

COUNTY OF WASHINGTON, NEW YORK

LOCAL LAW NO. 5 OF 2020

By Supervisors Campbell, O'Brien, Hicks, Fedler, Skellie, Clary, Rozell, Losaw, Ward, Griffith

A LOCAL LAW IN RELATION TO THE ADMINISTRATION OF THE WASHINGTON COUNTY WORKERS COMPENSATION SELF INSURANCE PLAN AND SUPERCEDING PREVIOUS LOCAL LAWS CONCERNING THE SAME

BE IT ENACTED, by the Board of Supervisors of the County of Washington as follows:

Section 1. Rules and Regulations for the administration of the Washington County Self-Insurance Plan are hereby promulgated:

A. PARTICIPATION:

In addition to the county, participation in the Washington County Self-Insurance Plan shall be available to towns and villages.

B. ENTRY AND WITHDRAWAL:

Participants as defined in subdivision A hereof and other than those in the plan at the time of its adoption, shall be admitted as of January first following the date of application for participation; provided, however, that a certified copy of a resolution of the governing body of the applicant shall be filed with the committee by the preceding July fifteenth.

A Participant may withdraw from the plan effective at the end of a fiscal year, by filing with the committee by the preceding July first notice of such withdrawal. The assessment percentage for such participant shown in the last annual estimate and apportionment of costs will be applied to the amount of the plan's outstanding liabilities at the date of withdrawal, to produce the amount payable by the participant.

The amount payable by a participant upon withdrawal shall be collected in full, or in such installments and at such dates as the Board of Supervisors may determine.

C. APPORTIONMENT OF COSTS:

The annual estimate of costs shall be apportioned among participants as follows:

(a) One hundred percent (100%) of the Fire and Emergency Medical Services (EMS) claims will be assigned to the County's share of cost (less any refunds assigned to the claim).

(b) Each Plan participant will be responsible for one hundred percent (100%) of the first Twenty thousand dollars (\$20,000) of any individual claim by an employee of that participant paid in the last full year of the plan year or until the claim reaches Twenty thousand dollars (\$20,000). In no year can the municipality's assessment double (see section "e" below).

(c) All paid claims over twenty thousand dollars (\$20,000) per occurrence will be shared by all Plan participants. All insurance recoveries less the Fire and EMS amounts, will be applied to the plan participant's share prior to distribution. This shared amount will be spread over the Plan participants based on ninety percent (90%) of each participant's portion of the total payroll of all plan participants and ten percent (10%) of each participant's portion of the total of the plan participants' full assessed real property value in the same year as the payroll year.

(d) The next year's budgeted administrative cost less any applied fund balance or revenues will be allocated to each Plan participant in the same method as used in section "c".

(e) In the year when any Town or Village assessment doubles, the amount that is under twenty thousand dollars (\$20,000) per occurrence that cannot be charged to the municipality will be booked as a liability and carried forward in the future. The amount carried forward will be assessed in future year assessments repeating the same process until an amount under twenty thousand dollars (\$20,000) can be assessed. The carry forward will be calculated using a "first in, first out" method.

(f) 2012 actual paid claims will be used as the base year for calculations pursuant to this section.

D. PAYMENTS BY PARTICIPANTS:

Each participant shall pay the County Treasurer within thirty days after the commencement of its fiscal year the amount billed as its share of the annual estimate of the plan except that the amount due from each town shall be included in the next succeeding tax levy against property taxable by the participant responsible therefor.

E. RESERVE:

A reserve of One million dollars (\$1,000,000.00) is hereby established for the plan.

If at any time there are insufficient moneys in the County Self-Insurance Fund, exclusive of the reserve, to operate the Plan, the County Treasurer shall advance to such fund such amount from the general fund of the County, as shall be requested by the Committee of the Board of Supervisors having responsibility for oversight of the County's Worker's Compensation program and approved by resolution of the Board of Supervisors.

Any such advance shall be repaid as soon as moneys are available therefore, but in no event later than the close of the calendar year succeeding the calendar year in which the advance was made. However, any such advance may be repaid not later than the close of the second calendar year succeeding the calendar year in which such advance was made, when made during such calendar year at a time subsequent to the preparation of the estimate by the Committee of the Board of Supervisors having responsibility for oversight of the County's Worker's Compensation program for the succeeding calendar year.

F. REPORTS BY PARTICIPANTS:

All participants in the plan shall cooperate fully with the committee in the administration of the plan, shall annually within 30 days of the close of each calendar year and at such other times as the committee may require, render such reports as may be requested, and shall promptly furnish all pertinent information and forms relative to any claim, and aid in the investigation of any claim.

Forms for reports to be filed by participants pursuant to this subdivision shall be furnished by and be an expense of the plan.

The committee shall report to the Board of Supervisors failure of a participant to file required reports and the Board of Supervisors may take such action as it deems proper, as provided herein.

G. SAFETY PROGRAMS:

The committee shall develop and enforce a safety program or programs designed for the reasonable and adequate protection of the lives, health and safety of employees.

H. COOPERATION BY PARTICIPANTS:

Participants in the plan shall cooperate with the committee by promptly filing all required reports, by aiding in the investigation of claims, by developing and enforcing safety programs and by furnishing any additional aid or information that may be required to carry out the provisions and the intent of the Workmen's Compensation Law.

I. FOR FAILURE TO FILE REPORTS - FINE NOT TO EXCEED \$50.00:

The Board of Supervisors may by resolution expel a participant for failure to observe the rules and regulations adopted, or for any violation of the provisions of the Workmen's Compensation Law; provided, however, that a participant shall be notified in writing, at least thirty days prior to the effective date of expulsion; and further provided, that expulsion shall not relieve a participant from paying its share of the outstanding liabilities of the plan at the date of expulsion.

J. PRIOR WORKERS COMPENSATION LAWS SUPERCEDED

All prior local laws concerning the rules and regulations for the administration of the Washington County Self-Insurance Plan are hereby superceded by this law.

K. EFFECTIVE DATE

This law shall be effective upon filing with the Secretary of State of the State of New York. The allocations made pursuant to this law shall be effective with the allocations for the 2014 budget year and shall continue thereafter.