



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

April 2, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

John F. Krattler
Acting County Counsel

Board of Supervisors
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First District

MARK RIDLEY-THOMAS
Second District

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Third District

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Fifth District

LEGAL EXPOSURE REDUCTION COMMITTEE AND COUNTY COUNSEL RECOMMENDATIONS – RESPONSE TO FEBRUARY 21, 2012 BOARD MOTION

On February 21, 2012, your Board requested a report regarding the status of recommendations made by the Legal Exposure Reduction Committee (LERC) Sub-Committees and County Counsel.

LERC Sub-Committee Recommendations

There are currently 11 recommendations from the LERC Sub-Committees which are on the agenda for consideration by the master LERC committee on April 12, 2012. These recommendations are as follow:

Vehicle Liability

1. Promulgate a policy and procedure requiring all employees who drive a motor vehicle during the course and scope of their employment to participate in the Department of Motor Vehicles (DMV) Pull Notice Program, or equivalent, in order to ensure timely/consistent verification of licensure status and driving citations.

Discussions are currently in progress with various unions in conjunction with Employee Relations, and are anticipated to conclude within 30 days, at which time the Chief Executive Office (CEO) will issue this directive.

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Vehicle Liability (Continued)

2. Develop and implement a modular enterprise motor vehicle safety training program that can be leveraged via the Learning Net and/or through department level in-services.

The CEO's Risk Management Branch has identified a resource for vehicle safety training. The Sub-Committee will be reviewing available programs. Because of the volume of resources available, it is anticipated that this review will require several months to complete. Once an acceptable program has been identified, funding will need to be obtained. Full implementation of this recommendation is anticipated in 2013.

Workers' Compensation and Return-to-Work

3. Establish policies and procedures that will assist departments in identifying individuals who have voluntarily resigned from County of Los Angeles (County) employment as a result of a workers' compensation compromise and release agreement to preclude rehiring such individuals if appropriate.

By May 1, 2012, procedures will be drafted by the Sub-Committee and an evaluation for storing the information in the eHR Payroll/Time Collection system begun.

4. Promote the creation of Light Duty Assignment Desks in each department to expand early return-to-work (RTW) options.

The Fire Department is currently piloting this approach. On February 9, 2012, the approach was presented to the master LERC committee and will be presented to County RTW Coordinators at their next quarterly meeting on April 19, 2012.

5. Require departments to become fully engaged in the RTW promotion program currently being developed by the CEO and the Department of Human Resources (DHR), which is expected to be deployed by June 30, 2012.
6. Working with Third Party Administrators, explore the use of evidence-based disability guidelines (MD Guidelines or Official Disability Guidelines) to establish expectations and goals in the RTW process.

The RFP for workers' compensation claims administration services is currently being drafted and anticipated to be released in April 2012. This concept will be included in the RFP.

7. Develop guidelines to improve the application of Civil Service Rule 16. The County grants leaves of absence for disabling injuries or illnesses. Leaves exceeding 12 months must be approved by the Director of Personnel. Establishing consistent and equitable guidelines that enable the termination of unjustified long-term leaves will improve organizational effectiveness.

Currently, a draft of the guidelines is being reviewed by the Office of County Counsel. By July 1, 2012, the Sub-Committee will provide a recommended version of the guidelines to the master LERC committee.

Classification Studies

8. Departmental safety staffing model to be used by departments to evaluate how safety-related functions are handled.

The CEO's Risk Management Branch is meeting with CEO Classification and Compensation staff to secure their approval of the staffing model, which will then be distributed to departments. Departments will be asked to evaluate their staffing as compared to the model program and report this as part of their annual Risk Exposure Cost Avoidance Plan (RECAP), which is due August 31, 2012.

Training and Communication

9. For all non-MAPP (Management Appraisal and Performance Plan) supervisors, that the Behaviors contained in the County job descriptions be amended to reinforce behaviors that support LERC-related goals. At the time of hire and upon annual performance reviews, as stated in the essential Behaviors in their job description, supervisors will assess LERC-related employee training needs, select either department-based or centralized County-offered training, and implement training as needed.

The Sub-Committee is currently refining the recommendations for the Behaviors. It is anticipated that these will be ready to share with DHR by April 30, 2012.

10. In conjunction with suggestions from the Chief Information Office and CEO's Public Information Office (PIO), the Sub-Committee recommends a targeted e-mail "LERC Best Practices" message, with links to video, documents, and other resources.

The CEO Risk Management Branch has identified a series of Best Practices for this project and is working with CEO Information Technology Services to develop the mailing list. It is projected that the first video blast will occur by June 30, 2012.

Employment Practice Liability

11. In conjunction with County Counsel staff, legislation was drafted to address the attorneys' fee issue in employment cases. Proposed legislation is currently under review by CEO in conjunction with other legislative proposals. The review will be completed in time for consideration with the current year legislative session.

County Counsel Recommendations

County Counsel has made 27 recommendations in the past three annual Litigation Cost Management Reports. All of these have been forwarded by County Counsel to the appropriate department for consideration. The CEO Risk Management Branch has reviewed these recommendations in conjunction with County Counsel and the departments. Many have been addressed in Corrective Action Plans while others are being considered by the LERC Sub-Committees. However, there are others that still require additional follow-up in order to fully respond to the Board motion. Therefore, we are requesting additional time to allow for a comprehensive review and evaluation of all 27 recommendations. We expect to complete this review and will provide a full report to the Board by April 30, 2012.

Communicating Best Practices

Also included in your February 21, 2012 motion, was direction that CEO develop a streamlined process for regularly reviewing and fast tracking for immediate implementation Risk Management, County Counsel, and department best practices. In conjunction with CEO PIO, the LERC Training and Communications Sub-Committee is developing an electronic newsletter targeted at key members of executive and senior management at all County departments. The newsletter, in e-mail format, will contain short video clips of best practices success stories, articles and tools for departments to utilize in implementing loss exposure programs, and recommendations from the CEO Risk Management Branch, County Counsel, and departmental best practices. It will be issued monthly and as needed to address emergent issues requiring immediate attention and action.

Department Reports to Cluster

Finally, the February 21, 2012 motion directed the CEO to prepare a schedule, appropriate template, and metrics, such that departments can make at least an annual presentation to your Board offices in each cluster, describing the risk issues, trends, and mitigation measures undertaken to address these risks.

In conjunction with a number of departmental Risk Management Coordinators, the CEO Risk Management Branch has developed the template and metrics for these reports (see attached) and is currently working with the Executive Managers to determine the process and schedule for department reports.

For more information, your staff may contact Laurie Milhiser, County Risk Manager, at (213) 351-5346, or Steve Estabrook, Litigation Cost Manager, at (213) 974-1762.

If you have any questions, please have your staff contact Ellen Sandt at (213) 974-1186 or esandt@ceo.lacounty.gov.

WTF:ES:JFK
LM:SE:sg

Attachment

c: All Department Heads

COUNTY OF LOS ANGELES RISK MANAGEMENT OVERVIEW

DEPARTMENT NAME: _____ **DATE:** _____

Purpose

As directed by the Board of Supervisors on February 21, 2012, this Risk Management Overview was developed to describe risk issues, trends, and mitigation measures undertaken to address these risks in the _____.
Department Name

This overview provides information about 3-5 risk issues in the department, and trends or other reasons why risk issues and mitigation measures are important.

Department Overview

Include a brief description of the department and its hazards/exposures. This should include how the department handles risk management issues, staffing concerns, etc., and should clearly demonstrate that the department understands its risk exposures and is addressing them.

Risk Management Coordinator Name:	
Safety Officer/Coordinator Name:	
Return-to-Work Coordinator Name:	

Risk Issues, Trends, Mitigation Measures

Risk Issue No. 1 <i>(sample)</i>
Issue: Liability arising from the use of vehicles.
Trends: Increasing frequency of vehicle liability claims and mileage permittee property damage claims.
Mitigation Measure: <ul style="list-style-type: none"> • Implementing a Department of Motor Vehicles Employer Pull Notice Program where the Department of Motor Vehicles notifies the department when there is a change in status in an employee's Driver's License record. • Implementing a standardized process for handling mileage permittee property damage claims, including a step-by-step checklist of how to evaluate such claims.
Results: Any improvements noted?

Risk Issues, Trends, Mitigation Measures (Continued)

Risk Issue No. 2 <i>(sample)</i>
Issue: The need to augment existing risk management efforts through training and reviewing departmental policies and procedures.
Trends: The department does not have any significant trends that can be identified through the workers' compensation and liability loss data.
Mitigation Measure: Develop and provide training sessions on employment practices liability or other subject(s) to provide refresher training for managers, supervisors, and/or employees.
Results:

Risk Issue No. 3 <i>(sample)</i>
Issue: Enhancing the return-to-work program.
Trends: The number of active return-to-work cases, or the number of employees on long-term leave, has remained stable (or has increased), and additional efforts need to be made to reduce the number of such cases.
Mitigation Measure: <ul style="list-style-type: none">• Complete an evaluation of the reasons for employees being on leave (industrial injury, non-industrial injury, pregnancy, military, etc.) and develop an action plan for each case (accommodation, medical release, retraining, discipline, etc.).• Provide additional staffing to reduce caseloads and train new and existing staff on return-to-work best practices.
Results:

Metrics

1. Liability Claim Performance

Measure	Actual FY 2008-09	Actual FY 2009-10	Actual FY 2010-11
Total number of all claims. ¹			
Number of General Liability claims.			
Total paid ² for General Liability claims.			
Number of Vehicle Liability claims.			
Total paid ² for Vehicle Liability claims.			
Number of Medical Malpractice claims.			
Total paid ² for Medical Malpractice claims.			

1. Number of claims is the total of all claims (including all suffixes) entered into the Risk Management Information System (RMIS) during the fiscal year.
2. Total paid is based on transaction dates within each fiscal year as listed in RMIS.

2. Workers' Compensation Claim Performance

Measure	Actual FY 2008-09	Actual FY 2009-10	Actual FY 2010-11
Number of new Workers' Compensation claims filed during the period.			
Total Workers' Compensation expense paid during the period.			
Total paid for Salary Continuation/Labor Code 4850 during the period.			
Number of employees ¹ as of June 30.			
Workers' Compensation Claim Report Rate (number of claims reported per 100 employees) for the period.			
Benchmark: Countywide Average Workers' Compensation Claim Report Rate (all departments).	10.3	10.8	11.7
Benchmark: Countywide Average Workers' Compensation Claim Report Rate (all departments, excluding Fire, Probation, Sheriff).	5.8	6.2	6.7
Benchmark: Countywide Average Workers' Compensation Claim Report Rate (only Fire, Probation, Sheriff).	22.8	23.2	25.0
Workers' Compensation Expense Rate (expenses paid per current employee). ²			
Benchmark: Countywide Average Workers' Compensation Expense Rate (all departments).	\$2,823	\$3,027	\$3,266
Benchmark: Countywide Average Workers' Compensation Expense Rate (all departments, excluding Fire, Probation, Sheriff).	\$3,865	\$4,157	\$4,489
Benchmark: Countywide Average Workers' Compensation Expense Rate (Fire, Probation, Sheriff only).	\$5,206	\$5,725	\$6,167

1. Number of employees is the sum of currently filled full-time and part-time positions.

2. Workers' Compensation Expense Rate is amount paid in a given year divided by the current employee count. The amount paid includes payment for claims of current and former employees, including retirees.

3. Return-to-Work Performance (industrial and non-industrial cases)

Measure	Actual FY 2008-09	Actual FY 2009-10	Actual FY 2010-11
Number of active return-to-work cases as of June 30.			
Number of cases closed in the prior year.			
Number of employees on work hardening transitional assignment agreements as of June 30.			
Number of employees on conditional assignment agreements as of June 30.			

4. Vehicle and Fleet Safety Performance

Measure	Actual FY 2008-09	Actual FY 2009-10	Actual FY 2010-11
Number of Department-owned vehicles.			
Total number of vehicle accidents involving Department-owned (or leased) vehicles.			
Total cost paid for damage involving Department-owned (or leased) vehicles (not including third party claim/damage cost).			
Number of miles driven by Department-owned (or leased) vehicles.			
Number of vehicle accident involving Department-owned (or leased) vehicles per 100,000 miles driven.			
Number of Department permittee drivers as of June 30.			
Total number of vehicle accidents involving permittee drivers.			
Total cost paid for damage involving vehicles driven by permittee drivers (not including third party claim/damage cost).			
Number of permittee miles driven during period.			
Number of vehicle accidents involving permittee drivers per 100,000 miles driven.			