

LOCAL LAW NO. 4-1984
PORTLAND POMFRET DUNKIRK SEWER DISTRICT
COUNTY OF CHAUTAUQUA, STATE OF NEW YORK

A LOCAL LAW AMENDING 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 as follows:

Section 1. The Chautauqua County Self-Insurance Plan ("Plan") provided for by Local Law 11-79, as amended by Local Law 1-1982, pursuant to Article 5 of the Worker's Compensation Law, is hereby amended.

Section 2. The Plan shall be administered by the Chautauqua County Self Plan Administrator ("Administrator") under the general supervision and control of a committee ("Committee") of five (5) members of the Chautauqua County Legislature appointed annually by the Chairman of the County Legislature at the organization meeting of the County Legislature, or as soon thereafter as possible.

Section 3. The Administrator shall be appointed by the County Legislature and shall serve at the pleasure of the County Legislature. The Administrator may hold other county offices or positions not inconsistent with his duties hereunder. The Administrator shall supervise all activities or other county officers and employees relating to the administration of the Self-Insurance Plan.

Section 4. The Administrator, within the limits of appropriations provided therefore and subject to the approval of the Committee and the County Legislature, may contract for such services as he deems necessary for the proper and efficient administration of the Plan. The Administrator 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 subject to such rules, regulations, and limitations as the Committee may establish from time to time and in accordance with statute.

Section 5. The expenses of members attending meetings of the Committee for the purpose of supervising the Plan 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 participant 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 members 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 1st day of July in any year, with membership to be effective on the 1st 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 provide further that any municipality or public entity which has been a participant in the plan under the terms and conditions of Local Law No's. 3-1956 and 11-1979, 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 their fiscal year, by filing a certified copy of a local enactment of its governing body electing to withdraw by the preceding July 1st 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 Administrator may, with the authorization of the County Legislature, permit said payment to be made in installments.

Section 7. All participants in the Plan shall cooperate fully with the Administrator 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 Administrator may require, 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 fireman 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 Administrator 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 shall be paid from the funds of the Plan.

Section 9. For any violation of the provisions of Section 7 and 8 of this Local Law or the requirements of the Worker's Compensation Law by a participant, the Administrator shall charge a penalty of \$10.00 against said participant. In addition thereto, 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 shall be based fifty percent (50%) 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 fifty percent (50%) of 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 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) 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 participation in the Plan shall be collected in the next succeeding tax levy. Participants that fal

to pay such share when due shall be liable for a penalty of one percent (1%) for each month, or fraction thereof, that such payment is late.

Section 11. (a) For purposes of determining the total value of the participants' taxable real property for Section 10, there are and hereby established the following classes of participants:

Class 1. Class 1 participants shall be 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. The total value of the taxable real property of Class 1 participants shall be ninety percent (90%) of the full valuation of the town.

Class 2. Class 2 participants shall be towns which contains a village(s), having a full valuation not exceeding twenty percent (20%) of the full valuation of the town. The total value of the taxable real property of Class 2 participants shall be eighty percent (80%) of the full valuation of the town.

Class 3. Class 3 participants shall be 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. The total value of the taxable real property of Class 3 participants shall be levied an assessment based on seventy percent (70%) of the full valuation of the town.

Class 4. Class 4 participants shall be 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. The total value of taxable real property of Class 4 participants shall be levied as assessment based on sixty percent (60%) of the full valuation of the town.

Class 5. Class 5 participants shall be 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. The total value of taxable real property of Class 5 participants shall be levied as assessment based on fifty percent (50%) of the full valuation of the town.

Class 6. Class 6 participants shall be 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. The total value of taxable real property of Class 4 participants shall be levied as assessment based on forty percent (40%) of the full valuation of the town.

Class 7. Class 7 participants shall be 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. The total value of taxable real property of Class 4 participants shall be levied as assessment based on thirty percent (30%) of the full valuation of the town.

Class 8. Class 8 participants shall be 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. The total value of taxable real property of Class 4 participants shall be levied as assessment based on twenty percent (20%) of the full valuation of the town.

Class 9. Class 9 participants shall be 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. The total value of taxable real property of Class 4 participants shall be levied as assessment based on ten percent (10%) of the full valuation of the town.

Class 10. Class 10 participants shall be 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. The total value of taxable real property of Class 4 participants shall be levied as assessment based on five percent (5%) of the full valuation of the town.

(b) Except as otherwise provide in subsection (a) of this Section, the total value of taxable real property of all other participants shall be one hundred percent (100%) of full valuation.

Section 12. The Plan reserve shall not to exceed six hundred twenty-five thousand dollars (\$625,000.00). There shall be contributed to such reserve a sum to be determined by the Committee annually, and any existing balance in the Worker's Compensation Fund on December 31 of any year may be transferred to the reserve by resolution of the County Legislature.

Section 13. The Administrator, upon the authorization of the Committee, may purchase excess or catastrophe insurance. The cost of such insurance shall be paid from the funds of the plan.

Section 14. The Director of Finance shall pay to claimants workers' compensation benefits as provided in Section 25 of the Workers' Compensation Law upon the order of the Administrator.

Section 15. Any representative or agent under contract with the Plan 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 Worker's Compensation Board; and in accordance with such contract, shall have the power to authorize necessary medical care which appears from medical reports and information to be reasonable and necessary and to purchase supplies, stationery, forms, books and equipment necessary for the operation of said plan.

Section 16. This Local Law shall take effect on January 1, 1985 and Local Laws Nos. 11-1979 and 1-1982 are hereby repealed and rescinded on December 31, 1984.

Adopted by Legislature: 6/27/84 R/C Vote: 22 Yes; 3 Absent
Public Hearing: 7/10/84
Adopted as LL 4-84