

SDRMA annual safety awards, At-will employment and New Company Nurse telephone triage program

The SDRMA Board of Directors would like to congratulate the following Property/Liability and Workers' Compensation program outstanding Safety Award recipients:

Earl F. Sayre Excellence in Safety Award Recipients:

Property/Liability Program - Small Member Local Agency Formation Commission of Butte County

A Workers' Compensation and Property/Liability Program Member since 2007, the Local Agency Formation Commission of Butte County earned 11 Credit Incentive Points and two No Claims Credits for the 2010-11 program year. The Local Agency Formation Commission of Butte County is a state mandated local agency that oversees boundary changes to cities and special districts, the formation of new agencies including incorporation of new cities, and the consolidation of existing agencies. The broad goals of the agency are to ensure the orderly formation of local government agencies, to preserve agricultural and open space lands, and to discourage urban sprawl. Butte County has not had a reported loss during its membership with SDRMA.

Property/Liability Program - Large Member

Chico Area Recreation and Park District

A Member of the Property/Liability Program since 2008, Chico Area Recreation and Park District earned a total of 15 Credit Incentive Points for the 2010-11 program year. Formed in 1948, with a Board of five directors and 31 full time employees and 175 part time employees, Chico Area Recreation and Park District provides recreational services for the greater Chico area supervising nine parks, two swimming pools over 134 acres.

McMurchie Excellence in Safety Award Recipients:

Workers' Compensation Program - Small Member Bighorn-Desert View Water Agency

A Workers' Compensation Program member since 1983 and a Property/Liability Program since 1986, Bighorn-Desert View Water Agency earned 11 Credit Incentive Points and two No Claims Credits for the 2010-11 program year. The Bighorn-Desert View Water Agency is located in southern California and encompasses 45-square miles serving the Hi-Desert area communities of Flamingo Heights, Johnson Valley, and Landers. The Agency has approximately 1,900 metered service accounts and provides approximately 70 metered bulk water services to both commercial and residential customers. The district has not had a reported workers' compensation claim since 2009.

Workers' Compensation Program - Large Member Nevada Irrigation District

A Member of the Workers' Compensation Program since 2005 and a Property/Liability Program Member since 2008, Nevada Irrigation District earned 14 Credit Incentive Points for the 2010-11 program year. Nevada Irrigation District is a diversified water resource agency that supplies nearly 25,000 homes, farms and businesses in Nevada and Placer counties in the foothills of Northern California's Sierra Nevada Mountains. Nevada Irrigation District collects water from the mountain snowpack and stores it in an extensive system of 10 reservoirs. As water flows to customers in the foothills, it is used to generate clean hydroelectric energy and to provide public recreational opportunities. The district supplies both treated drinking water and irrigation water and has 179 employees and is governed by a five member Board.



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At-Will Employment

In California, wrongful termination (which may be statutory under FEHA or based on common on common law wrongful termination in violation of public policy) is often difficult to prove because unless an employee is hired pursuant to a union contract or an individual employment contract, the employer-employee relationship in California is presumed to be “at-will.” An “at-will” relationship basically means that an employer can terminate an employee for any reason other than one based on discrimination or other illegal reason, such as when someone refuses to engage in illegal activity and is fired as a result.

The “at-will” relationship can be modified either verbally or through custom or practice. For example, if an employee handbook contains a progressive discipline policy where verbal or written criticisms must be made prior to terminating an employee, an argument exists that the employee was wrongfully terminated if the company did not follow its own policies. Similarly, if an employer gives verbal assurances of continued employment, the “at-will” relationship may found to have been modified such that the employee had a reasonable expectation of continuing employment for some time in the future. Based on these types of assurances, the employment relationship may be found to have been modified so that an employer could be required to establish “good cause” prior to terminating an employee.

“Good Cause” means “fair and honest reasons, regulated by good faith on the part of the employer, that are not trivial, arbitrary, or capricious, unrelated to business needs or goals, or pretextual. A reasoned conclusion, in short, supported by substantial evidence gathered through an adequate investigation that includes notice of the claimed misconduct and a chance for the employee to respond.”

Cotran v. Rollins Hudig Hall Int’l, Inc. (1998) 17 Cal.4th 93, 108.



Sample Language

This Employee Handbook is not a contract. Accordingly, it should not be interpreted to create any expressed or implied contractual rights between (Agency Name) and any employee. It is expressly understood that the contents of this Handbook do not constitute the terms of a contract of employment or benefits. Thus, this Handbook should not be construed as a guarantee of continued employment.

Any verbal or written representations to the contrary are invalid and should not be relied upon by current or prospective employees.

(Agency Name) reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document, except for the policy of at-will employment. However, any such changes must be in writing and must be signed by the General Manager.

All employees are “at-will” employees. At-will employees are free to terminate their employment with (Agency Name) at any time, with or without notice or a reason, and (Agency Name) has the right to terminate their employment at any time, with or without notice or cause or right of appeal, grievance or hearing. No one other than the General Manager can enter into an agreement for employment for a specified period of time or make any agreement contrary to the policy of at-will employment. Further, any such agreement must be in writing and signed by the General Manager.

SDRMA recommends that every Member have their Employee Handbook/ Personnel Manual be reviewed by an employment attorney to insure that the document is in full compliance with California and Federal employment laws.



New Company Nurse Program

The Board of Directors has approved the implementation of the Company Nurse Telephone Triage Program for participating SDRMA Workers’ Compensation Program members. The goal of this program is to reduce the number of reported First Aid claims in which the injured employee can self treat with the advice of the telephone

triage nurse and does not need to be seen by a nurse or doctor. In many cases simple injuries/exposures, poison oak, bee bites, simple strains – sprains, etc do not require immediate medical attention at a clinic or hospital.

Under the *complimentary* Company Nurse Program, the employee and supervisor or manager will call a SDRMA designated toll free number to report the injury. Company Nurse gathers information over the phone and helps the injured worker access the appropriate medical treatment.

Company Nurse Program Information Packets were mailed to all Workers’ Compensation members in late August. If you did not receive your packet or for more information, please call Dennis at 800.537.7790 or email dtimoney@sdrma.org with any questions. ▲



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