



# County Connection

News from the Washington Counties Risk Pool

May/June 2011

## Summer Meeting News

The Washington Counties Risk Pool will meet July 20-22, 2011 at the Marcus Whitman Hotel in Walla Walla for the 2011 Summer Conference and Annual (Board of Directors) Meeting.

The historic hotel, built in 1927 and restored in 2001, sits at the foot of Eastern Washington's beautiful Blue Mountains in the Walla Walla Valley, a wine lover's paradise. The valley is home to more than 100 wineries, many having earned national and international acclaim. Walla Walla is home to the first commercial bank in the northwest, the first college in the region, and has the oldest, continuous symphony west of the Mississippi River. Farming is the economic force behind the community and continues with the explosion of the wine industry.

**CONFERENCE REGISTRATION:** Registering is a two-step process:

**1) Log onto the WCRP homepage** (<http://www.wcrp.info>) and click on the "Calendar" link in the upper left column, then onto the blue "Online Registration Form" in the lower middle, below the calendar. From the "Events" dropdown, select "2011 Summer Conference and Annual Board of Directors Meeting" and your county. Fill in the applicable boxes and submit. Driving directions and other details will be provided after completing your online registration.

**2) LODGING (if needed):** A block of overnight rooms at the Marcus Whitman Hotel has been set aside for Wednesday and Thursday nights at the OFM per diem rate (\$77 + T&F). Phone 866-826-9422 or 509-525-2200 and specify the group rate for Washington Counties Risk Pool. The block will remain available until approximately Monday, June 30, 2011.



**SCHEDULE:** The conference schedule includes:

### **Wednesday, July 20th**

2 pm—3pm - Risk Management Committee Meeting

3:30 pm—5:30 pm - Arthur J. Gallagher will provide an overview of the coverage available under the Washington Counties Property Program and explain the related underwriting requirements.

**Evening:** Nothing formal planned.

### **Thursday, July 21st**

8:30 am—10:30 am - Roundtable—County Claims Administrators and Risk Managers; Chief Wendy Jones of the Whatcom County Sheriff's Office will give a presentation on Corrections Liability.

10:45 am—Board of Directors Worksession begins with staff reports

11:45 am—1:15 pm - Recognition and Awards Luncheon

1:30 pm—5:00 pm - Board of Directors Worksession resumes

**Evening:** Social/Dinner

### **Friday, July 22nd**

8:30 am—Noon (est.) - 2011 Annual (Board of Directors) Meeting (1 CPO Elective credit)



## Exploring the Walla Walla Valley:

The name Walla Walla is of Native American origin and means "many waters." Both the Cayuse and Walla Walla tribes called the Walla Walla Valley home.

In the 1800s, fur traders established a settlement trading post and fort in the area. The historic Nez Perce Trail was located where Main Street is today. The historic Lewis & Clark expedition skirted the northern and western boundaries of the Walla Walla Valley in 1805. Their return trip from the Pacific Ocean in 1806 took them through present day Walla Walla County.

In 1836, Marcus and Narcissa Whitman traveled what became the Oregon Trail, and founded a mission amongst the Cayuse Indians. After 11 years, the mission effort ended in a tragic uprising that resulted in the deaths of the Whitmans and 12 others.

By the 1860's Walla Walla experienced the effects of the gold rush with commercial, banking, and manufacturing activities, making it the largest city in the Washington Territory.

Here are some local attractions:

History—Fort Walla Walla Museum, Whitman Mission, Kirkman House Museum, Historic Homes Walking Tour

Family Activities—Children’s Museum, State Park, Walla Walla Sweets Baseball, Walla Wall Sweet Onion Festival, Pendleton Round-Up, Walla Walla Fair & Frontier Days, Wheelin Walla Walla Weekend, Walla Walla Quilt Festival

Art—Foundry, Broel Studio

And don't forget the wineries!



### **Executive Committee**

#### **2010/11 President**

**Marilyn Butler**, Skamania County

#### **2010/11 Secretary/Treasurer**

**Steve Bartel**, Spokane County

#### **Other Members**

**Tammy Devlin**, Thurston County

**F. Lee Grose**, Lewis County

**Rose Elway**, Grays Harbor County

**Steve Clem**, Douglas County

**Randy Watts**, Whatcom County

**Andrew Lampe**, Okanogan County

**Keith Goehner**, Chelan County

**Jay Winter**, Walla Walla County

**Mark Wilsdon**, Clark County

#### **Risk Pool Staff**

##### Administration

**Vyrie Hill**, Executive Director

**Sue Colbo**, Auditing/Accounting Officer

**Claire Thompson**, Assistant/Editor

##### Claims

**Susan Looker**, Manager

**Candy Drews**, Senior Analyst

**Mike Cook**, Senior Analyst

**Tammy Cahill**, Representative

**Lisa Daly**, Assistant

##### Member Services

**David Goldsmith**, Member 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 [claire@wcrp.wa.gov](mailto:claire@wcrp.wa.gov) or call (360) 292-4480. Got story/photo ideas? Please submit them to the email address above.

Published by



**WASHINGTON COUNTIES  
RISK POOL**

Created by Counties for Counties



# MEMBER SERVICES



**David Goldsmith,**  
Member Services  
Manager

## “On the Road Again”

...this Willie Nelson song pretty much sums up the last couple of months as Executive Director Vyrle Hill and I are traveling to the far reaches of the State meeting with County Commissioners and Council Members. By the time you read this article, we will have conducted one-third of this year's Courthouse visits. As in the past, this effort is well received and we are constantly impressed how informed the legislative authorities are of the Pool and its activities. This speaks highly of Pool directors, alternates, and other appointees for keeping everyone in the loop.

Additionally, this year we have scheduled one-on-one time with newly elected officials (specifically Commissioners, Sheriffs and Prosecuting Attorneys) as well as newly appointed directors/alternate directors. These one-on-one sessions provide quality time to explain individual roles and responsibilities in claims and risk management or in representing the interests of the Pool and individual counties. We emphasize the talents and resources available through the Pool to aid in the success of this cooperative venture we call the Washington Counties Risk Pool.

As with previous years, the annual Courthouse visits are coupled with marketing visitations to non-member counties. We have met with Ferry County and have appointments with Klickitat, Whitman, and Wahkiakum Counties. With these counties

we are highlighting the strengths and diversities of our membership, scope and coverage of our insuring products, and the financial health of the Pool.

We thank each of our Member Counties for working with us to make each trip as efficient and productive as possible.



## Property Disposal in the Works

Efforts have begun to dispose of the Franjo Beach property recently found surplus to the Pool's needs. The Pool, being an extension of county government, must utilize the same rules as an individual county in disposing of property and, as such, the process can take several months. We are hopeful, in spite of the real estate market and the condition of the property, to complete this process by the end of this fiscal year.

### It's Summer Time!

Even though it's been a bit colder than usual, the sun should be shining through soon, so don't forget to use sunscreen protection.





# MEMBER SERVICES



**Jill Lowe**, Loss Control Coordinator

## Networking in the “Library”

Picture yourself starting a new job. Every day you have questions about how best to go about getting something done. Co-workers are willing to help. You even have contacts from your last job you can go to for assistance. You know though, that you have only a small window of time before your co-workers and friends become less willing to offer help. After all, they have their own work to do.

Enter the Washington Counties Risk Pool. County officials, risk managers and claims managers gather three times during the year and relish their networking time. There's nothing like today's “thorny issue” to get folks talking and problem solving. I hear stories all the time about how networking has made someone's work easier. This happened just the other day...

I was in Melina Wenner's office (Benton County HR/Risk Manager and WCRP Director) and I noticed an interesting document on her desk. The title of the document was “Addressing Unacceptable Performance and Conduct”. She told me that she had gotten the document from Karen Goens (Whatcom County HR Director and WCRP Alternate Director) and that it was very useful. I asked if I could take a copy with me.

Just a few weeks later, I had the opportunity to visit Karen Goens in her office and I asked her about the document. She told me that a primary reason for its

development was the Public Records Act. Currently, documents related to specific acts of misconduct are not exempt from public disclosure while documents related to progressive discipline are, most likely, exempt. *“Conduct problems involve breaking a work rule, law, or direct order. Performance problems involve failure to perform job duties at an acceptable level of quantity, quality, or timeliness.”*

While most of us are not new to the job, we are always on a learning curve. New issues make the day exciting. Luckily, we have an extensive network of county people who are willing to share documents and stories of how they have wiggled their way through that latest thorny issue.

The Risk Pool website contains a “References and Library” section with well over 100 policies and forms dealing with Contract Management, Human Resources/Employment Practices, Recreation and twelve other focus areas. The Whatcom County document that I found on Melina's desk has been added to the sample library and, I dare to add, is a great addition. My thanks to Whatcom County.

We all know that working with others will result in a product that is better than what we can accomplish on our own. The website library provides an excellent start when researching today's thorny issue. And when you do visit the library, please be sure to note your county policies or forms that have been especially helpful to you and aren't yet in the library. Send them to me at [jill@wcrp.wa.gov](mailto:jill@wcrp.wa.gov) to ensure that someone else's day will be just that much less exciting.



# Helpline NEWS



**Here are the latest Questions of the Month from the Helpline for WCRP Members' HR Express Update:**

Source: HR Risk Management HELPLINE for WCRP Members, [www.hrhelpline.com/wcrp](http://www.hrhelpline.com/wcrp), May 2011

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## **May Question:**

*I am in the process of building my company handbook using the build-a-handbook process. I am wondering if I should exclude FMLA policy until we are 50 people. I have heard that if it is in the handbook, you are required to comply with the law even if you are not at 50 people yet. What would you recommend or is there wording that we should add that highlights that we are not obligated until 50 employees?*

## **Response:**

Certainly any policies contained in the employer's handbook and provided to employees should be followed by the employer as a best practice. In this regard, the employee handbook should include provisions the employer is required to include and any others it chooses to include to the extent they comport with the employer's internal policies, practices, and procedures, etc.

Employers should not include policies in the employee handbook that it is not required to include if it has no intention of complying with them. In this regard, the Family and Medical Leave Act (FMLA) applies to employers with 50 or more employees in 20 calendar workweeks in the current or preceding year. If your company does not meet this threshold, it is not covered by the Act, and should not include an FMLA provision in its handbook unless the company wants to comply with the requirements of the law, though it is not otherwise considered a "covered employer."

The best practice may be to develop a non-FMLA internal leave of absence policy that meets your organization's specific objectives (something local counsel can assist you with as drafting policies is not within the format of the HELPLINE beyond our builder tool), rather than taking on the requirements of a law that does not apply to a company of your size. Certainly if/when your company becomes a covered employer for FMLA purposes, it will need to amend its handbook to include a provision that complies with the law.

## **June Question: Question:**

*We are considering entry level candidates who are recent college graduates with no applicable work experience. Are there any legal issues with asking them to present their college transcripts to get an understanding of their coursework prior to an offer being extended?*

## **Response:**

We are not aware of any law which would prohibit the employer from requiring candidates for employment to produce a college transcript in connection with applying for employment opportunities with the company, so long as the requirement is imposed on all candidates for the position and not just some of them to avoid potential discrimination concerns.

If the employer chooses to seek college transcripts only from those applicants who have graduated college recently and do not have applicable work experience, it should specifically define the term "recent college graduate" and "no applicable work experience" and impose the requirement consistently and uniformly upon all candidates (regardless of age, which should not be a factor) who meet these definitions.

While there is always a potential risk of an unlawful discrimination claim when an employer differentiates among hiring criteria for different candidates for the same job, if the basis for the distinction is something other than membership in a statutorily protected class, such as age (i.e., only those applicants who have graduated college in the two year period prior to applying for work must produce a transcript, for example), generally such "discriminatory" criteria may be defensible, though with different criteria the risk of a claim is still a possibility.

Source: HR Risk Management HELPLINE for WCRP Members, [www.hrhelpline.com/wcrp](http://www.hrhelpline.com/wcrp), June 2011

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## HR Risk Management HELPLINE Available

**Did you know that WCRP members have access to employment law attorneys to address legal and HR risk management issues...for FREE?**

HELPLINE, provided through the Pool by its reinsurance carrier ACE, employs experienced employment law attorneys to address employment-related questions, discuss situations, and point you to additional resources. By far, the most expensive claim the Pool handles is one involving personnel. Not only are these expensive, but time consuming and disruptive to an organization. HELPLINE can help get early counsel before an issue becomes a claim. It's free to users and may save your county, the Pool and its insurers a lot of money.

Please take advantage of this service! Contact your County Risk Manager for help in accessing HELPLINE services, which include:

\* Toll-free and email (website) access to employment law attorneys from a national law firm.

\* Personalized answers and legal advice to your organization's unique HR risk management and employment law questions. All communications are documented, strictly confidential with attorney-client privilege, and will be provided no later than the end of the next business day.

\* There is no limit to conversation time nor is there a limit to the amount of questions you can ask.

\* Responses to over 50 types of HR risk management and employment law issues, from Wage/Hour or FMLA questions, to complicated harassment or termination situations. You don't have to be in crisis to benefit from these proactive resources!

Online Support & Resource Center: Access to the HR Compliance Portal includes online unlawful harassment training for all supervisors and employees, a state-specific employee handbook building tool, federal and state forms, posters, news updates, and other valuable support tools.

Monthly HR *Express* Updates & HR Alerts: Keep your organization informed of continuously changing state and federal workplace regulations...direct to your email box! Each HR *Express* Update also includes a popular Question of the Month, Case Digest of the Month, and breaking HR Alerts.





# TRAINING & EVENTS



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## **July 20–22, 2011**

WCRP 2011 Summer Conference and Annual (Board of Directors) Meeting, Marcus Whitman Hotel, Walla Walla, WA.

## **November 2-4, 2011**

WCRP 2011 Autumn Conference and Board (of Directors) Meeting, Campbell's Lake Chelan's Waterfront Resort, Chelan, WA.

## **March 21-23, 2012**

WCRP 2012 Spring Conference and Board (of Directors) Meeting, The Lodge at Suncadia, Cle Elum, WA.

## **July 25-27, 2012**

WCRP 2012 Summer Conference and Annual (Board of Directors) Meeting, Shilo Inn, Ocean Shores, WA.

**You can get more information, access driving directions,  
and register for classes and events at:**

**[www.wcrp.info](http://www.wcrp.info)**

Look for the 2011-12 lineup of  
classes in the September/October  
edition of *The County Connection*.