



County Connection

News from the Washington Counties Risk Pool

January/February 2010

Phase II Risk Assessments Continue



By JILL LOWE—LOSS
CONTROL
COORDINATOR

I love to read and am thrilled when I stumble upon a well written fiction introducing me to other cultures. I also love to travel, explore small towns, eat at local diners and spend time in places that are not touristy. This combination of interests suits me perfectly in my responsibilities when visiting and exploring member counties.

Several years ago, the Washington Counties Risk Pool Board asked Mike Croke of Arthur J. Gallagher (AJG, our broker) to assist the Pool in establishing a formal underwriting database. This would be accomplished by performing a risk control analysis of Pool member counties, completing at least eight reviews annually.

In 2008, AJG's Tim Chace and I met with each of the member county risk managers to complete their individual risk exposure assessments (Phase I). The Phase I Risk Assessment featured a standardized list of questions which summarized activities and operations for each respective county. These assessments have just recently been sent to county risk managers in the form of a spreadsheet for updating as the self assessment reporting tool required yearly by the Pool.

In 2009, Tim and I began visiting each county to perform a more focused site assessment. We are calling this "Phase II." Facilities that we are visiting include transfer stations, quarries, jails and swimming and boating areas as well as many other facilities that pose significant third party liability issues to counties. We are also meeting with managers to discuss programs such as dispatch, detention, medical and sign replacement. The Phase II assessments should be completed for all WCRP counties in 2011.

Each site visit results in a report that details county activities and policies, discusses effective control measures and notes suggested improvements. Ultimately, the goal is to assist each member county and, therefore, the Risk Pool, with greater control of liabilities. In several conversations with Rich Vincelette of ACE, the Pool's primary reinsurer, he has emphasized that these risk hazard assessments help contain premium costs by providing underwriters with up-to-date information about the member counties.

Each county has its own culture and therefore, unique attractions and hazards. Chelan County owns an airport and the spectacular OHME Gardens. Spokane owns water parks and a raceway park, and Benton County has a firing range. County Line Park is operated by Cowlitz County, but resides in Wahkiakum County. At high tide, the park has a stair leading to water. Adams and Okanogan Counties have amazing local diners, the Blue Bike and Breadline Café, respectively.

For those counties that Tim and I have not yet visited, you'll soon be receiving a call from me. I'm looking forward to getting to know each of the member counties better. And, regarding culture in various counties, we'll just have to discuss that over a cup of coffee.



County Line Park stair gate inspected by Tim Chace, AJG, and Cowlitz County Risk Manager Clyde Carpenter, during a recent Phase II county visit.



Harry Green, Risk Manager,
Lewis County

HARRY GREEN AWARDED CERTIFICATE OF APPRECIATION

In a ceremony held Friday, January 29th, 2010, the Department of the Army awarded a Certificate of Appreciation to Harry Green, Ph.D., ABD, for the St. Martin's University 2009 Fort Lewis Installation Excellence Award for Excellence in Education.

The certificate reads, "For your superb dedication to providing education of the highest quality to the soldiers and family members of Fort Lewis, Washington. We honor your commitment to high academic standards, your devotion to students, your enthusiasm for your academic discipline, and your leadership as coach and mentor. You have profoundly influenced the personal and professional growth of countless students in the military community." Thomas H. Brittain, Colonel, USA, Commanding, signed the certificate.

CONGRATULATIONS, HARRY!

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**WASHINGTON COUNTIES
RISK POOL**

Created by Counties for Counties

TWO SCHOLARSHIP OPPORTUNITIES

As reported in *The Courthouse Journal*, the Washington Counties' Scholarship Fund is offering five \$3,000 awards to dependent children of county employees who will be enrolled full-time during the 2010-2011 school year in a BA program, associate degree program or vocational/technical certification program. The application will be attached to the February 12th *Courthouse Journal* issue and complete information and applications will be available on the web at: <http://wacounties.org/waco/>.

And, for the fifth consecutive year, NACo/Nationwide will award four \$2,000 scholarships to high school seniors. Winning applicants will submit a short essay describing why it is important for a public sector employee to start saving early for retirement.

For more information about these scholarship opportunities, please contact the Washington Association of County Officials, or the Washington State Association of Counties at: www.wacounties.org.



Time to Make Plans!
WCRP 2010 Spring Conference and
Board of Directors Meeting
March 24-26, 2010
The Lodge at Suncadia



WHAT: Washington Counties Risk Pool 2010 Spring Conference (and Board of Directors Meeting)

WHEN: Wednesday—Friday, March 24-26, 2010

WHERE: Lodge at Suncadia, located 80 miles east of Seattle, is a 6,400 acre luxury all season mountain resort, adjoining the Cle Elum River corridor with 1,200 acres of pristine forest, adjacent to the 2.2 million acre Wenatchee National Forest. The area provides endless recreation opportunities including golf, hiking, biking, fishing, boating, cross-country skiing, snowshoeing, ice skating, indoor and outdoor swimming, and a fitness center. The Glade Spring Spa includes 14 treatment rooms and outdoor salt soaks. Pets are welcome, with advanced reservations.

CONFERENCE REGISTRATION: Log on to the WCRP homepage (<http://www.wcrp.info>) and click on the “Events & Training Calendar” link in the upper left column, then on to the “Online Registration Form” in the middle. From the “Events” drop-down, select “2010 Spring Conference and Board of Directors Meeting” and fill in the applicable boxes. Driving directions and other details will be provided after completing your online registration.

LODGING (if needed): A block of overnight rooms at the Lodge has been set aside for Wednesday and Thursday nights for the OFM per diem rate (\$70 + T&F). Phone toll free 866-904-6300 and specify the group rate for Washington Counties Risk Pool. The block will remain available until Wednesday, February 24, 2010.

SCHEDULE: The conference schedule includes:

Wednesday, March 24th

1:15 pm—3:15 pm - **NEW** Roundtable—Prosecuting Attorneys

- Will Ashbaugh of Stafford Frey Cooper, *Insurance Defense*

- Rob Novasky of Burgess Fitzer, *Adjuster/Defense Counsel Roles & Relationships*

3:30 pm—5:30 pm - Executive Committee Meeting (tentative)

Evening: Nothing formal planned—ON YOUR OWN

Thursday, March 25th

8:30 am—11:30 am - Roundtable—County Claims Administrators and Risk Managers

(Including presentations and summary from Wednesday’s Prosecuting Attorneys Roundtable)

11:45 am—1:15 pm - Luncheon with Legislative Update (Eric Johnson, WSAC Exec. Dir.)

1:30 pm—4:30 pm - Work Session

Business Model Task Force Report and Discussion

Preview Agenda and Issues for Friday’s Board Meeting

Evening: Nothing formal planned—ON YOUR OWN

Friday, March 26th

8:30 am—? (Noon) - Board of Directors Spring 2010 Meeting



Helpline NEWS



Here are the latest Questions of the Month from the WCRP HelpLine HR Express Update:

January Question:

Can you ask or require an employee to use assistance (cane or walker) while at work for her own protection of falling? She sits at a desk during her work hours, our concern is her walking to and from her vehicle, she's winded and has to rest in-between, the distance to walk is no more than 50 yards from parked car to her desk. She does use a handicap parking tag. None of this has affected her job performance.

Answer:

Inquiring about an employee's health or requiring an employee to use a walking aid may run afoul of discrimination laws. If an employer assumes an employee is having a physical or mental issue and tells the employee to obtain medical attention, and/or makes doing it a condition of employment, the employer could invite potential liability under the Americans with Disabilities Act (ADA). Indeed, the ADA confers protection not just upon qualified individuals who actually have disabilities (or who have a history of a disability), but also on those who are REGARDED AS having a disability by their employer, even if they do not actually do so. Making assumptions about an employee's health by encouraging her to seek medical attention (such as to obtain a walking aide) could be construed as the employer "regarding" the employee as being disabled, and this could thus bring the requirements of the ADA to bear upon the employer where perhaps they were not there before. Given that there are no problems with the employee's job performance, we do not recommend making any proposed suggestion to the employee of obtaining a walking aide.

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February Question:

We have an employee who has a doctor's note which is asking us to buy an ergonomic chair

because he has back issues. Is this something we are required to do? And if so, is the type of chair up to our discretion as long as it's ergonomic as the doctor requested?

Answer:

Generally employers are required to provide a safe and healthful work environment under OSHA, including an appropriate chair for employees who do their work seated. This does not mean that the employer has to buy the most expensive chair around. Rather, a chair that is well-designed and appropriately adjusted, even if moderately or even inexpensively priced, will still fit the bill of contributing to a safe and productive workstation.

According to OSHA, a "good chair provides necessary support to the back, legs, buttocks, and arms, while reducing exposures to awkward postures, contact stress, and forceful exertions." For more information, please see http://www.osha.gov/SLTC/etools/computerworkstations/components_chair.html. Of course, if an employee is disabled and needs accommodation in the form of a more ergonomically sound chair than what you currently provide, you may need to change (or upgrade) the chair, or perhaps look into less expensive options such as supportive pillows, cushions, etc., if doing so is reasonable.

Denying an accommodation because the expense of doing so is not per se, in the budget may create exposure to a potential failure-to-accommodate claim under discrimination laws if the employee is disabled and the employer is unable to prove that an accommodation would cause it to suffer "significant difficulty or expense." Remember that a reasonable accommodation for purposes of the ADA is not necessarily one the employee wants (i.e., new chair) if there is another, less expensive option (i.e., cushions, etc.) available that achieves the same result. We encourage you to engage the employee in an interactive discussion to explore these options. For more information, please see <http://www.eeoc.gov/facts/accommodation.html>.

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NEW SHERIFF MAKES WATER SAFETY A TOP PRIORITY

Excerpts from an article written by Barbara LaBoe, *The Daily News*, posted January 30, 2010

Cowlitz County Sheriff Mark Nelson is spearheading a drive to alert swimmers to local dangers and make beaches like Willow Grove [Park] safer. Nelson was out on eight of the nine drownings last summer, and he doesn't want to be covering more this year.

By June 17 last year, Sheriff Nelson had already responded to two drownings, and he hoped they'd be the last of the summer. Instead, the area saw seven more people die in what officials say was one of the worst summers for drowning they can remember.

"I think it really shocked our community," Nelson said. "It really had an impact. Everyone was talking about it."

Nelson was a captain in the sheriff's office at the time and became sheriff in September. One of his first acts as sheriff was to form a group, WRESQ (Water, Recreation, Education and Safety Quorum) to brainstorm ways to better educate residents about water safety and the risks of swimming in rivers and lakes. "I think the energy and momentum is still there because of the tragic summer we had," added Cowlitz County Commissioner Axel Swanson, one of the group's members. "It was just horrible." The group hopes to roll out its education blitz this spring.

Sheriff Nelson knows the water draws people; he is not saying, 'Don't go in the water.' But he wants people to know and remember that when they are around water, there's a chance of drowning. He wants people to think about it and be prepared.

Swimming in rivers and lakes sometimes has extra risk factors. The cold from glacier-fed rivers can quickly sap energy and cause a swimmer to lose control of their arms and legs. Some local rivers have areas that drop off suddenly, and there are also ship traffic and wakes to contend with.

At a minimum, Nelson would like to see all children, and adults, near water wearing life jackets. Keep a flotation device near by to throw to someone in trouble; it's safer than going into the water after

someone because a panicked person can also pull their would-be rescuer under. He would also like to see someone designated on shore to watch those swimming in the water.

Last year the county began putting up about 40 new warning signs at Willow Grove Park, warning of severe currents and that "people wading and swimming have drowned here." The signs are placed every 100 feet along the shore. The Safe Kids Lower Columbia Loaner Life Vest program offers vests at three kiosks at the park.

WRESQ would ultimately like to see the community build a pool or sheltered swimming hole, but for now, the group wants to increase its message and highlight the safety efforts already taking place.

"This is something that needs to be important to us as a community," Nelson said. "The drownings last summer didn't just impact the families. It impacted hundreds and hundreds of people and the whole community. ...None of us wants to go through this year with what we saw last year."

National Drowning Statistics:

- * Drowning is the leading cause of death for infants and young children in 18 states and, nationally, ranks 2nd only to automobile accidents.
- * Children under five and adolescents between the ages of 15-24 have the highest drowning rates.
- * Of all preschoolers who drown, 70 percent are in the care of one or both parents at the time of the drowning, and 75 percent are missing from sight for five minutes or less.
- * Children aged 1-4 are most likely to drown in hot tubs, spas and swimming pools.
- * In Washington State (and 9 other states), drowning surpasses all other causes of death to children age 14 and under.

American Red Cross Water Safety Tips:

The American Red Cross survey shows that almost half the adults surveyed on water safety say they've had an experience where they nearly drowned, and one in four know someone who has drowned.

(Continued on page 6)



SAFETY NEWS



(Continued from page 5)

While over 90% of families with young children will be in the water at some point this summer, almost half (48%) will swim in a place with no lifeguard.

With so many swimming in, on or near the water, it is important to follow the basics of water safety, maintain constant supervision of children and to get trained!

Practice Water Safety

- * Swim in designated areas supervised by lifeguards.
- * Always swim with a buddy; do not allow anyone to swim alone.
- * Ensure that everyone in the family learns to swim well. Enroll in age-appropriate water orientation and Learn-to-Swim courses.
- * Never leave a young child unattended near the water and do not trust a child's life to another child; teach children to always ask permission to go near the water.
- * Have young children or inexperienced swimmers wear U.S. Coast Guard-approved life jackets around water, but do not rely on life jackets alone.

Maintain Constant Supervision

- * If you have a pool, secure it with appropriate barriers—many children who drown in home pools were out of sight for less than 5 minutes and in the care of one or both parents at the time.
- * Actively supervise children whenever around water, even if lifeguards are present. Always stay within arm's reach of young children.
- * Avoid distractions when supervising children around water.

Know How to Respond to an Aquatic Emergency

- * If a child is missing, check the water first. Seconds count in preventing death or disability.
- * Know how and when to call 911 or the local emergency number.
- * Enroll in water safety, first aid and CPR courses and learn how to respond.

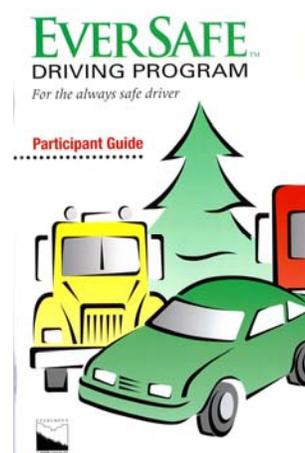
- * Have appropriate equipment, such as reaching or throwing equipment, a cell phone, life jackets and a first aid kit.
(This information is reprinted with the encouragement of the American Red Cross.)



County Line Park—Sheriff Nelson hopes for a safe 2010!



The Risk Pool has a number of Participant's Guides for the Eversafe Driving Program. If your county would like copies of this guide, please contact Claire Thompson at claire@wcrp.wa.gov, or 360-292-4480.





SAFETY NEWS



Safety Tip of the Month: The Perils of Texting and Driving

By Tim Chace, Director of Risk Control, Arthur J. Gallagher Risk Management Services, Inc.

It's clear that cell phone usage while driving has created extremely unsafe conditions for everyone on the road these days. Recent studies reveal that truck drivers are 23 times more likely to crash due to texting; yet teens are apparently at the biggest risk of all. Considering that nearly 50% of teenagers have admitted to texting while driving, this extremely risky behavior is quickly rivaling the dangers of drunk driving. The perils aren't limited to these two groups, but rather have the potential to jeopardize anyone on the road. The New York Times offers an internet game designed to show how reaction time is affected by distractions like texting:

<http://www.nytimes.com/interactive/2009/07/19/technology/20090719-driving-game.html?nl=technology&emc=techupdateemb2>.



When the game starts, you are on the highway with 6 lanes of traffic.

1. Change lanes by using the numbers (1 through 6) on your keyboard (You cannot use the number pad.)
2. When you see a green sign with a number, switch to that lane. Try to align with the designated lane as quickly as possible.
3. At three intervals, a cell phone with a text message will appear. Read and respond to the message while driving.
4. When you answer a text message, answer with the same words that appear in bold on the phone's screen.
5. Use your mouse to text from the on-screen phone.
6. The game will end soon after you respond to the final text message.

Some Traffic Statistics

According to the National Highway Traffic Safety Administration (NHTSA):

- * In 2008 there were an estimated 5,811,000 police-reported traffic crashes, in which 37,261 people were killed and 2,346,000 people were injured; 4,146,000 crashes involved property damage only.
- * An average of 102 people died each day in motor vehicle crashes in 2008—one every 14 minutes.
- * In 2008, there were 11,773 alcohol-impaired driving fatalities—32 percent of all traffic fatalities for the year.
- * The highest percentage of drivers in fatal crashes who had BAC levels of .08 g/dL or higher was for drivers 21 to 24 years old.
- * The economic cost of speeding-related crashes is estimated to be \$40.4 billion each year.
- * In 2008, 37 percent of 15-20 year old male drivers involved in fatal crashes were speeding.
- * One out of nine traffic fatalities in 2008 resulted from collisions involving a large truck.
- * Ejection from the vehicle accounted for 27 percent of all passenger vehicle occupant fatalities.
- * Death and injuries resulting from motor vehicle crashes are the leading cause of death for people of every age from 3 through 34.

Preventing Distracted Driving

One year ago, the National Safety Council became the first organization to call for a nationwide ban on cell phone use while driving. On Tuesday, January 12, 2010, the U.S. Transportation Secretary Ray LaHood and National Safety Council President Janet Froetscher announced the creation of FocusDriven, the first national nonprofit organization devoted specifically to raising awareness about the dangers of distracted driving. FocusDriven is a direct outgrowth of the September 2009 national Distracted Driving Summit, which brought together families, law enforcement, researchers, public officials, and others to establish an advocacy organization that will use leadership, research, education, and advocacy to prevent injuries and save lives. FocusDriven's new website, www.focusdriven.org, hosts information on distracted driving, help for victims and family members, and ways to get involved.



TRAINING & EVENTS



February 2010—April 2010:

Two-day Management & Supervisory Training will be held in various county locations! You can look at the entire schedule of dates and locations at www.wcrp.info ([Training](#) tab).

February 2010—March 2010

The Risk Pool is offering two more opportunities to attend Comprehensive Public Records Officer Training and Certification. Please see our website at www.wcrp.info ([Training](#) tab) for additional information about the training.

March 24-26, 2010

WCRP Spring Conference and Board of Directors Meeting, Suncadia Lodge, Roslyn, Washington.

July 21-23, 2010 (tentative)

WCRP Summer Conference and Annual Board of Directors Meeting, location to be determined.

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

And from a fellow partner in the County Training Institute:

Washington Cities Insurance Authority is offering *Managing the Permit Process: A Practical Approach to Permit Handling and Liability Reduction* on the following dates: Wednesday, 2/17/10 in Federal Way; Wednesday, 3/3/10 in Snoqualmie, Wednesday, 3/17/10 in Longview; and Wednesday, 4/7/10 in Richland. You can register online at www.wciapool.org and click “training schedule.” Please contact Member Services Assistant, Maria Orozco at mariao@wciapool.org or 206-575-6046, ext. 241, if you have any questions.