



UTAH COUNTIES INDEMNITY POOL

BEST PRACTICES STANDARDS

2012

I. GENERAL RISK MANAGEMENT:

A. The Member County has a designated Coordinator or Risk Manager who is responsible for coordination of coverage services between UCIP and the Member County. These responsibilities include:

1. Reporting all claims to UCIP in a timely fashion;
 - a. Serious claims within one working day. Serious claims include:
 - (i) Any accidents involving death, hospitalization, or personal injury;
 - (ii) Vehicle pursuits which result in death, injury of any person, or destruction of third party property;
 - (iii) Shootings involving deputies;
 - (iv) Involuntary terminations which the county reasonably believes might result in litigation;
 - (v) Sexual harassment allegations which the county reasonably believes might result in litigation;
 - (vi) Planning and zoning issues where the parties threaten litigation or that are likely to result in claims or lawsuits.
 - b. Other claims shall be reported to UCIP within ten days of notification to the Member Coordinator. Unless otherwise requested by UCIP, claims should be filed electronically and should be followed up within a reasonable amount of time with:
 - (i) A completed notice of claim form;
 - (ii) A copy of the claim;
 - (iii) Copies of all relevant reports, including police reports
2. Coordinating the implementation of the Best Practices Standards and other risk management strategies with the UCIP Loss Control Manager and the various County departments; and

3. Supplying UCIP with the necessary information as required for membership renewal.
- B. Claims Handling Policy. The county must have written policies and procedures for handling claims and lawsuits. This may be accomplished through circulation of a memo. The written policy or memo must state that all lawsuits and Notice of Claims received shall be forwarded to the Member Coordinator or designee.
- C. Policy Renewal Information. ALL policy renewal information must be received by UCIP on or before June 30 (contact Sonya White for details).
- D. Accident Review Board. County shall establish by resolution or other official action by the governing body, an Accident Review Board which shall review all Motor Vehicle Accidents and other incidents involving damage to property or injury to person(s). Upon reviewing such incidents, the Board shall:
1. Make a determination of fault;
 2. Recommend disciplinary action to the department head of any employee or officer found to be at fault;
 3. Meet on a regular basis, but not less than quarterly (unless there are no accidents to review);
 4. Keep written minutes and a copy of the minutes shall be made available to UCIP upon request;
 5. Review all accidents involving county drivers (including road department and Sheriff's Office personnel) and/or vehicles that have been reported to UCIP and send copies of the accident reviews, or reports to UCIP.

II. AUTOMOBILE LIABILITY

- A. The Member County checks driver's licenses (Motor Vehicle Reports) of all operators of county vehicles (including volunteers) and those who the County should reasonably anticipate will drive a vehicle in the scope of employment:
1. Before extending offer of employment or, in the alternative, extend a conditional offer of employment based upon County's satisfaction with the applicant's driver's license history;
 2. Annually to determine status, restrictions, or modifications; and
 3. Shall provide a written statement to be received by UCIP on or before the first of July of each year, stating that the County has checked the driving record of each employee or volunteer who is expected to drive on county business; and
 4. Provide a copy of the driving record to UCIP for any individual who has one or more of the following:
 - a. DUI (drugs or alcohol), or alcohol related reckless during last 24 months;
 - b. Two or more moving violations during last 12 months, or
 - c. Driver's license revoked or suspended in the last 12 months.
 5. Maintain Motor Vehicle Reports obtained, keep the reports on file for at least two years make them available for inspection upon the request of UCIP.
- B. The Member County maintains written records of all maintenance performed on each county-owned vehicle or heavy equipment.
- C. The county has the following written polices:
1. Use of seat belts required of all drivers and passengers in county vehicles;
 2. All accidents involving county vehicles are to be reported immediately to the department head;
 3. A Distracted Driver Policy for drivers of motor vehicles which prohibits use of PDA's, Laptops and cell-phones (excepting hands-

free devices) by the driver while the vehicle is in motion. Such policies shall apply to all employees, including Law Enforcement.

- D. The Member County provides and retains documentation of annual driver safety training to all employees and volunteers who drive on county business.
- E. The Member County requires each employee or volunteer who is expected to drive a motor vehicle on county business and has an offense as set forth in A.4 above, to complete a UCIP approved driver-training course, prior to September 1 of the current year.
- F. The Member County requires each employee or volunteer who is expected to drive on county business to complete a driver's training course which is approved by, or offered by, the Pool within 6 months of their appointment.
- G. The Member County has a policy which requires volunteers who drive on county business and who are age 68 and above, to complete the AARP Driver Safety Course (or other mature driver program) before driving for the county.
- H. The Member County has a written policy that employees who have, while driving in the course of employment, caused two or more vehicle accidents as determined by the ARB within a two-year period of time shall lose driving privileges, be reassigned to a non-driving position, or be terminated from employment.

III. HUMAN RESOURCES

- A. The Member County has verified that it does comply with the requirements of the County Personnel Management Act or that the Act does not apply to the County.
- B. The Member County has policies and procedures which are reviewed annually and updated as necessary and, at a minimum:
 - 1. Set forth procedures for recruitment, interviewing, and hiring that are in compliance with State and Federal law;
 - 2. Contain prohibitions against illegal discrimination;
 - 3. Set forth procedures for discipline and termination which comport with legal requirements, including Lourdermill hearings;
 - 4. A clear and unambiguous contract disclaimer;
 - 5. A statement definitively asserting that employment is at-will;
 - 6. A policy regarding the implementation of the Family and Medical Leave Act, which reflects the most recent changes in the law;
 - 7. A statement as to whether and to what extent policies apply to law enforcement officers employed by the sheriff.
- C. The Member County has made a copy of the policies available to each employee and explained to the employee in writing where a copy of the policies can be obtained for reference.
- D. Each employee has signed a statement that the employee has been oriented and that the employee knows how to access the policy.
- E. Each employee is notified of updates of the policy and such notice is documented.
- F. The county has adopted a written drug and alcohol testing program that is consistent with federal and state laws. The policy contains the following elements when applicable:
 - 1. Pre-employment testing;
 - 2. Reasonable suspicion testing;

3. Post accident testing in accordance with county policy;
 4. Random testing for safety sensitive positions only;
 5. Random testing in accordance with federal regulations for drivers holding a Commercial Driver's License (CDL);
 6. Policy regarding positive results which includes a statement of the employee's rights
- G. The County has adopted a written Title VII Harassment policy (including sexual harassment) that:
1. States that this type of conduct prohibited;
 2. Does not require or advise the victim to address a complaint to the alleged harasser;
 3. States clearly how a complaint may be made and to whom;
 4. Provides for an alternate to whom a complaint may be made and at least one of the persons to whom a complaint may be made is a female;
 5. Clearly states the appeals process or refers to the county's appeals process under which an appeal for specified personnel actions may be made; and
 6. Prohibits retaliation against employees for giving evidence regarding, or filing claims of, harassment or discrimination.
- H. The county has a policy requiring all volunteers to be approved by the county pursuant to Utah Code Section 67-20-4 prior to service being rendered.
- I. Each employment position has a current job description which is in compliance with the ADA—establishing the essential functions of the job and describes the working conditions, physical and mental requirements of the work.
- J. All employees shall receive training on Title VII Harassment upon hiring and at least every third year thereafter.
- K. Each employee is oriented upon hiring. The orientation shall include:

1. Training on the employee policies and procedures with particular emphasis on:
 - a. Harassment
 - b. At-will employment
 - c. Equal opportunity employment
 - d. Work schedule
 - e. Work Safety
 2. Employee shall have access to a copy of the policies and procedures and shall acknowledge that he or she has opportunity to read the policy; and
 3. Information regarding employee rights under the FMLA.
- L. Each supervisor is trained upon appointment or as soon as is practicable thereafter. Training shall include at a minimum:
1. FLSA;
 2. FMLA;
 3. ADA;
 4. Harassment;
 5. Hiring practices;
 6. Discipline and Employee Evaluations;
 7. Termination process;
 8. Communication skills;
 9. Workplace safety;
 10. Workers' Compensation; and
 11. Loss Control
- M. All Training shall be documented and the documentation retained for at least four years.

IV. LAW ENFORCEMENT

- A. The Sheriff's Office shall have field operations policies and procedures regarding the following, which reflect the current requirements of State and Federal Law:
 - 1. Use of Force;
 - 2. Vehicular Pursuit and Emergency Driving Operations;
 - 3. Search and Seizure;
 - 4. Domestic Incident;
 - 5. Forcible Entry;
 - 6. Officer-Involved Shootings/Fatalities;
 - 7. Arrest and Detention;
 - 8. Juvenile Operations; and
 - 9. Non-fraternization with inmates, probationers, parolees
- B. The Sheriff's Office provides training annual training for all patrol deputies in the following areas:
 - 1. Use of Force;
 - 2. Officer-involved fatalities;
 - 3. Domestic Incident;
 - 4. Forcible Entry;
 - 5. Arrest and Detention; and
 - 6. Search and Seizure
- C. The training may emphasize practical application, a review of legal requirements, or some combination of the two
- D. The Sheriff's Office provides annual Vehicular Operations training for all deputies involved in field operations, including an in-car practicum every third year.
- E. All training should be documented by roster and shall be maintained for at least four years.

V. JAIL OPERATIONS

- A. The Member County Jail shall have policies and procedures which reflect current State and Federal Law including:
 - 1. Use of Force in the correctional setting;
 - 2. Strip Search;
 - 3. Religion and Religious Land Use and Institutionalized Persons Act (RLUIPA);
 - 4. Legal Access;
 - 5. Discipline;
 - 6. Mail and other printed material;
 - 7. Jail Suicide;
 - 8. Medical Access; and
 - 9. Prison Litigation Reformation Act (PLRA)
- B. Annual training is provided by the Member County jail on each of the above policies and procedures to all corrections officers. The training may include a legal update as well as a practicum.
- C. The Member County Jail has adopted a jail policy that is consistent with the current Utah Jail Standards insofar as it is consistent with State and Federal law.
- D. The Jail has passed the annual Utah Jail Standards compliance inspection.
- E. All training should be documented by roster and shall be maintained for at least four years.

VI. PUBLIC WORKS/ROAD CREW

- A. The Member County has at least one copy of the Manual on Uniform Traffic Control Devices (MUTCD) and uses it as reference for the placing and maintaining of signs and other traffic control devices
- B. The Member County maintains a written (or computerized) inventory of all (at least 98%) county-maintained traffic control devices.
- C. Written records of regular inspections of all traffic signs must be kept and include any maintenance conducted. Inspections must be conducted at least annually.
- D. The county has a written emergency response program for reports of damaged or missing signs that:
 - 1. Specifies the office or employee to which reports are to be forwarded;
 - 2. Specifies the priority for response to a report of a missing or damaged sign;
 - 3. Specifies that "stop" signs are to be replaced immediately, and, when necessary, the county will request the Sheriff's Office to respond to a report of missing or damaged "stop" signs at hazardous intersections until the sign is replaced; and
 - 4. Requires that all reports of missing or damaged signs are kept along with a written report stating the replacement or repair date, the employee who made the repair, and the time the repair was made.
- E. The Member County has a written policy regarding the notification about, and the repair of, damaged or impaired road services. Reports of damage should be documented and work orders should be issued and retained.
- F. The Member County road department shall document that personnel have received job-specific training consistent with manufacturer's specifications for safe operation of heavy equipment and other machinery prior to operation on a particular project.
- G. The Member County road department personnel have been trained on how to conduct a pre-trip inspection on licensed heavy vehicles, are required to conduct pre-trip inspections, and keep written logs of the inspections in the vehicle.
- H. All training should be documented by roster and shall be maintained for at least four years.

VII. PLANNING AND ZONING

- A. The Member County must have adopted a General Plan in accordance with the Utah Code.
- B. The Member County must have adopted a zoning ordinance in accordance with the Utah Code and applicable Federal law.
 - 1. The Zoning Ordinance is reviewed annually and updated as needed.
 - 2. The Zoning Ordinance shall address Residential Treatment Facilities as permitted uses consistent with the Federal Fair Housing Act and amendments.
 - 3. The Zoning Ordinance shall comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA).
 - 4. The Zoning ordinance shall comply with the Federal Endangered Species Act.
- C. The Member County must have adopted a subdivision ordinance in accordance with the Utah Code.
- D. All members of the planning commission receive orientation training on their position within the first year of appointment.
- E. All members of the planning commission receive training at least every twenty-four months regarding the legal duties of a planning commissioner.
- F. All Planning and Zoning staff members shall have annual training on their legal responsibilities.

VIII. FACILITIES MAINTENANCE AND MANAGEMENT

A. Facilities Maintenance:

1. Each county-owned structure will be inspected annually to assess damage, public safety issues needed repairs; and
2. At least one member of the facilities maintenance staff attends annual training on some aspect of facilities maintenance.

B. Facilities Management:

1. The county requires third-party users of county-owned or leased facilities, including all facilities insured by the county through UCIP, to sign an indemnification (hold-harmless) agreement approved by the county attorney; and
2. The county has adopted a written policy detailing the circumstances under which proof of insurance by third party users is required. When such insurance is required, the policy shall also require:
 - a. Liability insurance certificates from third parties using county-owned facilities, including all facilities insured by the county through UCIP;
 - b. That approval by the county governing body or its designate be obtained in writing before waiving the insurance requirement;
 - c. That copies be obtained of all certificates, and that written record of the waiver by the county of the insurance requirement and copies of certificates be kept on file for a period of at least five years; and
 - d. That the certificates be in the amount of at least \$2,000,000.

C. County has a written policy that no alcohol is to be served at county facilities unless compliance with all State and local laws regarding the dispensing of alcohol has been obtained, additional insurance is obtained, and requiring the following:

1. Additional security around the vendor selling alcohol;

2. Hours of service (including no later than one hour before event closing time);
 3. Designation of non-drinking areas (including parking lots as non-drinking areas); and
 4. Stating that alcohol is not to be sold to vendors, employees of any vendor, employees of the fair, employees of any carnival, ride, or attraction, security personnel, or participants in events.
- D. The Member County policies governing the use of fairgrounds, and other public facilities and parks including use of arenas, buildings, and property are posted at each facility and clearly and conspicuously state that use of the facility is at the risk of the user and the county is not liable for damages or injuries.
- E. Playgrounds and parks owned and managed by the Member County shall be inspected annually for public safety purposes.
- F. Inspections and repair work—including generated work orders shall be maintained for a period of at least four years.