



County Connection

News from the Washington Counties Risk Pool

January / February 2013

CONFERENCE NEWS



WASHINGTON COUNTIES RISK POOL

2013 Spring Conference - The Lodge at Suncadia near Cle Elum

Wednesday, March 27 – Friday, March 29

Those participating in the full program on Wednesday and Thursday morning will earn 4 CPO credits!
CLE credits have been approved for the attorney presentations on Thursday.

Wednesday, March 27th – Board Development Co-Sponsored by WSAC and WCRP (See further information on p. 2)

11:00 am – 3:00 pm	Board Development Workshop (with working lunch) – Frank Martinelli, The Center for Public Skills Training
3:15 pm – 4:30 pm	Risk Management Basics with John Chino, Arthur J Gallagher Risk Management Services, Inc.
Evening	Washington State Association of Counties members attending - Dinner with WSAC Officials Other Conference Attendees – evening/dinner on your own

Thursday, March 28th

8:30 am	Roundtable – Announcements and Introductions
8:45 am – 9:30 am	Michael Patterson, Attorney – Legislative Issues in Municipal Law (.75 C.L.E. credit)
9:45 am – 10:30 am	Duncan Fobes, Attorney – Public Duty Doctrine Update (.75 C.L.E. credit)
10:45 – 11:30 am	County Claims Administrators Panel / Issues
11:45 am – 1:15 pm	Legislative Update Luncheon (with WSAC Executive Director Eric Johnson)
1:30 pm – 2:15 pm	Roundtable continued - County Risk Managers Panel / Issues
2:30 pm – 5:30 pm	WCRP Board Work Session Presentation of Capital Modeling Study (PricewaterhouseCoopers, LLP) Business Interruption / Replacement / Succession Planning
Evening	Training for newer WCRP Directors/Alternates/Appointees - Dinner with WCRP Officials Other Conference Attendees – evening/dinner on your own

Friday, March 29th

8:30 am – Noon	Board of Directors Meeting (1 CPO Elective Credit)
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*More information and a link to the on-line registration form can be found at the
WCRP website on the Training page at www.wcrp.info*

Contact the Lodge at Suncadia directly for lodging reservations





David Goldsmith, Member Specialty Services

Board Development Session at the WCRP Spring Conference

Always a challenge to new members of elected leadership in county government is the breadth and depth of the position. Not only are they elected to oversee the daily operations of county functions and services and to provide strategic and policy leadership, they are also placed, by virtue of their positions, on various boards and commissions that serve constituents that may include more than those electing them. The effectiveness of services delivered to their communities is dependent, in part, upon their participation in these other placements. To this end, WSAC (Washington State Association of Counties) and WCRP have teamed up to provide specific training on this subject by retaining the services of Frank Martinelli and the Center for Public Skills Training.

Mr. Martinelli has over 35 years of working, training and consulting experience with a variety of nonprofit boards and public sector organizations, including special emphasis on effective board participation. As a nationally recognized speaker, Frank combines real world experience and understanding with the best thinking and research of the day. His presentation is interactive and provides participants with take-a-ways which may immediately be used back at their home counties.

WEBINAR AVAILABLE for WSAC membership

Risk Management for Newly Elected Officials

Chelan County Commissioner and WCRP Director Keith Goehner and WCRP Member Services' David Goldsmith will be presenting a WSAC Webinar at 10:00 AM, Friday, February 22, 2013, addressing the subject of Risk Management for Newly Elected Officials. The Webinar will review areas of risk exposure for county government and what can be done about it from the viewpoint of the county commissioner/council Member.

To register for the Webinar, go to the WSAC webpage found at: wacounties.org/wsac/

POOL NEWS - EXECUTIVE COMMITTEE VACANCY

Larry Peterson's departure from Yakima County has left a vacancy on the Pool's Executive Committee. According to the Pool's bylaws, a vacancy on the Executive Committee must be filled by the Board at either the meeting during which notification of a vacancy is received or the meeting next following receipt of notification of a vacancy. WCRP President Mark Wilsdon has decided to address this vacancy during the March 29, 2013 Board (of Directors) Meeting.

The Pool's bylaws also provide that the Nominating Committee shall nominate at least one Director or Alternate Director to fill any vacancy in the Executive Committee. Executive Committee members are to be chosen from the Directors and Alternate Directors (limited to one committee member per county), and to fairly represent the diversity and interests of member counties.

Directors or Alternate Directors that are interested in filling this vacancy on the Executive Committee must contact either Nominating Committee Chair Mark Wilsdon at Mark.Wilsdon@clark.wa.gov (360) 397-2025 #5, or Executive Director Vyrle Hill at vyrle@wcrp.wa.gov (360) 292-4495 by Wednesday March 6, 2013.

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

Vacancy

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

Save the Date!

The Risk Pool's Summer Conference / Annual (Board of Directors) Meeting and its **Silver Anniversary Recognition** will take place July 24—26, 2013 in Leavenworth, WA.

There is a block of rooms reserved at the Enzian Inn - if you plan to attend, make your room reservation now. The room block may fill out completely, call the Enzian Inn at 800-223-8511 to reserve your room(s).



Jill Lowe, Loss Control Coordinator

Gordon Graham: Risk Management for Law Enforcement

The recent Gordon Graham training sessions held in Spokane and Burien in February were well attended and well received! 626 people attended the two seminars, 129 of those attendees were associated with WCRP. The audience included members from risk management, sheriff's departments and other law enforcement personnel.



TRAINING & EVENTS



2013 Training Schedule

Conducting Difficult Conversations

March 5 – Moses Lake (Fire Department Community Room)

March 7 – Fife (Fife School District Office)

Management and Supervisory Training (2 day class)

April 25-26 – Thurston County (Tilley Facility Training Room)

Conducting Effective Performance Evaluations

May 29 – Spokane County (Spokane County Sheriff's Office)

Staying Out of Court on Employment Claims

An all new class this year! See the class flyer on the next page of this newsletter.

April 9 – Skagit County (Burlington Library, Hillside Room)

April 11 – Mason County (Public Works Conference Room)

April 23 – Spokane County (Enduris Training Facility)

April 30 – Kittitas County (Kittitas Valley Event Center)

May 3 – Benton County (Benton Franklin Health Building)

May 6 – Clallam County (Clallam County Training Room)

May 8 – Clark County (Public Service Center)

May 30 – Chelan County (Confluence Technology Center)



Classes are without charges for member county attendees! For more information or to register for a class, see the WCRP webpage at 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.

Staying Out of Court on Employment Claims



Sponsored by



WASHINGTON
COUNTIES
RISK POOL

Created by Counties for Counties

Mike Bolasina, a labor and employment law attorney, will present this new class.

About this Course:

This employment law class will focus on the 10 most prevalent employment-related claims that counties face in 2013. The class will include information on how to avoid lawsuits through knowledge and understanding of the law, implementing and following proper policies, and dealing with employee issues as they arise, legally and factually. ***This class is not for managers or supervisors who seek out the drama, extraordinary expense, burden, and hassle that lawsuits always involve.***

The Instructor:

Mike Bolasina is an attorney with the Seattle law firm, Summit Law Group. He received his law degree from New York University in 1989. Mr. Bolasina has a general employment practice that involves consulting, investigating employee harassment, discrimination, and retaliation complaints, and defending employment-related lawsuits.

2013 Class Dates & Locations

Tuesday, April 9—**Skagit** County
Thursday April 11—**Mason** County
Tuesday, April 23—**Spokane** County
Tuesday, April 30—**Kittitas** County
Friday, May 3—**Benton** County
Monday, May 6—**Clallam** County
Wednesday, May 8—**Clark** County
Thursday, May 30—**Chelan** County

The class is from 9:00 am - 3:00 pm.
Lunch will be provided.

4 CPO Core credits 5 CLE credits

Registration

Please register *online* at www.wcrp.info: click on the Training Link, then select WCRP Events & Training Online Registration Form. Site address and driving directions will be provided with your online registration confirmation.

Fee

This class is *free* for Member County Employees.

Questions?

Contact Jill Lowe: 360-292-4492 or jill@wcrp.wa.gov



CLAIMS NEWS

Claims and Medicare Compliance – by Tammy Cahill

As many of you know, the Risk Pool is the RRE (Responsible Reporting Entity) to Medicare for all liability claims that are filed against its member counties. It is the Pool's claims staff's responsibility to query all claimants that come through the claims department for Medicare eligibility. That is done through the ISO claims reporting system. That system gives us a claimant's prior claim history, and also queries that claimant for Medicare eligibility. To obtain that information, we must have their social security number and date of birth. Once a month the ISO sends all our claimant information to Medicare to query. If we settle a claim before getting that query completed, there is no way for the Risk Pool to know whether that person is a Medicare beneficiary. If a claimant comes back a match or tells you/us up front that they are a Medicare beneficiary, we need to take immediate steps to get Medicare's lien information. This includes having all claimants sign a CMS form when they file their claim so they can tell us up front if they are Medicare eligible. If they are, we need a signed "Consent to Release" form allowing the Risk Pool access to the case number for the incident. Getting this case number can be a lengthy process with Medicare. If the claimant contacts Medicare directly, that is usually faster than the Risk Pool requesting it. We have been told it can take up to six months to get the case number from Medicare. The real issue here is that if a claim gets paid and then we later find that there is a lien for "conditional payments" made by Medicare, the Risk Pool will be responsible to pay that lien even after a settlement has been made, and the County will be billed for anything under their deductible.

The Risk Pool can access Medicare medical information related to a claim if we have the case number. Medicare's Secondary Payer Recovery Portal is now available to us for obtaining a list of claims paid by Medicare. We can also dispute any charges that are not related to our claim. But this all comes down to the case number – if the Risk Pool doesn't have the case number, we have no way of accessing this information. This can cause a delay in settling any claim that involves a Medicare beneficiary. If these settlements are not properly reported, the RRE (Risk Pool) could face fines and damages. It is important to remember all conditional payments made by Medicare must be reimbursed, and that there is no dollar threshold on any payment they actually made.

If a county issues a payment on a Medicare eligible claim, they become an RRE. And if not registered as a liability type payor, the County can be subject to Medicare fines and damages directly. **All bodily injury claim payments must come through the Risk Pool for this reason.**

Copies of the CMS form and Consent to Release forms are available on the Pool's website or you can contact me directly at 360-292-4484 or Tammy@wcrp.wa.gov for a copy.





Helpline NEWS



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

January Question:

I got approached by an employee who stated that he was working with a bad social security number and now wants to change it to another number because he was provided with a good social by the SSA. What legal ramifications can I get in by letting this happen? Legally what can I do with his employment status?

Response:

As an initial matter, the Social Security Administration (SSA) generally does not assign new social security numbers except in very rare cases. Indeed, new numbers are assigned only in the following limited circumstances: (1) where sequential numbers assigned to members of the same family are causing problems; (2) where more than one person has been assigned, or is using, the same number; (3) where an individual has religious or cultural objections to certain numbers or digits in the original number; (4) where a victim of identity theft continues to be disadvantaged by using the original number; or (5) in situations of harassment, abuse or life endangerment (including domestic violence) (see [this link](#) for more information).

Have you discussed the situation with the employee to determine why the social security number was changed? It is not clear what is meant by the claim that "he was working with a bad social security number and now wants to change it to another number because now he was provided with a good social by the SSA." We are not aware that the Social Security Administration issues "bad" numbers. If there is a legitimate explanation and the employee has produced a card with a new number and provides a satisfactory explanation for having provided a different number earlier, you will need to update applicable tax documents (we recommend conferring with a local tax professional for specific guidance as to changing a social security number for payroll and other tax purposes). The Form I-9 will also need to be re-verified, but only if the social security card had been previously presented as evidence of employment eligibility.

If the individual explains or the employer reasonably believes that he or she formerly used false documents or a false number but that the current one is genuine, an employer should consider whether it can continue to employ someone who provided fraudulent information in the first instance. If so, the employer will still need to ensure proper changes are made relative to tax reporting and the Form I-9 (again, only if the Social Security Card was presented in connection with the I-9 Form upon hire), assuming the employer is certain the new number is

legitimate. If not, we are not aware of any law that requires the employer to continue employment of an individual who obtained employment under false pretenses, if consistent with policy and practice (and not violative of any contract) to terminate on these grounds. Regardless, there may be issues associated with prior reporting under a false or fraudulent number and in this regard we recommend consulting with outside tax and immigration counsel as well.

February Question:

Can you force an employee to go home who is coughing, sneezing, hacking and has a runny nose? The employee is out of sick leave but has vacation leave available to use. The employee is exempt.

Response:

We are not aware of any reason why an employer cannot seek to send home an employee who reports to work obviously and visibly ill if management reasonably believes that the health and safety of that or other employees may be at risk. Under federal and state occupational safety and health laws, employers have a duty to ensure the work environment is safe and healthy, and this would presumably include taking measures to ensure that employees who report to work obviously ill and possibly contagious are asked to leave the premises so as not to risk infecting co-workers, and/or to not return to work without a fitness for duty certificate from their doctor (if this is consistent with company policy). Admittedly, there may be variances in the application of a policy to send home sick employees if each manager or supervisor has discretion to determine whether an employee is too ill to be at work or otherwise a risk to the health or safety of others. In this regard, managers and supervisors should be given basic instructions and parameters regarding application of the policy to ensure it is applied as consistently as possible throughout the organization.

Note when an employee is reasonably sent home from work, then if the employer has a PTO or sick leave policy that provides payment to employees who are out sick, we are not aware of any reason why it could not require use of the policy in this situation (unless there is a governing contract, regulation, or policy to the contrary). Also we are not aware of any law which prohibits sending an employee home as explained above even if the employee has no PTO or sick time. There is no duty to pay a non-exempt employee for time away from work if he or she has no accrued paid time off benefits (including sick leave) to utilize. Exempt employees must be paid in full for any partial day worked, even if there are no sick leave or other paid time off benefits, and this would include any day he or she is sent home early.

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