



**WASHINGTON
COUNTIES
RISK POOL**

Created by Counties for Counties

Employment Liability & Risk Management

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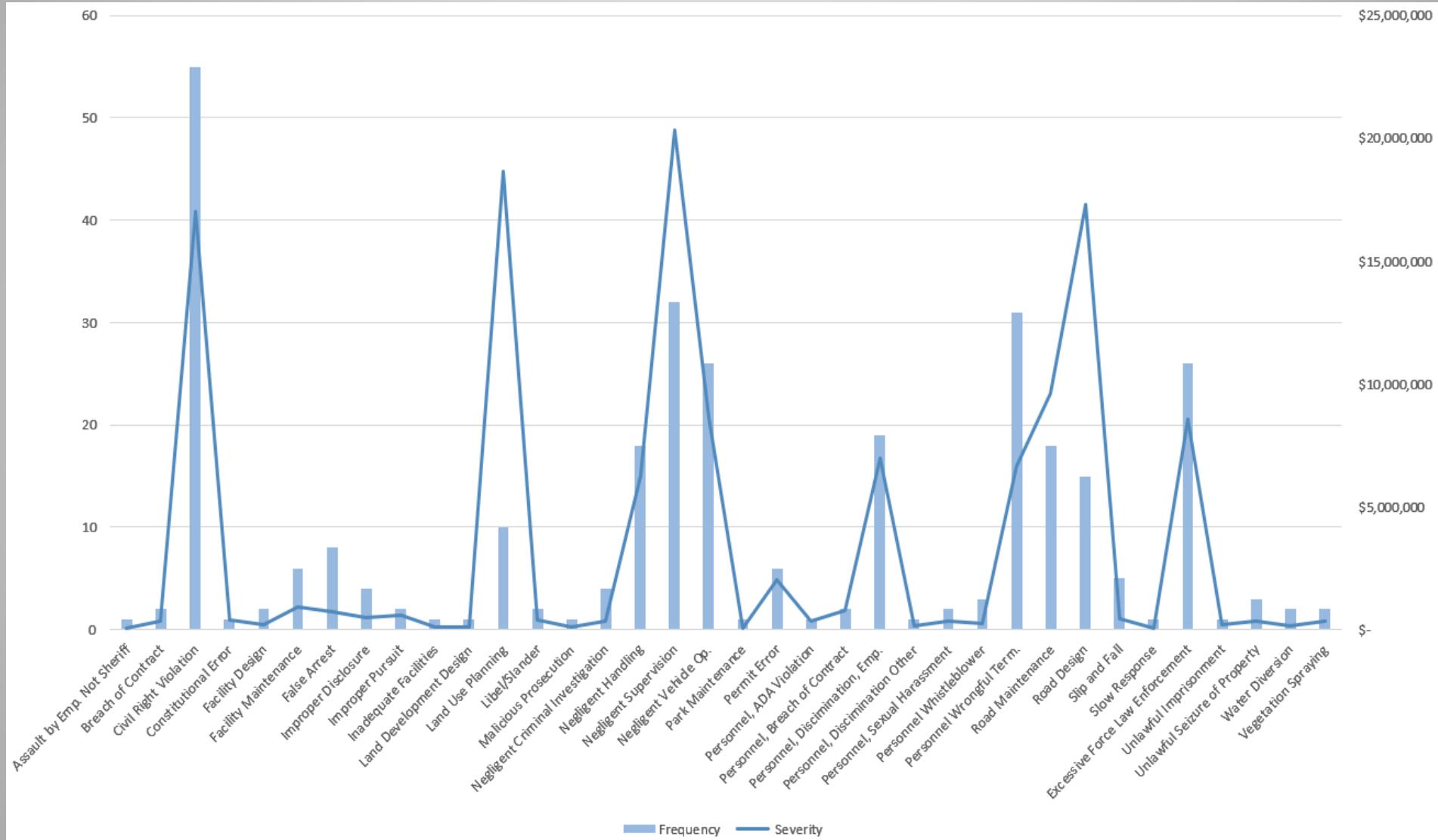
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The Numbers

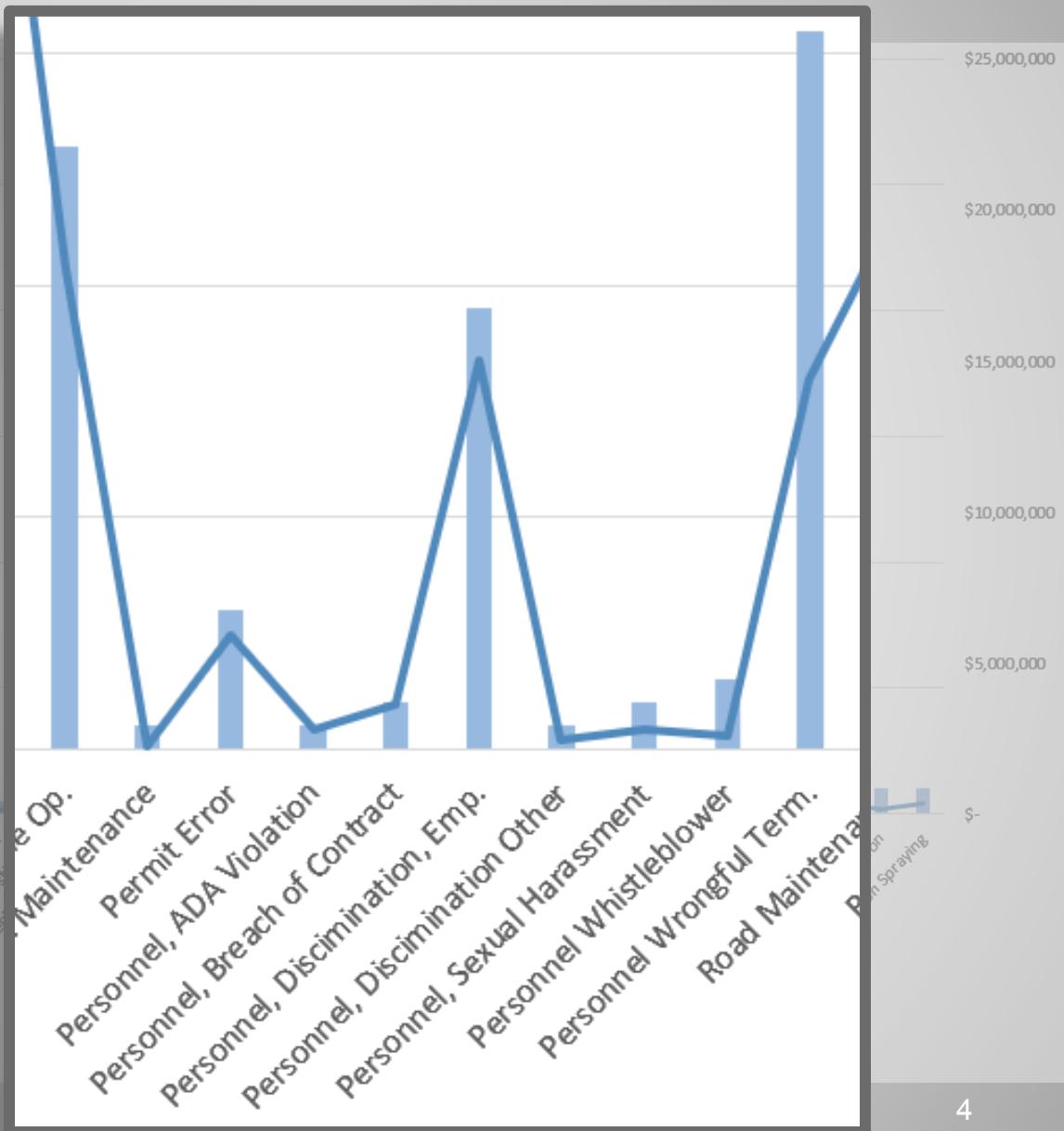
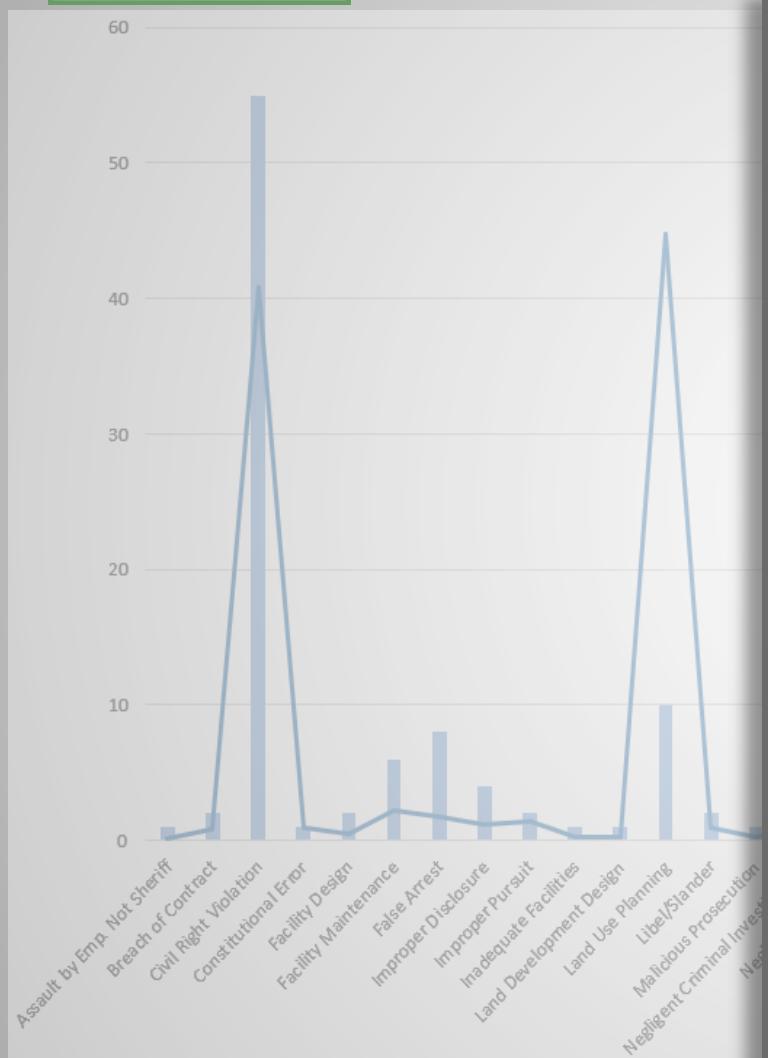


Frequency & Severity – Three Years



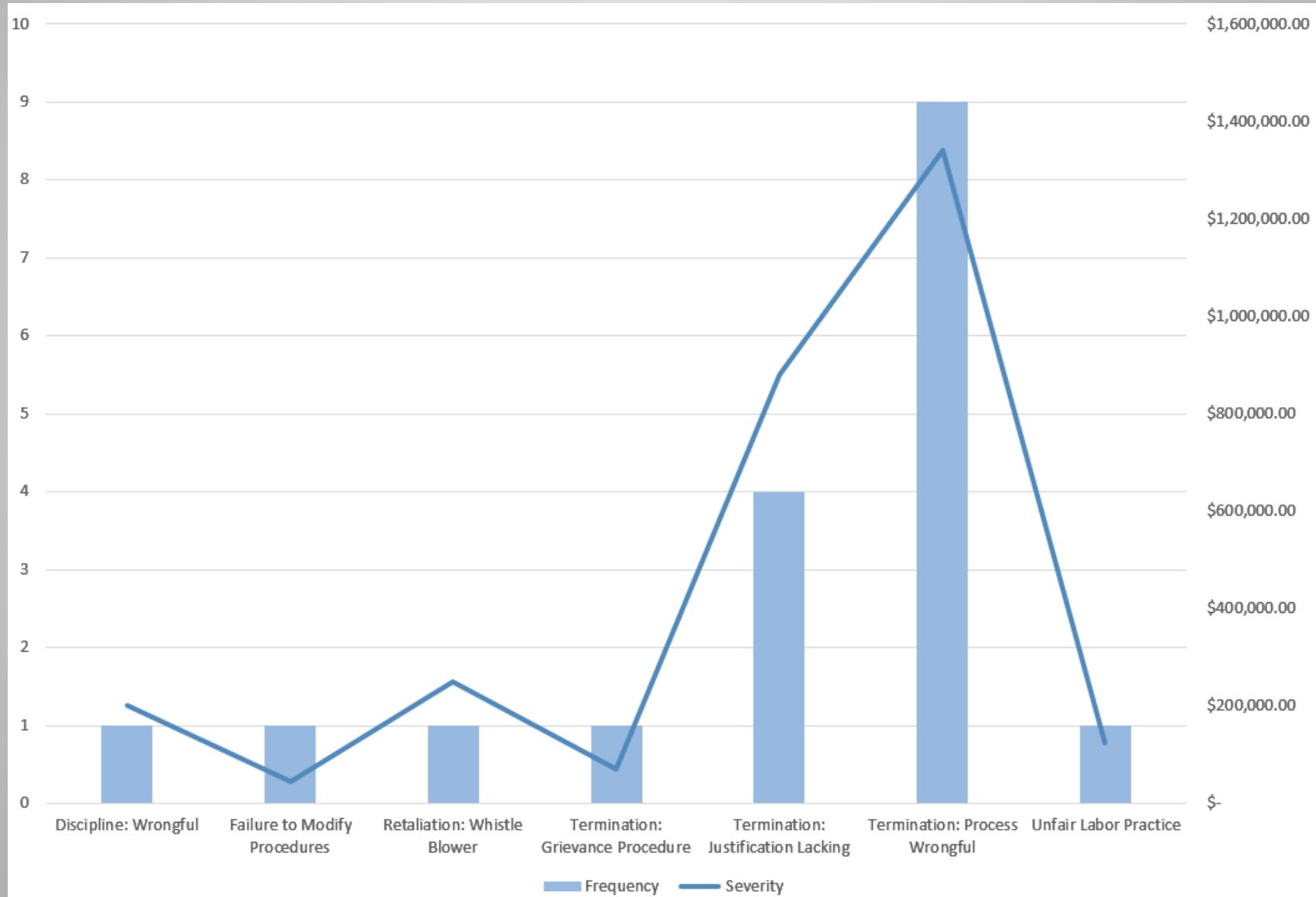


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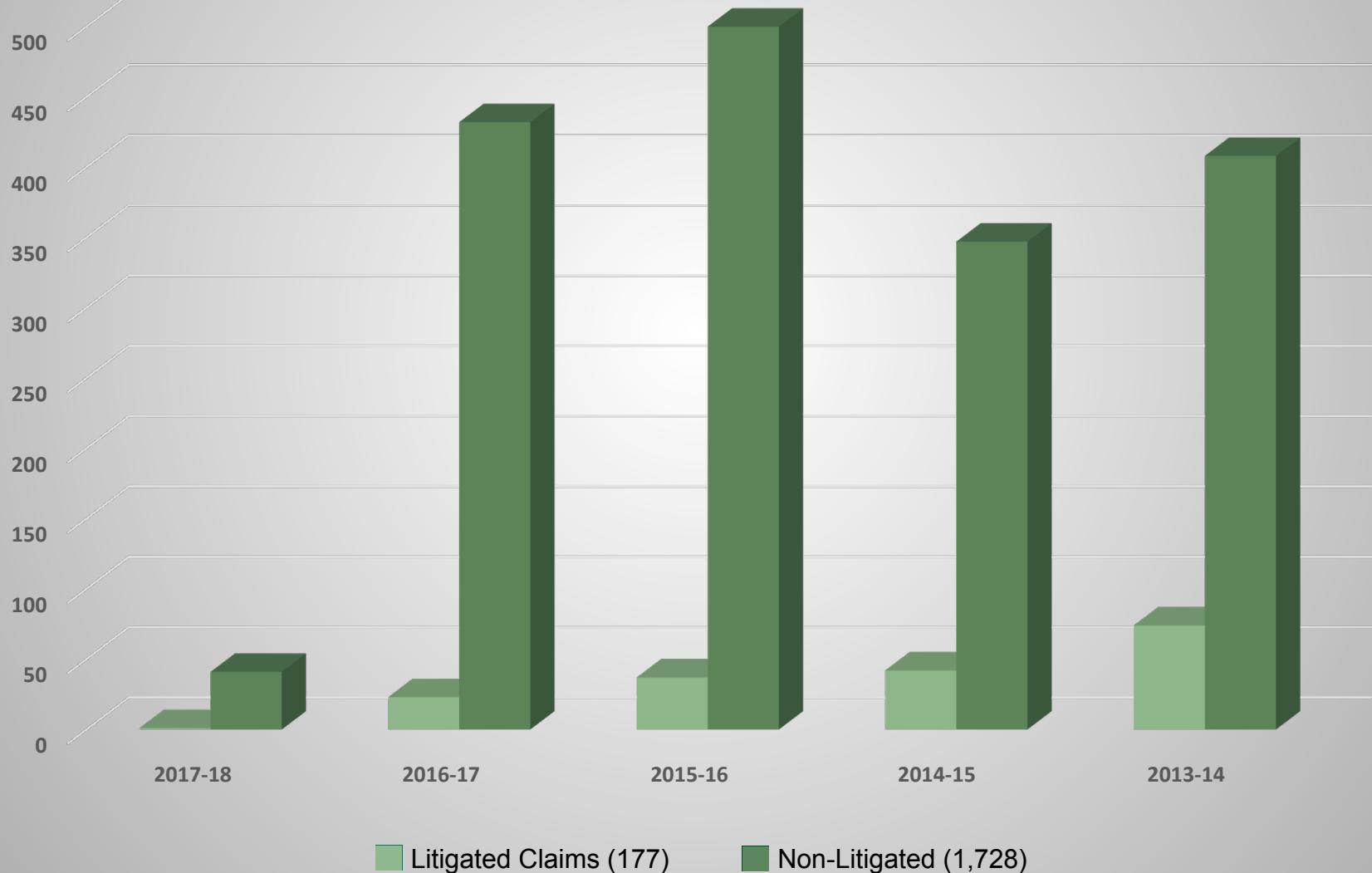


Frequency & Severity – Three Years



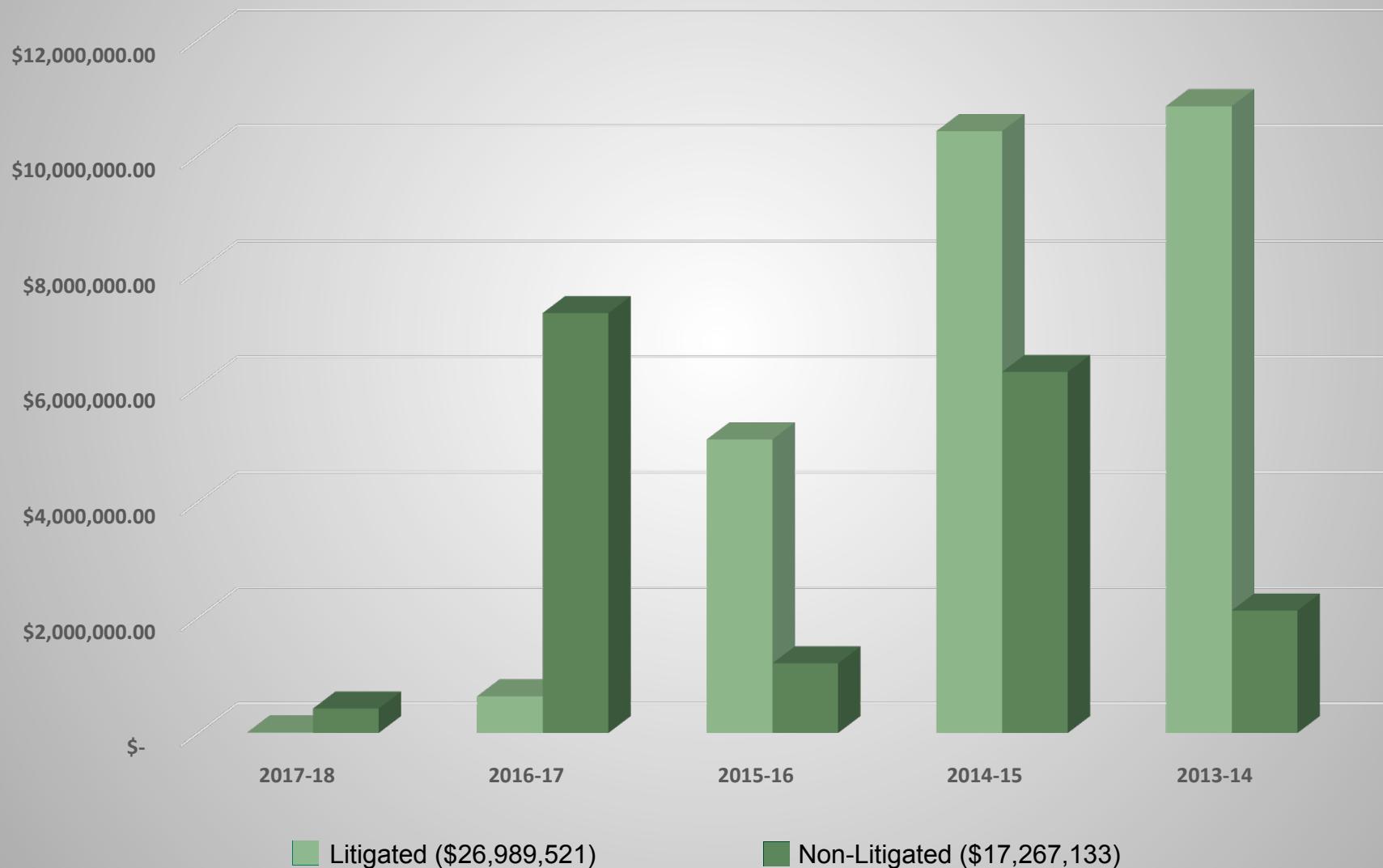


Litigation vs. Claim By Count





Litigation vs. Claim By Cost





Let's Talk About...

At-Will Employment

- **What is it?**
- **What isn't it?**
- **Can you terminate anyone you want?**



Let's Talk About...

Discrimination

- Can you name the protected classes?
- Remember federal, state and local.
- Can you terminate someone in a protected class?
- How do you manage performance?



Let's Talk About...

Wrongful Termination

- **What is it?**
- **What are some examples of it?**
 - Retaliation, Discrimination, Contract Breach, etc.
- **How do you win in court?**

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Document

Document



Let's Talk About...

The Cost of Employment Claims

- Back pay, future pay, benefits.
- No cap on damages.
- Fee Shifting.



Let's Talk About...

Fee Shifting

- **Verdict + Attorney Fees**
- **Title VII, FLSA, ADEA, FMLA, ADA**
- **How do you avoid them?**
 1. **Defense Verdict**
 2. **Offer of Judgment**



Takeaways

Have a Personnel Policy

- Gives employees written notice
- Adds consistency
- Makes Management Easier

Conduct Performance Evaluations

- Gives Employees Feedback
- Provides **Documentation**
- Shows efforts to correct

Be Proactive

- Use Pre-Defense Program
- Consider Severance
- Sleep on it

*Avoid litigation until you can do so no longer.*¹³



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Questions & Discussion

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