

Warren County Board of Supervisors

RESOLUTION NO. 318 OF 2024

RESOLUTION INTRODUCED BY SUPERVISORS WILD, DRISCOLL, MERLINO, MADAY, BEAN, ETU AND THOMAS

ADOPTING THE WARREN COUNTY POLICY FOR REPORTING ACCIDENTS, INCIDENTS, CLAIMS AND LITIGATION

WHEREAS, the County Attorney presented to the Personnel, Administration & Higher Education Committee a Warren County Policy for Reporting Accidents, Incidents, Claims and Litigation, and

WHEREAS, the Personnel, Administration & Higher Education Committee has reviewed the Policy and has recommended that the same be advanced to the full Board of Supervisors for consideration, now, therefore, be it

RESOLVED, that the Warren County Policy for Reporting Accidents, Incidents, Claims and Litigation, annexed hereto as Schedule "A," be and the same is hereby adopted as the official policy for Warren County.

SCHEDULE "A"

County Policy for Reporting Accidents, Incidents, Claims and Litigation

I. Policy Statement

The County Attorney is responsible for managing all incidents, claims and litigation matters which may create legal liability for the County, except for worker compensation claims administered by the Self Insurance Department. This policy provides County departments, officers and employees with areas of responsibility and specific procedures for reporting accidents and incidents, claims handling, and litigation management in order to efficiently and cost-effectively manage and resolve incidents, claims and litigation against the County.

II. Definitions

Accident: An unexpected and/or unintentional incident resulting in injury to persons, or damage to property, vehicles, machinery, or equipment.

Incident: Any event or occurrence caused by either man-made damage such as vandalism, theft, accident, or negligence, or caused by natural forces, such as fire, flood, earthquake, or weather events, or any other activity which may result in damage or injury and a claim of legal liability against the County.

Injury: Physical damage to a person including, but not limited to: lacerations, bruises or other trauma to the human body.

Property and Casualty Incidents: An incident which causes property loss or injury to a person, excluding workers' compensation claims.

III. Reporting Procedures for Accidents, Incidents, Claims and Litigation

A. Identifying and Reporting Incidents in County Operations

1. County Incident Report Form
 - a. The **County Incident Report**, enclosed as **Attachment "A"** shall be the only document used by County officers and employees to report incidents involving property loss or injury to a person, which is not a worker's compensation claim.
2. Reporting Incidents Involving the County's Real Property, Buildings and Structures:
 - a. Department Heads, or their designees, shall ensure that department employees report incidents involving a potential property loss to County-owned or leased real property, buildings and structures.

- b. Employees shall complete the **County Incident Report** on the same day that property damage occurs and shall submit the completed Report to their Department Head, or designee, for review and approval.
 - c. Department Heads shall file completed **County Incident Reports** with the County Attorney's Office for the attention of the Property and Casualty Risk Manager (hereafter, "Risk Manager") immediately following the property loss and not later than close of business on the date of the property loss. All incidents involving significant property damage shall be communicated to the County Attorney's Office and Risk Manager by phone or email as soon as is practicable.
3. Accidents Involving County Vehicles, Machinery and Equipment:
- a. Any County employee having County driving privileges shall report to the Warren County Sheriff's Office, or the local 911 operator, any accident involving a County vehicle, machinery and/or equipment, immediately after the accident and prior to departing the accident location, as mandated by the County's Vehicle Use Policy.
 - b. County employees shall remain at the accident location until the completion of any on-scene investigation conducted by responding law enforcement officers.
 - c. Employees shall provide the insurance information for the County vehicle involved and the employee's driver's license to law enforcement officers, upon request.
 - d. The County's Sheriff's Office shall investigate all County accidents not reported through the local 911 operator and shall provide all completed accident reports to the County Attorney's Office for the attention of the Risk Manager.
 - e. County employees shall complete the **County Incident Report** on the same day that the accident occurs and submit the completed **County Incident Report** to their Department Head for review and approval.
 - f. The **County Incident Report** supplements and does not replace any report of the accident to the County Sheriff's Office or other local law enforcement in the jurisdiction where the incident occurred.
 - g. Department Heads shall file completed **County Incident Reports** with the County Attorney's Office for the attention of the Risk Manager by close of business on the first business day immediately after the automobile accident.
4. Incidents Involving an Alleged Injury to Persons:
- a. County employees shall report any potential injury to another person, without delay, to their Department Head, or designee.
 - b. For all incidents other than automobile accidents, Department Heads shall notify without delay the County Attorney's Office by telephone of every incident which may cause a potential injury to a person.
 - c. County employees involved in a potential injury to another person shall complete the **County Incident Report** on the same day that the potential injury occurs and submit the completed **County Incident Report** to their Department Head, or designee, for review and approval.

- d. Department Heads shall file completed **County Incident Reports** with the County Attorney's Office for the attention of the Risk Manager by close of business on the first business day immediately after the automobile accident.

B. Reporting Incidents to the County Attorney's Office:

1. Every **County Incident Report** for property damage shall be filed with the County Attorney's Office no later than the close of business on the first business day after the reported incident occurred.
2. The Risk Manager shall review and conduct a preliminary investigation, as appropriate, for each **County Incident Report** to assess the risks related to the incident.
3. The Risk Manager shall notify and update the County Attorney on each filed **County Incident Report** and work with the Department Head and department's employees to identify and manage risks which may arise from the reported incident.
4. In consultation with the County Attorney, the Risk Manager shall:
 - a. Report incidents and accidents to the County's insurance company, as appropriate;
 - b. Track and manage reported incidents and accidents for the County until resolved; and
 - c. Serve as the County's liaison with the County's insurance company for any claims or litigation which result from reported incidents.
5. Incidents identified as a risk to the County shall be reported to the County's insurance company for a coverage determination per the terms and conditions of the County's insurance program.
6. Recurring risk issues which arise in County operations shall be identified by the County Attorney for remediation.

C. Receiving and Processing Claims Against the County:

1. All claims received by a County officer, employee or agent of the County alleging damage to property or personal injury, except worker's compensation claims, shall be forwarded to the County Attorney's Office, without delay, for the attention of the Risk Manager for review, investigation and identification of the risk presented.
2. All County officers and employees shall assist the County Attorney's Office, to include the Risk Manager, with the collection of relevant and material County records, documents, photographs, statements, emails, and other evidence concerning a claim. Department Heads and their staff shall provide the requested records as soon as is feasible and practicable, but not later than two (2) business days after a request is received.

3. The Risk Manager shall consult with the County Attorney concerning all claims made against the County and report claims in a timely manner to the County's insurance company for a coverage determination.
4. The County Attorney's Office shall maintain confidential records for each claim received and shall be responsible for disclosing to the County's insurance company all County records required for a proper determination of liability, to include proximate cause, and damages on each claim.
5. Confidential claims records shall be retained for the time periods required by Warren County's record retention policy and per New York State Local Government Schedule LGS-1 and marked for destruction in accordance with the County's record retention policy.
6. The Risk Manager shall manage communications between a claimant and the County and shall coordinate communications between a claimant and the County's insurance company, to include attorneys assigned to a claim by the County's insurance company, as deemed appropriate for any given claim.

D. County Litigation and Service of Process:

1. The County Attorney is responsible for the prosecution and defense of all civil actions brought by or against the County, the board of supervisors, and any officer whose compensation is paid from county funds for any official act, per County Law Section 501.
2. In addition to the County Attorney, the following County officers are authorized by section 311 of the Civil Practice Law and Rules to accept service of process on behalf of the County of Warren: Chair of the Board of Supervisors; Clerk of the Board of Supervisors; County Clerk; and County Treasurer (hereafter, "Authorized Agents for Service of Process"). No other County officer or employee may accept service of process on behalf of the County of Warren.
3. A County officer or employee who is named as a defendant in a civil lawsuit, in their official capacity, shall accept service of process and shall immediately deliver all legal papers received to the County Attorney's Office, for the attention of the Risk Manager, after writing on the back of the summons their name, title, and the date, time and place where the legal papers were served upon them.
4. Every written notice of claim, summons, complaint, notice of petition, petition, order to show cause, or other legal notice of process lodged against the County of Warren or a County officer or employee acting in their official capacity shall be delivered to the County Attorney's Office, without delay, and in no case later than the close of business on the first business day after service.
5. A County officer or employee who receives service of process and is not an Authorized Agent for Service of Process shall forward without delay all legal papers received to the County Attorney's Office, after writing their name, title, and the date, time and place of service on the back side of the summons no later than the close of business on the first business day after service.

6. After consultation with the County Attorney, the Risk Manager shall submit each written notice of claim, summons, complaint, notice of petition, petition, or other notice of legal process to the County's insurance company for a determination of coverage.
7. Under the supervision of the County Attorney, the Risk Manager shall track and manage each notice of claim and lawsuit to assign litigation milestones and develop appropriate legal strategies specific for each notice of claim and lawsuit.
8. The County Attorney shall advise the Board of Supervisors, through the committee structure, or as a whole, concerning notices of claim and lawsuits pending against the County, its officers and employees, as required by the New York State Rules of Professional Conduct, as amended, to include legal opinions concerning material changes in liability or damages, defense costs, appropriate County reserves, and available indemnification and contribution.



County Incident Report

Date of Occurrence:	Time of Occurrence:	Date/Time Reported:	Person Reported To:
Employee's Name/Job Title/Department:			
Employee's Supervisor/Phone Number:			
Specific Location of Incident:			
Condition of Area Where Incident Occurred:			
Weather Conditions:			
Character of Case: <input type="radio"/> ACCIDENT <input type="radio"/> COUNTY PROPERTY DAMAGE <input type="radio"/> OTHER PROPERTY DAMAGE <input type="radio"/> THEFT <input type="radio"/> INJURY TO OTHERS (mark all that apply to incident)			
Brief Description of Incident:			
County Property Damage:			
Other Property Damage:			
Vehicle Make/Model:	Vehicle Year/Plate Number:	Vehicle VIN:	Vehicle Operator Name:
Witnesses' Names/Addresses/Telephone Numbers:			
Employee Statement: (Briefly describe the nature of the accident and the circumstances that resulted in damage to Private or County owned property or injury to persons on County Property.)			
Supervisor's Statement:			
Sheriff's Report Filed By:	Date Notified:	Case No.:	
Supervisor's Signature/Date:			

Date Received by County Attorney's Office:

PLEASE RETURN ORIGINAL TO THE COUNTY ATTORNEY'S OFFICE