



# County Connection

News from the Washington Counties Risk Pool

September/October 2011

## 2012 Classes Scheduled

Registration begins  
November 14, 2011



**Connie Poulsen and Mike Bolasina return this year to present a NEW, advanced employment law class!**

**Conducting Difficult Conversations**—There are a multitude of circumstances where managers need to deal with difficult situations. Inappropriate dress or behavior, personal hygiene, use of social media, and absenteeism are just a few good examples. These situations can be uncomfortable, but managers can learn to successfully conduct difficult conversations that will yield constructive results. This class will be offered 8 times:

Tuesday, April 10—Spokane County

Thursday, April 12—Chelan County

Tuesday, April 17—Benton County

Thursday, April 19—Kittitas County

Tuesday, May 1—Lewis County

Thursday, May 3—Clark County

Monday, May 14—Jefferson County

Wednesday, May 16—Skagit County

**4 CPO CORE Credits**

**Management & Supervisory Training**—A two day course emphasizing management and employment law-related topics. Connie Poulsen and Mike Bolasina have taught this class 49 times for WCRP member counties, and there is still demand for it! These two seasoned instructors help navigate both veteran and newly assigned managers and supervisors through curriculum addressing issues public-sector managers and supervisors already face, and how to constructively hone their skills in the areas of Leadership and Supervision, Communications, Managing Time and Priorities, Dealing with Problem Employees, Public Sector Ethics, and Avoiding/Responding to claims of harassment, bullying, discrimination and potential employment-related liability.

February 29 and March 1, 2012, Kittitas County Event & Heritage Center

**6 CPO CORE Credits**



**Conducting Excellent Performance Evaluations**—Performance evaluations are an essential step in creating a positive, efficient workplace. This class will provide attendees legal and managerial guidelines for conducting performance evaluations. Model performance policies and forms, and strategies for documenting and completing evaluations will be provided. If you missed the 12 opportunities this class was offered last year, here is your chance to make it up—Connie Poulsen and Mike Bolasina return to teach three more classes:

Tuesday, March 13, 2012—Spokane County

Thursday, March 15, 2012—Kittitas County

Wednesday, March 28, 2012—Thurston County

**4 CPO Elective Credits**



# COUNTY NEWS



**Mason County Commissioner  
Jerry Lingle  
3/25/1954—8/19/2011**

**NEWS RELEASE  
August 22, 2011  
MASON COUNTY COMMISSIONERS  
411 NORTH 5<sup>TH</sup> ST  
SHELTON, WA 98584**

TO: KMAS, KRXV, SHELTON-MASON COUNTY JOURNAL, THE OLYMPIAN, SHELTON CHAMBER OF COMMERCE, NORTH MASON CHAMBER OF COMMERCE, CITY OF SHELTON, ECONOMIC DEVELOPMENT COUNCIL, THE SUN

RE: Commissioner Jerry Lingle

It is with deep regret that we announce Commissioner Jerry Lingle passed away unexpectedly in his home on Friday, August 19th. The cause of death is undetermined and further toxicological and tissue studies will be conducted by the pathologist. The results will be available in approximately 6-8 weeks.

Commissioner Lingle's passing is a great loss for his family and our community. His record of service, his caring, and his friendship will not be forgotten.

Commissioner Lingle was elected to office in January 2011 as an Independent. Later in the month the remaining Commissioners will develop a process for replacement.

Commissioner Lingle's family is arranging the memorial service and details will be announced when confirmed.

Our heartfelt sympathies go out to his family.

\_\_\_\_\_  
Lynda Ring Erickson  
Chair

The Risk Pool staff and county members add their condolences for the loss of this enthusiastic and caring person. He will be missed.

**Executive Committee**

**2011/12 President**

**Steve Bartel**, Spokane County

**2011/12 Secretary/Treasurer**

**Mark Wilsdon**, Clark County

**Other Members**

**Tammy Devlin**, Thurston County

**F. Lee Grose**, Lewis County

**Laura Merrill**, Pend Oreille County

**Steve Clem**, Douglas County

**Randy Watts**, Whatcom County

**Andrew Lampe**, Okanogan County

**Keith Goehner**, Chelan County

**Jay Winter**, Walla Walla County

**Marilyn Butler**, Skamania County

**Risk Pool Staff**

Administration

**Vyrle 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**, Analyst

**Lisa Daly**, Representative

Open, 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



**Jill Lowe**, Loss Control  
Coordinator

## Contractual Liability

While on vacation this summer, I was lucky enough to drift off to sleep in a cabin 20 minutes outside of Millinocket Maine. The Penobscot River flowed nearby under the backdrop of Mount Katahdin. My kids and I had finished a day of play on the river and were headed to Baxter State Park the next day for some hiking. While television was available, we chose to leave it off for five wonderful New England summer days.

It wasn't until we reached the Portland airport complete with flat screen televisions in the waiting area that I heard about a stage collapse at the Indiana State Fair. While I heard that there had been deaths, I didn't allow myself to think about the family members who had lost their cherished love ones. I thought about the counties that I work with and their county fairs. Some of those counties were dishing out fried burgers and curly fries on the same day the Indiana stage had collapsed. I thought about how difficult it would be to have to work through that sort of catastrophe and I thought of those counties that don't require special events coverage because they just don't want to increase the cost of an event to the point that the event can't be held. I thought about how an uninsured or underinsured event gone very wrong could cost an entire community much more than they would ever anticipate including loss of lives, income and property.

Counties seem to be doing things mostly right when it comes to contract language. There are exceptions though. And there are cases where contracts are being written and signed just like they've always been without appropriate updates or legal and

risk management oversight.

I receive several daily newsletters telling me what has happened in the risk management world. Upon my return from vacation, one of the newsletters described the stage collapse and several other weather related incidents at outdoor festivals, highlighting the need for adequate insurance coverage and risk management. The contract language portion of the article would have been easy to gloss over. It described the insurance needs for the production company and its subcontractors for lights, sound and security. The article discussed the need for general liability policies for staging companies including aggregate insurance and the possible need for additional umbrella coverage. The article also discussed inland marine policies that would cover the lighting and sound equipment. And of course, the article mentioned the need for hold harmless agreements and additional insured certificates to protect the organizers from negligence.

There is a potential for significant cost and there is confusion about what should be required in contracts. For this reason, the Risk Management Committee asked the Board to support funding for training on contractual coverage and liability. The Board agreed that the need exists and Will Ashbaugh will be giving this presentation at the Risk Managers roundtable on Thursday morning, November 3. I recommend it!

We were hiking in Baxter State Park when I slipped on a wet rock and landed on my tailbone. We had to cancel our whitewater rafting trip for the next day which meant we could finally get in that dusk time drive in search of an elusive Maine moose. I had travel insurance which I didn't make a claim on however I did use my medical insurance upon my return home. Let me tell you about this wonderful invention called a coccyx pillow...



# Helpline NEWS



**Here is the latest Question of the Month from the HelpLine for WCRP Members' HR Express Update:**

**October Question:**

*Are we allowed to ask an applicant about current or prior use of illegal drugs? If so, what questions are we allowed to ask? What questions are we not allowed to ask?*

**Response:**

While it would be permissible to ask candidates if they are currently under the use of any illegal drug (including prescription drugs for which they have no prescription), asking candidates whether they are taking prescription drugs or have a history of using unlawful drugs would be prohibited under state and federal disability discrimination statutes.

Employers are certainly free to ask whether an applicant can perform essential functions of the job applied for, but cannot ask questions that are likely to elicit whether the applicant has a disability, which would indeed include questions relative to medication. Since an individual with a history of drug addiction can be protected as disabled under disability discrimination statutes, any question that asks a candidate to disclose whether he or she has previously taken illegal drugs, or whether he or she is using prescription drugs, would be prohibited. However, a question that asks whether prospective employees are currently using illegal drugs, or prescription drugs without a prescription (which is of course also illegal), would be permissible since this kind of activity is not protected. That said, there is probably little value in such a question because the likelihood that anyone would answer it truthfully in the affirmative is very low.

Regardless, if the employer seeks to test candidates for drugs and includes prescription narcotics in the drug screen, the employer must be careful in how it words any follow-up inquiries. Indeed employers may not

ask candidates for employment to disclose whether they are taking any prescription medication as noted above. As well, the proper use of lawful prescription medication is not prohibited and generally should not constitute a violation of a company's drug free workplace policy. To the extent an applicant has tested positive for a prescription narcotic (and has a valid prescription for it), the employer should not assume that employee cannot perform the job. If the employer has an objective, legitimate concern about the applicant's ability to safely perform his or her job (particularly if it is a safety sensitive position), the employer can consider giving the employee a copy of the job description and ask the employee to have the prescribing physician indicate whether the applicant or employee can do all essential functions when taking the medication as prescribed. This is something the employer must do for all employees who similarly test positive for a narcotic drug for which they have a valid prescription.

We are not aware of any law which specifically prohibits an employer from requesting documentation to support the prescription for the employee's use of prescription drugs to ensure the employee can safely perform the job if it is consistent with company policy and past practice to do so. For more information, please see:

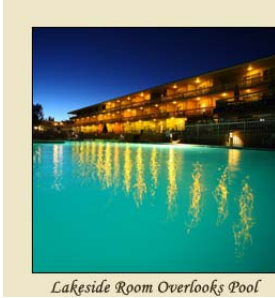
[www.eeoc.gov/policy/docs/qanda-inquiries.html](http://www.eeoc.gov/policy/docs/qanda-inquiries.html) and <http://www.eeoc.gov/facts/jobapplicant.html>. The EEOC has also issued an Enforcement Guidance on Pre-employment Disability-Related Questions and Medical Examinations that is useful as well, and is available at:

<http://www.eeoc.gov/policy/docs/preemp.html> for you to review.

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



# TRAINING & EVENTS



Lakeside Room Overlooks Pool

## **WHAT:** Washington Counties Risk Pool 2011 Autumn Conference and Board Meetings

**WHEN:** Thursday—Friday, November 3 - 4, 2011

**WHERE:** Campbell's Lake Resort on Lake Chelan, WA

Campbell's venue on Lake Chelan, where the eastern Washington desert meets the Cascade Mountains, is replete with natural beauty and outdoor recreation opportunities. Since 1901, they have been providing over-the-top hospitality and crisp service on the most beautiful lake in the world...Lake Chelan. The sunny, dry climate has helped to make Lake Chelan a regional golf destination. The new Bear Mountain Ranch Golf Course, Lake Chelan Golf Course, Desert Canyon and the Highlander make Lake Chelan and North Central Washington the preferred place to golf in Washington state. Thirteen wineries provide wine tasting, vineyards, winery tours and seasonal events. Parks and trail systems abound. A one-mile jogging loop around the Chelan River is literally connected to the Resort.

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

**1) Log onto 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 "WCRP 2011 Autumn Conference" and fill in the applicable boxes. Be sure to select the activities you want to attend and indicate the number of guests, if any, who will accompany you. Driving directions and other details will be provided after completing your online registration.

**2) LODGING (if needed):** A block of overnight rooms at Campbell's Lake Resort has been set aside for Wednesday and Thursday nights at the OFM per diem rate (\$77 + T&F). Telephone 1-800-553-8225 ext. 1, and specify the group rate for Washington Counties Risk Pool, Reservation #211598.

### **SCHEDULE:** The conference schedule includes:

#### **Thursday, November 3rd**

8:30 am— Roundtable—County Claims Administrators and Risk Managers (CLE & CPO credits pending)  
**Will Ashbaugh** will present "Contract Pool Coverage, Insurance, Indemnification and Hold Harmless Agreements."  
**Mike Bolasina** will speak on "Bringing in an Outside Investigator."

Noon—1:15 pm - Lunch

1:30 pm—3:15 pm - Organizational Review/Strategic Planning

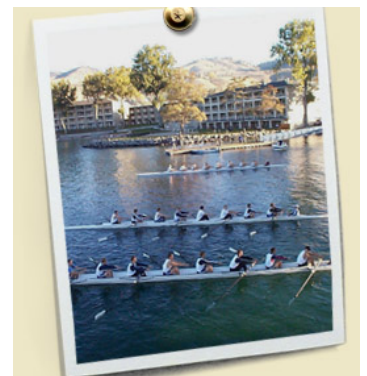
3:30 pm—5:00 pm - WCRP 2011 Autumn Board of Directors Worksession

Evening— Nothing formal planned—ON YOUR OWN

#### **Friday, November 4th**

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

**We'll see you at the Lake!**





# TRAINING & EVENTS



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## **November 3-4, 2011**

WCRP 2011 Autumn Conference and Board (of Directors) Meeting, Campbell's Lake Chelan's Waterfront Resort, Chelan, WA. (See page 5 for more details and registration information.)

## **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)

**PRESS RELEASE  
October 4, 2011  
MASON COUNTY COMMISSIONERS  
411 NORTH 5<sup>TH</sup> ST  
SHELTON, WA 98584  
(360) 427-9670 EXT. 419**

RE: Appointment of Mason County Commissioner District No. 3

The Board of Mason County Commissioners is pleased to announce the appointment of Steve Bloomfield to fill the position of Commissioner District No. 3 which became vacant due to the unexpected death of Jerry Lingle. The position will be up for election in November 2012.