

PARTICIPATOR

February 2006

DEPARTMENT OF LABOR CLAIMS

Complaints are often filed with the North Dakota Department of Labor (DOL or department) by employees who believe they have been discriminated against because of race, color, national origin, sex, religion, age, disability or other legally protected status. An employee initiates the process by completing a DOL Claim of Discrimination form, including a narrative on why the employee thinks he/she has been discriminated against.

Employers have two options when responding to these allegations. First, they may agree to Alternative Dispute Resolution (ADR) which could result in settlement of the claim without a full investigation by the DOL or costly and time consuming litigation. ADR is a mediation program administered by the DOL that brings the parties together in an informal atmosphere to resolve differences. ADR meetings are confidential. Any communication in mediation cannot be used in any subsequent administrative proceeding or civil action. If the mediation is successful, a binding agreement will result. If no agreement is reached, the case will be forwarded for a full investigation.

Any communications in mediation cannot be used in any subsequent administrative proceeding or civil action...

Second, if an employer does not attempt resolution through the ADR program, their remaining option is to have the DOL proceed immediately with a full investigation. This involves the employer filing an answer to the charge and providing evidentiary documents to support the defense.

In the event of an investigation, the DOL shall determine from the facts whether probable cause exists

to believe that a discriminatory practice has occurred. If the department determines that no probable cause exists, the department shall promptly dismiss the complaint. If probable cause is determined to exist, the department shall issue a probable cause determination and provide for an administrative hearing.

All discrimination claims must be made within three hundred (300) days of the alleged act of wrongdoing. If the employee elects to bring an action in district court after filing with the DOL, they must do so within ninety (90) days after the department dismisses the complaint or issues a written probable cause

Continued on Page 2

INSIDE ...
Spread the News
Computers for Sale
Financial Insight

continued from cover

determination. Win or lose, the employee has the right to file a civil claim in district court.

NDIRF's experience with DOL claims is that most are resisted and not settled through the ADR process. A high percentage of these claims actually involve employee performance problems, not discrimination. However, it is quite difficult to convince an employee who alleges discrimination that their job performance is the real issue.

The NDIRF did not initially provide coverage for DOL administrative hearings because no lawsuit had been filed. However, we believe this has become an important issue for our members. As a result, the NDIRF coverage form has been changed to provide coverage for discrimination claims filed with the DOL. If your entity is served with a DOL complaint, make sure to immediately notify your agent so that the NDIRF can assign legal counsel to defend. ■

RISK SERVICES

SPREAD THE NEWS

For many of you, the good news is that the NDIRF provides its members with free defensive driving classes. The bad news is not everyone is aware of this fact. We have received comment that information on the availability of these classes is not reaching all those who could benefit from them.

We have run several articles in this newsletter publicizing the availability of these free classes. One copy of this newsletter is sent to the contact person designated on your entity's memorandum of coverage. A copy is also sent to each city/county commissioner, school board president, and other selected officials. Our dilemma is how to make known the availability of these defensive driving courses throughout a member's organization. To solve this, we ask you to share this information with other departments within your entity and any entities added to your coverage.

Here are some departments in your entity that may not be receiving the information:

- ⇒ Parks and Recreation
- ⇒ Highways and Streets
- ⇒ Public Works
- ⇒ Fire
- ⇒ Social Services
- ⇒ Fair Boards/Associations

You may also have some additional covered parties under your policy such as the following that can participate in classes:

- ▶ Rural Fire District
- ▶ Rural Ambulance District
- ▶ Water Resource District
- ▶ County Fair Board/Association



Continued on Page 3

Vehicle operation is an integral part of the operations of most of the entities listed. In the case of school districts, bus drivers are required to complete the Defensive Driving course within the first year of employment. Thereafter, the State of ND requires a retake of the course every five years. The defensive driving course is also appropriate for anyone who operates road maintenance equipment.

We offer these four hour classes, days or evenings, for officers, employees and volunteers of the entities indicated above, and for members of their households. Completion of the class qualifies the individual for a premium reduction (one auto per individual) on their personal automobile insurance and a 3-point reinstatement to their driver's license. In answer to your question: how much cost reduction does our member entity receive on its auto coverage? The answer is none. As the lessons learned in these classes reduce auto accidents, the NDIRF's auto coverage costs will decrease accordingly.

To provide a class, we require at least 10 people. If your entity can't meet this requirement, let us know. We may be able to fill the class with individuals from other NDIRF members in your area.

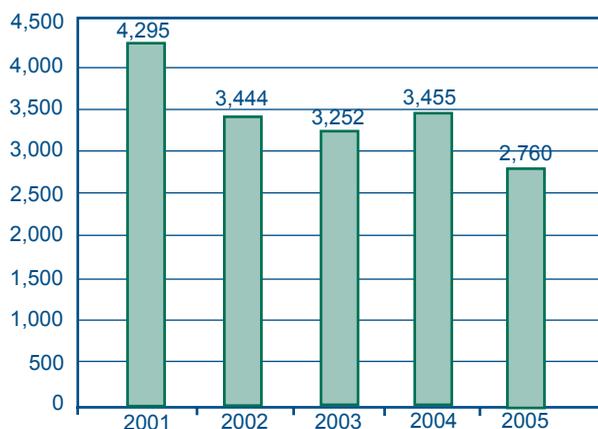
If you have individuals not currently on the subscription list that would like to receive a copy of this newsletter, please contact Dawn Weigel at 1-800-421-1988 or local 224-1988.

To schedule a class, contact Doug Griffin or Mark Verke at 1-800-421-1988 or local 224-1988.

www.NDIRF.com also includes a copy of this newsletter and can be used to contact the staff indicated. Please take a look at our website, it contains a variety of valuable information. ■

FINANCIAL INSIGHTS

LOSSES PAID (in thousands)



This graph represents losses paid by NDIRF over the past 5 years, including payments made to adjusters and attorneys assisting in the claims settlement process. Since its inception in 1986, NDIRF has paid losses totaling more than \$53 million. ■

FROM THE CEO

Some trends are good to be alive and walking around in. With apologies to our friends in eastern North Dakota, the winter weather this year in Bismarck is one of them. It looks like we'll make it through January without a single day where the mercury dips under zero. If this is global warming, it's definitely the upside.

Another trend that's been pleasant to experience is the loss ratio generated by NDIRF members over the past several years. Preliminary results for 2005 indicate that incurred claim losses will be under \$3 million for the second year in a row. This kind of performance probably does not happen by accident (pun intended) – we should consider the combined efforts of the NDIRF and our members to reduce risk exposures as being at least a part of creating this trend.

Participation by NDIRF members in training programs such as the defensive driving classes discussed elsewhere in this issue can't help but make it more likely we will be able to continue these strong results in the coming years. ■

2006 COMPUTER EQUIPMENT SALE

The NDIRF has seven (7) used computers up for bids.

Item 1: Gateway Performance 500S

Pentium IV 2.0 GHz Processor; 256 MB RAM; CDRW CDROM; 40 GB Hard Drive; WinXP Operating System; MicroSoft Office XP Professional; 56K modem; keyboard; **DOESN'T INCLUDE:** speakers or monitor

Item 2: Gateway Performance 500S

Same as Item #1

Item 3: Gateway Performance 500S

Same as Item #1 – includes 19" EV910 Gateway monitor

Item 4: Gateway Performance 500S

Same as Item #1 – includes 19" EV910 Gateway monitor

Item 5: Gateway Performance 500S

Same as Item #1 – includes 19" EV910 Gateway monitor

Item 6: Gateway M1000

Pentium III 1.0 Ghz Processor; 128 MB RAM; CDRW CDROM; 20GB Hard Drive; Win 2000 Operating System; MicroSoft Office 2000 Professional; 56K modem; keyboard; 17" EV700 Gateway monitor; **DOESN'T INCLUDE:** speakers

Item 7: Gateway 400X Notebook

Pentium IV 2.4 GHz Processor; 256 MB RAM; CDRW; 30 GB Hard Drive; WinXP Operating System; MicroSoft Office XP Professional; 56K modem; extra mouse

The equipment was in good condition when taken out of service and is sold strictly on an "as-is" basis with no warranty expressed or implied. If you are interested in placing a bid on one or more of the pieces of equipment, please send your offer to the following address. Include a return address, phone number, the item # and description of desired item, and the bid.

NDIRF Computer Equipment Bid
Attention: Vance Krebs
PO Box 2258
Bismarck, ND 58502-2258

Bid offers must be **received on or before Friday, March 10, 2006**. Successful bidders will be notified on March 13, 2006 and the equipment must be paid for and picked up from the NDIRF office before **March 24, 2006**. ■

Mark Your CALENDAR

February 2006

16: NDIRF Board of Directors Meeting
NDIRF offices, Bismarck

April 2006

18: ND League of Cities Regional Meetings,
NW Region, Crosby
19: NC Region, Granville
20: SC Region, Carrington
25: NE Region, Pekin
26: SE Region, Enderlin
27: SW Region, Belfield

May 2006

18: NDIRF Annual Meeting
Ramkota Inn, Bismarck
18: NDIRF Board of Directors Meeting
NDIRF offices, Bismarck

North Dakota Insurance Reserve Fund Board of Directors

Fred Bott, Devils Lake Steve Cichos, Jamestown Robert Frantsvog, Minot Burdell Johnson, Tuttle Mark A. Johnson, Bismarck
Rod Landblom, Dickinson Steve Neu, Bismarck Connie Sprynczynatyk, Bismarck Corene Vaughn, Cavalier

PRESORTED
STANDARD
US POSTAGE PAID
BISMARCK, ND
PERMIT NO 419

