

TITLE: ADOPTION OF LOCAL LAW INTRO. NO. 3-2002, PRINT NO. 1, IN RELATION TO THE ESTABLISHMENT OF A PLAN OF MUTUAL SELF-INSURANCE AND REPEALING LOCAL LAW NO. 1 OF 1956, AS AMENDED

Offered by: Personnel Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 3-2002, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 3-2002

Print No. 1

A LOCAL LAW IN RELATION TO THE ESTABLISHMENT OF A PLAN OF MUTUAL SELF-INSURANCE AND REPEALING LOCAL LAW NO. 1 OF 1956, AS AMENDED

BE IT ENACTED by the Board of Legislators of the County of Allegany, State of New York, as follows:

Section 1. The plan of self-insurance provided for in Article 5 of the Workers' Compensation Law of the State of New York is hereby established for the County of Allegany.

Section 2. The Allegany County Mutual Self-Insurance Plan heretofore established under the provisions of subdivision three-a of section fifty of the Workers' Compensation Law of the State of New York is hereby continued and shall be operated in the manner provided in Article 5 of the Workers' Compensation Law.

Section 3. The plan of mutual self-insurance hereby established shall be administered by a standing committee of the Board of Legislators which is created and named by resolution of the Board of Legislators. For the purpose of identification in this local law the name is the Personnel Committee.

Section 4. Members of the Personnel Committee shall be paid based on the method established by the Board of Legislators. Members' expenses and mileage shall be paid in accordance with law.

Section 5. The Personnel Committee shall appoint an Executive Secretary whose salary and expenses shall be payable from monies of the plan, who shall keep the necessary

records of the plan, attend hearings and transact such other business as shall be delegated to such officer by the Committee.

Section 6. Participation in this plan shall be limited to the County of Allegany, including the officers and employees of the Allegany County Soil and Water Conservation District, the towns of the County of Allegany and all villages located in the County of Allegany.

Section 7. Any public corporation eligible to become a member of this plan may become a member of this plan by filing with the Executive Secretary of the plan on or before the 15th day of July of any year a certified copy of the resolution of its governing body electing to become a participant in the plan for the next ensuing year of the operation of the plan.

Section 8. Withdrawal from the plan may be effected by filing on or before the 15th day of July in any year with the Executive Secretary of the plan a certified copy of the resolution of its governing body electing to withdraw from the plan at the end of the current operating year. Upon withdrawal the participant shall pay, in lump sum or in installments, an equitable share of the outstanding liabilities of the plan as of the date of withdrawal, as determined by the Personnel Committee.

Section 9. The Personnel Committee may develop and enforce a safety program or programs designated for the reasonable and adequate protection of the lives, health and safety of persons covered under the plan; and may provide for use by such persons of appliances and devices designed to minimize the possibility of injury or impairment of health; and it may provide awards to such persons on a basis designed to promote such safety program or programs.

Section 10. (a) All participants in the plan shall fully cooperate with the Personnel Committee in the administration of the plan; shall submit to the Committee, at such time or times as the Committee determines, informational or statistical reports relevant to the participant's involvement in the plan; shall promptly furnish all pertinent information relative to any claim; and, shall aid in the investigation of any claim as requested by the Committee.

(b) Every new employee of any participant in the plan shall undergo a medical examination before undertaking any of the duties of his employment, except in an emergency, in which event, the participant employing such employee shall arrange for such medical examination at the earliest possible time after such undertaking of duty. The cost of such examination shall be an expense of the plan.

(c) Every new volunteer firefighter, as defined in the New York State Volunteer Firefighters' Benefit Law, shall undergo a medical examination before acting in line of duty. In addition, the Personnel Committee may require that every present volunteer firefighter

undergo a medical examination at such time or times established by such Committee, taking into account the current number of such firefighters on the membership rolls and the cost of such examinations. The cost of such medical examinations shall be an expense of the plan.

(d) Every new volunteer ambulance worker, as defined in the New York State Volunteer Ambulance Workers' Benefit Law, shall undergo a medical examination before acting in line of duty. In addition, the Personnel Committee may require that every present volunteer ambulance worker undergo a medical examination at such time or times established by such Committee, taking into account the current number of such ambulance workers on the membership rolls and the cost of such examinations. The cost of such medical examinations shall be an expense of the plan.

Section 11. For each violation of any provision of the foregoing section or of the requirements of the Workers' Compensation Law, the Personnel Committee may charge a penalty against any participant which shall not exceed five hundred dollars or the Board of Legislators may upon resolution by a majority vote of the members present and voting upon roll call charge a penalty in excess of five hundred dollars.

Section 12. Commencing January 1, 2003, each participant shall be assessed as follows:

(a) One percent of the several amounts set forth in the annual estimate shall be apportioned to the several classes of participants in accordance with the following percentages of full valuation: (1) County of Allegany, 100%; (2) villages, 100%; (3) any town with no village located within its geographical boundaries, 100%; (4) any town in which a village is located within the geographical area of such town, 60%.

(b) Twenty percent of the several amounts set forth in the annual estimate shall be apportioned to the County and each village and town participant on an experience rating basis. Such experience rating shall be calculated by dividing the claims paid, as limited herein, for each participant in the three consecutive calendar years immediately preceding the year in which the annual estimate is prepared and filed pursuant to section sixty-seven of the Workers' Compensation Law by the total claims paid on behalf of all such participants in such three consecutive calendar years. For the purpose of limitation, the amount in excess of ten thousand dollars for all claims paid in any calendar year and arising out of a single occurrence shall not be a part of the claims paid for each participant in determining the foregoing experience rating. Moreover, no claims paid pursuant to the Volunteer Firefighters' Benefit Law nor claims paid pursuant to the Volunteer Ambulance Workers' Benefit Law shall be a part of such claims paid. The twenty percent amount of the annual estimate shall be multiplied by each participant's experience rating to determine each participant's share.

By way of limitation on the amount of claims paid used to determine a participant's experience rating pursuant to this subdivision, the amount of each claim payment made on and after the third annual anniversary date of payment, shall be reduced as follows: a fifty percent reduction up to the seventh annual anniversary date of payment; and an additional twenty-five percent reduction up to the tenth annual anniversary date of payment.

(c) Seventy-nine percent of the several amounts set forth in the annual estimate shall be apportioned based on discounted standard Workers' Compensation rates as published in October of each year. Participants shall provide payroll information to the Plan by March 1st of each year.

(d) A maximum yearly increase of ten percent, by participant, is allowed. The balance above ten percent will be allocated to the remaining participants based on payroll standard premium percentage. Catastrophic circumstances will negate this paragraph.

(e) Any recovery which the plan may receive pursuant to the provisions of section twenty-nine of the Workers' Compensation Law or any payments which the plan may receive under an excess or catastrophe policy which the plan may obtain pursuant to section seventy of the Workers' Compensation Law shall not reduce any participant's share nor affect the experience rating factor of any participant, as such share and rating are determined pursuant to the provisions of this section.

Section 13. The share of each participant in classes (1), (3) and (4) in subdivision (a) of section twelve of this local law and each participant, excluding villages, in subdivision (b) of said section twelve shall be collected by inclusion in the next succeeding tax levy against property taxable by the participant responsible therefor. When collected, such amounts shall be paid over to the County Treasurer and by the Treasurer credited to the County Self-Insurance Fund.

Section 14. The share of each participant in class (2) in subdivision (a) of section twelve of this local law and all village participants in subdivision (b) of said section twelve shall be collected in the manner provided in subdivision one of section sixty-seven of the Workers' Compensation Law.

Section 15. A self-insurance reserve for the plan is hereby established. The maximum amount which shall be contributed to such reserve shall be \$750,000.00 in accordance with section seventy of the Workers' Compensation Law.

Section 16. The Personnel Committee, subject to the approval of the Board of Legislators, may, on behalf of the plan, purchase excess or catastrophe insurance. This may be

in one or more policies, including a separate group policy of employers' liability insurance to cover the participants in the plan. The cost of such insurance shall be an administrative expense of the plan. Any employers' liability claim which a participant is required to pay by law and which is not payable from such approved and purchased employers' liability insurance shall be payable from the funds of the plan.

Section 17. That Local Law No. 1 of 1956, as amended, is repealed as of the effective date of this local law.

Section 18. This local law shall take effect immediately.

Local Law No. 3-2002

Adopted by Res. No. 203-02, 7/22/02

Effective Date: July 26, 2002

*Upon adoption of Resolution # 203-02,
Local Law Intro # 3-1002 became Local Law # 3-1002.*

I, Brenda R. Hotchkiss, Clerk of the Board of Legislators of the County of Allegany, State of New York do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said Board on the 22nd day of July, 20 02.

Brenda Riegly Pichler

Clerk, Board of Legislators, Allegany County

Dated at Belmont, New York this 21st day of August 20 19

Moved by Heineman Seconded by Palmer VOTE: Ayes 15 Noes 0 Absent 0 Voice _____