TRAINING AND EVENTS

2012 Upcoming Training and Conference Dates

May
5/1 Conducting Difficult Conversations Class Location: Lewis County
5/3 Conducting Difficult Conversations Class Location: Clark County
5/14 Conducting Difficult Conversations Class Location: Jefferson County
5/16 Conducting Difficult Conversations Class Location: Skagit County
June
6/15 Conducting Excellent Performance Evaluations Class Location: San Juan County
July
7/25-7/27 WCRP Summer Conference and Annual Meeting, Shilo Inn Ocean Shores

PLEASE NOTE: These training classes are open to all member county attendees, regardless of the class location. *There is no registration fee to attend these classes, but you must pre-register on-line at the Pool's website: www.wcrp.info*

Find more detailed information including class descriptions and to register for classes and events on the Pool's website: www.wcrp.info

The Pool's newest employment related workshop, **Conducting Difficult Conversations** has been well received and we have heard many positive comments regarding the class and the trainer, Connie Poulsen. In fact, just about every class session across the state has been completely full (and some even over filled!) We had to add an extra class in Yakima to accommodate the demand. There are still spots available in Mason County on May 14th and Skagit County on May 16th. The classes in Lewis and Clark Counties are full.

Here are some of the comments we have received regarding the class and Connie Poulsen this year:

"This is a huge success that the class has this much demand. Connie is such a great presenter that people have enough faith in her to dedicate a full work day. It is a bit of a pain but worth it."

"I just wanted to follow-up on the class Connie Poulsen presented on "Difficult Conversations" here in Wenatchee. Loved it!! I feel very empowered and inspired by her positive words and useful tools and tricks to use in having those difficult employee conversations. Thanks to both you and her for the fabulous presentation. Well worth the day away from work!!!"

Regarding the Management and Supervisory basic class:
"Once again, I was very impressed. I attended the Management and Supervisory workshop (including Employment Law). Both workshops are a "must" as far as I'm concerned. Thank you for providing these classes. The presenters are superb!"

POOL NEWS

The Washington Counties Risk Pool Spring Conference took place March 21st through March 23rd in Kittitas County. With plenty of snow still on the ground, it didn't feel as though spring had arrived! There were more than 60 attendees, and every member county was represented with only one exception. As in the past, some valuable training and presentations took place at the conference. Wendy Jones, Whatcom County Chief of Corrections, presented on the topic of the Mentally Ill in Jails, attorney Michael Patterson gave an interesting perspective on Tort Reform, and Eric Johnson, Executive Director, and Brian Enslow, Policy Director, with WSAC, delivered a timely Legislative Update on issues important to WCRP counties. On the business side, Drew Woods from Columbia County was elected to the Executive Committee. We hope to see many of you at this summer's Conference and Annual Meeting July 25th – 27th at Ocean Shores in Grays Harbor County.

Executive Committee

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WASHINGTON COUNTIES RISK POOL

Created *by* Counties *for* Counties

Summer Conference Preview

Many county participants have expressed missing the true "Round Table" format of sharing county successes, defeats and current challenges. You spoke and we are responding!

Come to Ocean Shores this July prepared to discuss at least one current county issue… something that has worked for you, or an area with which you need help.

Let's get to know each other better and take special note of people whom we might call for consideration as well as advice.

CONGRATULATIONS!

Jon Hutchings and Peggy Hintz of **Whatcom County**, both recently earned their Certified Public Official certificates!

The Certified Public Official program is administered by Michelle Nelson with WSAC through CTI, the County Training Institute. The program is committed to strengthening and promoting leadership capacity of elected and appointed county officials in Washington State. The CPO program is open to all counties' elected and appointed officials and management staff in Washington. WCRP is one of the supporting partners in the CTI program. The other supporting partners are the Washington State Association of Counties and its Affiliates, the Washington Association of County Officials and its Affiliates, and the County Road Administration Board.

For more information on CTI and the Certified Public Official program, go to http://countytraininginstitute.org

Electronic Fleet Management Utilizing GPS in County Vehicles – What Are The Benefits?

A few years ago, Douglas County purchased a GPS-assisted Electronic Fleet Management System for 25 of their trucks and graders, sweepers and weed spray vehicles. County Engineer, Doug Bramlette, said the county selected Zonar Systems because they had a solid reputation and were a Pacific Northwest company. The Zonar System allows Douglas County to look closely at truck issues, idle time, speed, and location. Right away the system showed that engines were idling too long. Every hour of idling can burn a gallon of fuel and may defeat engine warranties. Based on this information, the County made a drastic reduction in idle time which resulted in fuel savings. In addition, the county was getting complaints that trucks were driving too fast. The system has been used to prove that most trucks were in fact driving at the appropriate speed.

Another big benefit of this system is that it reports engine diagnostics. On one occasion, there was a truck with a brake system issue. The office was alerted and notified the driver to bring in the truck before he even knew that there was a problem.

In all honesty, county trucks occasionally were driven too fast on primitive roads. Not only was this a safety concern, but excessive truck speed can result in damaged roads. Doug noted that installation of this system has reinforced the message to drivers that they don't need to hurry while conducting County business, and that they are expected to drive safely at all times. Drivers are now driving the posted speed limit which has cut down on both fuel and road repair costs, and the trucks are in need of fewer repairs due to the slower speeds. The data is also used in reports to demonstrate that roads are being maintained as required.

Another unexpected advantage was discovered during the first winter this system was used on snow plows. Monitoring of snow routes found that trucks were plowing roads that didn't need to be plowed. Costs were cut by concentrating only on areas that were approved for plowing.

There have been so many benefits that Douglas County intends to purchase more units. It turns out that these units can perform engine diagnostics during the morning vehicle inspection. A quick diagnostic can confirm that systems are operating correctly. This data will be helpful in documenting and performing maintenance.

An issue for all counties considering the installation of GPS-assisted fleet management systems is the concern from employees that big brother is watching. Yes, some extended idling periods and speeding have been eliminated as a result of the monitoring. This was a minor issue and handled in a non-disciplinary manner. Of significant benefit were the cost savings to the County and improved documentation.

Mason County recently decided that they wanted to follow Douglas County's lead. They contacted Zonar Systems and were pleased to be provided with 17 units free of charge. Zonar had recently upgraded their systems and donated these older units to Mason County. Here's how these systems work: the GPS-assisted units are a small black box installed in

the vehicle. Two antennas use satellite and cell phone connections in order to report back to the base. (If the vehicle is out of satellite or cell phone range it will report when it is back in range.) The units were installed in heavy and medium dump trucks and heavy duty flatbeds. These are primarily vehicles that are used for sanding and carrying rocks. These vehicles are out in the worst weather conditions and the County wanted to know where they were for safety reasons. Brian Matthews, Mason County Engineer, reports that although the units were provided free of charge, there is a monthly service cost for the cell phone connections for each unit and vehicle monitoring. For 17 units the cost for the cell phone connection and tracking plan is about $5,000 per year.

To utilize the fleet management data, Mason County logs into the Zonar web site to view the history and data for each vehicle. They see how long the truck has been left idling, where it was located, how fast it traveled and where it traveled. In the future, Mason County plans to start collecting data for sanding and plowing operations. They want to know when the plows are down and when they are up and when the sander spreader is on or off. This information will be useful when responding to complaints and claims.

Are they satisfied with the program? Brian has found the program useful. When someone has a complaint about a county truck, the County now has the ability to determine if the claim might be true or not. What about those union issues? The previous Public Works director had a meeting with the union and told them the units were going to be installed. There was some concern about the monitoring of drivers and vehicles but this has not been an issue. It is important to note that this is a trial run and the county is still determining if they will keep the systems.

What about claims? Has this cut down on costs? Dawn Twiddy, County Risk Manager and Brian confirm that the systems have definitely had a positive effect. A county resident recently filed a claim for windshield damage caused by a county truck. The data showed that not only was there no truck in the area at the time specified but that all county trucks were safely tucked in for the night in the county parking lot. What about a recent claim for rock chip damage? The claimant provided the location, time of day and the direction the truck was headed. Sure enough, the system data confirmed that a truck met those criteria and the claim was paid.

Brian noted that jurisdictional issues are difficult. State, county and private trucks often look the same to citizens. This system helps distinguish whether a claim is valid. The County has avoided two or three claims and they have confirmed four. The reputation around the county has been that if a driver puts in a claim, Mason County will pay. This is helping to turn that reputation around. The county previously paid a lot of windshield claims and they had no way to prove whether they were at fault or not. Mason County is willing to pay claims if they are responsible for damages and will deny claims that are unfounded, using the data for documentation.

Note: Spokane County has installed over 70 similar units in the last year and they have already proved effective in improving snow plowing operations and providing an argument free tool in claim-related loss decisions. The County knows the exact time a snowplow was at a location, if the plow was up or down, the path it traveled (showing bread crumbs on the computer screen), when the snowplow stopped, when the street was plowed, etc. Risk Management believes this will be a great improvement for their office as well as the public who will be able to get online and eventually see real time plowing.

Helpline News

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

March Question:

We have a long-term employee who is no longer working well with her manager, although she tries very hard. He hired a second assistant for the same position two years ago, and has slowly been moving work away from the first. We don't really want to fire her, because she's been a good, loyal employee, but it seems that she and her manager are just done working well together so she should move on. Can we legally let her go for job performance but not dispute unemployment? If so, are there any pitfalls we should watch out for?

Response:

If the subject employee is not meeting performance expectations, and/or is insubordinate and/or unable to get along with a supervisor to whom she reports, the employer is not obligated to retain her in employment if the relationship is at will and a discharge decision on these grounds is not inconsistent with employer policy and practice. The employer cannot, however, take her age or health condition into account when making any decision with respect to her, as this can invite age and disability discrimination claims that may be difficult to defend (if defensible at all).

The best practice is to treat the subject employee as you would any other similarly-situated employee who engaged in similar misconduct or is otherwise not able to get along with her superior. When letting employees go, it is always a best practice to be candid with them. The employer should always have a legitimate, non-discriminatory and non-retaliatory reason for seeking to end an employment relationship, and when this is the case (as it always should be), there is no reason not to let the subject employee know what it is. Offering a vague, soft, or worse -- false -- reason can create significant credibility issues for the employer later on, particularly if the decision is challenged and the employer defends such challenge with evidence of the "real" reason it let the employee go.

When this "real" reason is something other than that which the employee was told at the time of separation, the employer's credibility can be difficult to rehabilitate. Should any separated employee file a claim for unemployment compensation benefits, the employer generally will be required to let the state agency know the reason for the separation, but otherwise does not have to overtly "contest" the claim.

April Question:
There have been two separate complaints in two weeks about employees creating a "hostile work environment" for another employee. The "hostile" environment just seems to be strong personalities overpowering more timid personalities. I did not hear anything in the complaints about a protected class. What future steps should we as the employer be taking? Should we be interviewing all parties involved and documenting those interviews?

Response:

Employers have a duty to promptly investigate threats, workplace violence, and/or complaints, which may cause harassment or create a hostile work environment. This is true even if the situation complained of does not necessarily rise to a level of unlawful activity. Although each situation is different, as a general matter the employer should first take a written full statement from the alleged victim/complainant, or the employer should write down the conversations then obtain information about each and every instance of the alleged hostile work environment, when and where they took place, and who, if anyone, was present at the time. The employer should then meet with any identified witnesses and take statements, written if possible, but if not the employer should summarize the conversations as well.

The purpose for the documented investigation is to determine whether any individual has (a) violated company policy and/or (b) created a hostile work environment with their comments or conduct. It is then up to the employer to make a reasonable determination of whether a violation occurred based on all the information it has at its disposal including the objective witnesses' statements. Based on the results of the company's investigation and review of the company's handbook policies, the employer should issue discipline consistent with the company's policy and past practice and document the exact basis for issuing the specific discipline. Depending on the comments made, there could be an issue as to whether the employees' comments constitute unlawful discriminatory and/or unlawful harassing comments. The employer's response to the allegations may be lenient if the investigation does not uncover significant -- or even any -- policy violations, or severe up to and including discharge if the investigation reveals misconduct on the part of the employees that is grounds for dismissal, or somewhere in between.

Even where employees' misconduct is not unlawful, the employer can and should still require employees to conduct themselves in a professional and businesslike manner, and can issue discipline, even termination, when employees are unprofessional or are otherwise disruptive. The employer's documentation should be placed in a separate investigative file, and any disciplinary action that would be issued should of course be placed in the appropriate employee's personnel file. The disciplined employee(s) should be reminded that the employer has a policy against retaliation, and should let all employees know that if there is anything further the employer has an open door policy, as we trust it does.

Source: HR Risk Management HELPLINE for WCRP Members, www.hrhelpline.com/wcrp, April 2012