

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 13-04-23-03

IN THE MATTER OF AMENDING
CHAPTER 61 OF LANE MANUAL TO
REVISE DELEGATION OF
AUTHORITY PERTAINING TO SELF-
INSURANCE CLAIMS AND
LITIGATION (LM 61.050, 61.060)

WHEREAS, the Lane County Board of Commissioners has the authority to approve amendments to the Lane Manual;

WHEREAS, certain changes to Lane Manual Chapter 61 are desired to revise duties and delegated settlement authority with respect to claims and litigation (61.050, 61.060);

NOW, THEREFORE, IT IS HEREBY ORDERED, that Lane Manual Chapter 61 is amended by removing, substituting and adding the following sections:

REMOVE THESE SECTIONS

61.050
61.060

INSERT THESE SECTIONS

61.050
61.060

Amended sections 61.050 and 61.060 are attached hereto and incorporated herein by reference.

ADOPTED this 23rd day of April, 2013.



Sid Leiken, Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 4/19/13 Lane County



OFFICE OF LEGAL COUNSEL

Authority for Settlement

61.050 Policy.

The County recognizes that, given the inherent risks of litigation, it is often in its best interest to settle lawsuits, claims, personnel grievances, and appeals promptly. Settlements promote the good will of the County and allow the government to proceed with its business rather than dwelling on past actions. For these reasons, the County encourages reasonable settlements. *(Revised by Order No. 98-12-2-5; Effective 12.2.98)*

61.060 Delegation of Authority.

(1) Self-Insured Litigation. The Office of Legal Counsel is responsible for defending the County in litigation unless the case is covered by an insurance policy and the company chooses to employ outside counsel. After following the appropriate risk management procedures, including identifying the risks involved, the probable costs, the impact of the settlement, and the source of budgeted funds to be used for any payment, the following individuals are delegated the authority to settle litigation up to the described limit and to execute any documents necessary to finalize the settlement.

(a) The County Counsel or a designee - up to \$50,000.

(b) The County Administrator or a designee - up to \$100,000.

(2) Self-Insured Claims. The Risk Manager is responsible for investigating and managing claims for damages against the County unless the claim is covered by an insurance policy and the company chooses to settle the matter with an alternate method. After following the appropriate risk management procedures, including identifying the risks involved, the probable costs, the impact of the settlement, and the source of budgeted funds to be used for any payment, the following individuals are delegated the authority to settle claims up to the described limit and to execute any documents necessary to finalize the settlement.

(a) The Risk Manager or a designee - up to \$50,000.

(b) The County Administrator or a designee - up to \$100,000.

(3) Grievances and Appeals. Grievances and appeals involve those personnel matters which are proceeding under LM 2.280 or pursuant to a claim for a violation of a collective bargaining agreement through the procedure in said agreement. Any settlement of a grievance or appeal must have the concurrence of all co-employers. After determining the risks involved in proceeding, the probable costs, the impact of the settlement and the source of budgeted funds to be used for any payment, the following individuals are delegated the authority to settle grievances and appeals up to the described limit and to execute any documents necessary to effect the settlement.

(a) Human Resources Director or a designee – up to \$50,000.

(b) The County Administrator or a designee - up to \$100,000.

(4) Self-Insured Workers' Compensation Claims and Litigation. The Risk Manager is responsible for ensuring that adequate investigation and claim management takes place. County Counsel arranges appropriate legal counsel in cases involving litigation. After following the appropriate risk management procedures, including identifying the risks and exposures involved, the probable costs, the impact of the settlement, the source of budgeted funds to be used for any payment and with the written concurrence of legal counsel or County Counsel (if the case here proceeded to litigation), the following persons are delegated the authority to settle claims up to the described limit and to execute any documents necessary to finalize the settlement.

(a) The Risk Manager - up to \$50,000 on disputed claims, to include any and all payments already made on claim other than defense costs; and up to \$50,000 on

Permanent Partial Disability issues in addition to payments already made or ordered by Workers' Compensation Department on accepted claims.

(b) The County Administrator - up to \$100,000 on disputed claims, to include any and all payments already made on claim other than defense costs; and up to \$100,000 on Permanent Partial Disability issues in addition to payments already made or ordered by Workers' Compensation Department on accepted claims.

(5) Appeal and Settlement of APD Citations and Penalties. It is the policy of Lane County to appeal citations received from the Accident Prevention Division (APD) of the State of Oregon for workers' safety violations whenever there is any reasonable basis for such an appeal. The County Administrator is delegated the authority to appeal APD citations and any associated financial penalties, and to represent Lane County before APD on such matters through hearing. The County Administrator may further delegate this authority in writing to the Risk Manager or Department Director or to their subordinates with the particular knowledge to represent County interests regarding an APD citation and any associated financial penalties. Appeal of APD citations or any associated financial penalties may result in the opportunity for a settlement of contested issues as a result of an informal conference. After evaluating the proposed settlement and the source of budgeted funds to be used for any payment, and after considering the effort, costs and possible benefits of continuing to pursue the appeal to a formal hearing, the following persons are delegated the authority to approve settlements of the appeal of an APD citation and any associated penalty in the amounts below and to execute any documents necessary to effect the settlement:

(a) Risk Manager, or Department Director or their subordinates as authorized by the County Administrator - up to \$50,000.

(b) County Administrator - up to \$100,000.

(5) Recovery of Moneys Owed to Lane County. The County Administrator is delegated the authority to seek recovery and the Risk Manager is responsible for seeking recovery on the County's behalf from those people who damage or steal County property, injure County employees which causes the County to pay for sick time, or cause damages by breaking their contract with the County. In many of these cases, the costs of recovery, comparative negligence or disputes in amounts owed can make a settlement of these claims appropriate. The same persons who can settle claims against the County in LM 61.060(1) and (2) may also approve settlement of claims for amounts owed to the County with the same limits as in that subsection.

(6) Prior to the approval of any settlement over \$25,000, the Director of the Department responsible for the budgeted funds to be used for payment shall be informed of the proposed action.

(7) Payment of any of the amounts described above is contingent upon approval of the court in those types of cases where such approval is required by statute.

(8) The Risk Manager shall prepare and distribute to the Board, for the Commissioners' information, quarterly reports describing any settlements approved.

(9) At any time, a Commissioner may consult with the relevant settling authority as to the specific details of a settlement and the reasons for its approval. If the Board is not satisfied with an approved settlement, the settlement shall not be overturned, but the Board may direct a change be made in the delegation of authority described above to be effective for all future settlements. *(Revised by Order No. 98-12-2-5; Effective 12.2.98)*

Authority for Settlement

61.050 Policy.

The County recognizes that, given the inherent risks of litigation, it is often in its best interest to settle lawsuits, claims, personnel grievances, and appeals promptly. Settlements promote the good will of the County and allow the government to proceed with its business rather than dwelling on past actions. For these reasons, the County encourages reasonable settlements. *(Revised by Order No. 98-12-2-5; Effective 12.2.98)*

61.060 Delegation of Authority.

(1) ~~Self-Insured Claims and Litigation.~~ The Office of Legal Counsel is responsible for ~~investigating and managing claims for damages against and defending the~~ County in litigation unless the claim or case is covered by an insurance policy and the company chooses to employ outside counsel. After following the appropriate risk management procedures, including identifying the risks involved, the probable costs, the impact of the settlement, and the source of budgeted funds to be used for any payment, the following ~~persons~~ individuals are delegated the authority to settle ~~claims litigation~~ up to the described limit and to execute any documents necessary to finalize the settlement.

(a) ~~The County Counsel or a designee - up to \$50,000~~ up to \$25,000.

(b) ~~The County Administrator or a designee - Over \$25,000 to \$50,000~~ up to \$100,000.

~~(c) The Board of County Commissioners - Over \$50,000.~~

(2) ~~Self-Insured Claims.~~ The Risk Manager is responsible for ~~investigating and managing claims for damages against the County unless the claim is covered by an insurance policy and the company chooses to settle the matter with an alternate method.~~ After following the appropriate risk management procedures, including identifying the risks involved, the probable costs, the impact of the settlement, and the source of budgeted funds to be used for any payment, the following ~~persons~~ individuals are delegated the authority to settle claims up to the described limit and to execute any documents necessary to finalize the settlement.

(a) ~~The Risk Manager or a designee - up to \$50,000.~~

(b) ~~The County Administrator or a designee - up to \$100,000.~~

(3) ~~Grievances and Appeals.~~ Grievances and appeals involve those personnel matters which are proceeding under LM 2.280 or pursuant to a claim for a violation of a collective bargaining agreement through the procedure in said agreement. Any settlement of a grievance or appeal must have the concurrence of all co-employers. After determining the risks involved in proceeding, the probable costs, the impact of the settlement and the source of budgeted funds to be used for any payment, the following ~~persons~~ individuals are delegated the authority to settle grievances and appeals up to the described limit and to execute any documents necessary to effect the settlement.

(a) ~~Human Resources Director or a designee - up to \$50,000.~~

(b) ~~The County Administrator or a designee - up to \$100,000.~~

~~(b) Board of County Commissioners - \$50,000 and above.~~

(4) ~~Self-Insured Workers' Compensation Claims and Litigation.~~ ~~The Office of Risk Management Manager~~ is responsible for ensuring that adequate investigation and claim management takes place. County Counsel arranges appropriate legal counsel in cases involving litigation. After following the appropriate risk management procedures, including identifying the risks and exposures involved, the probable costs, the impact of the settlement, the source of budgeted funds to be used for any payment and with the written concurrence of legal counsel or County Counsel (if the case here proceeded to

litigation), the following persons are delegated the authority to settle claims up to the described limit and to execute any documents necessary to finalize the settlement.

~~(a) The Workers' Compensation Claims Specialist \$0 to \$5,000 on disputed claims, to include any and all payments already made on claim other than defense costs; and \$0 to \$5,000 on Permanent Partial Disability issues in addition to payments already made or ordered by Workers' Compensation Department on accepted claims.~~

~~(b) The Risk Manager - \$ up to \$50,000 ~~5,000 to \$25,000~~ on disputed claims, to include any and all payments already made on claim other than defense costs; and up to \$50,000 ~~\$5,000 to \$25,000~~ on Permanent Partial Disability issues in addition to payments already made or ordered by Workers' Compensation Department on accepted claims.~~

~~(eb) The County Administrator - up to \$100,000 ~~\$25,000 to \$50,000~~ on disputed claims, to include any and all payments already made on claim other than defense costs; and up to \$100,000 ~~\$25,000 to \$50,000~~ on Permanent Partial Disability issues in addition to payments already made or ordered by Workers' Compensation Department on accepted claims.~~

~~(d) The Board of County Commissioners - Over \$50,000.~~

(45) Appeal and Settlement of APD Citations and Penalties. It is the policy of Lane County to appeal citations received from the Accident Prevention Division (APD) of the State of Oregon for workers' safety violations whenever there is any reasonable basis for such an appeal. The County Administrator is delegated the authority to appeal APD citations and any associated financial penalties, and to represent Lane County before APD on such matters through hearing. The County Administrator may further delegate this authority in writing to the Risk Manager or Department Director or to their subordinates with the particular knowledge to represent County interests regarding an APD citation and any associated financial penalties. Appeal of APD citations or any associated financial penalties may result in the opportunity for a settlement of contested issues as a result of an informal conference. After evaluating the proposed settlement and the source of budgeted funds to be used for any payment, and after considering the effort, costs and possible benefits of continuing to pursue the appeal to a formal hearing, the following persons are delegated the authority to approve settlements of the appeal of an APD citation and any associated penalty in the amounts below and to execute any documents necessary to effect the settlement:

(a) Risk Manager, or Department Director or their subordinates as authorized by the County Administrator - up to \$50,000 ~~\$0 to \$25,000.~~

(b) County Administrator - up to \$100,000 ~~\$0 to \$50,000.~~

~~(c) Board of Commissioners - over \$50,000.~~

(5) Recovery of Moneys Owed to Lane County. The County Administrator is delegated the authority to seek recovery and the ~~Office of Legal Counsel~~ Risk Manager is responsible for seeking recovery on the County's behalf from those people who damage or steal County property, injure County employees which causes the County to pay for sick time, or cause damages by breaking their contract with the County. In many of these cases, the costs of recovery, comparative negligence or disputes in amounts owed can make a settlement of these claims appropriate. The same persons who can settle claims against the County in LM 61.060(1) and (2) may also approve settlement of claims for amounts owed to the County with the same limits as in that subsection.

(6) Prior to the approval of any settlement over \$25,000, the ~~person~~ Director of the Department responsible for the budgeted funds to be used for payment shall be informed of the proposed action.

(7) Payment of any of the amounts described above is contingent upon approval of the court in those types of cases where such approval is required by statute.

(8) ~~Each person or group delegated settlement authority above~~The Risk Manager shall prepare and distribute to the Board, for the Commissioners' information, quarterly reports describing any settlements approved ~~by them~~.

(9) At any time, a Commissioner may consult with the relevant settling authority as to the specific details of a settlement and the reasons for its approval. If the Board is not satisfied with an approved settlement, the settlement shall not be overturned, but the Board may direct a change be made in the delegation of authority described above to be effective for all future settlements. *(Revised by Order No. 98-12-2-5; Effective 12.2.98)*