

Recently I contacted several appraisal firms that do automobile damage appraisals. The

average cost of an estimate is approximately \$100. If a total loss report is done, you are looking at an additional \$35-\$40. Mileage will be charged after 20-30 miles from their office.

Once that estimate information is obtained, we will have what is needed to negotiate with the claimant on a total loss or repair. If the vehicle is a total loss, we would at that point have one of our multi-line adjusters handle the settlement including all required paperwork that must be filed with the State of Washington. Remember you can always request assignment to an appraiser at the time of reporting. You just need to note that in the comments section of the County Claim Form.

If an investigation is required to determine liability, or handle bodily injury, a multi-line adjuster would be needed to take statements, do scene inspections and proceed with a full investigation of that claim—costs are based on the time spent to do that work.



Helpline NEWS



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

November Question:

One of our employees is currently on FMLA due to a serious health condition. If her physician releases her to work two hours/day, can we require that she not return to work until she is able to work 8 hours/day?

Response:

Leave under the FMLA can be taken continuously, intermittently, or on a reduced schedule basis. If an employee has been on a continuous FMLA leave and has not exhausted all 12 weeks to which she is entitled, and then is released back to work but on a reduced schedule basis, the employer generally cannot mandate that she remain out of work entirely until such time as she is able to resume her full schedule, if she continues to have a serious health condition that necessitates the limited schedule.

The employer can, however, require that she provide a new Certification from her health care provider that supports the need for continued FMLA leave on a reduced schedule basis. If the employee presents such documentation that supports the need for continued FMLA leave, the employer must provide it on a reduced schedule basis, at least until the full 12 weeks of FMLA leave have been exhausted. For more information on intermittent and reduced schedule FMLA leave, please see <http://tiny.cc/sn3vy>.

Source: HELPLINE for WCRP Members, www.hrhelpline.com/wcrp, November 2010

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December Question:

Is there a specific amount of days that an employer can set that determines job abandonment? Typically, we hear 3 days but are there federal and/or state laws that dictate?

Response:

Barring an employment contract or collective bargaining agreement, etc., an employer is generally within its rights to establish its own policy relative to employee no call/no show. Some employers determine that a single instance of no call/no show is grounds for immediate discharge. Others require an employee to be away from work without calling for a certain number of days before it will make a discharge decision.

Each employer needs to decide for itself what kind of no call/no show policy is in its best interest. Any such policy, however, should be uniformly enforced and should have the flexibility for management to make exception when truly extenuating circumstances are present. We recommend having local counsel assist in drafting or reviewing any such policy before implementation.

Source: HELPLINE for WCRP Members, www.hrhelpline.com/wcrp, December 2010

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SAFETY NEWS



Fire Prevention Week just concluded in October. It's a good reminder to everyone how important smoke alarms are to our safety. Here are some facts provided by the National Fire Protection Association:

- Smoke alarms cut the risk of dying in a reported fire in half.
- Most homes (96%) have at least one smoke alarm (according to a 2008 telephone survey).
- Overall, three-quarters of all U.S. homes have at least one working smoke alarm.
- Each year, nearly 3,000 people die in U.S. home fires.
- In more than half of the reported home fires in which the smoke alarms were present but did not operate even though the fire was large enough, batteries were missing or disconnected. Nuisance alarms were the leading reason for disconnected alarms.
- More than half of the smoke alarms found in reported fires and two-thirds of the alarms found in homes with fire deaths were powered by battery only.
- In a 2008 telephone survey, only 12% knew that smoke alarms should be replaced every 10 years.
- In fires considered large enough to activate a smoke alarm, hard-wired alarms operated 91% of the time; battery-powered smoke alarms operated 75% of the time.
- Cooking is the #1 cause of home fires and injuries.
- Smoking is the leading cause of fire deaths.
- Heating is the second leading cause of home fires, fire deaths and fire injuries.
- Electrical failures or malfunctions are factors in roughly 50,000 reported fires each year.
- Roughly 30,000 intentionally set home structure fires are reported each year.
- Someone was injured in a reported home fire every 40 minutes (2008).
- Roughly eight people died in home fires every

day (2008).

- A fire department responded to a home fire every 82 seconds in 2008.
- 83% of all fire deaths and 79% of fire injuries resulted from home fires in 2008.

NFPA offers the following tips for making sure your home is protected by smoke alarms:

- Never remove or disable smoke alarms.
- Test smoke alarms at least once a month using the test button, and make sure everyone in your home knows their sound.
- If an alarm "chirps," warning the battery is low, replace the battery right away.
- Replace all smoke alarms, including alarms that use 10-year batteries and hard-wired alarms, when they are 10 years old (or sooner) if they do not respond properly when tested.
- Smoke alarms are available for people who are deaf. These alarms use strobe lights to wake the person. Install vibration equipment—pillow or bed shakers. This equipment is activated by the sound of the smoke alarm.
- People with mild to severe hearing loss can use equipment that emits a mixed, low-pitched sound. This device is activated by the sound of a traditional smoke alarm.

Smoke alarms represent a key component for home fire safety. When working properly, they alert people to fire in time to escape safely, and can cut the chance of dying in a fire in half.

NFPA is a worldwide leader in providing fire, electrical, building, and life safety to the public since 1896. The mission of the international nonprofit organization is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training and education.

This information was "reproduced from NFPA's Prevention Week Web site, www.firepreventionweek.org. © 2010 NFPA."



TRAINING & EVENTS



February-March, 2011

Conducting Excellent Performance Evaluations will be offered in 7 locations throughout the state. You may register online at www.wcrp.info and click on the Training link.

March 24-25, 2011

WCRP 2011 Spring Conference and Board of Directors Meeting, the Lodge at Suncadia, Cle Elum, WA. **Right of Way Issues** training will be offered during the Conference Roundtable. Topics included in the training are model franchise agreements, handling roadway claims, and conducting investigations in the right of way.

April 5-7, 2011

The Risk Management for Public Entities 2 day course review and one day exam will be offered. Contact Jill Lowe at jill@wcrp.wa.gov to register.

May, 2011

Employment Law Do's and Don'ts training will be offered twice. This class will provide a more in-depth analysis of the legal issues presented during the Management and Supervisory Training course. You may register online at www.wcrp.info and click on the Training link.

May-June 2011

Management & Supervisory Training will be offered five times during the months of May and June in Spokane, Yakima, Chelan, Lewis, and Skagit counties. You may register online at www.wcrp.info and click on the Training link.

July 21-22, 2011

WCRP 2011 Summer Conference and Annual Board of Directors Meeting, Marcus Whitman Hotel, Walla Walla, WA.

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

www.wcrp.info



View from the Garfield County Courthouse—a brighter day for the historic building!



Commissioner Dean Burton shares his new baby with us—a 1928 Ford Coupe Model A. Go Dean!