



County Connection

News from the Washington Counties Risk Pool

October / November 2012

CONFERENCE NEWS

The Washington Counties Risk Pool Autumn Conference was held November 8th and 9th at the Heathman Lodge in Vancouver, WA. Conference attendees earned Certified Public Official (CPO) credit for the training sessions offered on Thursday: Insurance Basics and Cyber Liability. On Thursday evening, Eric Johnson, Executive Director of the Washington State Association of Counties, presented a Legislative Update with information on topics that are important to member counties such as public records requirements, liability limits and revenue sources. At the Board meeting on Friday, Dean Burton (Garfield County) and Larry Peterson (Yakima County) were elected to the Executive Committee and Tammy Devlin (Thurston County) was elected Vice President/President-Elect.

- ◆ The 2013 Spring Conference will be held March 26th—28th at the Lodge at Suncadia near Cle Elum, WA.
- ◆ The 2013 Summer Conference and 25th Anniversary celebration will be held at the Enzian Inn in Leavenworth, WA July 24th—26th.



PUBLIC RECORDS WEBINAR

The Municipal Research and Services Center of Washington recently hosted a webinar titled, “Public Records: Tackling the Tough Questions (Including Use of Smart Phones and Other Thorny Issues)”.

This webinar, co-presented by MRSC attorney Joe Levan and Scott Sackett, Electronic Records Management Consultant for the Washington State Archives, was held on November 13, 2012. The webinar takes a practical approach in discussing some of the most difficult issues municipal officers and employees face in their daily activities concerning public records, including real world examples and recommendations related to use of personal electronic devices (e.g., smart phones, laptops). The discussion focuses on Public Records Act and records retention requirements.



You can view this webinar on the MRSC website: <http://www.mrsc.org/webinar/mrsclive017.aspx>

There is also a link on the “Training” page for Members at the WCRP website. Check it out at www.wcrp.info. While you are at the website, be sure to peruse the latest additions to the Sample Policy Library, new information is added regularly. Some of the newest documents pertain to social media policies and IT security.



Vyrle Hill



Poolside

with Executive Director
Vyrle Hill

This column, as readers of past issues recall, is intended to share a few tidbits regarding the Pool and its administration. Please take time to read these newsletters entirely for many other worthy Pool happenings.

Except for obtaining the independent actuary’s Reserving Review that will allow the final financial statements to be prepared, submitted and audited, as well as resolving the claims that remained ‘open’ at year’s end, Pool Year 2012 is basically complete. That is to say, twenty four years of operations are “in the books.”

Claims: 622 claims (and lawsuits) were added to the Pool’s claims-related database during Py2012 and raised the to-date total (Oct 1988 – Sep 2012) of third-party liability claims submitted by WCRP member counties to 18,616. Only 375 claims remained classified as ‘open’ at year’s end.

And even though nearly 40% of the claims are resolved without any payment, nearly \$205.1 million has been paid-to-date addressing all of these claims. 40% of the amounts paid (\$81.2 million) are deductibles (being) reimbursed by the applicable member counties. 3% (\$6.8 million) was covered under excess insurance policies and reimbursed by the applicable commercial insurers. The remaining 57% (\$117.1 million) represents the “risk shared” portion of the joint self-insurance coverage (being) paid from “pooled” funds – \$54.6 million retained by the Pool itself and \$62.5 million reimbursed by its commercial reinsurers.

Financial: The Pool’s year end financial statements are still being compiled, but we know that its financial position continues to improve and is the strongest it has ever been. Total Assets grew \$1.0 million during Py2012 to \$42.1 million. More specifically, Current Assets increased \$1.2 million during the year while Non-current Assets decreased \$0.2 million.

Operational: The Washington Counties Risk Pool grew from the fifteen counties recognized as its initial members August 18, 1988 to twenty eight during Py2003. Its membership then remained constant until the end of Py2010 and now consists of twenty seven Washington counties.

The Pool’s success has resulted in part from the combined efforts of the board-retained professionals (actuaries, auditors, producers/brokers and insurers) and its dedicated staff. But the contributions and involvement of its member counties’ elected and appointed officials and their employees serving as the Pool’s directors and alternate directors and as its officers and committee members are major success factors as well and certainly set the Washington Counties Risk Pool apart from most other pools. Regardless, all those involved with the Pool’s operations can be very proud of its accomplishments and success.

Executive Committee

Py 2013 President

Mark Wilsdon, Clark County

Py 2013 Vice-President

Tammy Devlin, Thurston County

Py 2013 Secretary/Treasurer

Steve Bartel, Spokane County

Other Members

Bryan Perry, Benton County

Keith Goehner, Chelan County

Drew Woods, Columbia County

Thad Duvall, Douglas County

Lisa Young, Kittitas County

F. Lee Grose, Lewis County

Dean Burton, Garfield County

Larry Peterson, Yakima County

Risk Pool Staff

Administration

Vyrle 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 McMeekin, Representative

Carli Easter, Assistant

Member Services

David Goldsmith, Specialty Services

Jill Lowe, Loss Control

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

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

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**WASHINGTON COUNTIES
RISK POOL**

Created by Counties for Counties

There are a several Pool contacts, e.g. directors, alternate directors, etc., to whom we have said goodbye to (or will by early 2013) due to their departures from their respective counties. We extend our special thanks and wish them the best that life has to offer – we’ll miss them! Included are:

- HR Director Marge Upham – was a founding WCRP director and represented Clallam County for more than 24 years (1988 – 2012). During her board tenure, Marge was elected first to serve as Operations Vice President/ Secretary (1990 – 1992), then to the Executive Committee twice (4 years), and again to serve as Secretary-Treasurer (Py1996). She also supported the Pool’s Personnel Committee for many years;
- Karl “Butch” Low – has represented Garfield County as its County Claims Administrator and its County Risk Manager.
- County Commissioners Mike Wilson and Terry Willis – have represented Grays Harbor County as director and alternate director respectively;
- County Commissioner Angie Homola – has represented Island County for four years (2009 – 2012) as director;
- General Services Director Betty Kemp – represented Island County for 20 years (1992 – 2012) as alternate director. She also served on the Pool’s Risk Management Committee;
- County Commissioner Alan Crankovich – has represented Kittitas County for five years (2008 – 2012) as alternate director;
- County Commissioner Lynda Ring-Erickson – has represented Mason County for four years (2009 – 2012) as alternate director;
- County Commissioner Stephen Bloomfield – has represented Mason County for two years (2011 – 2012) as alternate director;
- County Commissioner Andrew Lampe – has represented Okanogan County as director since October 2007. During his board tenure, Andy served two partial terms (3.5 years) on the Executive Committee. He presided over the Pool as its Py2006 President following a term as its elected Secretary-Treasurer (Py2005). He also served on the Pool’s Finance Committee;
- County Commissioner Laura Merrill – represented Pend Oreille County for five years (2008 – 2012) as director or alternate director. During her board tenure, Laura served a partial term (13 months) on the Executive Committee;
- County Commissioner Diane Wear – has represented Pend Oreille County for four years (2009 – 2012) as director or alternate director;
- County Commissioner John Hankey – has represented Pend Oreille County for three years (2010 – 2012) as alternate director;
- County Administrator Donald “Pete” Rose – represented San Juan County for five years (2007 – 2012) as director;
- Deputy Director David Kelly – represented San Juan County for two years (2010 – 2012) as alternate director;
- HR/Risk Manager Billie Kadrmas – represented Skagit County for eight years (2004 – 2012) as director. Billie also co-chaired the Pool’s Personnel Committee;
- County Commissioner Jim Richardson – has represented Skamania County for four years (2009 – 2012) as director;
- Risk Manager Marilyn Butler - represented Skamania County for 24 years (1988 – 2012) as director or alternate director. During her board tenure, Marilyn served multiple terms (8.8 years) on the Executive Committee. Marilyn presided over the Pool as its Py2011 President following a term as its elected Secretary-Treasurer (Py2010). She also co-chaired the Pool’s Underwriting Committee for many years;
- Personnel/Risk Manager Jay Winter - represented both Walla Walla (August 2003 – February 2012) and Lewis (January 1991 – December 1992) Counties as director. He was a Pool staffer (February 1993 – April 2003). During his board tenure, Jay served multiple terms (5.4 years) on the Executive Committee. He presided over the Pool as its Py2010 President following a term as its elected Secretary-Treasurer (Py2009). He also co-chaired several of the Pool’s Standing Committees;
- County Commissioner Gregg Loney – represented Walla Walla County for three years (2009 – 2012) as alternate director;

- Civil Deputy Prosecuting Attorney Randall Watts – has represented Whatcom County as director since April 1995 but plans to retire the end of February 2013. During his board tenure, Randy served three full terms (9 years) on the Executive Committee. He presided over the Pool as its Py2006 President following a term as its elected Secretary-Treasurer (Py2005). He also co-chaired the Pool’s Underwriting Committee; and
- Senior (Civil) Deputy Prosecuting Attorney Larry Peterson – has represented Yakima County as director or alternate director since April 2005 but is being laid off the end of December 2012. Larry was recently elected to

the Executive Committee, and has also served on the Pool’s Finance and Underwriting Committees;

Executive Director Contact: I remain available to respond to all member inquiries. Please feel free to share your comments, suggestions and criticisms. Knowing what our client partners are thinking and experiencing helps with determining how the Risk Pool can better serve you. Direct these to Vyrle Hill – WCRP Executive Director, 2558 R.W. Johnson Road S.W., Suite 106, Tumwater, WA 98512-6103; OR phone: 360/292-4500 extension 101, 360/292-4495 direct, 360/292-4501 facsimile, or 360/480-2116 mobile.



David Goldsmith, Specialty Services

Conference Wrap-Up

The Autumn Conference is a chance to review the previous year’s accomplishments and to begin planning for the current year’s activities. The compressed schedule for this year’s conference seemed to be a good fit for everyone’s busy schedule, as the number of participants was up from previous years.

Py (Policy Year) 2012 witnessed the Pool’s financial strength grow and claims activity retreat. In addition, the Py 2013 reinsurance renewal has the Pool taking a little larger share of the financial risk with stop loss provisions to protect the membership. In addition, the Pool’s actuary, PricewaterhouseCoopers LLP, will be conducting a financial risk analysis to give the Pool’s Board of Directors a clearer understanding of what resources will be necessary to finance additional risk should it become desirous or necessary to participate to a greater extent in currently re-insured layers.

Our goal, as staff to the Pool, is to provide its member counties with a quality program that meets or exceeds their expectations. To this end we survey the membership every other year to gauge how we are doing program by program, and in overall service delivery. Claims administration services rated a 4.60 on a scale of 1-5; loss control services rated 4.30; member services rated 4.45; and management /governance services rated 4.31. The satisfaction rating for the Pool and the services it delivers to its membership rated overall a 4.63, the best rating since we began surveying the membership. The staff at the Pool thank you for the support as we service your insuring and risk management needs.

Wahkiakum County has sent its present provider a provisional letter of withdrawal. This will provide the opportunity for WCRP to perform basic underwriting of the county for an insurance quote. One of the benefits of membership is the way in which we conduct our business and serve our membership. If you know any of the Wahkiakum County leadership, feel free to share with them your experience as a member of the Risk Pool. This should help them with their ultimate decision.

As this is the last newsletter before of 2012, we wish each of you and yours a most joyous holiday season, and we look forward to serving you in the New Year.



On October 19th, Linda Reimer (Adams County) participated in the annual Mennonite Country Auction & Relief Sale. Over \$119,000 was raised at the event to help the needy. The event included an auction, food stands, craft booths, demonstrations and a raffle. Jill Lowe from the Risk Pool staff attended the event as well. If you enjoy homemade items like quilts and apple butter, put this event on your calendar for next year!



Jill Lowe, Loss Control Coordinator

Thurston County Public Records Requests

With difficulty and determination, counties have developed procedures to manage public records requests. Most counties would say that while they have a process to follow, the process could be made more effective. Several months ago, Thurston County decided that it needed an internal system to initiate and monitor public records requests. They decided that Microsoft SharePoint software was the way to go.

I met with Tammy Devlin, Thurston County Risk Manager to discuss their newly developed public records request process. Looking over Tammy's shoulder onto her computer screen, it looks pretty darn easy. With a click of a button, Tammy brings up the "Public Records Request Administration Form." The "InfoPath" form that pops up, tracks all public records requests including workflow and reminders of time-critical milestones. In addition to reviewing all public record requests, administrators have the option of clicking a link to:

- Start a new Public Records Request
- Browse the Public Records Request library
- Visit Appendix C - Public Record Response Examples
- Review Exemption Log Examples

Authorized administrators are assigned to each department and they are the only ones that can initiate a request or view an existing record. One of the many useful features of the process is that when initiating a request, the administrator simply clicks on time sensitive reminders and they will receive an email reminder of what must be accomplished by a certain date.

After Tammy showed me her view of the process, we visited with Dan M. who spent two months developing the program. (Dan M. did not want to share his name with the general public. He prefers that if you have questions, you contact Tammy.) Dan described a few of his favorite things about the program.

- The SharePoint software is affordable. The County is using the middle level of the software program with standard licensing. Many more bells and whistles could be programed in but the cost would increase significantly.
- The program tracks hours. By tracking the number of hours spent on each request, reports can easily be run detailing the time and internal cost of managing public records requests within departments and for the entire county.
- Frequently requested documents are tracked. These documents can be more prominently posted on the website to encourage the public to print or view them without needing to make a document request.
- Each administrator can easily review their progress. Some administrators, such as Tammy, can review all active and complete requests. Her review just might ensure that record requests are completed in a timely and thorough manner.

Dan tells me that SharePoint has a few weaknesses. There are a limited number of people allowed at a time onto



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the database. This means administrators need to exit the program when done. Development of the program took several months of Dan's full time attention. It is not an easy to use, intuitive program. He has become very accomplished at programming in SharePoint but it takes coordination and communication with other departments when developing an extensive program. While the programming took a fair amount of Dan's time, it was determined to be more cost effective than asking an outside consultant to develop the program. Over all, it appears that the program has proven to be very successful for Thurston County.

Now that Thurston County has a fairly proficient SharePoint programmer, they are developing a second program. County officials who want to be on the upcoming Board of County Commissioners agenda must submit a request using SharePoint. The requester fills in the form completely including attaching supporting documents, length of time needed and other county officials who will be part of the presentation. The program, with little oversight, develops the meeting agenda and substantially completes the minutes once the meeting is complete with very little additional work. Besides ease of use, transparency is a significant outcome.



Tammy Devlin, Thurston County Risk Manager and WCRP Vice President/President-Elect



TRAINING & EVENTS



Washington Counties Risk Pool (WCRP) has partnered with the Washington Cities Insurance Authority (WCIA) and Enduris to present one of the most well-known national speakers on law enforcement risk management, Mr. Gordon Graham. We extend a special thank you to LEXIPOL for their generous sponsorship of these sessions.

Please join us for a full day of training on risk management issues:

- Job Based Harassment – Techniques for Elimination: This issue is one of the hottest topics in employment law today. In this program, Gordon provides the history and some proven control measures to address this issue in advance so it will not negatively impact your personnel or workplace.
- Maximizing the Effectiveness of Performance Evaluations: An operational risk management approach to this important document. From analyzing the job description and setting goals to interim feedback and preparation of the document, this two hour block is an excellent wake up call to prevent the common problems caused by not taking the process seriously. Attendees will receive a copy of "GRIPE, Graham's Rules for the Improvement of Performance Evaluations."
- Seven Rules of Admiral Hyman Rickover: Admiral Hyman Rickover is known as the "Father of the Nuclear Navy." This portion of the U.S. Navy has a reputation for excellence as well as a phenomenal safety and reliability record. Admiral Rickover developed some rules for success in dealing with the risks he faced in working with nuclear power. How do these rules apply to you in your organization? A funny yet information packed program that applies to any risk-centric organization.

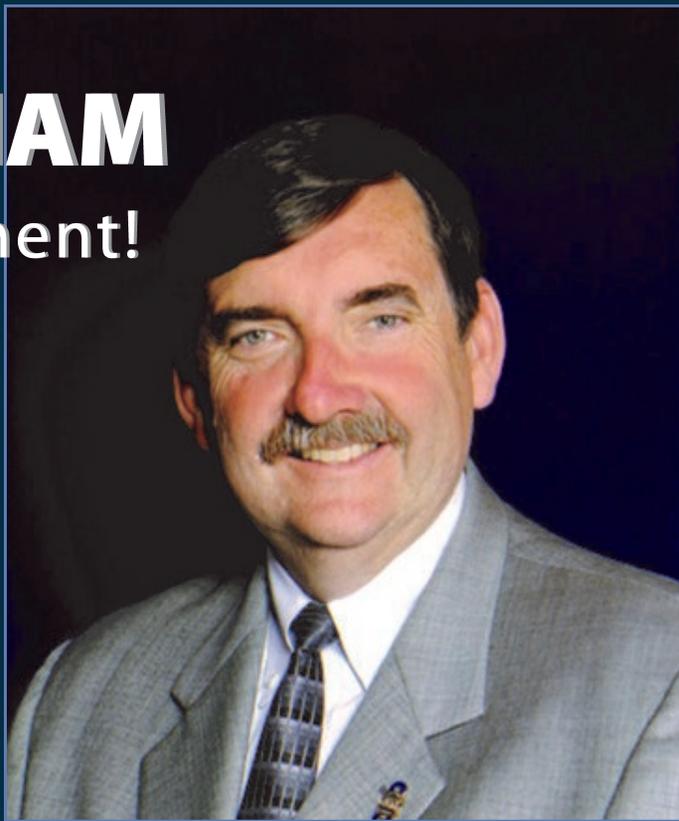
Mr. Graham will be speaking in Spokane on February 5, 2013 and Burien on February 6, 2013. See the flyer on the next page for more information. As a WCRP member, we bring this seminar to you and the Law Enforcement Officers of your county at no cost (a \$150 value). There is no limit on the number of attendees you wish to send. Lunch and materials are provided. Register at www.enduris.us. For further information, contact Jill Lowe at the Risk Pool, 360-292-4492 or jill@wcrp.wa.gov

GORDON GRAHAM

Guaranteed Entertainment!

"Most of the things we do, we do right. When things go wrong, there is usually a reason why."

~ G. Graham



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RISK POOL**
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SPOKANE, WA

February 5, 2013

Spokane Convention Center
Conference Theater
334 W. Spokane Falls Blvd.

BURIEN, WA

February 6, 2013

WA State Criminal Justice
Training Commission
19010 1st Avenue South

TOPICS:

Job Based Harassment—Techniques for Elimination
Seven Rules of Admiral Hyman Rickover
Maximizing the Effectiveness of Performance Evaluations

COST: \$150 - first attendee | \$50 - each additional staff
72-hour cancellation required | \$35 No-show fee

NO-CHARGE for members of Enduris, WCIA, and WCRP
Both days are 8:00 am—4:30 pm
Registration begins at 7:30 am | Lunch is included

Register at
www.enduris.us



Here is the latest risk management Question of the Month from the HR Risk Management HELPLINE for WCRP Members' HR Express Update:

October Question:

I was previously told when an employee makes a complaint about another employee but doesn't want their name mentioned that they don't have the right to be anonymous. What is the best way to tell the complaining employee that? What if they insist, do we still have to address the person that the complaint was made against?

Response:

The employer has a duty to, and thus must conduct, a prompt investigation of the allegations raised, and particularly if the allegations are in the nature of unlawful harassment, discrimination or other unfair treatment. Even if a complaint does not allege conduct that may be unlawful, from a policy and employee relations standpoint the employer should still seek to conduct a thorough investigation to ensure that no employees are violating its policies and that the work environment is safe and comfortable for all employees. Either way, the investigation must be conducted and this is true even if the complaining employee objects to an investigation or wants to remain anonymous.

While the employer can assure the complainant that it will not disclose his or her identity to anyone who does not have a legitimate need to know it, the employer cannot guarantee his or her anonymity; indeed in most cases it is impossible to interview witnesses or an accused employee without disclosing the allegations against them. If the alleged harassment or other misconduct was not directed at the complaining employee, however, (and he or she merely reported what was observed or heard about), then in that case it may be possible for the employer to conduct its investigation by letting other witnesses and the accused employee(s) know that "it has come to the employer's attention that ..." without disclosing the identity of the complainant.

On the other hand, if the complainant has alleged that he or she was the recipient of the harassment, mistreatment or other misconduct, then in that case the employer may need to present the allegations, including the complainant's identity, to witnesses and the accused in order to obtain a specific response from them as part of a fair and proper investigation. Either way, the complaining employee should be obligated (by company policy) to cooperate in any such investigation, and can (and should) be disciplined consistent with company policy and past practice if he or she deliberately refuses to do so.

At this point the subject employee has already come forward with his or her complaint. Ideally he or she should put the complaint in writing, but if the employee refuses, the employer should document the conversation that already

occurred with the employee so there is written evidence that it took place, and have the employee sign it (indicating any corrections). The employer should then interview witnesses, review any relevant documents, and then let the accused co-worker know of the allegations and give him or her an opportunity to respond to them. If it appears that the co-worker has engaged in improper behavior, the company should consider taking appropriate corrective action warranted by the results of the investigation and consistent with company policy and practice, and this is true even though the employee who complained has asserted that he or she wanted to remain anonymous (or did not want to get anyone in trouble, or anything along those lines). Indeed, if the co-worker has engaged in unlawful misconduct, the employer has no choice but to take appropriate action.

The employer should ensure that the investigation and outcome are properly and thoroughly documented and stored separately from personnel files (although disciplinary action should of course be in the appropriate employee file). The employee who complained is not entitled to know all of the facts associated with the outcome, and can simply be advised, once the investigation concludes, that it was handled properly and should not occur again. He or she should also be told and understand that he or she will suffer no retaliation for having come forward, and you should make clear to him or her that if he or she believes or perceives that he or she is or has been retaliated in any way for having complained, he or she should let management know immediately so that further appropriate corrective action can be taken.

November Question:

Would it be legal to require all employees to be over the age of 18 (i.e. no minors)?

Response:

Yes. The federal Age Discrimination in Employment Act (ADEA) forbids employers from discriminating against persons age 40 and over on the basis of their age, but the law protects only those individuals who are in the protected class (i.e., age 40 and over); it does not provide protection for workers below age 40.

Thus, while the ADEA generally makes it unlawful to include age preferences, limitations, or specifications in job notices or advertisements, this requirement would not apply to setting a MINIMUM age (i.e., 18). Rather, it is intended to prevent employers from preferring, limiting or specifying a certain or MAXIMUM age that would discriminate against older workers (i.e., a requirement that applicants be younger than 40 would be unlawful). Some state laws may differ on this but we are not aware that the law in your state does.

Source: HR Risk Management HELPLINE, www.hrhelpline.com/wcrp, November 2012

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