



# County Connection

News from the Washington Counties Risk Pool

November / December 2013



**David Goldsmith**, *Member Specialty Services*

Well it is that time of year when we take a moment to reflect on this past year and look forward to beginning a new one. The Washington Counties Risk Pool continues to grow stronger each year, in no small part due to the concerted efforts of the Pool's Board of Directors, Risk Managers, and Claims Administrators. Through all of your collective efforts, the Pool will finish this year in the best financial position in which it has ever been. However, it is not only the financial position which speaks to health of the Pool, but the willingness and ability of individual counties to manage their claim activity at home, to bring their experience to the table and make collective decisions in the best interest of the Pool.

We celebrated our Silver Anniversary this year. Twenty-five years in which the Pool has grown and matured to better serve its membership. When compared to its peers, the Washington Counties Risk Pool is viewed as one of the best. A contributing factor to this success is that we have not ventured far from our roots as an organization created to serve counties; "*Created by Counties for Counties.*" In 2013, we said goodbye to several Directors, Risk Managers, and Claims Administrators who have either retired or gone on to other new adventures. While it is hard to say so long to Pool veterans, their replacements bring new ideas and skills which will only serve to strengthen this organization over time.

As we close out 2013, we wish each of you the very best that the Holiday Season brings and we look forward to serving with you in 2014.

Sincerely,  
Washington Counties Risk Pool Staff



## ***Photo Inquiry - Survey Results***

Thanks to those of you who took the time to complete our survey about adding a photo page on the secure portion of the Risk Pool website. 70% of those responding thought it would be helpful to have photos of Risk Pool conference attendees available. We are currently considering how to make this project happen while maintaining appropriate security. If you have any further comments or ideas to share regarding this subject, email Stacey at [stacey@wcrp.wa.gov](mailto:stacey@wcrp.wa.gov)

### ***Executive Committee***

#### **Py 2014 President**

**Tammy Devlin**, Thurston County

#### **Py 2014 Vice-President**

**Andrew Woods**, Columbia County

#### **Py 2014 Secretary/Treasurer**

**Keith Goehner**, Chelan County

#### **Other Members**

**Thad Duvall**, Douglas County

**Robert E. Koch**, Franklin County

**Dean Burton**, Garfield County

**David Alvarez**, Jefferson County

**Lisa Young**, Kittitas County

**F. Lee Grose**, Lewis County

**Lisa Ayers**, Pacific County

**Steve Bartel**, Spokane County

### ***Risk Pool Staff***

#### **Administration**

**Vyrle Hill**, Executive Director

**Sue Colbo**, Accounting Officer

**Stacey Spears**, Administrative Assistant

**Debbie Larsen**, Office Assistant

#### **Claims**

**Susan Looker**, Manager

**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](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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**WASHINGTON COUNTIES  
RISK POOL**

Created by Counties for Counties

## ***Employment Vacancies at WCRP***

Terry Sheerin, Senior Claims Analyst, has resigned from the Pool as of the end of November. We wish Terry well as she returns to her home state of New Jersey.

Carli Easter, Claims Assistant, has resigned from the Pool. Her last day will be January 2, 2014. We wish Carli all the best in her new endeavors.

## ***Autumn Conference Report***

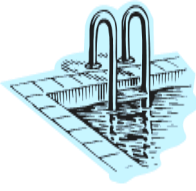
The WCRP Autumn Conference took place in early November at the Three Rivers Convention Center in Kennewick, WA. On Thursday, Liz Miser with Arthur J. Gallagher presented information on 1st Party Property Insuring Alternatives. Later that afternoon, Douglas County Prosecuting Attorney Steve Clem presented a class on Contract Risk Management. Both sessions were well received and we appreciate Liz's and Steve's time and considerable effort to provide these training sessions for the conference attendees.

At the business meeting on Friday, elections were held to fill the vacancies due to Mark Wilsdon's resignation from the Executive Committee. Robert Koch was elected to fill the unexpired Executive Committee term through 9-30-2015, and Keith Goehner was elected Secretary/Treasurer for the unexpired term through 9-30-2014. The draft minutes from the meeting are available on the Pool website.

## ***Upcoming Risk Pool Conferences - Save the Dates!***

March 26 - 28, 2014, The Lodge at Suncadia (Cle Elum)

July 23 - 25, 2014, The Davenport Hotel (Spokane)



# POOLSIDE

*with Executive Director  
Vyrle Hill*

Once again, this column is intended to communicate a few Pool administrative tidbits. Please take time to read these newsletters entirely for many other worthy Pool happenings.

**Financial:** Now that the independent actuary has completed the yearend Reserving Review, we have begun finalizing the Fiscal Year 2013 financial statements for submission to and audit by the State Auditor. Our efforts are far enough along that we can report with confidence from the preliminary compilations that the Pool's financial position has improved significantly. The forthcoming statements will most certainly prove that the Pool ended its first quarter century with the strongest financial position it ever possessed.

**Operating Income:** \$3.75 million was realized during fiscal 2013, which is a 111.4% increase from fiscal 2012. Reductions in reinsurance premiums (\$2.40 million) and the actuary's estimates of claims reserves (\$0.75 million) aided substantially this very favorable change .

**Total Assets:** Grew \$4.83 million (11.5%) during the year (2012-13) to \$46.94 million. More specifically, Current Assets increased \$4.86 million (11.8%) during the year while Non-current Assets decreased \$0.03 million (-3.2%). Assets have more than quintupled during the past ten years... since the Pool's "low-water" existing yearend 2003. Total assets also represent 155% of the year's total liabilities while 2003's assets represented only 84% of that year's liabilities, only 52% if member reassessments receivables ("retroactive assessments") are not considered.

**Claims Reserves:** Actuarial estimates reflect \$14.6 million in net reserves as of September 30, 2013, and are comprised of \$3.4 million in primary layer loss and allocated loss adjustment expense (ALAE) reserves, \$10.0 million in corridor deductible reserves, \$0.2 million in quota-shared loss reserves, and \$1.0 million in unallocated loss adjustment expense (ULAE) reserves. Total reserves are \$0.1 million lower than the estimates as of September 30, 2012 with a \$0.9 million decrease in primary layer reserves offset by a \$0.8 million increase in reserves for the corridor deductible and quota share excess reserves. Estimates of primary layer reserves decreased by \$1.5 million since last year while corridor estimates decreased \$1.8 million. With gross loss and ALAE reserves estimated to be \$33.8 million as of September 30, 2013, \$19.2 million is implied as being ceded to the Pool's commercial insurers.

**Net Position (aka Net Assets or Members' Equity):** Grew \$3.86 million (30%) during the fiscal year to \$16.72 million as of September 30, 2013. Of the total \$0.92 million is invested in Capital Assets (net of debt), and another \$0.92 million is restricted to satisfy the State Risk Manager's solvency provisions specified in WAC 200.10.03001. The remainder (\$14.88 million) is also restricted under section D.2 of the Pool's Underwriting Policy. The target fund range specified in the Policy is estimated actuarially as of September 30, 2013 to be between \$12.5 and \$24.3 million.

**Operational:** The Pool's success over the span of 25 years has resulted somewhat from the combined efforts of the board-retained professionals (actuaries, auditors, producers/brokers and commercial insurers) and the Pool's dedicated staff. But it is the involvement of the elected and appointed officials and employees of the Pool's member counties serving as its directors and alternate directors and as its officers and committee chairs/members and most certainly contributing to the Pool's success that sets the Washington Counties Risk Pool apart from most other pools across the state, nation and internationally. All those involved with the Pool's operations over the past quarter century can be very proud of its accomplishments and success.

There are several contacts, e.g. directors, alternate directors, etc., that left the Pool's family during the past year due to their departures from their respective counties. We extend our special thanks for their

*Continued on page 4*

services to the Pool, and we wish them the very best that life has to offer – we'll miss them! Included are:

- Chief Civil DPA Bronson Potter—represented Clark County as alternate director for six-plus years (2006-13);
- Clerk of the Board Shannon Goudy—served Mason County as county claims administrator;
- Clerk of the Board Kathy Noren—served Pacific County as county claims administrator;
- Interim County Administrator Robert “Bob” Jean and Deputy Director Stan Matthews—represented San Juan County as director and alternate director for a year (2012-13);
- Debbie Emery—served San Juan County as county claims administrator/risk manager.

Also, there are some new contacts that joined the Pool's family by virtue of their appointments during the past year by their respective counties that we need to formally acknowledge, including:

- Chief Civil DPA Mark Nichols—representing Clallam County as alternate director;
- Civil DPA Bernard Veljacic—representing Clark County as alternate director;
- Jennie Bowman—serving Garfield County as county claims administrator/risk manager;
- County Commissioners Herb Welch and Wes Cormier—representing Grays Harbor County as director and alternate director;
- County Commissioner Kelly Emerson—representing Island County as director;
- Central Services Director Michael Strozyk—representing Lewis County as alternate director;
- County Commissioners Randy Neatherlin and Terri Jeffreys—representing Mason County as alternate directors;
- County Commissioner Sheilah Kennedy—representing Okanogan County as director;
- Clerk of the Board Marie Guernsey—serving Pacific County as county claims administrator;
- County Manager Michael Thomas and Human Resources Manager Pamela Morais—representing San Juan County as director and alternate director, and Pamela serving as county claims administrator/risk manager;
- County Commissioner Doug McKenzie—representing Skamania County as director;
- Manager of Recreation Jennifer Jackson—serving Skamania County as county claims administrator;
- Lucy Schwallie—representing Walla Walla County as alternate director and serving as county claims administrator/risk manager;
- Chief Civil DPA Dan Gibson—representing Whatcom County as alternate director and serving as county claims administrator;
- Paralegal Cindy Erwin—serving Yakima County as county claims administrator;

**Executive Director Contact:** Please feel free to provide feedback; knowing what our partner clients are thinking and experiencing helps to determine how we can better serve you. Direct your responses to Vyrle Hill – 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.







**Jill Lowe**, *Loss Control Coordinator*

Back in elementary school I had two memorable, fairly severe playground injuries. While racing a friend up concrete stairs, I fell and hit my front teeth. A tooth was quickly retrieved and I was taken to the dentist for an emergency root canal. Later that year, I was hanging by my knees, upside down, on monkey bars. My face was several feet from the asphalt surface below. I'm not sure what happened, but I fell from the monkey bars and landed right on those same front teeth.

Tim Chace of Arthur J. Gallagher has written a white paper for WCRP Member Counties titled "Understanding Playground Safety for County Governments and Fundamentals of an Effective Playground Safety Program." This paper can be found in the Sample Policy Library on the Risk Pool website. Login information for the secure portion of the website is available through your County Risk Manager.

Tim's paper cites several statistics that I think are particularly interesting and provide insight into why counties need to be vigilant about unsafe conditions and unsafe acts.

- Falls are the most common mode of playground injury and account for approximately 80 percent of all playground equipment-related injuries.
- In 2002, more than 215,500 children ages 14 and under were treated in hospital emergency rooms for playground equipment-related injuries; children ages 5 to 14 accounted for nearly 75 percent of these injuries. The public playground equipment-related injury rate among children ages 5 and under has doubled since 1980.
- It is estimated that one-third of playground equipment-related deaths and 75 percent of playground equipment-related injuries occur on public playgrounds.
- Lack of supervision is associated with 40 percent of playground injuries. A recent study found that children play without adult supervision more often on school playgrounds (32 percent of the time) than playgrounds in parks (22 percent) or childcare centers (5 percent).
- Strangulation resulting from entanglement and entrapment is the primary cause of playground equipment related fatalities, accounting for nearly 56 percent of the deaths. Falls to the surface are responsible for an additional 20 percent of the deaths.



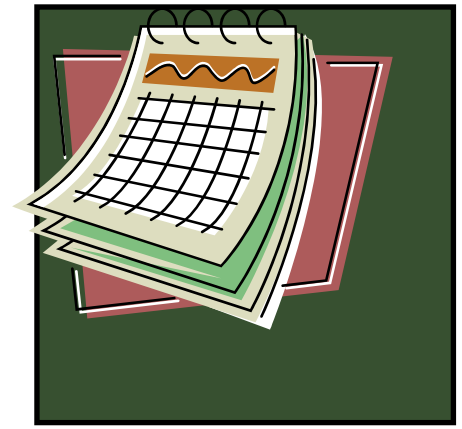
Tim acknowledges that on public playgrounds, county personnel are not in a position to make sure that children are supervised. However, by ensuring the playground equipment is installed properly, is in a condition free of recognized hazards, and proper rules and safety signage are posted, counties can help reduce potential unsafe acts and conditions.

What were my injuries? My front teeth took those falls pretty hard. They experienced a slow death resulting in four implants. What about the playground supervision that was possibly lacking? My mom found someone else to take her place as the playground supervisor and drove me to the dentist both times. A few years later my sister fell out of a tree at Cannon Hill Park and broke her arm. Mom drove her to the emergency room too.

# TRAINING & EVENTS



## 2014 Training Schedule



### **Val Van Brocklin**

In partnership with WCIA and Enduris

February 25 – Spokane Convention Center

February 26 – Lynnwood Convention Center

### **Before You Hit Send – (Email Etiquette and Risk)**

February 11 – Chelan County

### **Cyber Security, Risk and Liability**

March 6 – Benton County

### **Management and Supervisory Training (2 day class)**

March 3-4 – Spokane County

March 13-14 – Yakima County

April 1-2 – Mason County

### **Staying Out of Court on Employment Claims**

March 11 – Spokane County

April 4 – Cowlitz County

April 8 – Walla Walla County

### **Conducting Effective Performance Evaluations**

April 3 – Lewis County

April 7 – Franklin County

### **Conducting Difficult Conversations**

April 11 – Skagit County

April 15 – Spokane County

April 17 – Chelan County

Our classes do not have a registration fee for member county attendees! For more information or to register for a class, see the WCRP webpage at **[www.wcrp.info](http://www.wcrp.info)** and click on the Training tab. Class descriptions can be found under the More Information link. Registration is quick and easy, just click on the registration link and fill out a short form.



# HELPLINE



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

## **November Question:**

*We recently updated a policy in regards to mandating overtime if staffing levels were not adequate to meet the employer's obligations. Is there any type of prior notice and waiting time (i.e. 30 days notice) before we can implement the policy?*

## **Response:**

Absent any governing contract or collective bargaining agreement that addresses overtime or provides otherwise, we are not aware of any law which prevents an employer in your state from requiring its non-exempt employees to work overtime, so long as it ensures they are properly compensated for the additional work, i.e., overtime is paid after any non-exempt employee works more than 40 hours in a workweek.

Further, although we are not aware of any required notice which must be provided to employees when mandatory overtime must be worked, as a best practice we recommend employers provide reasonable notice when possible so that employees may make any necessary personal arrangements to meet the schedule requirements; reasonable advance notice can also mitigate employee relations concerns. Any mandatory overtime assignments should be issued consistently and in a non-discriminatory manner to avoid potential discrimination claims. While the employer is not required to accommodate any particular employee who may have childcare or other similar personal issues that prevent him or her from meeting the employer's scheduling requirements, keep in mind that religion- or disability-related conflicts may need to be reasonably accommodated as a matter of law.

If an employee refuses to work required overtime for reasons that are not statutorily protected, we are not aware of any law which prohibits the employer from issuing discipline (up to and including discharge), but only if such action is consistent with company policy and past practice. In this regard, if your company does not have a mandatory overtime policy in place, we recommend that it establish one (ideally before making overtime mandatory) that meets the objectives of the employer without running afoul of any rights conferred upon employees (you may wish to have local counsel assist in drafting or reviewing such a policy). If there is no such policy in place yet, the employer should, as a best practice, avoid disciplinary action until such time as one has been developed and communicated to all employees and implemented.

## **December Question:**

*I have a Manager that is asking for a day off to do a Religious Family Activity. It is not a religious holiday and we have already given off the Maintenance Person for that building. Do I have to give her the day off?*

## **Response:**

Generally speaking an employer needs to try to accommodate an employee's sincerely held religious belief to avoid discrimination issues, unless such accommodation causes the employer "undue hardship." An employer can show undue hardship if accommodating an employee's religious practices requires more than ordinary administrative costs, if it diminishes efficiency in other jobs, infringes on other employees' job rights or benefits, impairs workplace safety, causes co-workers to carry the accommodated employee's share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with another law or regulation. We strongly recommend that you review <http://www.eeoc.gov/laws/types/religion.cfm> regarding religious accommodation in the workplace.

Although this employee apparently is not obligated to participate in the religious activity by her religion, e.g., it is not church, temple, prayer, a holiday that requires participation, etc., she is claiming it is related to her religion. Since another employee already has been given the time, however, the employer may well suffer undue hardship if it gives this employee the day off. Having said this, the employer may want to see if it can shift other employees around for coverage purposes, in order to avoid a discrimination claim, particularly if the employer has allowed two employees to be out on the same day when one of the employees did not have a religious or other "protected" need for the time off. If the employer has allowed this before, it must do so here in order to minimize the risk of a successful claim. Since the employer cannot summarily deny the request of an employee who seeks time off for religious observance, we recommend that you meet with the employee, explain the needs of the organization, and discuss whether any accommodation can be made that is reasonable. Note that if the employee does not have any paid time off benefits available, the employer still may need to allow her to take the day off unpaid. Please note that we assume that no collective bargaining or other employment agreement governs here.

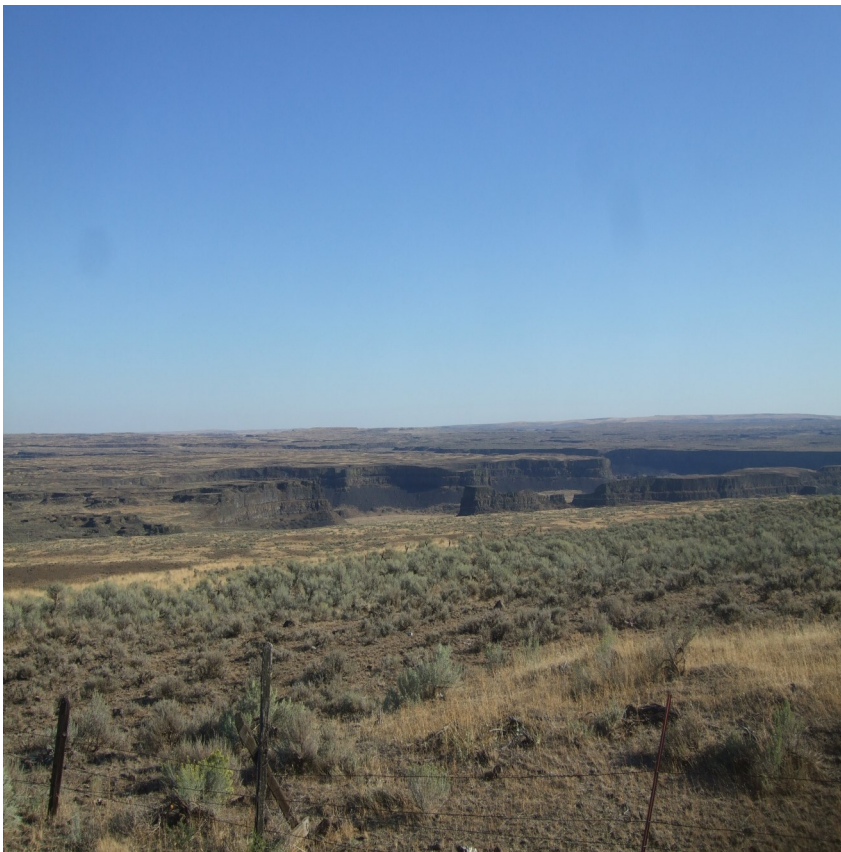
Source: HR Risk Management HELPLINE,  
[www.hrhelpline.com/wcrp](http://www.hrhelpline.com/wcrp), November/December 2013

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WCRP display at the WSAC Conference in Vancouver, WA on November 20th. Vyrle Hill, Executive Director and David Goldsmith, Member Specialty Services were in attendance to greet attendees and answer any questions.



Many of the Pool staff members are on the road, traveling the state to meet with members, resolve claims and attend county events. There are so many interesting sites to see. We have asked our staff members to take photos to share in the newsletter.

Can you identify the county where this was taken?