



# County Connection

News from the Washington Counties Risk Pool

June / July 2012

## CONFERENCE NEWS



### WASHINGTON COUNTIES RISK POOL

2012 Summer Conference / Annual (Board of Directors') Meeting  
Wednesday, July 25 – Friday, July 27, 2012

*The conference will take place at the Shilo Inn and Suites located in Ocean Shores, WA in Grays Harbor County*

Complete conference information including registration instructions and the preliminary agenda are web-accessible at [www.wcrp.info](http://www.wcrp.info)

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### *Member Specialty Services Update from David Goldsmith*

By the time this newsletter goes to press, Executive Director Vyrle Hill and I will be half-way through this year's Member County visitations cycle. As requested by the membership, the focus of this year's presentation is claim statistics as cost drivers to the liability program. This is in addition to a general overview of the Pool, how it functions, and its current financial position.

Claims data is usually viewed in three broad categories; General Liability, Auto Liability, and Employment Practices Liability. For the purpose of fully understanding the origin of claims, these broad categories are further broken down into nine sub-categories: Utility Design and Maintenance, Road Design and Maintenance, Negligent Vehicle Operation, Facilities and Parks (with slip and fall included), Government Operation and Supervision, Law and Justice Issues, Land Use Permit and Planning, Employment Law Issues, Other (Unspecified). Those are similar to the annual summer report loss runs that County Risk Managers are accustomed to reviewing.

In order to fairly compare one jurisdiction's claims activity against another or against the Pool as a whole, a full array of exposure data was developed (worker hours, licensed vehicles, total population, unincorporated population, and center line road miles). This exposure data provides common denominators from which to evaluate claims activity based on the nine sub-categories. In order to see the trending of claims, this data is further broken down over time; the most recent three years, the preceding three years and the total activity since 1998 when the Pool dropped to a \$100,000 SIR. The data provided includes all the individual member counties, as well as the Pool in total. What is fascinating about this data is that a jurisdiction can see what types of claims make up their claims history and how much these claims are costing.

Continued on next page

*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**
- Marilyn Butler, **Skamania County**
- Drew Woods, **Columbia 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 Daly, **Representative**
- Carli Gochmour, **Assistant**

Member Services

- David Goldsmith, **Specialty 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. Have story/photo ideas? Please submit them to the email address above.



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Continued from previous page

Current trends show a decrease in activity in the most recent three year cycle compared with the previous three year cycle, both in number of claims submitted as well as the total cost of those claims. And while there is fluctuation between the different claim categories, in aggregate the trends are promising. Of particular interest is the big cost driver of employment and personnel claims which has shown a decrease both in frequency and severity; perhaps a positive response to the investment the Pool and membership have made in employment related training and pre-defense reviews.

We are of the opinion that the data provided is very useful in helping the membership understand the big picture and how an individual jurisdiction contributes (positively or negatively) to it. It is also a good way to demonstrate how the loss control program has responded to adverse trends and activities, and the on-going investment the Pool and its membership are making to control the myriad of exposures involved in running County Government. We look forward to meeting with those we haven't yet had a chance to meet, and we would welcome any feedback those of you who have received our presentation are willing to provide. We can only make these visits useful if we are aware of the membership needs.



David Goldsmith,  
Specialty Services



Drew Woods,  
Columbia County

**Drew Woods of Columbia County was elected to the WCRP Executive Committee at the Spring Conference in March 2012.**

Drew is currently the County Engineer and Public Works Director for Columbia County. Drew grew up in Idaho and California and studied at Oregon State University receiving his P.E. in Civil Engineering. He previously worked for the State of Idaho, in the Lewiston office, as the District Materials Engineer and later as a Resident Engineer. Drew has been with Columbia County since 2006 and oversees Road and Bridge Operations, County Fairgrounds and Golf Course, Solid Waste Division, and County Fleet Operations as well as being the County Risk Manager.



The U.S. General Services Administration (GSA) has a free app available for Apple, Blackberry and Android devices.

The app allows travelers to look up Federal government per diem rates by city/state and ZIP code in locations throughout the United States and its territories. Per diem is the daily allowance for lodging (excluding taxes), meals and incidental expenses. Search the app store on your device or see the GSA website for more information:

<http://www.gsa.gov/portal/category/102091>

# MEMBER SERVICES



Jill Lowe, Loss  
Control Coordinator

One of the perks of being a member of the Washington Counties Risk Pool is the opportunity to interact with other counties and hear about alternative ways of conducting business. The Risk Pool is here to assist member counties in many ways. One of the perks loss control provides is management of a list serve. It's simple, but helpful. When a county risk manager needs to know how other counties perform a certain function, they simply pose their question which is then passed on to all twenty-seven county risk managers. And the wisdom flows in...

One question recently put forward to the list serve asked about dog bite prevention. *"I would like to know if any member counties have a policy that covers what field employees can do to protect themselves from dogs (and other animals such as cougar and bear). This mainly applies to positions such as Appraiser, Building Inspector, and Noxious Weed employees. Our safety committee discussed a variety of things, like dog bite sticks, mace, or even a concealed weapon (with proper license of course). I'd love to hear how other counties handle this."* The following are some of the responses received.

- Our Animal Control folks are trained and carry pepper spray. For Animal Control, Assessors, and Code Enforcement, we looked at the whole gambit, from firearms to batons. We finally went with training on verbal judo, de-escalation training and techniques, advice on how to handle known problems like doubling up on personnel when required, and coordinating with 911 when they may be going into a known hazard.
- We seriously looked at baton training with law-enforcement flashlights but politics killed that. We decided pepper spray for the animal threats, and no weapons for the human threats.
- Spokane County SCRAPS (Spokane County Regional Animal Protection Agency) uses pepper spray, de-escalation techniques and training for loss prevention techniques. The following link provides excellent, free training to share. Check it out. <http://dai.ly/h54Mje> (Note: This video really is worth checking out.)

And of course, there's always the joker...

- When it comes to bears, the simple rule is: "You only have to be the second fastest when running from a bear"
- The only proven way I know of to stop a bear attack is with Clay Matthews. Yes, that was a football joke.

Other questions in the last few weeks have dealt with utilizing an emergency notification system, policies, protocols, rental agreements and words of wisdom regarding security at fairground events, and hold harmless, liability language and the "typical" level of liability coverage expected for health care providers for correction facilities.

If you would like assistance with a policy, purchase, training, etc... contact your county risk manager who might just choose to engage their county peers in the discussion.

# TRAINING UPDATE

From Jill Lowe,  
Loss Control Coordinator

Connie Poulsen has been providing leadership and management training for member counties for nearly five years. She recently conducted eight classes throughout the state, titled "Conducting Difficult Conversations." This is the third in a series of classes geared toward decreasing the number of employment related cases. Employment related claims and lawsuits are by far our most expensive type of allegation. Funds to provide these classes are provided by ACE, one of the Pool's insurers.

The turnout for the classes was impressive with 409 attendees representing 24 counties. As always, attendees felt that their time was well spent. The following are some of the comments received when attendees were asked "What was the most helpful section or subject of the class?"

- The most valuable piece was understanding how people will attempt to derail the conversation. We were provided responses to help achieve our goals and communicate expectations.
- Having a very comprehensive tool to use in the future "Difficult Conversation Checklist."
- The most helpful subject was the checklist and the fact that we referred back to it every time we looked at a new case study. It helped me really understand the importance of preparation.
- All areas of the class were exceptional, in my opinion. A wide variety of topics were discussed, with adequate time being given to each.
- The case studies and talking together really helped our office to understand that we do not exist in a vacuum and that everyone experiences the same HR problems that we

do. We learned great techniques to deal with these issues.

- Understanding practical and managerial consequences of conversations and the tools provided to handle real conversations

Connie presented case studies of actual county situations. She handed out the "Difficult Conversations Checklist" and asked attendees to refer to the checklist each time they prepared to conduct a conversation based on the scenario provided. Several attendees noted that they brought the checklist back to their workplace and suggested that co-workers utilize it when preparing for future conversations. With Connie's permission, we share that checklist with you and recommend that you spend some time with it prior to handling difficult conversations.

1. Why am I having this conversation?
2. What do I want to accomplish?
3. What are the facts?
4. Who needs to attend the meeting?
5. Have I checked with the appropriate resources? (HR, PA, my manager)
6. Am I being consistent with the application of policy?
7. Describe the issue to be resolved.
8. What is the policy regarding this issue?
9. What documentation do I have?
10. Where and when will this conversation take place?
11. What are the likely responses?

The Pool is pleased to report that employment related claims and lawsuits are, in fact, decreasing. We appreciate the member counties' commitment to loss control by encouraging their employees to attend trainings that will decrease these costs and make the workplace a more pleasant place to work.



# Helpline News

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

## **June Question:**

*Is it possible to have an exempt employee who is paid on an hourly basis? We have an employee who was working full time, 40 hours a week, as an exempt employee (falls under the learned professional exemption). He is now going back to graduate school and wants to work part time during his school breaks (summer and winter). When he does so, he will be doing the same duties and activities as before. Would it be possible to change him to an hourly rate since his work schedule will be sporadic? If we change him to hourly, does this also mean that he goes from exempt to non-exempt status, meaning he will now be eligible for overtime?*

## **Response:**

To qualify for the professional exemption, an employee must not only meet the duties test associated with that exemption but must also be paid on a salary basis. Payment on an hourly basis renders any employee ineligible for this exemption. If the subject employee goes to part-time status (also incompatible with exemption status) while he attends school and is paid on an hourly basis, he will not qualify for exemption status.

The employer should reclassify him as non-exempt and in this regard, must ensure that minimum wage and overtime obligations are satisfied (although it is unlikely he would work more than 40 hours per week as a part-time employee). As a non-exempt employee, the employee must keep accurate records of hours worked too. We would encourage you to consider revising his job title; indeed, while job title is not dispositive of exemption status, having exempt and non-exempt employees (or even the same employee) carry the same job title can create confusion and jeopardize the

exemption (even if it was proper, previously). For more information on exemption criteria, please see:

[http://www.dol.gov/whd/regs/compliance/fairpay/fs17a\\_overview.htm](http://www.dol.gov/whd/regs/compliance/fairpay/fs17a_overview.htm).

## **July Question:**

*We have just become aware that a few of our long-time employees, employees who were hired prior to using E-Verify, are not legal residents of the U.S. What are our legal obligations regarding their employment? Do we need to terminate them or are we allowed to continue employing them?*

## **Response:**

If the employer at any time during an employee's employment discovers that an employee is not authorized to work legally in the United States, employment must be terminated immediately. The employer can face significant liability if it knowingly continues to employ a worker who lacks legal authorization to work in this country, and in this regard we do not advise that the employer merely "take the employee off the schedule," rather, the employment relationship should be terminated. The employer must pay the employee all wages due though, and we recommend that you consult with an accountant or tax specialist for guidance in properly reporting the final wages to the IRS and state or local revenue authorities in view of the fact that the social security number is not assigned to the employee in question.

If the subject individual later seeks to become reemployed with appropriate and valid documentation evidencing his authorization to work in the U.S., it is up to the employer to determine whether it wishes to rehire any individual who previously obtained employment fraudulently and under false pretenses, if that was the case with any of the employees you mention.

Source: HR Risk Management HELPLINE for WCRP Members, [www.hrhelpline.com/wcrp](http://www.hrhelpline.com/wcrp), June/July 2012

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