

Risk Management

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.	Policy/Procedure Number:	10-22
Reference: (All Applicable Federal, State and Local Laws)	Tompkins County Administrative Policies 10-10: Contracts; 10-23 Employee Health and Safety Program	Effective Date:	August 12, 1986
Legislative Policy Statement:		Responsible Department:	County Administration
General Information:		Modified Date(s):	February 21, 1995; December 2019
		Resolution No.:	2019-295
		Next Scheduled Review:	December 2024

I. Definitions: **Accident** - An unfortunate event that happens unexpectedly and unintentionally, typically resulting in damage or injury.

Incident - An instance of something happening; an event or an occurrence

Risk Manager - Responsible for coordinating management of threats posed to the County by identifying, evaluating, and prioritizing risks and potential losses followed by a coordinated application of resources to minimize, monitor, and control the probability or impact of unfortunate events or to maximize the realization of opportunities. The technique of risk management may be through the use of insurance, safety measures, etc.

Risk Management - The forecasting and evaluation of risks together with the identification of procedures to avoid or minimize their impact.

II. Policy:

A. 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.

B. The County shall maintain the following insurance coverages:

1. *Property 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.

2. *Vehicle Insurance*

Automobile liability, to include all licensed vehicles, and property damage insurance on 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.

3. *Comprehensive General Liability*

The County shall retain all general liability exposures for bodily injury and property damage, including personal injury through self-insurance. Where it is practical or feasible, the County shall procure excess aggregate and/or stop loss insurance.

4. *Other Insurance*

Other insurance such as excess 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. The Risk Manager shall conduct a review of all legally required insurance policies and their coverages at renewal or at least annually.

5. *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 Risk Manager, County Administrator, or the County Attorney's Office.

- C. The County will maintain a written, comprehensive Health and Safety Program (See *Administrative Policy 10-23*) to assist in minimizing potential risk areas and accident and/or incident claims. This program shall be administered by the County Health and Safety Coordinator with assistance as needed by the County Risk Manager.

III. Procedure:

A. County Administrator Responsibility

1. The County Administrator shall be responsible for recommending a risk management and safety program to the appropriate committee of the Legislature annually and shall ensure that this program is carried out.

B. Department Head Responsibility

1. Department Heads are responsible to report all changes in building use, all changes in vehicle purchases and sales, all incidents, accidents, and property losses immediately to the County Risk Manager. Department Heads shall cooperate with the Risk Manager to identify risk exposure areas.
2. Departments must ensure that the provisions of *Administrative Policy 10-10: Contracts* are followed so that the appropriate insurance and hold harmless/indemnification language appears in all County contracts.
3. Department Heads shall cooperate with the Risk Manager in any investigation of loss exposure and claims in the operation of an effective risk management and Employee Health and Safety program.

C. County Attorney's Responsibility

1. The County Attorney's Office shall review all contract templates utilized by the County with the Risk Manager to identify and reduce any contractual liability being assumed by the County.
2. 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 claims and shall also provide any necessary assistance in the examination of insurance and bond contracts entered into by the County.

3. The County Attorney is responsible to ensure that the County's response to all claims filed against it is appropriate.

D. Risk Manager's Responsibility

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

1. Develop a program for Department Head's to 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 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 laws 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; and
6. Process all incident reports, to include notices of accidents, losses, liabilities, and injuries; all such events shall be recorded by the involved employee(s) on a County Accident/Incident Report form. The Risk Manager will notify any insurance carrier as necessary. Thereafter, the involved employee(s) shall document all employee injuries through Human Resources on the appropriate Workers' Compensation forms.

Note: After the initial Accident/Incident Report form for Workers' Compensation claims is filed with the Risk Manager, employees shall contact Human Resources to file Workers' Compensation forms.

7. Manage and track all claims, filed both by the County and against the County.
8. Make maximum use of any expert services of insurers and utilize internal and external sources to develop better safety and loss prevention procedures.
9. Shall assist the County Health and Safety Coordinator to design and monitor a workable Health and Safety Program with the cooperation of all County Department Heads. Periodic reports shall be made to the County Administrator with respect to the current status and effectiveness of the Program.

E. Accident, Incident, and Claim Reporting

1. Employees should notify their Department Head immediately about

accidents of a serious nature, including those involving personal injury, even if they occur on weekends or holidays.

2. In addition, with the assistance of their Department Head, employees should report all accidents, incidents, and claims to the Risk Manager as soon as possible during working hours through the submission of an Accident/Incident Report form. Prompt reporting of losses and potential losses helps expedite claims handling, reduces loss of time for employees, 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.
 - a. A report shall be made immediately for any accident or incident involving bodily injury or property damage in excess of \$1,000.
 - b. A written report shall be made within 24-hours for all accidents or incidents.
3. The Accident/Incident Report form shall be used for reporting accidents, incidents and claims and 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 by the department's Safety Representative. The process may delay submission of the form; therefore, this review may follow at a later time.

The Accident/Incident Report form can be found at: ["Accident/Incident Report Form"](#)

4. Any incident that may give rise to a liability claim against the County shall be reported to the Risk Manager. Furthermore, the person who reported the incident shall complete any additional forms deemed necessary and provided by the Risk Manager. This shall include claims for bodily injury, personal injury, libel, slander, false arrest or unlawful imprisonment, theft, embezzlement, professional malpractice or errors and omissions.

F. Claims Handling

1. Claims against insurance companies or persons damaging County property will be filed by the Risk Manager or County Attorney.
2. Claims:

Liability claims by third parties against the County shall be handled by an independent claims service if said claim exceeds \$5,000. If the County is served with a notice of claim or actual suit papers, the Risk Manager and County Attorney shall determine if an independent claims evaluation is needed.
3. Litigation:
 - a. All litigation involving liability claims against the County will be handled by the County Attorney who may retain outside counsel as deemed appropriate.
 - b. 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.
 - c. 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 who may retain outside counsel as deemed appropriate.

G. Contracts, Lease, and Bid Requirements to Minimize Risk

1. 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.
2. 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.

Note: For additional information on County contract processes or requirements, see *Administrative Policy 10-10: Contracts*.

H. 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:

1. All Department Heads are to notify the Risk Manager when acquiring assets that should have coverage to best protect their particular operation.
2. All reports and records received from departments will be reviewed, and the insurance program will be revised to meet the changing requirements.
3. The Risk Manager will consult with the County Attorney's Office for their recommendation concerning the County's legal liabilities.
4. The Risk Manager will make recommendations to the County Administrator as to the proper and adequate insurance coverage.
5. After approval by the County Administrator, quotations will be taken for all County insurance coverage.

I. Allocation of Insurance Cost

1. Insurance that is applicable to a particular County department shall be paid through the budgeted funds of that department.
2. Costs of property insurance are allocated to the departments of Facilities, Recycling & Materials Management, Airport, and Emergency Response.
3. County Administration 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.
4. The County Administrator shall ensure that a record is maintained no less than annually of all claim payouts and expenses that have occurred within the fiscal year.

J. Self-Insurance Reserve

1. Annually, as part of the budget process, the County Administrator shall recommend to the appropriate committee of the County Legislature 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 for attorney and other professional service costs for responding to claims, witness expenses, or any other necessary and reasonable costs of judgment and claims.
2. The self-insurance reserve shall pay on behalf of the County losses normally and customarily covered by insurance against damage to persons or property.
3. Payments from the Self-Insurance Reserve in amounts up to \$50,000 may be made upon authorization of the County Administrator and the County Attorney.
4. All payments resulting from the filing of a suit against Tompkins County in a Court of Law above \$50,000 must be authorized by the designated County Legislature Committee upon recommendation of the County Attorney.