

## Local Law Filing

(Use this form to file a Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

### COUNTY OF LEWIS

#### Local Law No. 12 of the Year 2013

#### **A LOCAL LAW AMENDING AND RE-STATING LOCAL LAW NO. 4-1956 COUNTY OF LEWIS, AS SUBSEQUENTLY AMENDED, BEING A LOCAL LAW ENUMERATING RULES AND REGULATIONS OF THE ADMINISTRATION OF THE LEWIS COUNTY SELF-INSURANCE PLAN**

**BE IT ENACTED** by the Board of Legislators of the County of Lewis as follows:

**SECTION 1.** That Local Law No. 4-1956, County of Lewis, as subsequently amended, entitled "A LOCAL LAW ENUMERATING RULES AND REGULATIONS OF THE ADMINISTRATION OF LEWIS COUNTY SELF-INSURANCE PLAN" is hereby amended and re-stated to read as follows:

**SECTION 2.** Rules and Regulations for the Administration of the Lewis County Self-Insurance Plan are hereby promulgated.

- A. In addition to the County, the following shall be deemed eligible to participate in the Lewis County Self-Insurance Plan (1) all of the seventeen (17) Towns and nine (9) Villages within the County; (2) Lewis County Search & Rescue, Inc. effective January 1, 1994; and (3) Lewis County Soil & Water Conservation District pursuant to Workers' Compensation Law Section 63 subdivision 5.

Eligible participants as defined in subdivision (A) hereof and other than those in the Plan at the time of its adoption, shall be admitted as of January first following the date of application for participation, provided, however, that a certified copy of a resolution of the governing body of the applicant must be filed with the Workers' Compensation Committee (Committee) of the Lewis County Board of Legislators by the preceding July first.

- B. A participant may withdraw from the Plan effective at the end of a fiscal year, by filing with the Committee by the preceding July first notice of such withdrawal.

- a. Provided, however, that as a condition of such withdrawal, such participant shall pay, in a lump sum or in installments, an equitable share of the outstanding liabilities of the plan as of the date of withdrawal.
  - b. The amount payable by said participant for such withdrawal shall be determined by an actuary based on historical claims data and shall include the cost of such actuarial study, and upon withdrawal shall be paid in full to the Lewis County Self-Insurance Plan, or in such installments and at such dates as the Board of Legislators may determine; or said participant may elect to assume all financial responsibility for each and every claim made against the respective participant without regard to date of occurrence.
  - c. Any payments required upon entry to or withdrawal from the Plan may be financed, in whole or in part, by any municipal corporation or district corporation by the issuance of bonds or capital notes pursuant to the local finance law. (See. Workers' Compensation Law Section 65[1]).
- C. The share of each participant in the Plan shall be collected as provided in Section 67 of the Workers' Compensation Law, except that the share of the Towns and Villages participating in the Plan shall be collected by inclusion in the next succeeding tax levy. The annual estimate of expenses shall be apportioned among the participants in a manner consistent with New York State Workers' Compensation Law and recommended by the Plan Administrator and approved by resolution of the Board of Legislators. The apportionment formula(s) shall be established by resolution and forwarded annually to each participant pursuant to Section 67 of the Workers' Compensation Law by the preceding September first.
- D. A reserve of \$1,000,000 is hereby established for the Plan. Such amount shall be accumulated by including in each annual estimate a sum not to exceed \$10,000. However, beginning in fiscal year 1965 such amount may be accumulated by (a) inclusion in each annual estimate a sum not exceeding \$10,000, or by (b) the transfer to said reserve of any unexpended balance in current funds, or by (c) the addition to said reserve of any income earned from the investment of the funds in said reserve, or by (d) such combination of said methods as the Committee may deem proper. The first installment shall be included in the annual estimate of 1957. When the amount of the reserve is at the maximum, any amount expended therefrom shall be restored by one or more of the aforesaid methods, as said Committee may designate.
- E. Every volunteer firefighter/ambulance squad applicant shall undergo a physical examination and be accepted for inclusion under the Lewis County Self-Insurance Plan by the Workers' Compensation Committee or its duly authorized Administrator, before undertaking any of the said volunteer duties. Said physical examination and

related forms shall be an expense of the Plan. Failure to take such physical examination and be so approved, shall deny all coverage hereunder to said volunteer.

No participant shall allow an employee or volunteer to assume a position, the duties of which would knowingly aggravate a physical defect or disability.

- F. That no other provision of this Local Law withstanding youths being considered, treated and placed with reference to programs under Section 758-a of the Family Court Act and all related laws, rules and regulations, shall be exempt.
- G. Each participant shall maintain a record of all injuries sustained by respective employees in the course of their employment. Forms or reports to be filed by participants pursuant to this subdivision shall be furnished by and be an expense of the Plan. Reports required to be filed with the New York State Workers' Compensation Board, pursuant to the Workers' Compensation Law; Volunteer Firefighters' Law or Volunteer Ambulance Law, shall be filed promptly with the Administrator of the Lewis County Self-Insurance Plan. The Committee shall report to the Board of Legislators failure of a participant to file required reports, and the Board of Legislators may take such action as it deems proper as provided herein.
- H. Plan participants shall cooperate with the Committee by promptly filing all required reports, by aiding in the investigation of claims, and the furnishing of any additional aid or information that may be required to carry out the provisions and the intent of the Workers' Compensation Law, Volunteer Firefighter's Law or Volunteer Ambulance Law. The Board of Legislators may, by resolution, impose a fine in an amount not to exceed \$50.00, for the failure to file required reports.
- I. The Board of Legislators may, by resolution, expel a participant for failure to observe the rules and regulations adopted, or for any violation of the provision of the Workers' Compensation Law, Volunteer Firefighter's Law or Volunteer Ambulance Law provided, however, that a participant shall be notified in writing at least thirty (30) days prior to the effective date of expulsion; and further provided, that expulsion shall not relieve a participant from paying its share of the outstanding liabilities of the Plan at the date of expulsion, as determined by an actuary based on historical claims data.
- J. An employer who knowingly permits or employs a minor to work in violation of any provision of the New York State Labor Law, shall be liable for imposed increased awards provided by Section 14-a of the Workers' Compensation Law.
- K. That the Lewis County Board of Legislators hereby delegates to the Workers' Compensation Committee thereof full power and authority to make and promulgate any and all rules and regulations in connection with the enforcement and

administration of the within Local Law provided that such rules and regulations are not inconsistent herewith or inconsistent with any applicable Federal or State laws, rules and regulations.

**SECTION 3.** That pursuant to Section 3, Group 19 of the Workers' Compensation Law, this Local Law shall cover all employees or officers elective or appointive, or otherwise not enumerated in Section 3, Subdivision 1, Groups 1 to 17 inclusive, of the Workers' Compensation Law.

**SECTION 4.** That this Local Law shall take effect immediately upon all legal requirements being met.

(Complete the certification in the paragraph that applies to the filing of this Local Law and strike out that which is not applicable)

**1. (Final Adoption by Local Legislative Body Only.)**

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 12 of 2013, of the County of Lewis was duly passed by the Lewis County Board of Legislators on December 19, 2013, in accordance with the applicable provisions of law.

~~**2. (Passage by Local Legislative Body with Approval, No Disapproval or Repassage After Disapproval by the Elective Chief Executive Officer\*.)**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_, of the County, City, Town, Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, and was approved, not approved, repassed after disapproval, by the \_\_\_\_\_, and was deemed duly adopted on \_\_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.~~

~~**3. (Final Adoption by Referendum.)**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_, of the County, City, Town, Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, and was approved, not approved, repassed after disapproval, by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. Such Local Law was submitted to the people by reason of a mandatory/permissive referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general/special/annual election held on \_\_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.~~

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto Local Laws or Ordinances.

**4. (Subject to a Permissive Referendum and Final Adoption Because No Valid Petition was Filed Requesting Referendum.)**

I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_\_\_, of the County of Lewis was duly passed by the Lewis County Board of Legislators on \_\_\_\_\_, 20\_\_\_\_, and was approved, not approved, repassed after disapproval, by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.

**5. (City Local Law Concerning Charter Revision Proposed by Petition.)**

I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_\_\_, of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special/general election held on \_\_\_\_\_, 20\_\_\_\_, became operative.

**6. (County Local Law Concerning Adoption of Charter.)**

I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_\_\_, of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_\_\_, pursuant to the subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification).

I further certify that I have compared the preceding Local Law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original Local Law, and was finally adopted in the manner indicated in Paragraph 1, above.

  
TERESA K. CLARK, CLERK  
LEWIS COUNTY BOARD OF LEGISLATORS

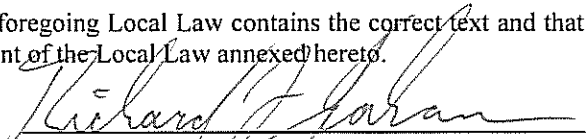
Dated: Jan. 6, 2014  
December \_\_\_\_\_, 2013.

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK )  
COUNTY OF LEWIS ) ss:

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

  
RICHARD J. GRAHAM, ESQ.  
LEWIS COUNTY ATTORNEY

Dated: January 6, 2014  
December \_\_\_\_\_, 2013.