

LOCAL LAW NO. 11-1979  
CHAUTAUQUA COUNTY

A Local Law Amending and Establishing the Chautauqua County Self-Insurance Plan and  
Providing for the Administration Thereof, Pursuant to Article 5 of the Worker's Compensation  
Law

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York as follows:

Section 1. The plan of self-insurance provided for in Article 5 of the Worker's Compensation Law is hereby established and shall be known by the name "Chautauqua County Self-Insurance Plan"

Section 2. The plan of self-insurance heretofore adopted pursuant to Article 5 of the Worker's Compensation Law and Local Law No. 3-1956, as amended by Local Laws #'s. 1-1957, 1-1967, 7-1973, and 2-1976 is hereby continued through December 31, 1979.

Section 3. The plan of self-insurance hereby established shall be administered by a committee of five (5) members of the Chautauqua County Legislature. This committee shall be known as the "Self-Insurance, Grievance and Personnel Committee" and its members shall be appointed annually by the Chairman of the County Legislature at the organization meeting of the County Legislature, or as soon thereafter as possible.

Section 4. The Self-Insurance, Grievance and Personnel Committee subject to the authorization of the County Legislature and the approval of the County Executive may contract for such services, as it deems necessary for the proper and efficient administration of the plan.

Section 5. The expenses of members attending meetings of the Self-Insurance, Grievance and Personnel Committee shall be paid in the same manner and at the same rate established by the County Legislature for regular committee meetings and shall be payable from the funds of the plan.

Section 6. (a) The County of Chautauqua shall be a participating in the plan. The cities of Dunkirk and Jamestown, the towns and villages located within the geographical boundaries of Chautauqua County, and other eligible public entities within the County which are not a member of the plan, 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 the local enactment of its governing body electing to become a participant on or before the 1<sup>st</sup> day of July in any year, with membership to be effective on the 1<sup>st</sup> day of January following such election, provided, however, that the County Legislature may impose fair and equitable terms and conditions to be fulfilled by such new participant as a condition precedent to acceptance as a participant in said plan, and provided further that any municipality or public entity which has been a participant in the plan under the terms and conditions of Local Law No. 3-1956, as amended, shall continue to be deemed a participant in the plan and shall not be required to file a certified copy of its election to become a participant, as aforesaid.

(b) Any participant may withdraw from the plan, effective at the end of a fiscal year, by filing a certified copy of a local enactment of its governing body electing to withdraw by the preceding July 1<sup>st</sup> upon the condition that it agree to pay its proportionate share of the estimated liabilities of the plan at the time of its withdrawal. Payment of such liabilities shall be made in a lump sum or the committee may, with the authorization of the County Legislature and the approval of the County Executive, permit said payment to be made in installments.

Section 7. All participants in the plan shall cooperate fully with the Committee in the administration of the plan. Each participant shall annually within 30 days of the close of each calendar year, and at such other times as the Committee 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.

Section 8. Every new employee of any participant in the plan, except volunteer firemen and civil defense volunteers, shall be required to undergo a physical examination before undertaking any of the duties of his/her employment, except in case of an emergency, in which case a participant employing such employee shall arrange for such physical examination at the earliest possible time after undertaking of duties. The Self-Insurance Grievance and Personnel Committee may require a physical examination or re-examination of employees of any participant in the plan, in which case the participant employing such employees shall arrange for such physical examination or re-examination at the earliest possible time after such request is made. The expense of these physical examinations shall be paid from the funds of the plan.

Section 9. For any violation of the provisions of Sections 7 and 8 of this Local Law or the requirements of the Worker's Compensation Law by a participant, the Self-Insurance, Grievance and Personnel Committee shall charge a penalty of \$10.00 against said participant. In addition thereto and subject to the approval of the County Executive, the County Legislature may, by majority vote, expel such participant from the plan.

Section 10. (a) The annual estimate of expenses shall be apportioned among the participants. The apportioned share of each participant in 1980 shall be based ninety percent (90%) on the total value of the participant's taxable real property in the proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants; and then percent (10%) on the loss-percentile experience of the participant, said loss percentile to be calculated based on the losses of each participant in relation to aggregate losses of Compensation and Medical for the entire plan, for each of the three (3) preceding years immediately preceding the year in which said budget estimate is presented, omitting the current year.

(b) There shall be a maximum limitation of \$1,200.00 for any single occurrence in any one year that may be assessed against a participant's annual experience charge.

(c) Commencing in 1981 and for each year thereafter for the next three (3) years, the charge to each municipality in the Chautauqua County Self-Insurance Plan shall be based on the following combinations:

	<i>Valuations</i>	<i>Loss Experience</i>
1981.....	80%	20%
1982.....	70%	30%

1983.....	60%	40%
1984.....	50%	50%

(d) The share of each participant in the plan shall be collected as provided in Section 67 of the Worker's Compensation Law, except that the share of each of the towns and fire districts participating in the plan shall be collected in the next succeeding tax levy.

Section 11. (a) For the purposes of apportioning costs to participants in the plan of self-insurance, there are hereby established classes of participants, designated as follows, and which shall be charged an assessment as hereinafter set forth:

CLASS 1. Towns which contain a village (s), said village (s) having a full valuation not exceeding ten percent (10%) of the full valuation of the Town. Class 1 participants shall be levied an assessment based on ninety percent (90%) of the full valuation of the Town and loss-percentile experience as set forth in Section 10 of this Local Law.

CLASS 2. Towns which contain a village (s), said village (s) having a full valuation not exceeding twenty percent (20%) of the full valuation of the Town. Class 2 participants shall be levied an assessment based on eighty percent (80%) of the full valuation of the Town and loss-percentile experience as set forth in Section 10 of this Local Law.

CLASS 3. Towns which contain a village(s), said village(s) having a full valuation not exceeding thirty percent (30%) of the full valuation of the Town. Class 3 participants shall be levied an assessment based on seventy percent (70%) of the full valuation of the Town and loss-percentile experience as set forth in Section 10 of this Local Law.

CLASS 4. Towns which contain a village(s), said village(s) having a full valuation not exceeding forty percent (40%) of the full valuation of the Town. Class 4 participants shall be levied an assessment based on sixty percent (60%) of the full valuation of the Town and loss-percentile experience as set forth in Section 10 of this Local Law.

CLASS 5. Towns which contain a village(s), said village(s) having a full valuation not exceeding fifty percent (50%) of the full valuation of the Town. Class 5 participants shall be levied an assessment based on fifty percent (50%) of the full valuation of the Town and loss-percentile experience as set forth in Section 10 of this Local Law.

CLASS 6. Towns which contain a village(s), said village(s) having a full valuation not exceeding sixty percent (60%) of the full valuation of the Town. Class 6 participants shall be levied an assessment based on forty percent (40%) of the full valuation of the Town and loss-percentile experience as set forth in Section 10 of this Local Law.

CLASS 7. Towns which contain a village(s), said village(s) having a full valuation not exceeding seventy percent (70%) of the full valuation of the Town. Class 7 participants shall be levied an assessment based on thirty percent (30%) of the full valuation of the Town and loss-percentile experience as set forth in Section 10 of this Local Law.

CLASS 8. Towns which contain a village(s), said village(s) having a full valuation not exceeding eighty percent (80%) of the full valuation of the Town. Class 8 participants shall be

levied an assessment based on twenty percent (20%) of the full valuation of the Town and loss-percentile experience as set forth in Section 10 of this Local Law.

CLASS 9. Towns which contain a village(s), said village(s) having a full valuation not exceeding ninety percent (90%) of the full valuation of the Town. Class 9 participants shall be levied an assessment based on ten percent (10%) of the full valuation of the Town and loss-percentile experience as set forth in Section 10 of this Local Law.

CLASS 10. Towns which contain a village(s), said village(s) having a full valuation not exceeding ninety percent (90%) of the full valuation of the Town. Class 10 participants shall be levied an assessment based on five percent (5%) of the full valuation of the Town and loss-percentile experience as set forth in Section 10 of this Local Law.

(b) Except as otherwise provided in subsection (a) of this Section, all participants shall be levied an assessment based on full valuation and loss-percentile experience, as set forth in Section 10 of this Local Law.

Section 12. A reserve not to exceed Five Hundred Thousand Dollars (\$500,000.00) is hereby established for the plan. Any existing balance in the Worker's Compensation Fund on December 21, 1979, may be transferred to the reserve hereby established by resolution of the County Legislature. There shall be contributed to such reserve a sum to be determined by the Self-Insurance, Grievance and Personnel Committee annually.

Section 13. The Self-Insurance, Grievance and Personnel Committee, upon the authorization of the County Legislature and the approval of the County Executive, may purchase excess or catastrophe insurance. The cost of such insurance shall be paid from the funds of the plan.

Section 14. The Self-Insurance, Grievance and Personnel Committee shall have authority to administer such plan; shall contract for the services provided in Section 4 of this Local Law, within the limits of the appropriations therefore; shall audit all bills or claims against the plan before payment and shall have authority to perform all acts necessary and proper in the settlement of any case.

Section 15. The Director of Finance shall pay to claimants worker's compensation benefits as provided in Section 25 of the Worker's Compensation Law upon the order of the committee.

Section 16. Any representative or agent under contract with the Committee shall perform such duties as may be necessary to operate the plan in accordance with the Worker's Compensation Law; shall make the reports required by law; shall attend hearings of cases before the Worker's Compensation Board; shall have the power to authorize necessary medical care which appears from medical reports and information to be reasonable and necessary; shall have authority to purchase supplies, stationery, forms, books and equipment necessary for the operation of said plan within the limits of the appropriation and subject to the approve of the committee, the rules and regulations of the County Legislature, and the Chautauqua County Charter and Administrative Code.

Section 17. Local Laws Nos. 3-1956, 1-1957, 1-1967, 7-1973, and 2-1976 are hereby repealed and rescinded, subject to Section 2 of this Local Law.

Section 18. This Local Law shall take effect immediately.

Approved by Legislature: 6/27/1979

Approved by Executive: 7/13/79

Adopted as Local Law 11-79