

## **RISK MANAGEMENT AND SAFETY**

Effective: August 12, 1986 01-22

Most Recent Revision: February 21, 1995

Objective: To minimize the occurrence of accidents and events that harm people and property and to make provision for review and redress when such accidents and events occur.

Board of Representatives Policy:

The County Administrator and County Attorney shall cooperatively develop and publish procedures that promote the objectives of this policy. Every employee of County government and every resident of Tompkins County is entitled to expect that all employees of Tompkins County government will consistently follow well-developed, clear procedures for minimizing the risks of harm to persons and property.

Procedures of the County Administrator and the County Attorney for implementing this policy:

1. The County Administrator shall be responsible for recommending a risk management and safety program to the appropriate committee of the Board of Representatives each year and shall ensure that this program is carried out, except that the County Attorney is responsible to ensure that the County's response to all claims filed against it is appropriate.

### **2. DEPARTMENT HEAD RESPONSIBILITY**

Department heads are responsible to report all changes in building use to the County's designated Risk Manager, to maintain a fixed asset inventory in conjunction with the Purchasing & Central Services Division, to report all incidents, accidents and property losses immediately to the Risk Manager, and to

cooperate fully with the contract, lease and bid procedures below, and ensure that required protective clothing, equipment, and training is provided.

#### Accident, Incident and Claim Reporting:

Accidents of a serious nature, including those involving personal injury, should be telephoned to the County's Risk Manager immediately, even if they occur on weekends or holidays.

Prompt reporting of losses and potential losses helps expedite claims handling, reduces loss of time for personnel and results in cost savings through settlement of justifiable claims. It can also result in the maintenance of a favorable public image and protection of the County's interests. Therefore, all accidents, incidents and claims should be reported immediately to the Risk Manager. Claims against insurance companies or persons damaging County property will be filed with the Risk Manager, County Attorney and County Administrator.

An essential obligation of departments is to ensure that the provisions of Administrative Policy 01-10, #7(c), are followed so that the appropriate insurance and hold harmless/indemnification language appears in all County contracts.

Department heads shall cooperate with the Risk Manager in any investigation of loss exposure and claims in the operation of an effective safety and loss prevention program.

A form for reporting accidents, incidents and claims shall be made available to all departments by the Risk Manager. It is strongly recommended that this form be prepared and signed by a supervisor with input from all affected parties and be reviewed and approved by the department's Safety Officer. The latter process may not be permitted to delay submission of the form; therefore, this approval may follow at a later time.

#### Contracts, Lease and Bid Requirements:

All contracts entered into by the County and bid documents let by the County must meet insurance and hold harmless/indemnification requirements. These are established by the County's Risk Manager. Departments may discuss with the Risk Manager the waiving or lessening of these requirements. After consultation with the County Administrator and County Attorney as appropriate, the Risk Manager will notify the department whether the requirements may be waived or lessened. In the event that this is not agreed to by the Risk Manager, the department may use the Appeals Procedure, Policy 01-10, #7c.

Current standard requirements for the various kinds of County contracts, leases and bids are on file in all departments at all times.

Short form contracts, generic contracts, professional agreements and leases should be discussed on an individual basis with the Risk Manager, as should all new contracts and bid documents, to ensure that appropriate requirements are included.

### 3. COUNTY ATTORNEY'S RESPONSIBILITY

The County Attorney's Office shall review all contract forms entered into by the County with the Risk Manager to identify and reduce any contractual liability being assumed by the County and attempt to transfer such liabilities.

The County Attorney's Office shall notify the Risk Manager of changes in State Statutes and common law which affect municipal liability, shall provide any necessary assistance to any insurer in the investigation and settlement of claims against the County for both employees and the public and assist with settlement of small claims, and shall also provide any necessary assistance in the examination of insurance and bond contracts entered into by the County.

### 4. RISK MANAGER'S RESPONSIBILITY

A. The Risk Manager in conjunction with the County Administrator is expected to:

1. Identify risk exposure areas and to recommend policy with respect to loss prevention, self-insurance and insurance coverage where appropriate;
2. Maintain, with the assistance of department heads, a perpetual inventory on the loss exposures of all property, including buildings, contents, equipment, vehicles and supplies;
3. Remain informed of any proposed changes in the liability status of municipalities in the State of New York and provide loss control and safety programs;
4. Review municipal and State ordinances and other appropriate data to determine when insurance and bonds are required, permitted or desirable;
5. Monitor and encourage all loss prevention activities and cooperate with department heads to establish a working loss control and loss prevention program;
6. Make periodic reports to the County Administrator with respect to the current status of the loss prevention and loss control program.

B. Safety and Loss Prevention Procedures:

The Risk Manager shall, in concert with the County Health and Safety Coordinator, design and monitor a workable safety and loss prevention program with the cooperation of all County department heads. The purpose of this program is to reduce accidents and incidents causing injuries to County employees and the public and to reduce the frequency and severity of all property and liability losses. The program will consist of making periodic inspections of facilities, investigating the causes of accidents and losses, developing training programs for employees and communicating safety literature to all departments. Department heads will then be expected to distribute all literature and have such literature posted. The Risk Manager shall make maximum use of any expert services of insurers, and whenever possible, utilize

outside sources to develop better safety and loss prevention procedures. Number 6 below is a safety policy and procedure statement of the County.

C. The Risk Manager will process all accident and loss notices except Workers' Compensation and will notify any insurance carrier in duplicate within 48 hours, with copies going to the County Administrator.

D. Accidents of a serious nature, including those occurring on weekends or holidays, should be called in to the Risk Manager and followed up with the proper accident report forms.

E. See the claims handling procedure at the end of this policy.

F. The Workers' Compensation form for filing of reports is on file in the Benefits Manager's office.

#### Procedures for Securing Insurance:

If it is determined that the County of Tompkins shall maintain an insurance program specifically designed to meet the needs of the County, it shall be done on the following basis:

A. All department or division heads are to make recommendations as to coverage which will best protect their particular operation in consultation with the Risk Manager.

B. All reports and records received from the different departments will be reviewed, and the insurance program will be revised to meet the changing requirements.

C. The Risk Manager will consult with the County Attorney's Office for their recommendation concerning the County's liabilities.

D. Risk Manager will make recommendations to the County Administrator as to the proper and adequate insurance coverage.

E. After approval by the County Administrator, quotations will be taken for all County insurance coverage.

#### Allocation of Insurance Cost:

Insurance coverages shall be determined pursuant to the Risk Management Policy approved by the appropriate committee of the Board of Representatives each year (see #1 above). Insurance that is applicable to a particular County department shall be paid through the budgeted funds of that department. Insurance costs attributable to all departments shall be prorated according to the payroll in each department, except that the cost of Workers' Compensation shall be allocated according to the insurance office manual standards. Costs of property damage insurance are allocated to the Division of Buildings & Grounds, which shall include them in its rental charges.

Department of Finance shall maintain an inventory of current locations, descriptions and values of all property owned and leased by Tompkins County, and all information relative to insurance coverages, including original policies. The County Administrator shall ensure that a record is maintained no less than monthly of the status of all open claims filed against Tompkins County, and no less than annually of all claim payouts and expenses that have occurred within the fiscal year.

#### Policy With Respect to Insurance Coverage:

The department may discuss with the Risk Manager:

A. Fire Insurance - Building and Contents:

It shall be the policy of the County to insure with outside insurance carriers fire losses on all buildings and contents on a blanket basis, with an agreed amount subject to a deductible. Insurance value will be determined through information from department heads and

independent evaluations of buildings and property under their jurisdiction. It shall be the County's policy to insure with outside carriers only to the extent that it is not practical to self-retain the risk.

**B. Public Liability and Property Damage Insurance on Motor Vehicles:**

Public liability and property damage insurance on motor vehicles should only be carried to the extent that it is not practical or feasible for the County to self-retain the risk or as required by law.

**C. Comprehensive General Liability:**

The County shall retain all general liability exposures for bodily injury and property damage, including personal injury and professional liability.

Where it is practical or feasible, the County shall procure excess aggregate and/or stop loss insurance.

**D. Other Insurance:**

Other insurance such as crime, Workers' Compensation, health or any other type of coverage deemed necessary by the County shall be procured with outside carriers only to the extent that is not practical or feasible for the County to self-retain the exposure.

**E. Employee Bonds:**

Employee fidelity bonding shall be procured for all County employees as required by the laws of the State of New York, the County Charter, ordinances or regulations of Tompkins County, or upon the recommendation of the County Administrator or the County Attorney's Office.

## 5. SELF-INSURANCE RESERVE

Each year as part of the budget process, the County Administrator shall recommend to the appropriate committee of the Board of Representatives funds to be allocated to the Self-Insurance Reserve Fund, based on the best available information with respect to payments that have occurred and are likely to occur, attorney and other professional service costs for responding to claims, witness expenses or any other necessary and reasonable costs of judgment and claims.

The self-insurance reserve exists to pay on behalf of the County as a whole the local taxpayer share of any losses normally and customarily covered by insurance against damage to persons or property.

Payments from the Self-Insurance Reserve in amounts up to \$5,000 may be made upon authorization of the County Administrator and the County Attorney. Payments in excess of \$5,000 must be reported to the designated County Board Committee at its next regular meeting. All

payments resulting from the filing of a suit against Tompkins County in a Court of Law must be authorized by the designated County Board Committee upon recommendation of the County Administrator and the County Attorney.

## 6. EMPLOYEE SAFETY AND HEALTH POLICY

A. It is the policy of the County of Tompkins that every employee is entitled and expected to work under safe and healthy conditions. To this end every reasonable effort will be made in the interest of accident prevention, fire prevention and health preservation.

The County will endeavor to maintain a safe and healthy work place and to comply with all applicable state and federal safety and health regulations.

It is the position of this County that accidents can be prevented by taking common sense precautions.

Because of the size and scope of the County operations, the very nature of these operations, and the widespread location of the County operations, it is necessary to formalize a safety program, using written reports and records to achieve maximum use and effectiveness of accident prevention information.

The coordination of the safety program will be the responsibility of the Risk Manager, and of the County Administrator through the Employee Health and Safety Coordinator.

Responsibility for safety in each department remains with the department head. Where deemed necessary, the department head may assign a Safety Coordinator in each department, who through their department head and with the assistance of the Risk Manager and Health and Safety Coordinator, will institute a program for the establishment of safe methods and work practices and prompt accident investigation.

All employees are responsible for their individual safety performance and the prevention of accidents. Each supervisor has the responsibility to create a climate of safety awareness and enforce the basic safety program. It is the responsibility of each employee to comply with safety rules and to work in such a manner as to prevent injuries to themselves and others.

Each department head shall see that the designated Safety Coordinator is informed and outline specific responsibilities for that position.

B. Indoor Air Quality (IAQ) and Comfort

Tompkins County is committed to providing facilities and working conditions that promote health, comfort and productivity for all of its employees.

Tompkins County shall establish a comprehensive and realistic program aimed at prevention of IAQ and comfort problems.

The responsibility for implementation of programs shall rest with the County Health and Safety Coordinator together with the active participation and support of department heads. The success of these programs requires the coordinated involvement of those listed above and the support of each and every employee.

The objectives of the IAQ and Comfort programs are as follows:

1. IAQ and comfort issues may emerge at any point throughout the life of facilities including building, design, construction, commissioning, operation, maintenance,

renovation and demolition. In recognition of this, prevention of IAQ and comfort problems will be incorporated into County facilities planning activities.

2. Special Procedures

Specific practices and procedures will be developed for building operation and maintenance activities that have a major impact on IAQ and comfort. Such activities include, but are not limited to the following:

- Heating ventilating and air conditioning systems operation
  
- Custodial practices

- Pest Control
- Environmental tobacco smoke
- Selection of equipment, furnishings, materials and supplies
- Asbestos management
- Posting of signs in sensitized areas

Additional procedures or practices will be developed as needed

### 3. Mitigation

Employee or community concerns about indoor environmental quality and comfort in County facilities will be addressed and investigated promptly.

When such investigations identify a cause of problems, appropriate corrective actions will be taken.

### 4. Training In-House Personnel

In-house personnel will receive training related to identification and investigation of indoor environmental quality problems.

Workers involved in building system operation and maintenance will receive training on special procedures that are developed. Workers will also receive training on control technologies or specialized equipment introduced for IAQ and comfort control.

#### 5. Documentation

Records will be kept documenting employee and/or client complaints and concerns and actions taken in response to employee complaints or concerns about IAQ and comfort in County facilities. Records of preventive actions will also be kept. Appropriate Board of Representatives members and Committees will be periodically briefed on IAQ complaints and action taken by the County to resolve these complaints.

#### 6. Education and Notification of Employees

Employees will receive regular communication about actions taken for prevention of IAQ and comfort problems in County facilities.

Whenever County facilities are investigated for IAQ and comfort problems, all records, reports and results of findings will be available to employees.

Employees and other building occupants will receive notification about activities that have potential to degrade air quality and comfort in their building. Whenever practicable, prior written notification will be provided.

Employees and other building occupants will receive education about how their activities impact IAQ and comfort.

#### 7. Participation by Employees

Interested employees are invited to participate in development of policy and specific practices related to IAQ and comfort. Opportunities for participation, input and discussion will be provided.

## 8. Regular Update

Programs and practices will be revised as needed to reflect changes in governmental regulation, scientific knowledge and the County's experience in IAQ and comfort issues.

## C. TUBERCULOSIS CONTROL POLICY

The County Administrator, with the assistance and advice of the Health Department, shall:

- ensure that employees are instructed in measures to protect themselves from tuberculosis;
  
- provide pre-employment screening on all employees and annual screening on applicable employees and provide personal protective equipment as applicable for employee use.

To accomplish these things, the following actions shall be taken:

1. Screen all employees for tuberculin status (mantoux test) upon employment and those at-risk annually. Pre-employment testing will be done at the pre-employment physical exam. The annual TB testing can be done by the Health Department, Mental Health, and Jail Nursing staff. Testing done by the Health Department will be charged back to the employee's department.

a. Any employee found to test positive upon employment and at the annual screening would be followed up per Health Department protocol by the Health Department staff.

2. Screen jail inmates per their protocol.
  - a. If an inmate has TB, they must be isolated until deemed non-infectious.
3. Require at-risk personnel to wear an approved disposable mask when in contact with a possible or known contagious case.
4. Stress good hand washing techniques with all staff.
5. Institute training upon employment and annually thereafter for all at-risk employees.
6. At the Jail, if a person has active TB, all personnel and visitors must wear an approved mask until inmate is deemed non-infectious. Staff transporting an inmate shall wear an approved mask to protect others.
7. Tompkins County positions at-risk for exposure to tuberculosis are determined by the Health and Safety Coordinator in consultation with the Health Department staff (i.e., TB Physician, Medical Director, Public Health Director, and Director of Patient Services).
8. Department heads will be notified annually by the Health and Safety Coordinator which employee positions are at-risk and the status of their department's compliance with the TB program.

D. BLOODBORNE PATHOGEN CONTROL POLICY

Tompkins County will comply with OSHA Regulation 1910.1030 for Bloodborne Pathogen Control.

The Health Department Director of Patient Services is designated as the Coordinator for the County.

1. The Coordinator shall:
  - a. ensure that employees have access to the Bloodborne Pathogen Control Plan;
  - b. ensure that the Bloodborne Pathogen Control Plan is updated as needed, approved by the Bloodborne Pathogen Committee, and disseminated to employees;
  - c. act as a resource for all County departments; and
  - d. in consultation with the Risk Manager, act as the Chairperson of the Bloodborne Pathogen Committee.
2. The department heads will:
  - a. provide orientation and annual training to all employees in Categories I and II (and provide documentation of such training);
  - b. offer free Hepatitis B vaccine to newly hired employees in Categories I and II within ten (10) days, or obtain a letter of declination;
  - c. inform all employees of the location of the Bloodborne Pathogen Control Plan; and
  - d. provide personal protective equipment and supplies needed by employees to perform their jobs safely.

3. Employees will:

- a. use personal protective equipment and supplies as per their department's protocol;
- b. comply with the policies and procedures of the Bloodborne Pathogen Control Plan and related department policies;
- c. report to their supervisor immediately any accidents/incidents with bloodborne pathogens; and
- d. direct any bloodborne pathogen related questions or concerns to their supervisor/department head. Employees may request that a concern be brought before the Bloodborne Pathogen Committee if not satisfactorily resolved by their supervisor/department head.

#### Claims Handling Procedure

1. Claims and Incident Reports

A. Any accident that results in property damage or bodily injury shall be reported immediately to the Risk Manager.

B. Any incident that may give rise to a liability claim against the County shall be reported to the Risk Manager on forms provided by the Risk Manager. This shall include claims for bodily injury, personal injury (libel, slander, false arrest or unlawful imprisonment), professional malpractice or errors and omissions.

C. A telephone report shall be made immediately for any accident or incident involving bodily injury or property damage in excess of \$1,000. A written report shall be made within 24 hours for all accidents or incidents.

2. Claims Handling

A. All claims shall be logged by the Risk Manager, using a uniform coding system. The claims coding system shall be as follows:

CT(year)-number; e.g., CT86-1

B. Third Party Liability Claims

1. Bodily injury, personal injury, professional liability:

a. Investigation of bodily injury, personal injury and professional liability claims by third parties against the County shall be handled on a contractual basis by an independent claims service if said claim exceeds \$5,000; and

b. If the County is served with a notice of claim, or actual suit papers, the independent claims adjuster and independent legal service shall be notified if the Risk Manager's review indicates the claims could exceed \$5,000.

2. Property damage claims:

a. Investigation and processing of property damage claims under \$5,000 will be handled by the Risk Manager; and

b. Property damage claims in excess of \$5,000 will be investigated by the independent adjuster.

3. All litigation involving third party liability claims against the County will be handled by the independent legal service.

3. First Party Claims

A. Direct damage claims for damage to County property will be referred to the appropriate insurance carrier if commercial insurance is involved. If the damage is self-insured or under the deductible, the claim will be processed by the Risk Manager.

B. County claims for property damage against third parties will be processed by the Risk Manager. If litigation is necessary, it shall be handled by the County Attorney.