

Proposed Local Law Number 15 Of 2024

County Of Ulster

A Local Law Amending The Ulster County Charter And The Ulster County Administrative Code By Deleting Article XLIV From Each (Insurance Department), And Amending The Ulster County Charter And The Ulster County Administrative Code With Respect To Article XLIII (Safety Department)

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT AND PURPOSE.

Pursuant to § C-11 of the Ulster County Charter, the Ulster County Legislature has the power and duty to “make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital program.” Further pursuant to § C-11, the Legislature shall, “fix the compensation of all officers and employees paid from County funds or, for employees not covered by a collective bargaining agreement, to establish salary ranges within which the appointing authority shall have discretion to set the actual salary within the range.” To carry out its fiduciary responsibility most effectively, and for the maximum protection to the taxpayers of Ulster County, the Legislature has determined that it is necessary to establish and maintain a Department of Risk Management through the consolidation and merging of the Insurance and Safety Departments. The Ulster County Legislature finds that the adoption of this law is an appropriate exercise of its powers under Municipal Home Rule Law §10[1][ii][a][1].

The Ulster County Executive and Ulster County Legislature find and determine that in order to assure the provision of services to the residents of Ulster County in the most efficient and cost-effective way possible, the Legislature hereby deletes Article XLIV from the Ulster County Charter as well as Article XLIV of the Ulster County Administrative Code and transfers all powers and duties inherent to the Insurance Department to the Safety Department and renames the Safety Department the Department of Risk Management.

SECTION 2. Article XLIII, §C-126 of the Ulster County Charter is hereby amended to read as follows:

Article XLIII ~~Safety Department~~ **Department of Risk Management**

§C-126 ~~Safety Officer~~ **Director of Risk Management.**

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A. Appointment; term. There shall be a ~~Safety Department~~ **Department of Risk Management** headed by a ~~Safety Officer~~ **Director of Risk Management** who shall also serve as **the Safety Officer and** who shall be appointed by the County Executive based on his, ~~or her,~~ **or their** education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive.

B. Powers and duties. The ~~Safety Officer~~ **Director of Risk Management** will assure through inspection, training and education that all County government operations and properties are maintained in a safe and healthful manner in accord with federal, state and County regulations and mandates. He or she shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law, and perform other and related duties required by the County Executive and County Legislature. **The Director of Risk Management shall be vested with authority, direction and control over the Department of Risk Management, including power to appoint and remove officers and employees within the department.**

C. There shall be within the Department of Risk Management, an independent Division of Insurance under the direction of a Deputy Director of Risk Management - Insurance Officer, who shall be appointed by the Director of Risk Management. He or she shall be appointed on the basis of his or her administrative experience and other qualifications for the responsibilities of this office. The Deputy Director of Risk Management - Insurance Officer shall have general charge and responsibility for duties and functions relating to insurance as delegated to him or her from time to time by the County Executive and County Legislature.

D. Subject to County Executive approval, Deputy Director of Risk Management - Insurance Officer will have the authority to:

- (1) Administer the self-insurance plan as provided for in Article 5 of the Workers' Compensation Law.

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(2) Contract for the services deemed necessary for the operation of the plan and, within the limits of the appropriation made for this purpose, approve all bills or claims related thereto before payment is recommended.

(3) Settle any case subject to the approval of the County Attorney.

SECTION 3. Article XLIII of the Ulster County Administrative Code is hereby amended to rename the Department, update existing sections accordingly, and to add two new Sections, A-43-3 and A-43-4 to read as follows:

Article XLIII ~~Safety Department~~ **Department of Risk Management**

§A43-1 ~~Safety Officer~~ **Director of Risk Management**

*A. Appointment; term. There shall be a ~~Safety~~ Department **of Risk Management** headed by a ~~Safety Officer~~ **Director of Risk Management** who shall also serve as the **Safety Officer and** who shall be appointed by the County Executive based on his, ~~or her,~~ **or their** education, experience and qualifications to perform the duties of the office, subject to confirmation by the County Legislature. He or she shall serve at the pleasure of the County Executive.*

*B. Powers and duties. The ~~Safety Officer~~ **Director of Risk Management** will assure through inspection, training and education that all County government operations and properties are maintained in a safe and healthful manner in accord with federal, state and County regulations and mandates. He or she shall have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law, and perform other and related duties required by the County Executive and County Legislature. **The Director of Risk Management shall be vested with authority, direction and control over the Department of Risk Management, including power to appoint and remove officers and employees within the department.***

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C. There shall be within the Department of Risk Management Department, an independent Division of Insurance under the direction of a Deputy Director of Risk Management - Insurance Officer, who shall be appointed by the Director of Risk Management. He or she shall be appointed on the basis of his or her administrative experience and other qualifications for the responsibilities of this office. The Deputy Director of Risk Management - Insurance Officer shall have general charge and responsibility for duties and functions relating to insurance as delegated to him or her from time to time by the County Executive and County Legislature.

D. Subject to County Executive approval, Deputy Director of Risk Management - Insurance Officer will have the authority to:

(1) Administer the self-insurance plan as provided for in Article 5 of the Workers' Compensation Law.

(2) Contract for the services deemed necessary for the operation of the plan and, within the limits of the appropriation made for this purpose, approve all bills or claims related thereto before payment is recommended.

(3) Settle any case subject to the approval of the County Attorney.

~~E-G.~~ Reports. On or before March 1 of each year, the ~~Safety Officer~~ **Director of Risk Management** shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year, covering generally the work of the department. The ~~Safety Officer~~ **Director of Risk Management** shall make such other reports at such times as may be required by the County Legislature, County Executive or any applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

[1] Editor's Note: See Charter § C-126.

§ A43-2 Deputy(~~ies~~) ~~Safety Officer~~.

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A. The ~~Safety Officer~~ **Director of Risk Management** shall have the power to appoint one or more ~~Deputies Safety Officers~~, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.

B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the ~~Safety Officer~~ **Director of Risk Management**, provided that such appointment may be revoked at any time by the ~~Safety Officer~~ **Director of Risk Management** by written revocation filed with the County Clerk. Positions of Deputy ~~Safety Officer~~ **Director of Risk Management** may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the ~~Safety Officer~~ **Director of Risk Management** for a department staff member.

C. Deputy ~~Safety Officer~~ **Directors of Risk Management** shall perform such duties pertaining to the office of the ~~Safety Department~~ **of Risk Management** as the ~~Safety Officer~~ **Director of Risk Management** may direct and shall act generally for and in such place of the ~~Safety Officer~~ **Director of Risk Management** and perform such other and further duties as the ~~Safety Officer~~ **Director of Risk Management** may assign.

D. The designation of an order of succession for the position of Deputy ~~Safety Officer~~ **Director of Risk Management** shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the ~~Safety Officer~~ **Director of Risk Management** filing a new written designation of order of succession.

§A-43-3 Deputy Director of Risk Management - Insurance Officer.

Deputy Director of Risk Management – Insurance Officer.

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A. The Director of Risk Management shall have the power to appoint one or more Deputy Directors of Risk Management- Insurance Officer(s) within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.

B. The term of office of any deputy not classified as competitive under the County's civil service rules, appointed hereunder, shall coincide with that of the Deputy Director of Risk Management - Insurance Officer, provided that such appointment may be revoked at any time by the Deputy Director of Risk Management - Insurance Officer by written revocation filed with the County Clerk. Positions of Deputy Director of Risk Management - Insurance Officer may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Deputy Director of Risk Management - Insurance Officer for a department staff member.

C. Deputy Director of Risk Management - Insurance Officer shall perform such duties pertaining to the office of the Risk Management Department as the Director of Risk Management may direct and shall act generally for and in such place of the Director of Risk Management and perform such other and further duties as the Director of Risk Management may assign.

D. The designation of an order of succession for the position of Deputy Director of Risk Management shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Director of Risk Management by filing a new written designation of order of succession.

§A-43-4 Ulster County Self-Insurance Plan.

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A. The plan of self-insurance provided for in Article 5 of the Workers' Compensation Law is hereby established and shall be known as "Ulster County Self-Insurance Plan."

B. Participants.

(1) The County of Ulster shall be a participant in the plan. Any city, town and village, any fire district in any town which is not a member may elect to become participants in the plan. Any eligible municipality or public entity electing to become a participant shall file a certified copy of a resolution of its governing body electing to become a participant, with membership to become effective upon approval of the Plan Administrator. Any participant may withdraw from the plan effective at the end of a fiscal year by filing with the Clerk of the Legislature, on or before the preceding first day of July, a certified copy of a resolution of its governing body, electing to withdraw from the plan, upon the condition that it agrees to pay its proportionate share of the estimated liabilities of the plan at the time of withdrawal. Payment of such liabilities shall be made in a lump sum or the administrator may, upon approval of the County Executive, permit said payment to be made in installments.

(2) Each participant in the plan shall cooperate fully with the administrator in the administration of the plan, and annually, within 30 days of the close of each calendar year, and at such other times as the administrator may require, shall render such reports as may be requested, and shall promptly furnish all pertinent information relative to any claim and aid in the investigation of any claim involving such participant.

(3) Every new employee of any participant in the plan except volunteer fireman and civil defense volunteers may be required to undergo a physical examination before undertaking any of the duties of employment, except in the case of an emergency, in which case a participant employing such an employee

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may arrange for physical examination at the earliest possible time after undertaking the required duties. The expense of such physical examination may be paid from the funds of the plan upon approval of the administrator.

(4) For any violation of the provisions of the foregoing Subsection B(2) and (3) of this section, or of the requirements of the Workers' Compensation Law, by a participant, the administrator shall charge a penalty of \$100 against said participant. In addition, the Legislature may by a majority vote expel such participant from the plan, and shall fix the amount of the share of such participant in outstanding claim, if any.

(5) The share of each participant in the plan shall be collected as provided in §§ 67 and 71 of the Workers' Compensation Law, except that the share of each city, village, town and fire district participating in the plan shall be collected through the next succeeding tax levy.

(6) The apportioned share of each participant shall be based 50% on the assessed valuation method and 50% on the loss-experience percentile to be calculated on the three years immediately preceding the current year.

(7) Any participant with a single occurrence, which involves one or more individuals, and the incurred cost exceeds \$50,000 in any experience calendar year, would be obligated to assume 50% of said experience in determining his or her loss-experience percentile for the duration of the three years which comprise the retrospective experience rating plan. The cost of the remaining 50% of this experience shall be shared by all plan participants and used in determining the loss-experience percentile for the duration of the three years which comprise the retrospective experience rating plan. Certain claims such as controverted, contested or large scheduled loss claims may not apply to this credit. The determination will be made by the administrator.

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C. Reserves.

(1) Reserves not to exceed the unpaid workers' compensation claim liabilities of the plan are hereby established for the plan.

(2) There shall be an annual appropriated contribution to said reserves by each participant, not to exceed \$50,000, until such time as the maximum established reserves are reached and maintained.

(3) Notwithstanding the provisions of the foregoing Subsection C(2), any existing balance in the workers' compensation fund on December 31 of any year will be transferred to the reserves established, until such time as the maximum is reached and maintained.

D. Excess or catastrophe insurance. The administrator, subject to the approval of the County Executive, may purchase excess or catastrophe insurance, the cost thereof to be paid from the funds of the plan.

E. Custodian of funds. The Commissioner of Finance shall be the custodian of all monies of the plan and shall disburse the same in conformity with Article 5 of the Worker's Compensation Law.

F. Miscellaneous. Any representative or agent under contract with the administrator shall perform such duties as may be necessary to operate the plan in accordance with the Workers' Compensation Law; shall make the reports required by law; shall attend hearings of cases before the Workers' Compensation Board; shall have the power to authorize necessary medical care which appears from medical reports and information to be justifiable; shall have the authority to purchase supplies, stationary, forms, books, and equipment necessary for the operation of said plan within the limits of the appropriations and subject to the approval of the administrator and the rules of the Legislature.

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SECTION 4. Article XLIV of the Ulster County Charter is hereby deleted in its entirety and reserved for future use.

Article XLIV **Reserved.**

SECTION 5. Article XLIV of the Ulster County Administrative Code is hereby deleted in its entirety and reserved for future use.

Article XLIV **Reserved.**

SECTION 6. SEVERABILITY.

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Ulster County Charter or Ulster County Administrative Code, which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the New York State Secretary of State.