

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 18-01-30-02

IN THE MATTER OF AMENDING LANE
MANUAL CHAPTERS 3 AND 61 TO MOVE THE
WORKERS' COMPENSATION PROGRAM AND
DELEGATE SETTLEMENT AUTHORITY TO
THE WORKERS' COMPENSATION
ADMINISTRATOR (LM 3.064, 3.104, 61.060)

The Board of County Commissioners of Lane County **ORDERS** as follows:

Lane Manual Chapters 3 and 61 are amended by removing, substituting or adding the following sections:

REMOVE THIS SECTION

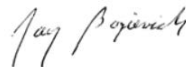
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If any section, subsection, sentence, clause, phrase or portion of this Order or the referenced Lane Manual provisions is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

ADOPTED this 30th day of January 2018.



Jay Bozievich, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date

LANE COUNTY OFFICE OF LEGAL COUNSEL

with the Division of Records and Elections by the Department of Assessment and Taxation.

(4) The Office of Sheriff will have the functions of the Office of Constable of the Circuit Court of the State of Oregon for Lane County.

(5) The Office of Sheriff will have the functions under State law of the local organization for Emergency Management for Lane County. The Sheriff will be the Director of the local organization for the Management for Lane County.

(6) All contracts concerning functions of the Office of Sheriff to which County is a party will be prepared by the Office of Sheriff, reviewed and approved by the County Administrator and executed by the Board, except when the power to contract has been expressly delegated otherwise. *(Revised by Order No. 94-2-15-7, Effective 2.15.94; 12-10-24-04; 10.24.12; 17-06-06-06, 6.6.17)*

OFFICE OF LEGAL COUNSEL

3.060 Definitions.

As used in this subchapter:

“County Counsel” means the attorney assigned as Department Director of the Office of Legal Counsel of Lane County.

“Department” includes, when used elsewhere in this Manual and Lane Code when not inconsistent with the context, the Office of Legal Counsel of Lane County.

“Office” means the Office of Legal Counsel of Lane County, which will be a Staff Department of the Office of the Board of County Commissioners. *(Revised by Order No. 00-1-26-7, Effective 1.26.00; 17-06-06-06, 6.6.17)*

3.062 County Counsel.

(1) The County Counsel will be appointed by the Board.

(2) The Office will be so organized and employ such personnel as in the judgment of the County Counsel will most efficiently and economically carry out the functions of the Office and discharge its responsibilities in the best interest of the people of Lane County, subject at all times and in all respects to the direction of the Board, the Lane County budget, and other provisions more specifically included herein.

(3) Except as otherwise provided in this Manual, all Office personnel will be appointed and removed by the County Counsel in accordance with general personnel procedures and policies of Lane County.

(4) The County Counsel may perform any act authorized or from time to time authorize and direct any employee of the Office to perform any such act upon such terms as the County Counsel may prescribe, subject to the requirements of law. Any such delegation of authority need not be in writing or otherwise formalized except where required by law or order of the Board. *(Revised by Order No. 00-1-26-7, Effective 1.26.00; 17-06-06-06, 6.6.17)*

3.064 Functions.

The function of the Office of Legal Counsel is to serve as attorney for County government and will include, but not be limited to, the following specific functions as is consistent with budget limitations:

(1) Serve as primary legal advisor to the Board of County Commissioners;

(2) Investigate and manage claims that are made against the County and its employees and defend County officers or employees as required by statute, in any action for damages based on an alleged wrongful act or omission in performance of official duty, except as otherwise directed by the Board;

- (3) Defend actions and suits to which the County is a party and such proceedings as resources permit;
- (4) Upon approval of the Board prosecute actions and suits to which the County is a party and such proceedings as resources permit;
- (5) Upon request, may advise County officers on legal questions that may arise;
- (6) Performance of the duties outlined in Lane Manual include:
 - (a) Attending meetings of Board as it may request;
 - (b) Approving formal ordinances, orders and actions of the Board as to form (legal sufficiency);
 - (c) Serving as legal advisor for/to the Planning Commission;
 - (d) Representing the Assessor (Director, Department of Assessment and Taxation) before the Tax Court in significant tax cases;
 - (e) Drafting and assisting in drafting of County charter amendments, ordinances, orders, contracts, deeds and other formal documents;
 - (f) Advising and, as necessary, appearing before the County Infractions Section;
 - (g) Assisting in collection of delinquent accounts, including proceeding to judgment and execution;
 - (h) Assisting in lease and acquisition of real property by purchase or condemnation;
 - (i) Drafting ballot titles;
 - (j) Serving as legal advisor to the Fair Board;
 - (k) Potential conflicts of interest within the Office of Legal Counsel will be handled in accordance with provisions set forth in Lane Manual and the applicable rules governing the ethics of attorneys; and,
 - (l) Maintain the Lane Code and Lane Manual.
- (7) Subject to the exercise of discretion regarding ethical considerations on the part of the County Counsel, the duties of the Office of Legal Counsel generally will be performed in the following order of priority:
 - (a) Litigation;
 - (b) Requests of or advice to the Board and elected officials;
 - (c) Requests of and advice to the County Administrator; and,
 - (d) Requests of and advice to the Department Directors.
- (8) Risk Management. The Department will be responsible for risk management functions, including loss prevention, self-insurance programs, insurance, and general liability claims management.
- (9) Workers' Compensation Program. *(Revised by Order No. 00-1-26-7, Effective 1.26.00; 10-7-28-3, 7.28.10; 17-06-06-06, 6.6.17)*

OFFICE OF PERFORMANCE AUDITOR

3.070 Purpose.

It is the policy of Lane County to maintain a performance audit function as a means of providing the Board of County Commissioners, the County Administrator, and all levels of management with timely analysis and information to assist the county in the control of operations, ongoing improvement efforts, and effective achievement of the county's broad objectives.

This charter establishes the general authority and responsibility of the County Performance Auditor's Office and supersedes any other performance audit policy. *(Revised by Order No. 16-1-12-9, Effective 1.12.16; 17-06-06-06, 6.6.17)*

(6) The Department is responsible for enhancing the ability of youth to achieve success and of correcting juvenile delinquency and will perform the functions of a county juvenile department under state law. In exercising the above functions, the Department will be responsible for various related activities such as community education services, grants administration, medical investigations, and vital statistics records. *(Revised by Order No. 01-2-14-10; Effective 2.14.01; 07-5-9-5, 5.9.07; 07-12-12-5, 12.12.07; 13-10-29-03, 11.07.13; 16-01-26-06, 1.26.16; 17-06-06-06, 6.6.17)*

DEPARTMENT OF HUMAN RESOURCES

3.100 Definitions.

As used in this subchapter:

“Department” means the Department of Human Resources of Lane County.

“Director” means the Director of the Department of Human Resources. *(Revised by Order 06-11-29-4, Effective 11.29.06; 17-06-06-06, 6.6.17)*

3.102 Director.

(1) Under the administrative direction of the County Administrator, the head of the Department will have the title of Human Resources Director of Lane County.

(2) The Director will have the responsibility for the management of the Human Resources Department and the “Functions” as stated below.

(3) The Director will be responsible for developing procedures for the uniform application of all personnel policies consistent with the law.

(4) The Director will perform such additional duties or assignments as may be delegated by the County Administrator or the Board. *(Revised by Order 06-11-29-4, Effective 11.29.06; 17-06-06-06, 6.6.17)*

3.104 Functions.

The Department will have the purpose of providing human resources service for all County departments, and acting as a liaison between employees/the public, and County Administration/the Board, in all matters relating to personnel policies, processes, and functions. The Department will be responsible for administering the County's centralized human resources system, including: labor relations, performance management, merit system administration, recruitment, selection, testing, training, classification and compensation plans, benefits and wellness programs, safety, employee assistance, and employee orientation. *(Revised by Order 06-11-29-4, Effective 11.29.06; 17-06-06-06, 6.6.17)*

DEPARTMENT OF PUBLIC WORKS

3.120 Definitions.

As used in this subchapter:

“Department” means the Department of Public Works of Lane County.

“Director” means the Director of the Department of Public Works of Lane County. *(Revised by Order No. 93-3-31-7; Effective 3.31.93; 17-06-06-06, 6.6.17)*

3.122 Director.

(1) Under the administrative direction of the County Administrator, the head of the Department will have the title of Director of the Department of Public Works of Lane County.

(2) The Director will designate a duly qualified engineer as County Engineer to perform all functions specified by State law.

(d) County Counsel shall provide the defense in the instances described in (6)(a), unless an ethical conflict exists or there are other factors which, after consultation with County Counsel, cause the Board to determine that it is in the best interests of the County to authorize engaging private counsel.

(e) Upon approval of the Board of a request for a private attorney, or upon County Counsel's determination that an ethical conflict exists, or in an emergency situation, County Counsel shall authorize, for payment from appropriate budgeted funds, retaining a private attorney under reasonable terms not to exceed \$5,000 (Five thousand dollars and no cents) total fee. If it is necessary to exceed the \$5,000 (Five thousand dollars and no cents) fee, the fee agreement shall be handled through the normal contract process.

(f) If a judgment is ultimately entered against the individual after the County has provided a defense, the County reserves the right to seek reimbursement, plus interest at the statutory rate, from the individual for any damages paid by the County and the costs of defense.

(7) Nothing in these provisions is intended to create or confer a right or benefit on a plaintiff alleging a civil rights violation by or against the County or a County officer, agent or employee. *(Revised by Order No. 85-3-13-3, Effective 3.13.85; 98-12-2-5, 12.2.98; 02-9-25-10, 9.25.02; 16-02-09-03, 2.9.16)*

AUTHORITY FOR SETTLEMENT

61.050 Policy.

The County recognizes that, given the inherent risks of litigation, it is often in its best interest to settle lawsuits, claims, personnel grievances, and appeals promptly. Settlements promote the good will of the County and allow the government to proceed with its business rather than dwelling on past actions. For these reasons, the County encourages reasonable settlements. *(Revised by Order No. 98-12-2-5; Effective 12.2.98; 13-04-23-03, 4.23.13; 16-02-09-03, 2.9.16)*

61.060 Delegation of Authority.

(1) Self-Insured Litigation. The Office of Legal Counsel is responsible for defending the County in litigation unless the case is covered by an insurance policy and the company chooses to employ outside counsel or a conflict of interest exists. After following the appropriate risk management procedures, including identifying the risks involved, the probable costs, the impact of the settlement, and the source of budgeted funds to be used for any payment, the following individuals are delegated the authority to settle litigation up to the described limit and to execute any documents necessary to finalize the settlement.

(a) The County Counsel or their designee - up to \$50,000 (Fifty thousand dollars and no cents).

(b) The County Administrator or their designee - up to \$100,000 (One hundred thousand dollars and no cents).

(2) Self-Insured Claims. The Risk Manager is responsible for investigating and managing claims for damages against the County unless the claim is covered by an insurance policy and the company chooses to settle the matter with an alternate method. After following the appropriate risk management procedures, including identifying the risks involved, the probable costs, the impact of the settlement, and the source of budgeted funds to be used for any payment, the following individuals are delegated the authority to settle claims up to the described limit and to execute any documents necessary to finalize the settlement.

(a) The Risk Manager or their designee - up to \$50,000 (Fifty thousand dollars and no cents).

(b) The County Administrator or their designee - up to \$100,000 (One hundred thousand dollars and no cents).

(3) Grievances and Appeals. Grievances and appeals involve those personnel matters which are proceeding under Lane Manual Personnel Rules or pursuant to a claim for a violation of a collective bargaining agreement through the procedure in said agreement. Any settlement of a grievance or appeal must have the concurrence of all co-employers. After determining the risks involved in proceeding, the probable costs, the impact of the settlement and the source of budgeted funds to be used for any payment, the following individuals are delegated the authority to settle grievances and appeals up to the described limit and to execute any documents necessary to effect the settlement.

(a) Human Resources Director or their designee – up to \$50,000 (Fifty thousand dollars and no cents).

(b) The County Administrator or their designee - up to \$100,000 (One hundred thousand dollars and no cents).

(4) Self-Insured Workers' Compensation Claims and Litigation. The Workers' Compensation Administrator (WCA) in consultation with the Human Resources Director, Risk Manager, and County Counsel is responsible for ensuring that adequate investigation and claim management takes place. The Workers' Compensation Administrator in consultation with County Counsel shall arrange a pool of appropriate legal counsel. The WCA shall select counsel from the pool when needed for routine workers' compensation litigation. County Counsel will ensure that appropriate legal counsel is retained in cases involving legal matters other than routine workers' compensation litigation. After following the appropriate risk management procedures, including identifying the risks and exposures involved, the probable costs, the impact of the settlement, the source of budgeted funds to be used for any payment and with the written concurrence of legal counsel or County Counsel (if the case here proceeded to litigation), the following persons are delegated the authority to settle claims up to the described limit and to execute any documents necessary to finalize the settlement:

(a) The Workers' Compensation Administrator, in consultation with the Human Resources Director, Department Director, and County Counsel - up to \$50,000 (Fifty thousand dollars and no cents) on disputed claims, to include any and all payments already made on claim other than defense costs; and up to \$50,000 on Permanent Partial Disability issues in addition to payments already made or ordered by Workers' Compensation Department on accepted claims.

(b) The County Administrator, in consultation with the Workers' Compensation Administrator, Human Resources Director, Department Director, and County Counsel - up to \$100,000 (One hundred thousand dollars and no cents) on disputed claims, to include any and all payments already made on claim other than defense costs; and up to \$100,000 on Permanent Partial Disability issues in addition to payments already made or ordered by Workers' Compensation Department on accepted claims.

(c) The Workers' Compensation Administrator may represent Lane County in all workers' compensation mediations and determine agreeable settlement terms. The Workers' Compensation Administrator, Human Resources Director, Department Director, and County Counsel will consult prior to mediation to determine an acceptable settlement amount. When the settlement is estimated to exceed the delegated authority limits set above, increased authority shall be requested from the County Administrator or Board of County Commissioners.

(5) Appeal and Settlement of APD Citations and Penalties. It is the policy of Lane County to appeal citations received from the Accident Prevention Division (APD) of the State of Oregon for workers' safety violations whenever there is any reasonable basis for such an appeal. The County Administrator is delegated the authority to appeal APD citations and any associated financial penalties, and to represent Lane County before APD on such matters through hearing. The County Administrator may further delegate this authority in writing to the Risk Manager or Department Director or to their subordinates with the particular knowledge to represent County interests regarding an APD citation and any associated financial penalties. Appeal of APD citations or any associated financial penalties may result in the opportunity for a settlement of contested issues as a result of an informal conference. After evaluating the proposed settlement and the source of budgeted funds to be used for any payment, and after considering the effort, costs and possible benefits of continuing to pursue the appeal to a formal hearing, the following persons are delegated the authority to approve settlements of the appeal of an APD citation and any associated penalty in the amounts below and to execute any documents necessary to effect the settlement:

(a) Workers' Compensation Administrator, or Department Director or their subordinates as authorized by the County Administrator - up to \$50,000 (Fifty thousand dollars and no cents).

(b) County Administrator - up to \$100,000 (One hundred thousand dollars and no cents).

(6) Recovery of Moneys Owed to Lane County. The County Administrator is delegated the authority to seek recovery and the Risk Manager is responsible for seeking recovery on the County's behalf from those people who damage or steal County property, injure County employees which causes the County to pay time loss, or cause damages by breaking their contract with the County. In many of these cases, the costs of recovery, comparative negligence or disputes in amounts owed can make a settlement of these claims appropriate. The following individuals are delegated the authority to approve settlement of claims for amounts owed to the County and to execute any documents necessary to finalize the settlement.

(a) The Risk Manager or their designee - up to \$50,000 (Fifty thousand dollars and no cents).

(b) The County Counsel or their designee - up to \$50,000 (Fifty thousand dollars and no cents).

(b) The County Administrator or their designee - up to \$100,000 (One hundred thousand dollars and no cents).

(7) Settlement. Prior to the approval of any settlement over \$25,000, the Director of the Department responsible for the budgeted funds to be used for payment shall be informed of the proposed action.

(a) Payment of any of the amounts described above is contingent upon approval of the court in those types of cases where such approval is required by statute.

(8) Board of Commissioners Notification/Review.

(a) The Risk Manager shall prepare and distribute to the Board, for the Commissioners' information, quarterly reports describing any settlements approved.

(b) At any time, a Commissioner may consult with the relevant settling authority as to the specific details of a settlement and the reasons for its approval. If the Board is not satisfied with an approved settlement, the settlement shall not be overturned, but the Board may direct a change be made to the settlement process or in the delegation of authority described above to be effective for all future settlements. *(Revised by Order No. 98-12-2-5; Effective 12.2.98; 13-04-23-03, 4.23.13; 16-02-09-03, 2.9.16)*

3.064 Functions.

The function of the Office of Legal Counsel is to serve as attorney for County government and will include, but not be limited to, the following specific functions as is consistent with budget limitations:

- (1) Serve as primary legal advisor to the Board of County Commissioners;
- (2) Investigate and manage claims that are made against the County and its employees and defend County officers or employees as required by statute, in any action for damages based on an alleged wrongful act or omission in performance of official duty, except as otherwise directed by the Board;
- (3) Defend actions and suits to which the County is a party and such proceedings as resources permit;
- (4) Upon approval of the Board prosecute actions and suits to which the County is a party and such proceedings as resources permit;
- (5) Upon request, may advise County officers on legal questions that may arise;
- (6) Performance of the duties outlined in Lane Manual include:
 - (a) Attending meetings of Board as it may request;
 - (b) Approving formal ordinances, orders and actions of the Board as to form (legal sufficiency);
 - (c) Serving as legal advisor for/to the Planning Commission;
 - (d) Representing the Assessor (Director, Department of Assessment and Taxation) before the Tax Court in significant tax cases;
 - (e) Drafting and assisting in drafting of County charter amendments, ordinances, orders, contracts, deeds and other formal documents;
 - (f) Advising and, as necessary, appearing before the County Infractions Section;
 - (g) Assisting in collection of delinquent accounts, including proceeding to judgment and execution;
 - (h) Assisting in lease and acquisition of real property by purchase or condemnation;
 - (i) Drafting ballot titles;
 - (j) Serving as legal advisor to the Fair Board;
 - (k) Potential conflicts of interest within the Office of Legal Counsel will be handled in accordance with provisions set forth in Lane Manual and the applicable rules governing the ethics of attorneys; and,
 - (l) Maintain the Lane Code and Lane Manual.
- (7) Subject to the exercise of discretion regarding ethical considerations on the part of the County Counsel, the duties of the Office of Legal Counsel generally will be performed in the following order of priority:
 - (a) Litigation;
 - (b) Requests of or advice to the Board and elected officials;
 - (c) Requests of and advice to the County Administrator; and,
 - (d) Requests of and advice to the Department Directors.
- (8) Risk Management. The Department will be responsible for risk management functions, including loss prevention, self-insurance programs, insurance, and general liability claims management.

(9) Workers' Compensation Program. *(Revised by Order No. 00-1-26-7, Effective 1.26.00; 10-7-28-3, 7.28.10; 17-06-06-06, 6.6.17)*

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LEGISLATIVE FORMAT

3.104

Lane Manual

3.124

(4) The Director will perform such additional duties or assignments as may be delegated by the County Administrator or the Board. *(Revised by Order 06-11-29-4, Effective 11.29.06; 17-06-06-06, 6.6.17)*

3.104 Functions.

The Department will have the purpose of providing human resources service for all County departments, and acting as a liaison between employees/the public, and County Administration/the Board, in all matters relating to personnel policies, processes, and functions. The Department will be responsible for administering the County's centralized human resources system, including: labor relations, performance management, merit system administration, recruitment, selection, testing, training, classification and compensation plans, benefits and wellness programs, safety, ~~workers' compensation,~~ employee assistance, and employee orientation. *(Revised by Order 06-11-29-4, Effective 11.29.06; 17-06-06-06, 6.6.17)*

DEPARTMENT OF PUBLIC WORKS

3.120 Definitions.

As used in this subchapter:

“Department” means the Department of Public Works of Lane County.

“Director” means the Director of the Department of Public Works of Lane County.

(Revised by Order No. 93-3-31-7; Effective 3.31.93; 17-06-06-06, 6.6.17)

3.122 Director.

(1) Under the administrative direction of the County Administrator, the head of the Department will have the title of Director of the Department of Public Works of Lane County.

(2) The Director will designate a duly qualified engineer as County Engineer to perform all functions specified by State law.

(3) The Director will perform such additional duties or assignments as may be delegated by the County Administrator or the Board. *(Revised by Order No. 93-3-31-7; Effective 3.31.93; 17-06-06-06, 6.6.17)*

3.124 Functions.

(1) The Department will have the functions of the County Engineer under Oregon State Law and all road and highway functions of Lane County, and such further functions as have been heretofore allocated and assigned to the County Engineer by the Board, and such functions as may in the future be allocated and assigned to the Department.

(2) The Director will have authority and responsibility for issuance or denial of permits provided for in Oregon State Law, provided that a denial of such permit may be appealed to the Board whose decision will be final, and provided further that in unusual circumstances where fairness and justice to the applicant requires a modification in the application of the rules governing facility permits, the Board alone may make modifications and grant the permit in accordance therewith.

(3) The Department will have the functions of issuing permits provided for in Oregon State Law, and the Director will have the responsibility and discretion to determine proper limits and suitable roads or sections thereof to be specified in permits provided for in Oregon State Law.

(b) The employee, officer or agent shall cooperate with the County and counsel in the same manner as required by the Oregon Tort Claims Act.

(c) The County will reject a request for defense for instances described in (6)(a) where, after an investigation by the County, it is determined that the claim or demand did not occur out of an alleged act or omission occurring in the performance of duty or that the alleged act or omission amounted to malfeasance in office, or willful or wanton neglect of duty. Upon such rejection, the rights of the employee, officer or agent shall be determined in the same manner as provided by the Oregon Tort Claims Act.

(d) County Counsel shall provide the defense in the instances described in (6)(a), unless an ethical conflict exists or there are other factors which, after consultation with County Counsel, cause the Board to determine that it is in the best interests of the County to authorize engaging private counsel.

(e) Upon approval of the Board of a request for a private attorney, or upon County Counsel's determination that an ethical conflict exists, or in an emergency situation, County Counsel shall authorize, for payment from appropriate budgeted funds, retaining a private attorney under reasonable terms not to exceed \$5,000 (Five thousand dollars and no cents) total fee. If it is necessary to exceed the \$5,000 (Five thousand dollars and no cents) fee, the fee agreement shall be handled through the normal contract process.

(f) If a judgment is ultimately entered against the individual after the County has provided a defense, the County reserves the right to seek reimbursement, plus interest at the statutory rate, from the individual for any damages paid by the County and the costs of defense.

(7) Nothing in these provisions is intended to create or confer a right or benefit on a plaintiff alleging a civil rights violation by or against the County or a County officer, agent or employee. *(Revised by Order No. 85-3-13-3, Effective 3.13.85; 98-12-2-5, 12.2.98; 02-9-25-10, 9.25.02; 16-02-09-03, 2.9.16)*

AUTHORITY FOR SETTLEMENT

61.050 Policy.

The County recognizes that, given the inherent risks of litigation, it is often in its best interest to settle lawsuits, claims, personnel grievances, and appeals promptly. Settlements promote the good will of the County and allow the government to proceed with its business rather than dwelling on past actions. For these reasons, the County encourages reasonable settlements. *(Revised by Order No. 98-12-2-5; Effective 12.2.98; 13-04-23-03, 4.23.13; 16-02-09-03, 2.9.16)*

61.060 Delegation of Authority.

(1) Self-Insured Litigation. The Office of Legal Counsel is responsible for defending the County in litigation unless the case is covered by an insurance policy and the company chooses to employ outside counsel or a conflict of interest exists. After following the appropriate risk management procedures, including identifying the risks involved, the probable costs, the impact of the settlement, and the source of budgeted funds to be used for any payment, the following individuals are delegated the authority to settle litigation up to the described limit and to execute any documents necessary to finalize the settlement.

(a) The County Counsel or their designee - up to \$50,000 (Fifty thousand dollars and no cents).

(b) The County Administrator or their designee - up to \$100,000 (One hundred thousand dollars and no cents).

(2) Self-Insured Claims. The Risk Manager is responsible for investigating and managing claims for damages against the County unless the claim is covered by an insurance policy and the company chooses to settle the matter with an alternate method. After following the appropriate risk management procedures, including identifying the risks involved, the probable costs, the impact of the settlement, and the source of budgeted funds to be used for any payment, the following individuals are delegated the authority to settle claims up to the described limit and to execute any documents necessary to finalize the settlement.

(a) The Risk Manager or their designee - up to \$50,000 (Fifty thousand dollars and no cents).

(b) The County Administrator or their designee - up to \$100,000 (One hundred thousand dollars and no cents).

(3) Grievances and Appeals. Grievances and appeals involve those personnel matters which are proceeding under Lane Manual Personnel Rules or pursuant to a claim for a violation of a collective bargaining agreement through the procedure in said agreement. Any settlement of a grievance or appeal must have the concurrence of all co-employers. After determining the risks involved in proceeding, the probable costs, the impact of the settlement and the source of budgeted funds to be used for any payment, the following individuals are delegated the authority to settle grievances and appeals up to the described limit and to execute any documents necessary to effect the settlement.

(a) Human Resources Director or their designee – up to \$50,000 (Fifty thousand dollars and no cents).

(b) The County Administrator or their designee - up to \$100,000 (One hundred thousand dollars and no cents).

(4) Self-Insured Workers' Compensation Claims and Litigation. The ~~Human Resources Director, in consultation with the~~ Workers' Compensation Administrator (~~WCA~~), in consultation with the Human Resources Director, Risk Manager, and County Counsel is responsible for ensuring that adequate investigation and claim management takes place. The Workers' Compensation Administrator (~~WCA~~) in consultation with County Counsel ~~and the Risk Manager~~ shall arrange a pool of appropriate legal counsel. The WCA shall select counsel from the pool when needed for routine workers' compensation litigation. County Counsel will ensure that appropriate legal counsel is retained in cases involving legal matters other than routine workers' compensation litigation. After following the appropriate risk management procedures, including identifying the risks and exposures involved, the probable costs, the impact of the settlement, the source of budgeted funds to be used for any payment and with the written concurrence of legal counsel or County Counsel (if the case here proceeded to litigation), the following persons are delegated the authority to settle claims up to the described limit and to execute any documents necessary to finalize the settlement:

(a) The ~~Risk Manager~~ Workers' Compensation Administrator, in consultation with the ~~Workers' Compensation Administrator~~, Human Resources Director, Department Director, and County Counsel - up to \$50,000 (Fifty thousand dollars and no cents) on disputed claims, to include any and all payments already made on claim other than defense costs; and up to \$50,000 on Permanent Partial Disability issues in addition to payments already made or ordered by Workers' Compensation Department on accepted claims.

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Bold indicates material being added

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**LEGISLATIVE
FORMAT**

61.060

Lane Manual

61.060

(b) The County Administrator, in consultation with the Workers' Compensation Administrator, Human Resources Director, Department Director, and County Counsel - up to \$100,000 (One hundred thousand dollars and no cents) on disputed claims, to include any and all payments already made on claim other than defense costs; and up to \$100,000 on Permanent Partial Disability issues in addition to payments already made or ordered by Workers' Compensation Department on accepted claims.

(c) The ~~Risk Manager and/or~~ Workers' Compensation Administrator may represent Lane County in all workers' compensation mediations and determine agreeable settlement terms. The ~~Risk Manager,~~ Workers' Compensation Administrator, Human Resources Director, Department Director, and County Counsel will consult prior to mediation to determine an acceptable settlement amount. When the settlement is estimated to exceed the delegated authority limits set above, increased authority shall be requested from the County Administrator or Board of County Commissioners.

(5) Appeal and Settlement of APD Citations and Penalties. It is the policy of Lane County to appeal citations received from the Accident Prevention Division (APD) of the State of Oregon for workers' safety violations whenever there is any reasonable basis for such an appeal. The County Administrator is delegated the authority to appeal APD citations and any associated financial penalties, and to represent Lane County before APD on such matters through hearing. The County Administrator may further delegate this authority in writing to the Risk Manager or Department Director or to their subordinates with the particular knowledge to represent County interests regarding an APD citation and any associated financial penalties. Appeal of APD citations or any associated financial penalties may result in the opportunity for a settlement of contested issues as a result of an informal conference. After evaluating the proposed settlement and the source of budgeted funds to be used for any payment, and after considering the effort, costs and possible benefits of continuing to pursue the appeal to a formal hearing, the following persons are delegated the authority to approve settlements of the appeal of an APD citation and any associated penalty in the amounts below and to execute any documents necessary to effect the settlement:

(a) ~~Risk Manager~~Workers' Compensation Administrator, or Department Director or their subordinates as authorized by the County Administrator - up to \$50,000 (Fifty thousand dollars and no cents).

(b) County Administrator - up to \$100,000 (One hundred thousand dollars and no cents).

(6) Recovery of Moneys Owed to Lane County. The County Administrator is delegated the authority to seek recovery and the Risk Manager is responsible for seeking recovery on the County's behalf from those people who damage or steal County property, injure County employees which causes the County to pay time loss, or cause damages by breaking their contract with the County. In many of these cases, the costs of recovery, comparative negligence or disputes in amounts owed can make a settlement of these claims appropriate. The following individuals are delegated the authority to approve settlement of claims for amounts owed to the County and to execute any documents necessary to finalize the settlement.

(a) The Risk Manager or their designee - up to \$50,000 (Fifty thousand dollars and no cents).

(b) The County Counsel or their designee - up to \$50,000 (Fifty thousand dollars and no cents).

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Bold indicates material being added

~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

61.060

Lane Manual

61.060

(b) The County Administrator or their designee - up to \$100,000 (One hundred thousand dollars and no cents).

~~The same persons who can settle claims against the County in LM 61 may also approve settlement of claims for amounts owed to the County with the same limits as in that subsection.~~

(7) Settlement. Prior to the approval of any settlement over \$25,000, the Director of the Department responsible for the budgeted funds to be used for payment shall be informed of the proposed action.

(a) Payment of any of the amounts described above is contingent upon approval of the court in those types of cases where such approval is required by statute.

(8) Board of Commissioners Notification/Review.

(a) The Risk Manager shall prepare and distribute to the Board, for the Commissioners' information, quarterly reports describing any settlements approved.

(b) At any time, a Commissioner may consult with the relevant settling authority as to the specific details of a settlement and the reasons for its approval. If the Board is not satisfied with an approved settlement, the settlement shall not be overturned, but the Board may direct a change be made to the settlement process or in the delegation of authority described above to be effective for all future settlements. *(Revised by Order No. 98-12-2-5; Effective 12.2.98; 13-04-23-03, 4.23.13; 16-02-09-03, 2.9.16)*