



# County Connection

News from the Washington Counties Risk Pool

July/August 2009

## Members Celebrate 21 Years and Make Key Decisions

Members of the Washington Counties Risk Pool gathered in Leavenworth, WA at the end of July to celebrate 21 years of operation. During the luncheon on July 30th, attendees recognized Marge Upham (Clallam), Vyrle Hill (Pacific and WCRP staff), Rose Elway (Grays Harbor), Marilyn Butler (Skamania), and Steve Lowe (Franklin) for 20 years of service; and Susan Looker (WCRP staff), Jay Winter (Lewis, Walla Walla and WCRP Staff), Betty Kemp (Island), Melina Wenner (Benton), and Claire Thompson (WCRP Staff) for 15 years of service. Others were recognized for five and ten years of service. Executive Director Vyrle Hill recapped the history of the Pool and noted coverage milestones, and also awarded a special thanks to Toni Gilbert (Clallam) who is retiring this summer.



Toni Gilbert (Clallam) and Bryan Harrison (Pacific) at the Summer Conference, Leavenworth

During the Roundtable on July 30th, Ramsey Ramerman of Foster Pepper LLC presented "Proactive Strategies: 10 Ways to Ensure PRA Compliance" and Brian Hansen of Helpline summarized the accomplishments and usage of the WCRP Helpline service. Since the beginning of the Helpline program in January, 2007, all the member counties have proactively utilized the service, with an average of 27 requests per member, 734

requests in total. This represents 33 times the industry standard. Rich Vincelette of ACE encouraged all members to utilize the service to reduce losses.

It was clear during the Board Work Session and Annual Meeting the majority of discussion would involve three items, 1) assessments, 2) PRA coverage, and 3) members' right to waive coverage.

\* Mike Croke, Area Senior Vice President from Arthur J. Gallagher Risk Management Services, and the Pool's broker, discussed his efforts to secure quotes for reinsurance and excess insurance coverage. In most cases, the cost of coverage had increased. With that fact evident, the members discussed options regarding assessments, one of which was the possibility of applying some equity to the Ph2010 assessments total before invoicing the members for the remaining amounts. After all the discussion, members decided to leave the equity intact and invoice members for the full assessments needed to provide the same level of coverage as in the past. Special payment arrangements to minimize impacts were approved.

The Board voted to require each member to notify the Pool by 5 pm on August 28th of their deductible selection, any corrections in their exposure data, and whether their county wished to purchase the additional \$5M excess insurance coverage.

\* Regarding the issue of Public Records Act coverage, the Executive Committee

*(Continued on page 2)*



More new faces at the Summer Conference: Walla Walla County Commissioner Gregg Loney (Alternate Director), and Thurston County Commissioner Sandra Romero (Director).

previously voted to recommend to the Board new language in the JSILP Coverage Form that would remove coverage afforded under the policy. After a spirited debate, the Board voted to amend the Py2010 policy to read, "1.A.5. Monetary Damages shall not include penalties imposed under RCW Chapter 42.56, the Public Records Act."

\* The Executive Committee also recommended a new section be added to the policy under 7.A. Conditions and Responsibility, which affords a county member the right to waive coverage under the policy, providing the claim or lawsuit has been received by the Pool, a waiver is signed by the member's legislative authority on a form approved by the Pool, and the waiver contains a complete release and hold harmless provision. The Board approved this change to the Py2010 policy. This new language will allow a member county to 'take control' of a specific case when the Pool has chosen a course of action that the member county is unable to accept. When 'opting out', the member county proceeds with case resolution on its own volition and assumes full responsibility for any future expense and outcome.

\* To better control claims costs and to assure compliance with the contractual obligations between the Pool and the insurers that underwrite its reinsurance program and those providing the "following form" excess insurance policies, Pool management will exert greater efforts to enforce the provisions of the Pool's Claims Handling Policies and Procedures approved by the WCRP Board of Directors. Executive Director Vyrle Hill notes, "The relationship between the member counties, individually and collectively, its Board of Directors, Executive Committee and staff is a partnership. And the staff at the Pool treats this partnership with great respect. We continue to strive to provide the member counties and their representatives, officials and staffs with comprehensive and economical insurance coverage, while assisting with managing their risk exposures through various trainings and consultations."

\* Jay Winter (Walla Walla) was elected President and Marilyn Butler (Skamania) was elected Secretary/Treasurer for the coming year.

The Autumn Conference will be held in the Tri-Cities November 4th through 6th at the Red Lion Columbia Center.

### **Executive Committee**

#### **President**

**Mark Abernathy**, Kitsap County

#### **Secretary/Treasurer**

**Jay Winter**, Walla Walla 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

**Marilyn Butler**, Skamania County

**Steve Bartel**, Spokane County

#### **Risk Pool Staff**

##### Administration

**Vyrle Hill**, Executive Director

**Sue Colbo**, Auditing/Accounting Officer

##### Claims

**Susan Looker**, Manager

**Mike Cook**, Analyst

**Candy Drews**, Analyst

**Tammy Cahill**, Representative

**Claire Thompson**, Assistant/Editor

**Lisa Daly**, Assistant

##### Member Services

**David Goldsmith**, Manager

**Jill Lowe**, Loss Control Coordinator

To access *County Connection's* e-version, go to [www.wcrp.info](http://www.wcrp.info)

Help us save on postage! 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





# LOSS CONTROL



Deputy Gary Loth, co-pilot and member of the Air Support Unit in Chelan County, and Tim Chace of Arthur Gallagher discuss helicopter protocol during a recent risk assessment.

Tim Chace, Director of Risk Control with Arthur Gallagher and Jill Lowe will have conducted seven in-depth risk assessments of member counties this fiscal year. The assessments take from one to three days and focus on exposures that pose an unusual or high third party risk to the county. Ten Phase II risk assessments will be conducted by Jill and Tim during the next fiscal year. Jill has found the visits to be productive and that overall, the counties are very effective in addressing third party liability issues.

## **WEBINARS COMPLETED FOR NEW WCPP PROPERTY INVENTORY MANAGEMENT SYSTEM (PIMS)**

County members participated in a series of webinars in June and July to learn their way around the new Property Inventory Management System (PIMS), a system that will allow each member to update, change, or delete properties, buildings, vehicles and equipment covered by the Washington Counties Property Program policy. If you need assistance with PIMS, please contact Sue Colbo at 360-292-4496 or [Sue@wcrp.wa.gov](mailto:Sue@wcrp.wa.gov)

## HELPLINE UPDATE

**The Employer HELPLINE Includes:**

- Toll-free (phone) and website (email) access to employment law attorneys from a national law firm.
- Personalized answers and legal advice to your organization's *unique* HR and employment law questions. All communications are documented and are strictly confidential with attached attorney-client privilege.
- Answers 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 50 types of human resource 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!

The county members listed on pages 4 and 5 have authorization to access the WCRP Helpline.  
If you need assistance, please contact one of these county members.

County	Name	Title
Benton County	Perry, Sarah	Sr. Deputy Prosecuting Attorney
Benton County	Wenner, Melina D.	Personnel Manager
Chelan County	Riesen, Gary	Prosecuting Attorney
Chelan County	Small, Katie	Personnel Analyst
Clallam County	Upham, Marjorie L.	Human Resource Director
Clark County	Volkman, Lori	Prosecuting Attorney
Clark County	Reis, Francine M.	Human Resource Director
Columbia County	Benzel, Lisa	Public Works Accounting Manager
Columbia County	Woods, Andrew	County Engineer
Cowlitz County	DeGrande, Nadya	Personnel Analyst
Cowlitz County	Zdilar, James	Personnel Director
Douglas County	Barker, Jim	TLS Administrator
Douglas County	Clem, Steven M.	Prosecuting Attorney
Franklin County	Rumsey, Rosie H.	Human Resources Director
Franklin County	Verhulp, Ryan E.	Chief Civil Deputy Pros / Risk Mgr
Grays Harbor County	Lewis, Marilyn R	Budget Analyst
Grays Harbor County	Carossino, Joy	Program Assistant
Island County	Kemp, Betty J.	Director, GSA / Risk Manager
Island County	Larson, Larry	Human Resource Director
Jefferson County	Alvarez, David	Deputy Prosecuting Attorney III
Jefferson County	Delaney, Lorna L.	Human Resource Manager
Kitsap County	Aufderheide, Jacquelyn	Chief Civil Deputy Prosecuting Atty
Kitsap County	Starkey, Penny	Senior Program Manager P / HS
Kittitas County	Crankovich, Alan	County Commissioner
Kittitas County	Young, Lisa	Human Resource Manager
Lewis County	Green, Harry B	Risk Manager, MPA, MBA
Lewis County	Smith, Mickiel 'Archie' G	HR Administrator
Mason County	Cap, Bonnie	Personnel Analyst
Mason County	Martin, T.J.	Human Resources Director



# POOL NEWS



Helpline Authorized Contacts, continued from page 4.

County	Name	Title
Okanogan County	Bozarth, Stephen M.	Chief Civil Deputy Prosecutor
Okanogan County	Kallunki, Nanette S.	Administrative Coordinator
Pacific County	Harrison, Bryan	County Administrative Officer
Pacific County	Kaino, Jon	County Commissioner / Board Chr
Pend Oreille County	Metzger, Tom	Prosecuting Attorney
Pend Oreille County	Mylar, Chris	Clerk of the Board
San Juan County	Cunningham, Adina	Deputy Director
San Juan County	Morais, Pamela	Human Resources Manager
Skagit County	Kadrmass, Billie	Director Human Res / Risk Mgmt
Skamania County	Butler, Marilyn	Risk Manager
Skamania County	Van Camp, Debi K	Human Resource / Safety
Skamania County	Pearce, Paul	Commissioner
Spokane County	Bartel, Stephen R.	Risk Management Supervisor
Spokane County	Kinn, Steve	Deputy Prosecuting Attorney
Spokane County	Malzahn, Cathy	
Thurston County	Townsend, Diana	Human Resource Director
Thurston County	Devlin, Tammy	Risk Manager
Walla Walla County	Winter, Jay	Personnel / Risk Manager
WCRP Staff	Hill, Vyrle	Executive Director
WCRP Staff	Looker, Susan	Claims Manager
WCRP Staff	Lowe, Jill	Loss Control Coordinator
WCRP Staff	Drews, Candy	Claims Analyst
Whatcom County	Gibson, Daniel L	Asst. Chief Civil Deputy Prosecutor
Whatcom County	Goens, Karen Sterling	Human Resources Manager
Yakima County	Weigand, Stephanie	Senior Deputy Prosecuting Attorney
Yakima County	Dixon, Linda	Human Resource Manager

**And here is the latest Question of the Month from the WCRP HelpLine HR Express Update:**

**Question:**

*What is the liability associated with a company coordinated carpooling program?*

**Answer:**

While an employer's interest in coordinating a carpooling program is appreciated, this sort of thing is best left to individual employees to determine for themselves, rather than having a company-sponsored (or even just company-coordinated) program.

Not only are there the potential harassment issues, but to the extent any of the carpools are in an automobile accident en route to or from work, the employees may attempt to argue that the employer bears some degree of responsibility in view of its involvement in arranging the transportation (is the employer going to ensure that the drivers have current licenses? clean driving records? etc.?) As well, if employees in a company-organized carpool have different work schedules, the result could be that some employees are at work longer than they need to be, either before or after their shift (or both), while some employees are leaving before their shift is completed (or are arriving late) on account of a carpool-partner/driver who has a different schedule. Ordinarily each employee is responsible for transporting him or herself to work.

Should certain employees desire to carpool together, certainly that is their prerogative, but we would discourage the employer from becoming involved in a carpooling program or otherwise in how employees get to and from the workplace.



# SAFETY NEWS



(This article was written for the June 2009 issue of *Transportation Safety Topics Newsletter* by Tim White, Senior Loss Control Consultant for Gallagher Transportation Services. He has given his permission to reprint.)

## DISTRACTIONS

Accidents caused by distractions while driving are not a new phenomena. Such accidents date back to the very beginning of road travel by motorized vehicles.

According to Joseph Tessmer, a NHTSA statistician, an estimated 20% to 30% of fatal accidents are due to distractions. But, he goes on to say, it's impossible to know for sure because only a few states document distractions in accident reports.

Lately, there has been extensive publicity concerning drivers who have had an accident while using a cell phone. And, who hasn't been irritated at a driver who appears oblivious to others around him/her while talking or texting on the cell phone? Politicians have jumped on the public's negative sentiment towards these distracted drivers and have enacted laws (or have laws on the books that will take effect later this year) that deal with the use of cell phones while driving. For example:



- \* Twelve states have laws banning texting while driving.
- \* Six states have laws banning hand-held cell phone use while driving.
- \* Eighteen states have laws banning school bus drivers from using a cell phone.
- \* Twenty-three states have laws banning teenage drivers from using a cell phone.



- \* Twenty-five states have laws banning data collection while driving.

Source:  
Automobile Association of America

However, while cell phones have gotten all the attention lately, the fact remains that any distraction while driving is dangerous.

Before the advent of the electronic age, distractions consisted mainly of eating; drinking;



smoking; talking on the CB; talking to others in the vehicle; tending to small children; objects falling off the dash or onto the floorboard; reaching for something; looking at the scenery; listening to the radio or changing stations; viewing printed material such as a map or newspaper; adjusting comfort controls; shaving, applying makeup, or other grooming activities; or doing paperwork.

The electronic age has added several additional distractions. Besides

talking or texting on the cell phone, other electronic age distractions include, looking at or configuring a GPS device; using a laptop computer, iPod, Blackberry or other similar device; reading or using the on-board computer/satellite communicator; watching a movie on a DVD; changing/inserting/removing a CD or mp3 disk; or adjusting electrically controlled mirrors. Even safety systems, such as viewing a low tire warning message, or hearing an alarm, such as from a collision avoidance system, can distract from the driving task by forcing the driver to focus on one hazard to the exclusion of all others.

Each one of us has been guilty of several of these distractions while driving. But for most of us there was no accident (or even a near miss) while we multitasked. So, we do not consider the distractions as particularly dangerous, and continue to do them.



Which brings up an interesting observation about human nature:

We are all conditioned from early childhood to a system of reward or punishment. We have all learned that if we act in certain ways we will likely be rewarded, but if we act in other ways there are likely to be negative consequences. For example, when Mom said, "No, don't touch that", but we reached for the same object again anyway, chances are we received a light swat on the hand, or maybe in today's child rearing approach "a

(Continued on page 7)



# SAFETY NEWS



*(Continued from page 6)*

time out.” Conversely, if we did something deserving praise, we probably were rewarded with a pat on the head or a hug. This system of reward and punishment continues for each of us throughout our lives.

Hence, we are all conditioned by society to repeat those things that bring us rewards and avoid those things that result in punishment.

OK, but what does the system of reward or punishment have to do with distracted driving? Simply this, if we do not have an accident or near miss when doing something else while driving, say for example eating a burger, our reward is we saved time by not stopping to eat. And, because we were rewarded, we will likely eat and drive whenever we want to save time. On the other hand, if we are punished by an accident or near miss, we will think twice about ever again eating while driving.

Unfortunately, driving while distracted usually yields rewards rather than punishment. Hence, we are likely to continue to drive while distracted. But risky behavior will, sooner or later, result in an accident. And, having an accident is a hard way to learn an important lesson about distracted driving. Instead, why not change your poor driving habits now?

Make a decision today that from now on you will not allow other “stuff” to distract you while driving. After all, are any of the myriad distractions so important as to risk having a potentially serious accident?



*“The information contained in this report was obtained from*

*sources which, to the best of the writer’s knowledge, are authentic and reliable. Arthur J. Gallagher Risk Management Services, Inc. and WCRP make no guarantee of results, and assume no liability in connection with either the information herein contained, or the safety suggestions herein made. Moreover, it cannot be assumed that every acceptable safety procedure is contained herein, or that abnormal or unusual circumstances may not warrant or require further or additional procedures.”*



And here are a few quotes from the July 2009 *Courier Safety Topics Newsletter* regarding Railroad Crossings:

Railroad grade crossing accidents involving motor vehicles have steadily declined over the last thirty years. Fatalities and injury accidents between trains and motor vehicles decreased from 748 fatalities and 3,739 injuries in 1980, to 263 deaths and 962 injuries in 2007. This decrease amounts to an astounding 65% reduction in deaths and 74% reduction in injuries!

However, according to the Bureau of Transportation Statistics, much of the improvements in grade crossing safety are attributable to closures of public and private grade crossings, and the upgrading of crossings marked only by signs with active warning devices.

Any additional gains in railroad grade crossing safety will most likely have to come from a change in driver behavior, as most crashes between motor vehicles and trains today are the result of driver error. In fact, the Office of the Inspector General attributes 94% of grade crossing accidents and 87% of grade crossing fatalities to risky driver behavior or poor judgment.

Drivers who have accidents with trains usually fall into one of two categories: (1) drivers who choose not to comply with traffic laws and warning devices, and (2) drivers who fail to comprehend the dangers at railroad crossings.

A fact that risk takers should consider is that a train traveling at 50 mph will take about 1 1/2 miles to come to a stop after applying emergency braking. Having your vehicle pushed down the tracks such a great distance must be a terrifying experience, and one that is usually deadly.

Always check visually for an approaching train. And, remember to look for multiple tracks; there may be more than one train. Never assume railroad-crossing lights and gates are working properly—equipment can fail due to theft of copper, and also due to general mechanical breakdown.

**If you find yourself stranded in your vehicle on a railroad crossing, do not attempt to try to start your vehicle or push it across the tracks. Your life is much more valuable than some vehicle or its contents. Get out of the vehicle immediately and move to a safe distance away from the vehicle and railroad tracks. Call 911 to alert the railroad. Do not attempt to remove your vehicle from the tracks until you have assurances from the railroad that it is safe to do so, and you have the assistance of the police to direct traffic.**

Finally, a good rule of thumb to remember is to expect a train at every rail crossing. In that way, you will never be caught by surprise.



# TRAINING & EVENTS



## September 2009

9/1/09—9/3/09—Management & Supervisory Training, WCRP Training, Spokane County Sheriff's Office Training Center

## August/September/October, 2009

The Risk Pool is "on the road" to visit with member counties.

## October 2009

10/19/09—10/21/09—Governance and Leadership Conference, AGRIP, Seattle

## November 2009

11/4/09 - 11/6/09—Autumn 2009 Conference and Meetings, Red Lion Hotel Columbia Center, Kennewick

## Coming up in December 2009—February 2010:

1-1/2 day Management & Supervisory Training, dates and locations to be announced.

You can get more information, access driving directions, and register for classes and events at:  
[www.wcrp.info](http://www.wcrp.info)

## **Good Reviews for WCRP Training**

The following comments were received in a survey of the recently completed *Reductions in Force* training:

*The most helpful part of the class was...* "how important the planning and documentation is regarding a RIF plan." "I especially appreciated the informal dialogue approach, and inclusion of comments from participants." "I liked the portion about using a checklist and keeping the same dialogue with each person." "...discussing other alternatives to RIF and finding out what other counties are doing."

*Changes that might be made due to something learned in training...* "updated review of release used in connection with employment separations." "We will review our exit processes and refine them..." "We will be preparing a RIF manual. We will urge major changes in our process."

*And, several commented on the presenter...* "Sheryl (Willert) is an excellent presenter. Jill made a great choice in bringing her to the Risk Pool."