

SUMMARY: Amends Chapter 65 of the Washoe County Code to update various provisions relating to the risk management division, the county's safety program, the safety committee, and the settlement authority of the risk management division, county manager and board of county commissioners.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 65 (SAFETY AND DISASTER SERVICES) BY REPEALING THE DEFINITION OF "DIVISION"; BY REPEALING SECTIONS RELATED TO THE COUNTY RISK MANAGER AND TRANSFERRING THE FORMER RISK MANAGER'S DUTIES TO THE RISK MANAGEMENT DIVISION OF THE COMPTROLLER DEPARTMENT; BY AMENDING PROVISIONS TO: EXPAND THE RISK MANAGEMENT DIVISION'S AUTHORITY TO SETTLE CLAIMS RELATED TO DAMAGE AND REPAIR OF COUNTY PROPERTY (WITH NO RELATED THIRD PARTY CLAIMS) FROM \$1,000 TO \$2,500; EXPAND THE RISK MANAGEMENT DIVISION'S AUTHORITY TO SETTLE ANY CLAIM OR SUIT FOR DAMAGES FROM AMOUNTS LESS THAN \$10,000 TO AMOUNTS UP TO \$25,000; EXPAND THE COUNTY MANAGER'S AUTHORITY TO SETTLE ANY CLAIM OR SUIT FOR DAMAGES FROM AMOUNTS BETWEEN \$10,000 BUT LESS THAN \$25,000 TO AMOUNTS GREATER THAN \$25,000 BUT NO MORE THAN \$150,000; EXPAND THE BOARD OF COUNTY COMMISSIONER'S SOLE AUTHORITY TO SETTLE ANY CLAIM OR SUIT FOR DAMAGES FROM \$25,000 OR GREATER TO \$150,000 OR GREATER; AND BY REVISING PROVISIONS RELATED TO: THE COUNTY'S SAFETY PROGRAM; THE COUNTY SAFETY OFFICER; POSTING OF SAFETY NOTICES; REPORTING REQUIREMENTS FOR OCCUPATIONALLY RELATED INJURY OR ILLNESS; REPORTING REQUIREMENTS IN THE EVENT OF A FATALITY OR CATASTROPHIC EVENT; REPORTING REQUIREMENTS BY OFFICERS, EMPLOYEES, VOLUNTEERS AND DEPARTMENT HEADS FOLLOWING AN ACCIDENT, INCIDENT OR INJURY; WRITTEN DOCUMENTATION OF ACCIDENTS AND INCIDENTS; INVESTIGATION AND EVALUATION OF ACCIDENTS AND INCIDENTS INVOLVING COUNTY OFFICERS, EMPLOYEES OR VOLUNTEERS AND THE SAFETY COMMITTEE'S REVIEW OF SUCH INVESTIGATIONS; AND BY AMENDING PROVISIONS RELATED TO THE SAFETY COMMITTEE'S POWERS AND DUTIES, MEMBERSHIP, TERMS OF OFFICE, AND MEETING SCHEDULE; AND ALL MATTERS NECESSARY CONNECTED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Section 65.010(1) of the Washoe County Code covering the definition of "division" is hereby repealed.

SECTION 2. Sections 65.030, 65.040, and 65.050 of the Washoe County Code are hereby repealed in their entirety.

SECTION 3. Section 65.020 of the Washoe County Code is hereby amended to read as follows:

Risk Management Division

65.020 Risk management division; powers and duties.

1. There is hereby created the risk management division, which is a division within the comptroller department.

2. The risk management division shall:

(a) Administer Washoe County's property/casualty program and safety program;

(b) Administer the self-insurance funds;

(c) Review and approve or deny all expenditures from the funds;

(d) Pursue subrogation where feasible;

(e) Administer all contracts related to the property/casualty program and safety program;

(f) Develop, initiate and carry out systems of premium charges and deductibles where feasible;

(g) Recommend levels of self-funding and purchased insurance, subject to approval by the board of county commissioners when required, which will protect Washoe County's operating revenues from the effects of claims and litigation;

(h) Analyze and assess the risks of county activities and business transactions and make recommendations to minimize the risks presented by such activities;

(i) Approve and execute, on behalf of Washoe County, indemnity and hold harmless agreements whereby Washoe County agrees to release third parties from liability under appropriate circumstances;

(j) Review all claims and suits against Washoe County, initiate investigations, coordinate the defense of Washoe County and maintain all necessary records to ensure that adequate data are available for use when reviewing self-insurance funding levels;

(k) In consultation with and approval of the district attorney's office, retain outside counsel where appropriate, and retain such other investigators and experts in the defense of claims and suits as may be necessary. The retention of such professionals shall be upon such terms and in such amounts as may be necessary and deemed appropriate by the risk management division and are not governed by section 15.490(4);

(l) Inspect county facilities and operations to note and make

recommendations to increase safety, health and fire prevention measures. Such inspections shall be coordinated with the department under inspection; and

(m) Tabulate and analyze each accident or incident report received in compliance with sections 65.110 through 65.190, inclusive, and maintain adequate records of insurance losses, injuries, fatalities, and other statistical information useful to develop and implement accident prevention and loss control measures.

SECTION 4. Section 65.060 of the Washoe County Code is hereby amended to read as follows:

Safety Program

65.060 Safety program: Legislative findings, declaration.
The board of county commissioners finds and declares:

1. The Nevada Occupational Safety and Health Act (NOSHA) (NRS 618.005, et. seq.) was enacted to provide safe and healthful working conditions for every employee in Nevada by establishing and enforcing regulations, training employees, and establishing reporting procedures for job-related accidents, motor vehicle crashes and illnesses.

2. Washoe County shall provide its employees with safe and healthful working conditions in accordance with NOSHA, and as further set forth in this chapter. This includes, but is not limited to:

(a) Providing a place of employment free from recognized hazards likely to cause serious physical harm or death to employees;

(b) Furnishing safety devices and adopting safeguards which are reasonably adequate to provide a safe and healthful working environment;

(c) Posting information provided by the state of Nevada's division of industrial relations of the department of business and industry to inform employees of their rights and obligations under NOSHA;

(d) Assigning at least one person to be in charge of occupational safety and health;

(e) Providing all newly hired employees with information setting forth the employer's and employee's responsibilities to promote safety in the workplace; and

(f) Performing other functions as reasonably necessary to protect the lives, safety and health of employees.

3. Washoe County shall establish and maintain a written safety program as provided in NRS 618.383.

SECTION 5. Section 65.070 of the Washoe County Code is hereby amended to read as follows:

65.070 Safety policy of the board.

1. The board of county commissioners declares that the personal safety and health of each Washoe County employee is of primary importance. The board's objective is to maintain a safety program which will reduce the number of injuries and illnesses to a minimum.

2. It is the board's policy that Washoe County maintain a safety program conforming with the best practices of local government programs. To be successful, such a program must embody the proper attitudes toward injury and illness prevention on the part of department heads, supervisors and employees and requires cooperation in all safety and health matters, not only among department heads, supervisors and employees, but also between each employee and their fellow workers. Only through such a cooperative effort can a safety record in the best interests of all be established and preserved.

SECTION 6. Section 65.080 of the Washoe County Code is hereby amended to read as follows:

65.080 Written safety program.

1. The risk management division shall prepare and periodically update a written safety program which complies with NRS 618.383 and NAC 618.540 and 618.542 for adoption by the board of county commissioners.

2. The safety program shall include:

(a) Washoe County's goals to achieve a safe and healthy work environment for all county officers and employees;

(b) The obligations of county officers and employees with respect to carrying out the safety program's requirements;

(c) Procedures for identifying and controlling hazards;

(d) Requirements for safety training;

(e) Procedures for accident reporting, investigation and corrective action;

(f) Methods to communicate the safety program requirements;
and

(g) Enforcement provisions.

SECTION 7. Section 65.090 of the Washoe County Code is hereby amended to read as follows:

65.090 County safety officer: Duties. The comptroller shall designate at least one member of their staff to act as the county safety officer. The county safety officer shall

administer the county safety program under the direction of the comptroller and in accordance with NRS Chapter 618.

SECTION 8. Section 65.100 of the Washoe County Code is hereby amended to read as follows:

65.100 Posting of safety notices. Department heads shall select a heavily traveled, conspicuous area for a bulletin board at each work location where safety notices, bulletins, regulations and posters can be posted. One copy of each of the following publications shall be posted in each designated area:

1. Washoe County Workplace Safety Program.
2. Applicable departmental safety procedures.
3. "Nevada Safety and Health Protection on the Job," published by the state division of industrial relations.
4. OSHA Form 300A, "Summary of Work-Related Injuries and Illnesses".
5. Emergency telephone numbers.
6. Applicable departmental emergency action plans.

The above listed notices shall also be available on the county's website.

SECTION 9. Section 65.110 of the Washoe County Code is hereby amended to read as follows:

65.110 Written reports required for occupationally related injury or illness. All county officers, employees and volunteers must report and document any work-related injury or illness in accordance with the Washoe County Workplace Safety Program. The following reports: C-1 Notice of Injury or Occupational Disease (to be completed by the employee or volunteer), Supervisor's Report of Injury (to be completed by the supervisor), and C-3 Employer's Report of Industrial Injury or Occupational Disease (to be completed by the department head or designee), shall be submitted to the county safety officer whenever any occupationally related injury or illness occurs, regardless of whether medical attention is sought. These reports shall be prepared and submitted as soon as possible, but not later than 5 days after the injury or illness is reported.

SECTION 10. Section 65.120 of the Washoe County Code is hereby amended to read as follows:

65.120 Emergency reports in event of fatality or catastrophic event. An immediate report shall be made by telephone to the risk management division after any accident which results in serious injury, fatality, possible fatality or which requires

hospitalization of more than one employee, officer or volunteer.

SECTION 11. Section 65.140 of the Washoe County Code is hereby amended to read as follows:

65.140 Requirements for investigation; evaluation of accidents and incidents involving county officers, employees or volunteers; investigation report.

1. Accident or incident investigations. The county safety officer or the risk management division shall review each accident or incident report prepared by county officers, employees or volunteers, and shall conduct such investigation as deemed necessary to determine the circumstances related to the accident or incident.

2. Vehicular accident or incident investigations. The risk management division shall specifically review all vehicular accidents or incidents pursuant to the driver's policy, except those involving peace officers employed by the Washoe County Sheriff's Office, which accidents or incidents shall be subject to the review process of the sheriff's office.

3. Evaluation of accident or incident and investigation report. The county safety officer or risk management division, as the case may be, shall prepare a report detailing their findings and conclusions about the cause of each accident or incident, along with recommendations to prevent reoccurrence. This report shall be provided to any employee who is the subject of the investigation, the employee's department head and the employee's collective bargaining association, if applicable. The report shall include a statement that the report may be reviewed by the safety committee at the request of the employee, the employee's department head, or the employee's association.

SECTION 12. Section 65.145 of the Washoe County Code is hereby amended to read as follows:

65.145 Request for safety committee to review investigation report. Any employee who is the subject of an investigation pursuant to this chapter, the employee's department head, the employee's association, the county safety officer or the risk management division may request that the investigation report and the underlying matter be reviewed by the safety committee. A request to review must be made in writing to the risk management division within 30 days of the date of the delivery of the report.

SECTION 13. Section 65.150 of the Washoe County Code is hereby amended to read as follows:

Safety Committee

65.150 Safety committee: Creation; powers and duties.

1. The safety committee is hereby created.

2. The safety committee shall:

(a) Serve in an advisory capacity to the board of county commissioners, the county manager, the county safety officer and the risk management division in all matters relating to safety and health of county officers, employees and volunteers.

(b) Communicate safety policies to all employees and volunteers.

(c) Review the county safety officer or risk management division's investigation report upon the request of a person authorized by section 65.145 to request review. Following the requested review, the safety committee may accept, reject or modify the report.

(d) Review the risk management division's vehicular accident or incident investigation reports pursuant to the driver's policy upon the request of a person authorized by section 65.145 to request review. Following the requested review, the safety committee may accept, reject or modify the report.

(e) Review all accident or incident reports involving injuries which result in lost time compensation pursuant to the county's workers compensation program.

(f) Review all accident or incident reports referred by the county safety officer or risk management division.

(1) The safety committee may conduct additional investigation, if necessary.

(2) The safety committee may recommend employee counseling, training or corrective action, and other future accident prevention or loss control measures.

(g) Review and recommend action on safety issues brought before the safety committee.

3. The safety committee does not recommend disciplinary measures. Any discipline shall, subject to applicable personnel rules, be imposed as deemed appropriate by the responsible supervising authorities and reviewed in accordance with county policy.

SECTION 14. Section 65.160 of the Washoe County Code is hereby amended to read as follows:

65.160 Safety committee: Membership; quorum; terms of office; chair.

1. The safety committee consists of seven members, and a majority of the committee constitutes a quorum. The committee members are to be selected as follows:

- (a) One department head, appointed by the county manager;
- (b) One employee with knowledge of safety and security procedures in Washoe County, appointed by the county manager;
- (c) One representative from the county manager's office, appointed by the county manager;
- (d) One representative from either the Washoe County Sheriff's Deputies Association or the Washoe County Sheriff's Supervisory Association, appointed by their respective association, which selection shall be made on a rotating basis between those organizations;
- (e) One representative from the Washoe County Employees' Association, appointed by the association;
- (f) One representative from the Washoe County Nurses' Association, appointed by the association; and
- (g) One representative chosen annually by and from the remaining employee organizations which represent county employees, which selection shall be made on a rotating basis among those organizations.

2. The term of office of each member of the safety committee is as follows:

- (a) The representative from the county manager's office is a permanent member; and
- (b) All other members shall be appointed to serve 2-year terms.

3. At the safety committee's first meeting of each calendar year, the committee shall elect a chair from among its members.

SECTION 15. Section 65.170 of the Washoe County Code is hereby amended to read as follows:

65.170 Safety committee meetings. The safety committee shall meet quarterly and upon the call of the chair.

SECTION 16. Section 65.180 of the Washoe County Code is hereby amended to read as follows:

65.180 When member of safety committee prohibited from participating; effect on quorum and action.

1. A member of the safety committee shall not participate in evaluating or reviewing an accident or incident involving an officer, employee or a volunteer working under that member's direct supervision. The member shall not make findings or recommendations regarding that officer, employee or volunteer.

2. When a member of the safety committee abstains from

participating in a matter by virtue of the provisions of subsection 1, the number of members necessary to constitute a quorum and the number of members necessary to take action is deemed reduced by the number of persons abstaining.

SECTION 17. Section 65.190 of the Washoe County Code is hereby amended to read as follows:

65.190 Responsibilities of the safety committee with respect to accidents and incidents.

1. After initial review and discussion of the investigation report, the safety committee may require additional written information from the officer, employee or volunteer and may interview that person if it deems necessary. The safety committee may request technical assistance to conduct the investigation from the sheriff, the district attorney or other appropriate personnel.

2. After evaluation, the safety committee may submit recommendations to the head of the department in which the employee or volunteer works, or in which the accident occurred, regarding whether employee counseling, training or non-disciplinary corrective measures should be taken and what other future accident prevention or loss control measures might be taken. The safety committee may also recommend that the person be required to participate in a driving course. The safety committee shall make such other recommendations as it deems warranted by the circumstances of each case.

3. A recommendation for employee counseling, training or corrective measures (such as additional defensive driving courses) shall be placed in the employee's personnel file.

4. A department head shall, within seven (7) days after receipt of a safety committee recommendation for employee counseling, training or corrective measures, or other future accident prevention or loss control measures, provide a written response to the risk management division detailing what action, other than employee discipline, has or will be taken.

SECTION 18. Section 65.200 of the Washoe County Code is hereby renumbered to section 65.125 and amended to read as follows:

65.125 Property/Casualty: Reporting requirements following accident, incident or injury. Any person who, while performing services for Washoe County as an officer, employee or volunteer, is involved in an accident or incident involving property damage or injury to any other person shall:

1. When required by law, report the accident or incident to the proper authority.

2. Notify their department head as soon as practicable after the accident or incident.

3. Forward a written report of the accident or incident to the department head within 24 hours or the next working day after its occurrence.

SECTION 19. Section 65.210 of the Washoe County Code is hereby renumbered to section 65.130 and amended to read as follows:

65.130 Department heads to transmit written reports to risk management division; additional reports.

1. A department head who receives a written report pursuant to section 65.125 shall forward the report and any other materials relating to the accident or incident to the risk management division within 24 hours or the next working day of receipt of the written report.

2. The risk management division may require the officer, employee or volunteer who was involved in the accident or incident and/or the department head to submit additional documents or information to assist in the investigation.

SECTION 20. Section 65.220 of the Washoe County Code is hereby renumbered to 65.135 and amended to read as follows:

65.135 Use, form, contents of written documentation of accidents and incidents. Departmental information, materials and reports relating to an accident or incident which are submitted to the risk management division pursuant to section 65.130:

1. Remain the property of the department or office which submitted the report or other material.

2. Are confidential and shall not be released to any person other than the district attorney, the county safety officer, the risk management division, the comptroller, the assistant county manager(s), and the county manager, unless the district attorney's approval is first obtained, except that the risk management division may release the following reports and materials to a claimant or their legal representative:

(a) Accident, incident or injury reports specifically made on forms provided by the risk management division and prepared for that division; and

(b) Booking and Property Reports, sheriff's office forms pertaining to any claim that the sheriff's office lost the property of an inmate.

3. Are for use in accident prevention, loss control and such disciplinary action as may be warranted against the employee involved.

4. Shall be submitted in such form as may be prescribed by the risk management division.

5. May include estimates of vehicle, property and liability losses as well as information sufficiently detailed to disclose, with reference to the accident or incident, its cause, the conditions then existing and the persons and property involved.

SECTION 21. Section 65.240 of the Washoe County Code is hereby renumbered to 65.025 and amended to read as follows:

65.025 Risk management division's authority to administer claims on behalf of Washoe County; monetary limits to settle claims by risk management division, county manager and board of county commissioners.

1. The risk management division shall review all claims submitted to or by Washoe County and shall either approve or deny such claims pursuant to the provisions of this section.

2. Claims related to damage and repair of county property with no related third party claims or suits for damages may be settled by the risk management division, with oversight from the comptroller, in amounts up to \$2,500.

3. The risk management division, after consultation with the comptroller and the district attorney, has authority to negotiate and settle any claim or suit for damages payable by or recoverable to the county if the amount sought in the claim or suit is no more than \$25,000.00.

4. The county manager, after consultation with the risk management division and the district attorney, has authority to settle any claim or suit for damages payable by or recoverable to the county if the amount sought in the claim or suit is greater than \$25,000.00 but no more than \$150,000.00.

5. The board of county commissioners, after consultation with the county manager and district attorney, has sole authority to settle any claim or suit for damages payable by or recoverable to the county if the amount sought in the claim or suit is greater than \$150,000.00.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the _____ day of _____, 2023.

Proposed by Commissioner _____.

Passed on the _____ day of _____, 2023.

Vote:

Ayes:

Nays:

Absent:

Chair
Washoe County Commission

ATTEST:

County Clerk

This ordinance shall be in force and effect from and after
_____, 2023.