



# County Connection

News from the Washington Counties Risk Pool

May/June 2009

## Property Appraisal Field Work Winds Down



Pictured (left) are Mark Hessel, Vice-President (on the right), and Dave DiRusso, Appraiser, Hirons and Associates pouring over plans and as-builds of Whatcom County's properties. Not pictured was Steve Martin of the Hirons' appraisal team. ~  
*Photo by David Goldsmith*

Professional property appraisers with Hirons and Associates, Inc. are in the final throws of completing the field work of over 260 properties of member counties participating in the Risk Pool's property insurance program. This field work has taken the consultant team to the four corners of the State, from courthouses to lighthouses and everything in-between. Once the field work is complete, the appraisal process will focus on packaging the

information gathered into detailed reports and establishing insured values for both the structures and their contents. Historical properties will have reproduction values established in addition to their replacement values. Hirons' work will be completed by June and presented by the Summer Conference. Paper and electronic copies will be provided to all participating counties for their properties.

**5/8/09 Helpline Question of the Month: *We'd like to replace an employee that recently went out on Short Term Disability (STD) for carpal tunnel surgery (non-employment related). He is not covered by FMLA because he has not been employed long enough. We'd like to terminate him while he is out on STD, which is consistent with past practices. Has carpal tunnel ever been an issue under ADA?***

Yes, carpal tunnel can be a disability under the ADA, but it depends on a number of variables. Title I of the ADA protects "qualified individuals with disabilities" from employment discrimination. Under the ADA, a person has a "disability" if he or she has a substantial (not a minor) physical or mental impairment that substantially limits or restricts the individual in the performance of a major life activity, such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working (and presumably some people with these conditions may be so limited or restricted). Not everyone who meets this definition of "disabled," however, is automatically deemed a "qualified individual with a disability" for purposes of ADA protection. Rather, an individual with a disability must ALSO be qualified to perform the essential functions of the job, with or without reasonable accommodation. This means that an applicant or employee who is disabled must satisfy the job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; AND be able to perform those tasks that are essential to the job, with or without reasonable accommodation, in order to gain ADA protection. Thus, just because someone may have carpal tunnel, unless the condition constitutes a "disability" AND the employee is otherwise "qualified" as both of these terms defined by the ADA, there is no ADA protection conferred on such individual.

That said, it is not clear the reason the employer wants to terminate the employee. If the employee challenges the discharge decision as unlawfully discriminatory (based on disability), the employer would need to be able to articulate a legitimate, non-discriminatory justification for its decision to defend such a claim. For more information, please see <http://www.eeoc.gov/ada/adahandbook.html>

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Published by



**WASHINGTON COUNTIES  
RISK POOL**

Created by Counties for Counties



# TRAINING & EVENTS



## LocalGovU

This is an update on use of LocalGovU on-line classes.

- Nine counties and the Risk Pool staff have taken on-line classes (Douglas, Walla Walla, Lewis, Whatcom, Chelan, Clark, Benton, Okanogan and Adams).
- Thirty-three different classes have been taken (followed by the number who have passed):
  - \* Automobile Safe Driving - 6
  - \* Electrical and Fire Safety - 1
  - \* Ethical Behavior - 2
  - \* Personal Injury in the Workplace - 1
  - \* Preventing Accidents in the Workplace - 2
  - \* Snow and Ice Management - 1
  - \* Harassment Prevention for Managers- 1
  - \* Equipment Safety - 1
  - \* WCRP Defensive Driving - 86
  - \* Chemical and MSDS - 2
  - \* Absorbents and Spills - 1
  - \* Goal Setting Skills - 2
  - \* Supervisory Skills 101 - 12
  - \* Back Injuries - 1
  - \* Blood Borne Pathogens - 1
  - \* Business Writing Basics - 3
  - \* Transition from Peer to Supervisor - 2
  - \* Communications Skills - 1
  - \* Recruiting Excellent Employees - 3
  - \* Performance Management - 1
  - \* Personal Professionalism - 2

- \* Microsoft Excel Basics - 2
- \* Workplace Violence Prevention - 27
- \* A Welcoming Customer Culture - 2
- \* Employee Retention - 1
- \* Sexual Harassment Training - 2
- \* Handling Difficult Customers - 1
- \* Generational Differences - 1
- \* Lawn Care Equipment Safety - 1
- \* Harassment—Rights and Obligations - 1
- \* Supervisory Skills 201 - 1

Here are a few comments from county members who have taken classes:

Basic Written Communications - "This class is exactly what it says, basic. Best used by someone just entering the workforce for the first time after high school or for someone who has been out of the workforce for an extended period of time and is coming back."

Excel Worksheet - "Again, basic, but with useful information."

Supervisor Skills 101 - "The course is easy to take. The information was good and presented simply; I liked the format of listing the items they discussed."

~ Jill Lowe  
**Loss Control Coordinator**



Ron Marshall, Chief Civil Deputy Prosecuting Attorney, Cowlitz County, and other county employees attending training offered by the Risk Pool.



# TRAINING & EVENTS



## WCRP Summer 2009 Conference and Annual Meeting at the Enzian Inn, Leavenworth

Fun in the sun! Celebrating 21 Years of Operation!

### Wednesday, July 29

2:00 pm - 5:00 pm	Executive Committee Meeting (if needed)
5:00 pm - 7:00 pm	Welcome Reception

### Thursday, July 30

8:30 am - 10:30 am	Claims and Risk Management Roundtable with Risk Management Trainings: Ramsey Ramerman, The Public Records Act and Open Public Meetings
10:45 am - Noon	Roundtable continues with general discussion
Noon - 1:15 pm	Recognition and Awards Luncheon
1:30 pm - 5:00 pm	Board Workshop
6:00 pm - 9:00 pm	Dinner Reception

### Friday, July 31

8:30 am - Noon (??)	WCRP Summer 2009 Annual Board Meeting
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To register, simply log on to the WCRP homepage (<http://www.wcrp.info>) and click on the "Events & Training Calendar" link in the (upper) left column, then onto the "Online Registration Form" in the middle. From the "Events" drop-down, select "7/29/09 Summer Session: Leavenworth" and fill in the applicable boxes. Driving directions and other details will be provided after completing your online registration.

To register for a room: A block of overnight rooms has been set aside for Wednesday and Thursday nights. Phone the Enzian Inn at 800-223-8511, identify yourself as part of the "Washington Counties Risk Pool Group" and be prepared to provide your name, home/office address, e-address (if any), requested room type, and check-in/check-out dates. The block of rooms will be available until June 29th.





# SAFETY NEWS



(These articles were written for the April and May 2009 issues of *Transportation Safety Topics Newsletter* by Tim White, Senior Loss Control Consultant for Gallagher Transportation Services. He has given his permission to reprint.)

## SPEEDING (APRIL 2009)

When the price of fuel was going through the roof last year, I observed a noticeable drop in the number of drivers speeding or otherwise driving aggressively, presumably to save on the cost of fuel. There was also a corresponding drop in the national fatality and accident rates.

However, now that fuel is relatively inexpensive, speeding and other aggressive driving tendencies appear to be on the rise again.

If your only reason for not speeding was to save on the high cost of fuel, then you need to understand that there are several other good reasons not to speed. Some of these other reasons not to speed are far more important than lowering fuel costs.

### Other Reasons for Not Speeding

#### $E=MC^2$

As Einstein expressed in his famous equation  $E=MC^2$ , crash forces increase by the square of the speeds involved. Hence, when your vehicle's speed increased by 50 percent, say from 40 mph to 60 mph, the forces involved in a crash increase by 125 percent! Simply put, as you speed up, the likelihood of major damage, injuries, or death in a crash increase incrementally much, much faster.

#### Saving Time

Some people speed to make up for lost time. A very common scene on our roads is the commuter who is late for work and thinks speeding will make up for getting up late. As he/she speeds down the road, his/her eyes affirm that he/she is indeed making up heaps of lost time because, after all, *"I am going way faster than the surrounding traffic, so I must be making good time."*

Let's examine the error of this commuter's thought process. For example, let's say the commute is thirty miles, most of which is on divided highways posted at 65 mph. A safe driver, given traffic conditions, is going 60

mph. Hence, he/she will arrive at work in approximately thirty minutes. The harried office worker, on the other hand, is risking a high speed accident and/or moving violation by going 70 mph, weaving in and out of traffic, and tailgating. He/she will arrive at work (if he/she makes it without an accident) in twenty-five minutes.

Is saving five minutes really worth the risk of a moving violation or a crash, maybe with disabling injuries or deaths? What makes speeding even more senseless is that one stop light, or the slowing of traffic due to congestion, will erase even the 5 minutes gained.

OK, that example was for a short trip. What about a longer trip? Surely increasing your speed from 65 mph to 75 mph saves a lot of time, right? If you do the math, you will find the savings is only 7.4 seconds per mile! In a hundred miles you will save 12 minutes. It will take you five hundred miles to save an hour. Ask yourself: "Is it worth it?" Most of us waste that much time at stops along the way. Maybe instead of speeding, each of us should examine how we manage our time when we are not driving.

#### How Fast Can You Stop?

Stopping distance equals the time it takes for you to recognize the need to brake (hazard recognition time), plus the time it takes for you to move your foot from the accelerator to the brake pedal (reaction time), plus the time it takes the brake system to activate, plus the time it takes the vehicle to come to a stop.

An average 80,000 pound loaded tractor-trailer traveling at 65 mph with good brakes, good tires, a dry pavement, and an alert driver will take 525 feet to come to a stop. Increase the speed of the truck to 75 mph and your stopping distance will increase to 750 feet. The 225 feet stopping distance difference between 65 mph and 75 mph could easily be the difference between no accident and a multi-vehicle pile-up.

#### Maintenance Costs

Higher speeds equate to higher maintenance costs. Speeding puts more fuel through an engine, and there is a direct relationship between the amount of fuel put through an engine and the life of that engine. Transmissions also suffer from the additional stress placed on them at higher speeds. Tire wear is accelerated at higher speeds. And, because speeding usually includes some hard braking, brake wear is higher for speeders.

#### Your Health

The biggest maintenance cost may well be the cost of maintaining your own body. Speeding results in higher levels of stress, which have been proven to adversely affect your health. Stress also increases fatigue.

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# SAFETY NEWS



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Fatigued drivers are more likely to commit errors or fall asleep at the wheel.

## **Conclusion**

Speeding may give us a feeling of making good time, but the reality is that the risks associated with speeding are greatly out of proportion to the small amount of time we save.

## **ROADWAY WORK ZONES (MAY 2009)**

### **Good News, Bad News**

The good news about the government's 2009 economic recovery package is that some badly needed repairs are being made to our current roads and bridges, and the creation of new roads will ease traffic congestion. In addition, having more construction workers employed will have a positive ripple effect on the economy.

The bad news is that this surge in roadway construction activity will likely result in an increase in the number of roadway construction site fatalities and injuries.

### **Some Statistics**

Are roadway work zone crashes a serious problem? Based on the following statistics, the answer would have to be "yes."

In 2007 (latest available statistics), there were 835 construction zone *fatalities* (2.25% of all roadway fatalities for the year). *Injuries* (latest available statistics, 2003) were about 41,000 injuries (1.4% of all roadway injuries for the year).

Here is another way to reflect on roadway work zone crash statistics that may help put the above numbers in perspective.

Roadway work zone crashes in the U.S. result in:

- One fatality every 10 hours, and
- One injury about every 13 minutes.

### **How to Avoid Work Zone Crashes**

#### ***Expect Construction Delays***

Plan ahead. Determine where on your trip there is road construction. Search the internet. Using a search engine will usually yield information not only on the location of construction zones, but will provide recommendations on alternate routes. Plan to leave early to make up for any delays enroute.

#### ***Expect the Unexpected***

Some drivers will likely display aggressive and unsafe behaviors. Plan on it happening and be prepared to react defensively.

Some drivers will try to zoom to the head of the line when lanes merge. Counter by merging early, and

leaving a gap ahead of you. Some drivers will obey the speed limits, while others will appear to be oblivious to signs requiring sharply decreased speeds. You might even see some drivers using the shoulder of the road or "off-roading it" to pass or cross the median.

Some roadway worksite managers do a better job than others of setting up warning signs and instructing their workers, including flag persons. *Don't assume that signage will be of the proper number and spacing or that personnel will always give you adequate warning of construction hazards.*

If there is cross traffic from construction vehicles or other delays, such as an accident ahead of you, traffic may back up well beyond all but the earliest of warning signs. Hence, slow down at the first warning of an upcoming construction zone, especially where your long distance scanning is blocked by curves or hills.

Narrow lanes with drop-offs are a recipe for disaster. On multiple lane roads, do not ride side-by-side with another vehicle. If you do drop off, do not try to immediately return to the road surface, or you may lose control. Slow down, steer one to two feet away from the edge of roadway, check traffic behind you, and then turn your wheels to re-enter the roadway slowly.

Slow down while driving through a construction zone at night.

Be on the lookout for mobile work zones. Even when you do not see workers immediately, continue to drive cautiously.

### ***Obey the Reduce Speed Signs Immediately***

If you are traveling 60 mph and pass a sign that reads "Road Work 1500 feet", you will be in that work zone in 17 seconds.

### ***Guard Against Rear-End Collisions***

85% of all fatalities in construction zone crashes are the driver (518) or his/her passenger (194), and the most common type of crash is a rear-end collision. Leave plenty of space between you and the vehicle in front of you. If you are being tailgated, double your safe following distance.

### ***Road Construction is a Fact of Life.***

### ***Slow Down. Remain Calm. Arrive Safe.***

*"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 makes no guarantee of results, and assumes 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."*



## It's Summer! Is it time to "Give Your Park and Recreation Department a Spring Tune-Up"?

Cities and counties nationwide presently are preparing our parks, swimming pools and playground equipment for the summer. To reduce potential liability, Park and Recreation departments are inspecting recreational equipment and making and documenting necessary repairs.

Giving Park and Recreation staff a spring tune-up can be just as important -- if not more important -- than sprucing up facilities. Many such employees are temporary or seasonal, so rechecking their information is crucial. How does a Park and Recreation department give staff a spring tune-up?

1. **Bring criminal-history checks up to date.** Rechecking staff members' criminal histories protects those who live in our communities and reduces the Department's liability.
2. **Update motor-vehicle driver's license records to include Department of Transportation checks.** This also would be a good time to have all staff members take a defensive driving course.
3. **Update all required certificates** such as CPR, lifesaving certificates or other required licenses, and place copies in each employee's personnel file.
4. **Have all employees review all operational and safety plans**

**and policies**, and sign a document attesting that they have read and understand these plans.

5. **Emphasize personnel policies**, particularly harassment, sexual-harassment, drug-and-alcohol policies and employee-grievance policies.

Ensuring that park-and-recreation equipment and staff are all in tune for the summer will not only reduce potential accidents, but also will minimize your department's liability exposure.

This newsletter article was written, and reprinted with permission, by **Dennis Molenaar**, vice president of Risk Control at OneBeacon Government Risks. With over 30 years of experience in civil litigation, defense counseling and risk control services, Dennis is responsible for developing, directing and implementing strategic plans related to OneBeacon Government Risks risk control services.





# TRAINING & EVENTS



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## July 2009

7/29/09—7/31/09—WCRP Summer 2009 Conference and Annual Meeting, Enzian Inn, Leavenworth (see page 4 for more information)

## November 2009

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

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

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

## Are you searching for a Model Policy?

The WCRP website has a Model Policy Library that may be able to help you. From the Home page, click on Members Only/References. After entering your user name and password, you can view the Model Policy Library with over 75 documents to help you in the areas of Accident Prevention, Computer Security, Contract Management, Facilities, Fairgrounds & Special Events, Health Care, Human Resources/Employment Policies, Law Enforcement (Sheriff, Jail, Juvenile Detention), Pretrial/Post Trial Community Supervision, Public Records, Risk Management, Roads, and Vehicle Use.

### **POLICY INFORMATION NOW ON LINE**

Our website has a lot to offer. Members can now access policy information on line. From the Home page, click on Members Only/Insurance Documents. After entering your user name and password, you can view liability and property policies for the last 13 years. If you need assistance with your user name and password, please contact [Claire@wcrp.wa.gov](mailto:Claire@wcrp.wa.gov).