



President
Mr. Dave Warren
City of Placerville

Vice President
Ms. Liz Ehrenstrom
City of Oroville

Treasurer
Mr. Tim Sailsbery
City of Willows

Secretary
Ms. Corey Shaver
City of Nevada City

NCCSIF RISK MANAGEMENT COMMITTEE MEETING AGENDA

Date: Thursday, October 27, 2016
Time: 10:00 a.m.

Location: Rocklin Event Center - Garden Room
2650 Sunset Blvd.
Rocklin, CA 95677
(916) 625-5200

A – Action
I – Information

1 – Attached
2 – Hand Out
3 – Separate Cover
4 – Verbal
5 – Previously Mailed

MISSION STATEMENT

The Northern California Cities Self Insurance Fund, or NCCSIF, is an association of municipalities joined to protect member resources by stabilizing risk costs in a reliable, economical and beneficial manner while providing members with broad coverage and quality services in risk management and claims management.

A. CALL TO ORDER

B. INTRODUCTIONS

C. APPROVAL OF AGENDA AS POSTED

A 1

D. PUBLIC COMMENTS

This time is reserved for members of the public to address the Committee on matters pertaining to NCCSIF that are of interest to them.

pg. 3 **E. CONSENT CALENDAR**

A 1

All matters listed under the consent calendar are considered routine with no separate discussion necessary. Any member of the public or Risk Management Committee may request any item to be considered separately.

pg. 4 1. Minutes of the Risk Management Committee Meeting - June 9, 2016

F. COMMITTEE BUSINESS

pg. 8 1. **Bickmore Risk Management Services, Assessments and Recommendations**

I 2

Henri Castro from Bickmore Risk Services will present an overview of the risk control services provided over the last year. She will also discuss the progress made on the member risk assessments and introduce the scorecard for committee review.

pg. 10 2. **Police Risk Management Committee Update**

I 4

Tom Kline from Bickmore Risk Service will provide the Committee with a summary of the August 4, 2016, Police Risk Management Committee Meeting.



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3. Policy and Procedure Reviews **A 1**
The Committee will review and may recommend or provide direction on the following Risk Management Policies:

- pg. 11 a. RM-1 Risk Management Policy & Framework, and RM-11 Risk Management Committee Review
- pg. 22 b. RM-5 Unlawful Harassment Policy - Employment Liability
- pg. 33 c. RM-2 Driving Standards
- pg. 40 d. RM-15 Vehicle Use and Operations

pg. 43 **4. Trending Reports for Workers' Compensation and Liability Claims** **I 1**
Dori Zumwalt from York Risk Services will present an overview of claim statistics and trends for both coverage programs.

pg. 49 **5. Risk Management Recognition** **A 4**
The Committee is asked to review and provide recommendations for recognition programs and incentives for meeting risk management best practices standards.

pg. 50 **6. Round Table Discussion** **I 4**
The floor will be open to Committee members for any topics or ideas that members would like to address.

G. INFORMATION ITEMS **I 1**

- 1. NCCSIF Travel Reimbursement Form

H. ADJOURNMENT

UPCOMING MEETINGS

Police Risk Management Committee Meeting - November 3, 2016
Board Training Day and Meeting - December 8, 2016

Per Government Code 54954.2, persons requesting disability related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, are requested to contact Raychelle Maranan at Alliant Insurance Services at (916) 643-2712.

The Agenda packet will be posted on the NCCSIF website at www.nccsif.org. Documents and material relating to an open session agenda item that are provided to the NCCSIF Committee less than 72 hours prior to a regular meeting will be available for public inspection and copying at 2180 Harvard Street, Suite 460, Sacramento, CA 95815.

Access to some buildings and offices may require routine provisions of identification to building security. However, NCCSIF does not require any member of the public to register his or her name, or to provide other information, as a condition to attendance at any public meeting and will not inquire of building security concerning information so provided. See Government Code section 54953.3



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Risk Management Committee Meeting
October 27, 2016**

Agenda Item E.

CONSENT CALENDAR

ACTION ITEM

ISSUE: The Risk Management Committee (RMC) reviews and approves items on the Consent Calendar as a whole. If an item requires clarification or amendment it may be pulled for separate discussion and the Committee may approve the remainder of the Consent Calendar. Any item removed from Consent will be agendized later during the meeting as recommended by the Chair and approved by the Committee.

RECOMMENDATION: Review and approve the Consent Calendar.

FISCAL IMPACT: None

BACKGROUND: The Committee regularly places the minutes of previous meetings on the Consent Calendar for approval, as well as any other routine items that generally do not require discussion.

ATTACHMENT(S): Minutes of the Risk Management Committee Meeting - June 9, 2016



**MINUTES OF THE
NCCSIF RISK MANAGEMENT COMMITTEE MEETING
ROCKLIN EVENT CENTER, ROCKLIN, CA
JUNE 9, 2016**

COMMITTEE MEMBERS PRESENT

Liz Cottrell, City of Anderson	Jon Hanken, City of Ione
Tom Watson, City of Corning	Michael Daly, City of Jackson
Michelle Pellegrino, City of Dixon	Corey Shaver, City of Nevada City
Kim Stalie, City of Dixon	Liz Ehrenstrom, City of Oroville
Jim Ramsey, City of Elk Grove	Dave Warren, City of Placerville
Kristine Haile, City of Folsom	Sandy Ryan, City of Red Bluff
Jim Francis, City of Folsom	Kimberly Sarkovich, City of Rocklin
Paula Islas, City of Galt	Natalie Springer, City of Yuba City
Elisa Arteaga, City of Gridley	

COMMITTEE MEMBERS ABSENT

Shari Harris, City of Auburn	Crystal Peters, Town of Paradise
City of Colusa (tbd)	Marni Rittburg, City of Rio Vista
Astrida Trupovnieks, City of Lincoln	Wayne Peabody, City of Willows
Satwant Takhar, City of Marysville	

CONSULTANTS & GUESTS

Marcus Beverly, Alliant Insurance Services	Henri Castro, Bickmore
Raychelle Maranan, Alliant Insurance Services	Tom Kline, Bickmore
	Jeff Johnston, Bickmore

A. CALL TO ORDER

Ms. Liz Ehrenstrom called the meeting to order at 10:04 a.m.

B. INTRODUCTIONS

Introduction was made and the majority of the members were present constituting a quorum.

C. APPROVAL OF AGENDA AS POSTED

A motion was made to approve the Agenda as posted.

Motion: Kristine Haile	Second: Jim Ramsey	Motion Carried
Ayes: Cottrell, Watson, Pellegrino, Hanken, Daly, Shaver, Ehrenstrom, Warren, Sarkovich, Springer		
Nays: None		



**BICKMORE RISK MANAGEMENT SERVICES,
ASSESSMENTS AND RECOMMENDATIONS**

INFORMATION ITEM

ITEM: Ms. Enriqueta Castro will provide the Committee with an update on the services Bickmore has provided NCCSIF members during the 2016/2017 program year to date:

Hazard & Safety Assessment (HSA)

This program year the RMC approved an assessment focusing on the following categories:

- Risk Management Framework
- Injury & Illness Prevention Program Implementation
- Americans with Disabilities Act (ADA) Compliance
- Driver & Vehicle Use Safety
- Ergonomic Injury Management
- Sidewalk Liability Management
- Urban Forest Management

Staff is in the process of completing the assessments for each member. In addition, staff has developed an assessment scorecard to be presented to the committee for review.

Member Services

Members receive two days of risk control services to help implement recommendations from the HSA. Examples of service include written program development for Cal/OSHA compliance and liability exposures, assistance with program implementation, participation in safety committee meetings, inspections, and customized employee training. One additional day of service is provided to each member for additional requested services, such as ergonomic evaluations, playground inspections, participating in safety committee meetings, etc.

Proposed Regional Training Workshops

During the RMC staff would like feedback from the committee to identify preferred regional training workshops for the 2016/2017 program year. Potential topics may include:

Operational

- Forklift Train-the-Trainer
- Traffic Control and Flagger Training
- Certified Pool Operator Training

Management

- Sidewalk Liability
- Contractual Risk Transfer
- Understanding Legal Marijuana



Agenda Item F.1. (continued)

Additional Services and Resources

In addition to unlimited phone and email consultation, members have access to the following Bickmore Risk Control website resources <http://riskcontrol.bickmore.net/>:

- **On-line Streaming Videos** - Members have access to over 300 on-line streaming videos to help comply with OSHA and other regulatory training requirements. Bickmore-produced videos are also developed on key safety topics.
- **Safety Publications** - We develop customized safety publications that provide guidance on a range of topics from OSHA regulatory updates to safety training resources for employees. The publications are written in an interesting and informative manner, nicely designed, and ready for distribution.
- **Webinars** - We conduct live webinars on a range of safety and risk management topics. All of our webinars are recorded and our library contains over 40 topics to choose from.
- **Sample Programs, Forms, and Checklists** - Our up to date sample safety programs, forms, and checklists are written in a streamlined yet comprehensive manner.

NEW!

Safety Communications

- Sit-Stand Workstations
- Drone - Risk Management Tips for Public Agencies
- Earthquake Ready - Great California ShakeOut on October 20, 2016
- AED's - Changes in California Law

Bickmore Produced Videos

- Workplace Violence - Defusing Difficult Situations Series
 - Encounters in the Field
 - Encounters at the Customer Service Counter
 - Encounters on the Phone
 - Encounters with Mental Illness
- Wheelchair Safety Video Series (16 video shorts)

FISCAL IMPACT: None

RECOMMENDATION: None. This is provided as information only.

BACKGROUND: NCCSIF contracted with Bickmore on January 1, 2012 to provide risk control services. Ms. Henri Castro is NCCSIF's Risk Control Consultant for these services.

ATTACHMENTS: *Handouts at the meeting*

1. Draft Hazard & Safety Assessment Scorecard
2. Member Services Summary Report



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Risk Management Committee Meeting
October 27, 2016**

Agenda Item F.2.

POLICE RISK MANAGEMENT COMMITTEE UPDATE

INFORMATION ITEM

ITEM: The NCCSIF Police Risk Management Committee (PRMC) meets quarterly. Their last meeting was on August 4, 2016. Tom Kline, with Bickmore Risk Services, manages the PRMC meetings and will provide an update on the meeting and future activities.

FISCAL IMPACT: None

RECOMMENDATION: None - information only.

BACKGROUND: None

ATTACHMENT(S): None



POLICY AND PROCEDURE REVIEWS

RM-1 Risk Management Policy and Framework and RM-11 Risk Management Committee Review

ACTION ITEM

ISSUE: The current risk management assessments conducted by Bickmore Risk Services contain a section regarding a City's commitment to risk management, including resources to maintain a framework for identifying and managing risk throughout the organization. The Program Administrators recommend incorporating the assessment criteria into the set of Risk Management Policies maintained by NCCSIF.

This set of criteria is the foundation for the rest of the operational best practices that NCCSIF maintains, including commitment to risk management at the Council and senior management level, annual goals and action plans, an active Risk Management Committee, and Injury and Illness Prevention Plan (IIPP). As such, we recommend labeling it RM-1 and moving the Compliance with Risk Management Standards language in the current RM-1 to RM-11, Risk Management Committee Review. The current RM-1 establishes a Board review process that integrates well with the Risk Management Committee's role in reviewing and enforcing risk management standards when needed, as defined in RM-11.

Also attached is a generic sample Resolution and sample Policy from Belvedere.

RECOMMENDATION: Review the attached draft policies and provide feedback for recommending to the Board.

FISCAL IMPACT: None.

BACKGROUND: NCCSIF regularly reviews the existing policies to keep up to date with current changes to laws and regulations and/or emerging of risk exposures to pool members. The current goal is to update the policies as needed and work toward condensing and customizing the assessment criteria currently in use. The goal is to achieve a unified set of policies and best practices that will provide a framework for member and NCCSIF risk management programs.

ATTACHMENTS:

1. Draft RM-1: Risk Management Policy and Framework
2. Draft RM-11: Review of Member Risks and Compliance With Recommendations
3. Sample Risk Management Policy
4. Risk Management Policy - Belvedere



RISK MANAGEMENT POLICY AND PROCEDURE #RM-1

SUBJECT: RISK MANAGEMENT POLICY AND FRAMEWORK

1.0 Policy

It is the policy of the Northern California Cities Self Insurance Fund (NCCSIF) to prudently manage its programs to minimize the frequency and severity of losses incurred by its members. We will achieve this by recommending members implement a risk management program that utilizes the operational best practices as provided herein.

2.0 Scope

This Policy applies to all members of NCCSIF.

3.0 Objective

Provide a process to effectively identify, analyze, and manage member risks.

4.0 Criteria

The following Risk Management Policy and Framework are used to assess member achievement in establishing effective risk management policies and procedures.

Approved By Board of Directors - TBD



Risk Management Policy and Framework	
Risk Management Policy	
To reduce or eliminate costs associated with risks of loss, the City has created a risk management structure with visible support of upper management and adequate resources to address the City's risk exposures.	
1-1-1	City Council has adopted a resolution supporting a formal Risk Management Policy and Framework and provides appropriate resources to maintain it.
1-1-2	City Manager endorses the Risk Management Program and Policy and communicates to all employees.
Risk Management Framework	
Risk Management Organization	
The City maintains a Risk Management Committee (RMC) or Team with clearly defined accountabilities. This may be a scope enhancement of current safety committees.	
1-2-1	A Risk Management Coordinator is appointed who is responsible for the implementation of risk management and safety programs.
1-2-2	The Chair of the RMC attends and reports on risk management plans and activities at monthly senior management meetings.
1-2-3	The Committee holds regular meetings, at least quarterly.
1-2-4	Written minutes are kept of each meeting along with an attendance list.
1-2-5	The Committee (or subcommittee) reviews all accidents and near misses to: 1. Evaluate adequacy of root cause analysis, 2. Ensure action plan and follow-up accountability are developed, and 3. Determine if broader exposure to loss exists.
1-2-6	The RMC serves as a mechanism for review and approval of equipment purchases or new practices/programs to evaluate risk exposure that may be created for the City.
Goals & Objectives	
1-3-1	Trending of accident claims/reports by type is maintained and used to define action plans to address actual and potential claim types.
1-3-2	Each risk management goal has a corresponding action plan, the components of which may be measured.
1-3-3	Participation in NCCSIF Risk Management programs demonstrated by: 1. Active participation in loss prevention/risk control surveys and discussions by NCCSIF staff on strategies to prevent loss, 2. Written response within 45 days upon request providing status of "best practice" recommendations, 3. Development of action plan/strategy to address the five most significant risk exposures as defined by audits and data analysis.
1-3-4	Performance measures for all employee levels are established to ensure risk management goals and objectives are addressed.
1-3-5	Annual goals and objectives are developed and distributed to all employees.
1-3-6	Costs are allocated to each department for general liability.
1-3-7	Costs are allocated to each department for workers' compensation.



Claim Reporting and Follow-Up	
Successful claim resolution is ensured by good communications among claimant, City, and adjuster with immediate reporting of claims.	
	An effective system is in place to immediately report and investigate claims.
	The City has a claims liaison who is assigned to work with adjusters to investigate and resolve claims.
	Designees from each City are identified and trained to provide claimants with information and address their needs without inappropriately increasing the liability of the City.
	All claims filed against the City that may be covered by NCCSIF are reported promptly (within 48 hours).
	City staff is trained to recognize and reports incidents that may result in claims against the City.
	All claims covered by NCCSIF but paid by the City should be reported to NCCSIF to maintain the accuracy of loss data and provide trending information. Only claims for property damage that settle for no greater than \$7,500 within 30 days of notice may be paid directly without first reporting to NCCSIF.
	An effective Return-To-Work Program is in place to aid in employee recovery and reduce claim costs.
Injury & Illness Prevention Program (IIPP)	
The City actively maintains an Injury & Illness Prevention Program (IIPP) as required by OSHA.	
	IIPP is available for review and shows proof of periodic review/revision.
	IIPP identifies person of authority who is responsible for IIPP administration.
	Accountability standards and methods of enforcement are included.
	System for communicating hazards to employees and receiving employee feedback on safety concerns is in place.
	Procedure for identifying workplace hazards is in place, including regular inspections and observations of work practices.
	A formal accident investigation procedure is in place with mandatory review by senior management to ensure corrective action is based on management action to prevent a reoccurrence rather than placing blame on employee.
	System of follow-up of identified unsafe conditions or physical hazards in place, with records of mitigation maintained for three years.
	Required and/or appropriate training is documented and maintained for two years or as required by law.



RISK MANAGEMENT POLICY AND PROCEDURE #RM-11

SUBJECT: ~~RISK MANAGEMENT COMMITTEE~~ REVIEW OF MEMBER RISKS AND COMPLIANCE WITH RECOMMENDATIONS ASSESSMENTS

Policy Statement:

It shall be the policy of the Northern California Cities Self Insurance Fund (NCCSIF) Risk Management Committee to review and take action if necessary on Risk Assessments conducted by NCCSIF Consultants.

Procedure:

1. At the conclusion of a Risk Control Assessment or inspection of a Member City, "Member" conducted by NCCSIF'S Risk Control Consultant "Consultant", the Consultant will provide the Member with a written assessment of their findings and recommendations within 30 days of the physical inspection.
2. Consultant will follow-up with the Member to obtain the status of the recommendations to the recommendations within 60 days of the original inspection or assessment.
3. Consultant will provide a copy of the original assessment, recommendations and Member's response to those recommendations to the Risk Management Committee 90 days after the initial physical inspection.
4. The Risk Management Committee will review and discuss these reports and take action if necessary.
- 4.5. If necessary, the Risk Management Committee and/or the Member will refer any noncompliance or unacceptable risk exposure to the Board of Directors for further action or appeal, per the process below.

SUBJECT: ~~COMPLIANCE WITH RISK MANAGEMENT STANDARDS~~

Policy Statement:

~~It shall be the policy of the Northern California Cities Self Insurance Fund (NCCSIF) that all Member Participants comply with NCCSIF's risk management standards.~~

As determined by the Board of Directors, ~~upon discovery of noncompliance~~, the following steps will be taken:

~~1.~~ The Member Participant will be given 90 days to comply with the Board's risk management ~~standard.~~ recommendation.

~~2.~~1. If the Member Participant is not in compliance after 90 days, one of the following may occur:

- The Member Participant may be given an extension of time to comply;
- The Member Participant's self-insured retention may be increased;
- The Member Participants coverage through the JPA may be limited through exclusions of coverage;
- A financial penalty may be levied against the Member Participant; and
- The Member Participant may be expelled from the JPA.

~~3.~~ ~~The Member Participant has the right to appeal to the Board of Directors.~~

Effective Date: June 23, 2011

Revised: TBD

RESOLUTION NO. _____

A RESOLUTION OF THE _____ COUNCIL OF THE _____ OF
_____ ADOPTING A RISK MANAGEMENT PROGRAM

WHEREAS, the _____ of _____ is a member of the Northern California Cities Self Insured Fund (NCCSIF), and

WHEREAS, it is recommended that a risk management policy and framework be established in a public agency to accomplish certain goals, and

WHEREAS, it is the intent of the _____ of _____ to provide a safe environment for its residents, visitors, and employees in which to live and work,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the _____ of _____ does hereby adopt a risk management program to preserve its human, physical, and financial resources from the risk of accidental loss. The major goals of this risk management program are:

- To eliminate or reduce the risk of loss;
- To apply responsive claims management techniques to losses that do occur; and
- To protect the City budget from catastrophic losses, or an annual accumulation of losses, that would cause financial hardship.

Overall responsibility for the risk management program shall lie with the City Manager. Risk management shall be the responsibility of each employee, with each department head responsible for activities and results of their operations.

Risk Management Program Policies

- The risk management program is a systematic process to identify, measure and control loss exposures. A citywide hazard identification system will be implemented by the *Risk Management Coordinator* to identify hazardous conditions and respond accordingly. All employees shall be encouraged to notify their supervisor, department head, or the *City Risk Management Coordinator* of any condition that may expose someone to injury or damage.
- The risk management program is a responsive claims administration system. The *Risk Management Coordinator* will notify the appropriate claims examiner in a timely manner of all claims or incidents that could become claims. Department heads and supervisors will review all accident reports, incident reports, and claims affecting their operations, and provide requested information or follow up to the *Risk Management Coordinator* and claims examiner.
- The risk management program is the transfer of the city's risk of loss to others whenever possible and practical. The *Risk Management Coordinator* will develop a

risk transfer process that assures the use of hold harmless and indemnity clauses in all city agreements, contracts, leases, permits, purchase orders and rental agreements, and the use of insurance clauses that provide adequate protection to the City, within the judgment of the City Manager.

Accident Review Process

An accident review process shall be implemented by the *Risk Management Coordinator* to review all accidents, incidents and claims to determine their cause, preventability, methods to prevent future occurrences, and claims defense strategy. The review process should be conducted periodically, as needed.

Safety Review Process

A safety review process shall be implemented by the *Risk Management Coordinator* to discuss safety issues and get feedback from City employees on how to make City operations safer. The safety review process shall take into account standard industrial safety practices and safety orders issued by the state agencies. The review process should be conducted periodically, but no less than quarterly.

Insurance

The City will establish self-insurance retention limits consistent with its financial resources. The City will maintain reserves on all self-insured losses to recognize the expected future cost, and appropriate funds to cover all self-insured liabilities.

Insurance for risks and catastrophic loss potential shall be purchased whenever it is economically feasible, within the judgment of the City Manager.

The *Risk Management Coordinator* shall be the City’s liaison with NCCSIF and its claim administration program.

PASSED AND ADOPTED at an adjourned meeting of the City Council of the _____ of _____ on _____ by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Mayor
_____ OF _____

ATTEST: _____

CITY CLERK

City of Belvedere
Administrative Policy
Policy 01-_____
Risk Management

Risk Management Mission Statement

The Belvedere local government has a moral and legal duty to its citizens, employees, and assets. It will meet its duty by ensuring that risk management plays an integral part in sound governance at both a strategic and operational level.

Risk Management Goals

- To eliminate or reduce the risk of loss.
- To transfer the City's risk of loss to others whenever possible and practical.
- To apply responsive claims management techniques to losses that do occur.
- To protect the City budget from catastrophic losses, or an annual accumulation of losses, that would cause financial hardship.

Responsibilities

- City Council: The City Council shall support the risk management effort through setting policy in accordance with its Resolution No. 2005-23.
- City Manager: The City Manager shall have overall responsibility for the risk management program and for assigning responsibilities to the City staff. He shall be responsible for the City's disaster preparedness program. He shall serve as the City's alternate member on the boards of insurance JPAs to which the City belongs and/or as alternate liaison to the City's insurance brokers, carriers, and claims administrators.
- Risk Manager: The Risk Manager shall have responsibility for the day-to-day administration of the City's risk coverage, claims processing, and safety training program (non-sworn personnel). The Risk Manager shall serve as: board member of insurance JPA's to which the City belongs; liaison to the City's insurance brokers, carriers, and claims administrators; and chairman of the combined Personnel Safety Committee and Risk Management Committee. The Risk Manager shall serve as an advisor to the City Manager and City Council on risk-related matters.
- Police Chief: The Police Chief shall have responsibility for the day-to-day administration of the Police Department's risk management program and safety training program for sworn personnel and non-sworn employees of the police department. The Chief of Police shall serve on the combined Personnel Safety Committee and Risk Management Committee.
- Supervisors and Department Heads: The following staff members shall also serve on the combined Personnel Safety Committee and Risk Management Committee: City Engineer/Assistant City Manager/Public Works Director; Building Official; Public Works Superintendent.

Organization of Personnel Safety & Risk Management Committee

- The Committee is responsible for keeping the City's Illness and Injury Prevention Program (IIPP) up-to-date and for making policy recommendations regarding the safety and health of City employees; decisions are made by majority vote of those present with

each member having one vote. The Committee's organization and duties, as far as personnel matters are concerned, are prescribed in the City's IIPP.

- In all other areas of risk management, the Committee shall serve as a non-voting, advisory body to the Risk Manager.
- The Committee shall review all incident reports and liability claims.
- Meetings shall be held at least quarterly, and minutes prepared of the proceedings.

Accident Investigation & Claims Processing

- Work-related injuries and illnesses shall be investigated as prescribed in the City's IIPP.
- Vehicle collisions, citizen injuries, property and equipment damage or theft/vandalism shall be investigated by the Police Department with the full cooperation and assistance of other departments, as needed.
- The Risk Manager shall review all draft incident reports and claims, sign off on them, and submit them to the appropriate claims investigator within 24 hours. Department heads and supervisors shall review all accident reports, incident reports, and claims affecting their departments and provide timely information to the Risk Manager for forwarding to the appropriate claims investigator. The Risk Manager shall keep the City Manager apprised of all incidents and claims.
- The Risk Manager shall be responsible for all paperwork & documentation of claims and OSHA reporting.

Hazard Identification Program

- Hazards in the workplace are covered by the City's IIPP.
- All City employees who work in the field are responsible for identifying and reporting hazards to the head of the department that is responsible for correcting them. The City's compact size and limited number of employees creates a unique situation in which hazards can immediately be reported directly to the responsible department head and corrected in a time-frame appropriate to their severity.
- The Risk Manager shall work with the City Engineer/Public Works Director and Public Works Superintendent to formally document established and proven safety programs of the City, such as the tree and brush trimming program and the sidewalk repair program

Insurance Coverage, Litigation, and Settlement Authority

- General Liability. The City shall maintain a self-insured retention limit, with primary and excess coverage being purchased in appropriate amounts consistent with the City's financial resources. The City shall maintain a reserve account as a restricted fund to cover the self-insured liability. A separate reserve account shall be maintained for legal fees and settlements associated specifically with claims for sewer backups that damage private property.
- Property. The City shall maintain insurance sufficient to cover the replacement cost of its real and personal property, with appropriate deductibles.
- Employee Crime/Errors and Omissions. The City shall maintain coverage for employee crime/errors and omissions with appropriate deductibles.
- Workers' Compensation. The City shall maintain an appropriate insured retention plan for workers' compensation. The City shall maintain a self-insured retention limit, with primary and excess coverage being purchased in appropriate amounts consistent with the City's financial resources. The City shall maintain an appropriate reserve to cover the self-insured liability.

- Funding sources. All insurance premiums shall be paid out of the General Fund as a regular line item under Operations in the General Administration budget of the City.
- Claims administration. The City shall use outside professional claims management for all of its insurance claims.
- Settlement authority. By Resolution No. 90-33, the City Council gave authority to the City Manager to settle all general liability claims under \$2,500, providing the City Manager first obtains the concurrence of the Mayor, or in the Mayor's absence, the concurrence of the Vice-Mayor. The Belvedere City Council has ultimate authority for resolving any general liability claim above \$2,500. **[AMOUNTS TO BE UPDATED]**
- Comparison of providers. By November 15 of every third year, beginning with 2005, the Risk Manager shall prepare a comparison of providers for the City's insurance needs with a recommendation to the City Manager for any changes.

Contractual Liability

- The City Engineer/Assistant City Manager shall be responsible for determining indemnity requirements for contractors and for monitoring certificates of insurance and endorsements for all City public works projects.
- The Director of the Belvedere-Tiburon Joint Recreation Department shall be responsible for determining indemnity requirements for users of the Community Center and Community Park and for monitoring certificates of insurance and endorsements from facility users.
- The Deputy City Attorney, in consultation with the Risk Manager and the program administrator of the City's liability insurance provider, shall be responsible for determining indemnity requirements for City contractors, facility users, and providers not described above. The Risk Manager shall be responsible for monitoring certificates of insurance and endorsements required from such entities.

Employment Issues

The following issues shall be addressed as prescribed in the City's Personnel Rules and Regulations and/or the IIPP: Pre-placement screening; first aid certification; background checks (motor vehicle and criminal); employee indemnification; employee activities; employee benefit coordination and plan document responsibilities.

Risk Management Policy Review

The City Manager shall cause this policy to be reviewed every three years and a report to be prepared covering the effectiveness of the policy and any recommendations for amendment.



POLICY AND PROCEDURE REVIEWS

RM-5 Unlawful Harassment Policy - Employment Liability

ACTION ITEM

ISSUE: The Committee is asked to review and revise NCCSIF's recommended Unlawful Harassment Policy. New regulations regarding the Fair Employment and Housing Act (FEHA), effective April 1, 2016, include important additions to the Policy that are described in the attached summary.

The NCCSIF Policy includes a table describing key policy and procedure elements and whether they are mandatory or advisory. A Sample Harassment Policy, Complaint Form, and Departmental Action form are also provided as examples.

Given the changes to the Policy, and the need to review and revise it and other personnel policies on a regular basis, the Program Administrators suggest replacing the Policy with a set of Employment Liability Best Practices that are more flexible and form the criteria for assessing member risk controls. The attached draft Policy and Best Practices are taken from the criteria currently being used for risk management assessments and from another pool's best practices. The draft Policy uses the same framework recently adopted for other policies, including ADA Compliance and Urban Forest Management.

Prior to recommending for Board approval, the Program Administrators recommend having an employment practices attorney review and suggest revisions or additions to the Best Practices.

RECOMMENDATION: Review and provide direction regarding the draft Policy.

FISCAL IMPACT: Attorney review TBD but within current risk management budget.

BACKGROUND: NCCSIF regularly reviews the existing policies to keep up to date with current changes to laws and regulations and/or emerging of risk exposures to pool members. The current goal is to update the policies as needed and work toward condensing and customizing the assessment criteria currently in use. The goal is to achieve a unified set of policies and best practices that will provide a framework for member and NCCSIF risk management programs.

ATTACHMENT(S):

1. FEHA Amendments Effective 4/1/16
2. Current RM-5: Unlawful Harassment Policy
3. Draft RM-5: Employment Liability



California Amends FEHA Employment Regulations

New regulations regarding the Fair Employment and Housing Act (FEHA) go into effect on April 1, 2016. Some important additions include the following:

Written Policy Requirements

California employers with five or more employees have an affirmative duty to take “reasonable” steps to prevent and correct discrimination and harassment. Under the new regulations, employers must create detailed written policies for preventing harassment, discrimination, and retaliation. The policies must:

- List all protected groups under the FEHA;
- Allow employees to report to someone other than a direct supervisor;
- Instruct supervisors to report all complaints;
- State that all complaints will be followed by a fair, complete and timely investigation;
- State that the employer will maintain confidentiality to the extent possible;
- State that remedial action will be taken if any misconduct is found;
- State that employees will not be retaliated against for complaining or participating in an investigation; and
- State that supervisors, co-workers, and third-parties are prohibited from engaging in unlawful behavior under the FEHA.

Under the new regulations, an employer must distribute its prevention policies to all current and future employees. If 10 percent or more of the workers in a given location speak a language other than English, an employer must also translate its policies into those alternative languages. (§ 11023.)

The new regulations also clarify that:

- the DFEH may independently seek preventative remedies for violations of Government Code section 112940(k); and
- a determination of compliance with Government Code section 12940(k) requires an individualized assessment, considering factors such as workforce size, budget, nature of business, and individual facts of the case.

Definitions Regarding Sex and Gender

- “Gender expression” means a person’s gender-related appearance or behavior, whether or not stereotypically associated with the person’s sex at birth. (§ 11030(a).)
- “Gender identity” means a person’s identification as male, female, a gender different from the person’s sex at birth, or transgender. (*Id.* at (b).)
- “Sex” includes, but is not limited to, pregnancy, childbirth, breastfeeding, and any related medical conditions, and gender identity and expression. (*Id.* at (c).)
- “Sex Stereotype” means an assumption about a person’s appearance or behavior, or about an individual’s ability or inability to perform certain kinds of work based on a myth,

social expectation, or generalization about the individual’s sex. (*Id.* at (d).)

- “Transgender” refers to a person whose gender identity differs from the person’s sex at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth. A transgender person may or may not identify as “transsexual.” (*Id.* at (e).)

Sex Discrimination

- Discrimination on the basis of sex protects all individuals from sex discrimination—not just females. (§ 11029.)
- Gender identity, gender expression, and transgender status are expressly protected. (*Id.*; § 11035.)

Reasonable Accommodations

- The interactive process requires an individualized assessment of (1) the job requirements and (2) the specific limitations of the individual that are directly related to the need for accommodation (§ 11064(b).)
- It is unlawful to discriminate or retaliate against a person for requesting reasonable accommodation based on mental or physical disability. (§ 11068(k).)

Human Trafficking

An applicant or employee who is a victim of human trafficking may have a separate cause of action under FEHA if he or she alleges discrimination on a protected ground. (§ 11009(d).)

Unpaid Interns and Volunteers

It is an unlawful employment practice for an employer or covered entity to:

- Discriminate against a person serving in an unpaid internship or other program providing unpaid work experience in the selection, termination, training, or other terms and treatment of that person on any protected basis (§ 11009)(e).); or
- Subject unpaid interns and volunteers to unlawful harassment. (§ 11019(b).)

The new regulations also define key terms with respect to interns and volunteers:

- “Unpaid interns and volunteers” include any individual that works without pay for an employer or covered entity in an internship or other program providing unpaid work experience, or as a volunteer. (§ 11008(k).)
- Unpaid interns and volunteers may or may not be “employees.” For harassment claims, interns and volunteers are considered “employees.” (§ 11019(b).)
- An “employment benefit” now includes the selection, training, or freedom from termination from an unpaid internship or other programs providing unpaid work experience (§ 11008(g).)

Pregnancy

- It is an unlawful employment practice to harass an employee or applicant because of pregnancy or perceived pregnancy, childbirth, breastfeeding, or any related medical condition (§ 11036.)
- An employee is eligible for up to four months of leave *per pregnancy*. That leave need not be taken in one continuous period. (§ 11042.)
- An employer must provide advance notice of employee rights and obligations regarding pregnancy, childbirth, and related medical conditions. The notice must be in easily readable text and posted in a conspicuous place where employees are employed. A new notice is posted on DFEH website [here](#). The notice must “explain” the FEHA’s provisions and provide the contact information for filing a complaint with the DFEH or learning more about employee rights and obligations. (§ 11049(d).)
- An employer notice should state that employees are required to give advance notice of the need for leave whenever possible, and notify employees of potential entitlement to CFRA leave. (§11051.)

Religious Discrimination

Under the new regulations, unpaid interns and volunteers are protected from religious discrimination:

- The prohibition on religious discrimination and the duty to provide reasonable accommodations for an individual’s religion applies to individuals serving in apprenticeship programs, unpaid internships, and any other program to provide “unpaid experience” for a person in the workplace or industry, as well as to employees, applicants and other covered individuals. (§ 11059(d).)

The new regulations also clarify the duty to accommodate an individual’s religion:

- It is unlawful discrimination to fail to hire or terminate an employee in order to avoid accommodating a religion. (§ 11062.)
- It is unlawful to discriminate or retaliate against a person for requesting reasonable accommodation based on religion. (§ 11062(d).)
- An accommodation is not reasonable if it requires segregation of an employee from customers or the public, unless expressly requested by the employee. (§ 11062(a).)

Support Animals

- An “assistive animal” means an animal that is necessary as a reasonable accommodation. Training to provide assistance for a person’s disability is not required. (§ 11065(a).)
- Assistive animals include “support dogs” and “support animals” that provide emotional, cognitive, or other similar support to a person with a disability, including but not limited to, traumatic brain injuries or mental disabilities, such as major depression. (§ 11065(a).)

- A request for an assistive animal as a reasonable accommodation requires an individualized analysis reached through the interactive process. (§ 11065(a).)

National-Origin Discrimination

The regulations prohibit discrimination against an applicant or employee because he or she holds or provides a driver’s license issued under section 12801.9 of the California Vehicle Code, which issues licenses to non-citizens.

An employer or covered entity may require that an applicant or employee hold or present a license issued under the Vehicle Code only if:

- Possession of a driver’s license is required by state or federal law; or
- Possession of a driver’s license is required by the employer or covered entity and it is otherwise permitted by law.

An employer or covered entity policy that requires employees or applicants to hold or present a driver’s license may be evidence of unlawful discrimination if that policy is (a) not uniformly applied, or (b) inconsistent with a legitimate business reason (i.e., possessing a driver’s license is not required to perform an essential function of the job).

However, the regulations do not alter an employer or covered entity’s rights or obligations under federal immigration law. (§ 11028)(e).)

Anti-Bullying Training

The new regulations also add training requirements for California employers with fifty or more employees. Training must discuss:

- The steps necessary to remedy harassing behavior, including investigation of complaints;
- Supervisors’ obligation to report harassment, discrimination and retaliation of which they become aware;
- Negative effects of “abusive conduct” on victim and employer by reducing productivity and morale;
- Elements of “abusive conduct.” (§ 11024.)

The regulations also include new documentation and record-keeping requirements, including maintaining sign-in sheets, certificates of attendance or completion, and a copy of training materials. (§ 11024.)

To read the regulations with tracked changes, click [here](#).



RISK MANAGEMENT POLICY AND PROCEDURE #RM-5

SUBJECT: UNLAWFUL HARASSMENT POLICY

Policy Statement:

It shall be the policy of the Northern California Cities Self Insurance Fund to require that all Members have in place an Unlawful Harassment Policy which includes the mandatory key elements shown below.

KEY POLICY AND PROCEDURE ELEMENTS	RECOMMENDED MANDATORY OR ADVISORY
No (or zero) tolerance	Mandatory
Covers harassment not only of employees, but also members of the public, vendors and suppliers	Mandatory
Violation of federal, state or local law (since there are differences in federal, state and local laws)	Mandatory
Including, but not limited to: race, religion, religious creed, color, sex, gender, sexual orientation, national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition (cancer and genetic characteristics), disability (mental and physical) including HIV and AIDS, denial of Family and Medical Care leave, and any other federal, state or locally protected category	Members should review with City Attorneys regularly
Includes slurs and other offensive remarks, jokes, e-mails, other verbal, graphic or physical conduct	Mandatory
Includes: Unwanted sexual advances; Employment benefit offer in exchange for sexual favors; Employment detriment threatened for failure to engage in sexual activity; Visually offensive conduct, such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoon or posters; Verbal sexual advances, propositions or requests; Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations; and Physical conduct, such as touching, assault, impeding or blocking movements	Members should review with City Attorneys regularly
Advises that violation will subject employee to disciplinary action, up to and including termination	Mandatory
Instruct employee they may be held personally liable	Mandatory
Advises employees that if they are being harassed they should immediately notify their supervisor, the Human Resources department, another supervisor or the City Manager	Mandatory
Harassment of employees in connection with their work by non-employees may also be a violation of this policy and any employee who experiences harassment by a non-employee or observes harassment of an employee by a non-employee should report the incident so that appropriate action can be taken.	Mandatory

KEY POLICY AND PROCEDURE ELEMENTS	RECOMMENDED MANDATORY OR ADVISORY
Harassment of the public or employees of vendors or suppliers by employees is strictly prohibited and will subject an employee to disciplinary action, up to and including immediate discharge	Mandatory
All complaints will be investigated as promptly as possible and corrective action taken as warranted. The complaint will be kept as confidential on a “need to know” basis.	Mandatory
The City prohibits employees from hindering an internal investigation or internal complaint procedure.	Mandatory
There is no retaliation against an employee for reporting a harassment complaint. There will be no retaliation by the City, its managers and/or co-workers.	Mandatory
Notification of the problem is essential to resolution; therefore, it is the employee’s responsibility to bring these kinds of problems to the City’s attention so that steps can be taken to correct the problem.	Mandatory
Dissemination will be to all employees, supervisors and managers to implement and follow the procedure. All employees should sign and acknowledge that they have received a copy of the policy upon employment, periodically for review and any time the policy is amended.	Mandatory at the onset of employment and on a yearly basis thereafter
Include complaint form	Mandatory

Effective Date: April 14, 1995

First Revision: January 14, 2005

Second Revision: April 15, 2010

SAMPLE HARASSMENT POLICY

We do not tolerate harassment of any of our employees, members of the public, applicants, vendors or suppliers. Any form of harassment which violates federal, state or local law, including, but not limited to harassment related to an individual's race, religion, religious creed, color, sex, gender, sexual orientation, national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, denial of Family and Medical Care leave, medical condition (cancer or genetic characteristics), disability (mental and physical), including HIV and AIDS, is a violation of this policy and will be treated as a disciplinary matter. For these purposes, the term "harassment" includes slurs and any other offensive remarks, jokes, other verbal, graphic or physical conduct.

In addition to the above listed conduct, "sexual harassment" can also include the following examples of unacceptable behavior:

- unwanted sexual advances
- offering an employment benefit (such as a raise or promotion or assistance with one's career) in exchange for sexual favors, or threatening an employment detriment (such as termination, demotion, or disciplinary action) for an employee's failure to engage in sexual activity
- visual conduct, such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters
- verbal sexual advances, propositions or requests
- verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
- physical conduct, such as touching, assault, impeding or blocking movements

If you have any questions about what constitutes harassing behavior, ask your supervisor or another management official.

Violation of this policy will subject an employee to disciplinary action, up to and including immediate discharge. You can be **personally liable** in a civil action for unlawful harassment of a coworker, supervisor or any third party you come into contact with while performing your job duties.

If you feel that you are being harassed by another employee, supervisor or third party, you should immediately notify your supervisor. **If you do not feel that the matter can be discussed with your supervisor, you should contact another supervisor or the Human Resources Department to report your complaint.** You will not be retaliated against for reporting a harassment complaint.

All complaints of harassment that are reported to management will be investigated as promptly as possible and corrective action will be taken where warranted. The City prohibits employees from hindering our own internal investigations and our internal complaint procedure. All complaints of harassment that are reported to management will be treated as confidential (on a “need-to-know” basis) consistent with the need to conduct an adequate investigation.

If after an impartial investigation it is determined that harassment occurred, the employee will be subject to appropriate disciplinary procedures up to and including termination.

Harassment of employees in connection with their work by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to his or her supervisor, another supervisor or to Human Resources. Appropriate action will be taken against violation of this policy by any non-employee.

Harassment of members of the public or employees of vendors, or suppliers by our employees is also strictly prohibited. Such harassment includes sexual advances, verbal or physical conduct of a sexual nature, sexual comments and gender-based insults. Any such harassment will subject an employee to disciplinary action, up to and including immediate discharge.

Your notification of the problem is essential to us. We cannot help resolve a harassment problem unless we know about it. Therefore, it is your responsibility to bring actual and potential complaints of unlawful harassment to our attention so that we can take appropriate steps to correct the problem.

If management finds that an employee has violated our City policy, appropriate disciplinary action will be taken, up to and including termination.

The City does not consider a violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including Management employees.

I have received a copy of this policy, acknowledge that I have read and understand the policy and agree to abide by all its terms and conditions.

Employee Name

Date

Employee Signature



RISK MANAGEMENT POLICY AND PROCEDURE #RM-5

SUBJECT: EMPLOYMENT LIABILITY BEST PRACTICES

1.0 Policy

It is the policy of the Northern California Cities Self Insurance Fund (NCCSIF) to prudently manage its programs to minimize the frequency and severity of losses incurred by its members. We will achieve this by recommending members implement a risk management program that utilizes the operational best practices as provided herein.

2.0 Scope

This Policy applies to all members of the Liability Program.

3.0 Objective

Provide a process to effectively identify, analyze, and manage risks related to employment practices.

4.0 Criteria

The following Best Practices are used to assess member achievement in addressing the risks associated with employment practices.

Approved By Board of Directors - TBD

DRAFT

Employment Liability Best Practices

The program measures below are not a comprehensive list of all the important practices which should be in place for well-managed and safe employment practices. However these measures are good to use in the self-evaluation process. They will assist in ensuring that a City's employment practices include the most highly recommended management controls.

	The City has a comprehensive, written personnel policy manual that has been updated as needed and reviewed at least every two years by a municipal employment practices legal expert.
	The City has recruitment procedures that comply with applicable State and Federal laws regulating employment discrimination. The City completes a background/reference check on applicants prior to hire.
	The City ensures that all new employees are educated (oriented) on all applicable and relevant personnel policies, procedures, rules, regulations as part of the orientation process. This process shall include a written sign-off by the new hire to document receipt of the important information.



	All employees have access to the latest personnel policy manual and are notified of changes. Important changes such as a new leave policy require written sign-off
	The City has a current anti-harassment and discrimination policy in place and trains supervisors and managers on the policy in compliance with AB 1825. Workplace safety training, including violence prevention, is completed as required by state and federal laws and regulations (e.g. OSHA).
	The City has an internal grievance procedure in order to resolve employment related disputes at the lowest level possible.
	The City has a comprehensive discipline policy and procedure that is timely, reasonable, consistent, well-supported, and provides for procedural due process.
	The City periodically evaluates compliance with FLSA to ensure that jobs are correctly classified as exempt or non-exempt and to ensure that payroll processing is accurate relative to the regular rate of pay and overtime compliance.
	The City has current policies, procedures and/or forms in place relative to the many types of leaves available to employees: industrial leave, ADA/FEHA accommodation leave, CA family sick leave, CA pregnancy disability leave, FMLA/CFRA leave, family temporary disability leave, military leave, leave to appear at child's school, leave for victim of domestic violence, leave for jury duty and court appearances, and time off to vote.
	The City has distributed written protocols for reporting and investigating alleged workplace wrongdoing, including harassment, with several avenues for reporting to management.
	The City complies with all posting requirements, including those mandated by the Department of Industrial Relations and Department of Labor.
	The City has written job descriptions for all jobs, with essential functions, that are updated as needed and reviewed at least every 2 years.
	Performance evaluations are conducted as part of a probationary period for new hires and regularly thereafter. Evaluations are objective, with examples of both good and poor performance and action plans to address any needs or issues.
	The City consults with an experienced employment practices attorney prior to terminating employment or modifying or implementing significant personnel policies.



POLICY AND PROCEDURE REVIEWS

RM-2 Driving Standards

ACTION ITEM

ISSUE: The Committee is asked to review and recommend updates to the current Risk Management Policy for Driving Standards. The substantive change is to add a recommended amount of insurance, above the state-required minimum, for those who drive their personal vehicles on city business. Other changes focus on clarifying and/or condensing the language, including a link to the DMV website for details on the Pull Program and points for traffic violations, rather than attaching a list of violations.

The Program Administrators have chosen to revise this policy rather than incorporate it into the Best Practices since it reinforces the coverage exclusion for any person with five or more points on their record, includes recommended minimums for private vehicle insurance, warns members that they could face a penalty if a city driver does not carry insurance, and includes an annual notice to members regarding the policy.

RECOMMENDATION: Review and recommend to the Board for approval or provide direction.

FISCAL IMPACT: None.

BACKGROUND: NCCSIF regularly reviews the existing policies to keep up to date with current changes to laws and regulations and/or emerging of risk exposures to pool members. The current goal is to update the policies as needed and work toward condensing and customizing the assessment criteria currently in use. The goal is to achieve a unified set of policies and best practices that will provide a framework for member and NCCSIF risk management programs.

ATTACHMENT(S): RM-2 Driving Standards, with tracked changes



RISK MANAGEMENT POLICY & PROCEDURE #RM-2

SUBJECT: DRIVING STANDARDS

Issue:

This policy and procedure addresses necessary measures aimed at reducing losses related to vehicle operation.

Discussion:

Employees and volunteers whose duties necessitate driving vehicles in the course of their assignments and duties need to maintain certain acceptable standards in order to reduce the City's exposure to loss. The privilege of driving is granted through the issuance of a license by the Department of Motor Vehicles. Certain proficiency and physical requirements must also be proven prior to the granting of such license. Failure to meet these requirements results in revocation or non-issuance of such a state license.

Because of bad driving experience, a financial burden may be placed on the City due to increased insurance costs and exposure to liability. Therefore, in order to control the risk of losses and the accompanying expense of paying for losses, it is necessary to ensure that employees maintain an acceptable driving record.

Policy:

It is the policy of NCCSIF to require each Member City to institute and enforce the driving standards as set forth in this policy and procedure. Member Cities failing to institute and enforce the standards may be subject to disciplinary actions up to and including the provisions of Article XIII, Expulsion, of the Joint Powers Authority Agreement.

Member Requirements and Standards:

1. All NCCSIF members shall enroll in the Department of Motor Vehicles' Employee Pull Notice Program, as described on the DMV website.~~in the information attached to this policy and procedure.~~
2. All employees who are required to drive in the course of their employment any vehicle identified in Vehicle Code Section 1808.1(k) shall be placed in DMV's pull notice program upon hire, ~~unless the employee is a "casual driver" as defined in Vehicle Code Section 1808.1(j). It is further required that the NCCSIF Member request~~ all existing and prospective employees who do now or will drive "frequently" on the Member's behalf during employment must sign a written waiver allowing such existing or prospective

~~employees them to be enrolled in the pull-notice program, and if such waiver is obtained, to enroll the employees in the pull-notice program.~~

3. On an annual basis employees shall be informed of the policy guidelines and standards, as described in the attached sample letter.
4. Job descriptions, or other formally adopted policies of the City, should state that employees must continue to meet established driving standards as a condition of employment for that position. Decisions regarding employment or assignment of non-qualifying employees are the purview of the Member City.
5. Driving standards shall be enforced consistently and fairly among all employees working in classifications where driving is required.
6. ~~It is suggested that~~ The City will require applicants for positions requiring driving on the City's behalf to provide a current DMV driving report prior to employment.

Employee Requirements and Standards:

1. Employees ~~that~~ who are required to drive vehicles in the course their employment must possess a valid driver's license to legally operate the class of vehicle(s) they operate in their employment.
2. Employees accumulating two violation points, as valued and enumerated ~~in~~ on the attached version of the Department of Motor Vehicles' Negligent Operator Count Sheet DL551 (Rev. 2/90) in one year, three points in two years, and four points in three years, shall be considered marginally acceptable and may be required to attend a defensive driving class, the duration and nature of such class to be determined by the City. Employees or volunteers will be counseled and/or disciplined, and advised of the consequences of accumulation of more than five points.
3. Employees accumulating five violation points, ~~as valued and enumerated on the Department of Motor Vehicles' Negligent Operator Count Sheet (attached),~~ within the last three years, **shall be excluded from the City's coverage under the Risk Sharing Layer** of the NCCSIF liability insurance coverage.
4. The conviction date as determined by the DMV shall be considered as the starting date for the periods discussed in #2 and #3 above.
5. The provisions of #2 and #3 above shall apply regardless of whether the driving which resulted in acquiring the violation points was or was not in the course of employment.

Volunteer and Non-Employee Requirements and Standards:

1. All volunteers and non-employees who may ~~have occasion to~~ drive a City vehicle or their own vehicle on City business shall be required to read the policy standards.

2. Volunteers and non-employees who may ~~use-drive~~ City vehicles or their own vehicle on City business must meet the established minimum driving standards ~~as those set forth for applicable to~~ employees, as noted above.
3. Driving standards shall be enforced consistently and fairly among all volunteers and non-employees who may drive a City vehicle.
4. Department of Motor Vehicle license checks shall be made at the time of enlistment and at least annually thereafter.
5. Elected Officials are subject to these requirements.

Use of Private Vehicles on City Business:

There may be times when it may be necessary and expeditious for employees and volunteers to use their own vehicles in the course of City business. In this situation reimbursement is often provided in the form of a mileage allowance. The allowance is intended to compensate the employee or volunteer for the cost of gasoline and oil, wear and tear on the auto and **for insurance costs**. Insurance coverage for autos ~~is purchased on the basis that the coverage~~ “follows the car” ~~auto~~, meaning the insurance covering the auto is primary and any coverage from NCCSIF is excess. If there is no liability insurance on the auto, in the case of an occurrence the Member City may be subject to a penalty from the JPA.

It is therefore important that the employee or volunteer ~~who is receiving an allowance~~ be expected to have appropriate automobile insurance coverage. ~~If not, the City will likely be held responsible~~. In addition, State law requires drivers to have automobile insurance. It is, therefore, prudent for the City to require proof of automobile insurance coverage prior to allowing an employee or volunteer to use a private vehicle on City business.

Requirements and Standards for Use of Private Vehicles on City Business:

1. Driving standards required of Employees shall also apply to persons using private vehicles on City business.
2. Employees shall show proof of automobile liability insurance annually in accordance with the State of California minimum requirements, and NCCSIF recommends that employees who drive for the City on a regular basis obtain higher limits:

Coverage Type	<u>Minimum</u>	<u>Recommended</u>
Bodily Injury Each Person	\$15,000	<u>\$100,000</u>
Bodily Injury Each Accident	\$30,000	<u>\$300,000</u>
Property Damage Each Accident	\$5,000	<u>\$50,000</u>

Effective Date: June 14, 1996
First Revision: October 27, 2006
Second Revision: April 24, 2009
Third Revision: **TBD**

[SAMPLE LETTER TO MEMBERS]

Member Name
Address

**NCCSIF RISK MANAGEMENT
REVISED POLICY AND PROCEDURE RM-2 – DRIVING STANDARDS
EFFECTIVE ~~APRIL 24, 2009~~ TBD**

Dear _____ :

At the most recent NCCSIF Board of Directors meeting, the mandatory Risk Management Policy and Procedure RM-2, *Driving Standards* was revised.

The policy addresses measures aimed at reducing losses related to vehicle operation. It covers two aspects of vehicle usage:

The first section is unchanged and deals with employees and volunteers whose duties necessitate driving vehicles in the course of their assignments. Members are required to institute the driving standards summarized below (please refer to the complete policy):

- Members must enroll in the DMV pull notice program and utilize this programs for all employees or volunteers who are required to drive frequently (once a month or more) in the course of their employment;
- Employees or volunteers are to be informed of the guidelines annually, usually this has been accomplished in pay envelopes;
- Employees or volunteers required to drive must possess a valid license to legally operate the class of vehicle they operate in their employment;
- Employees or volunteers accumulating two to four violation points will be considered marginally acceptable and may be required by the city to attend defensive driving class;
- Employees or volunteers accumulating five violation points within the past three years shall be excluded from the City’s coverage under the Risk Sharing Layer of the NCCSIF liability insurance coverage.

The second section deals with employee and volunteer use of private vehicles on City business and is summarized here:

- Private insurance coverage for automobiles follows the vehicle.;
- Employees who drive their vehicles for City business are covered first by **their private insurance** and excess of that amount by the City. ~~(this is because the City~~

has no responsibility for the maintenance of the employee or volunteer vehicles and should not be held responsible for its operation);

- Employees and volunteers who use their own vehicles must have insurance and must provide proof of insurance prior to allowing use of their vehicle on City business;

~~In accordance with~~ the State of California ~~minimum requirements, the following~~ minimum amounts of coverage apply to all employees. NCCSIF recommends that employees who drive for the City on a regular basis obtain higher limits, as indicated below:

<u>Coverage Type</u>	<u>Minimum</u>	<u>Recommended</u>
<u>Bodily Injury Each Person</u>	<u>\$15,000</u>	<u>\$100,000</u>
<u>Bodily Injury Each Accident</u>	<u>\$30,000</u>	<u>\$300,000</u>
<u>Property Damage Each Accident</u>	<u>\$5,000</u>	<u>\$50,000</u>



BACK TO AGENDA

Northern California Cities Self Insurance Fund
Risk Management Committee Meeting
October 27, 2016

Agenda Item F.3.d.

POLICY AND PROCEDURE REVIEWS

RM-15 Vehicle Use and Operations

ACTION ITEM

ISSUE: The Committee is asked to review and recommend a new Risk Management Policy regarding vehicle use and operations. The new policy includes recommended Best Practices for training, testing, and screening of employees and includes a recommendations for vehicle maintenance, use of vehicles, and distracted driving policies.

RECOMMENDATION: Review and recommend to the Board for approval or provide direction.

FISCAL IMPACT: None.

BACKGROUND: NCCSIF regularly reviews the existing policies to keep up to date with current changes to laws and regulations and/or emerging of risk exposures to pool members. The current goal is to update the policies as needed and work toward condensing and customizing the assessment criteria currently in use. The goal is to achieve a unified set of policies and best practices that will provide a framework for member and NCCSIF risk management programs.

ATTACHMENT(S): RM-15 Vehicle Use and Operations, Draft



RISK MANAGEMENT POLICY & PROCEDURE #RM-15

SUBJECT: VEHICLE USE AND OPERATIONS

1.0 Policy

It is the policy of the Northern California Cities Self Insurance Fund (NCCSIF) to prudently manage its programs to minimize the frequency and severity of losses incurred by its members. We will achieve this by recommending members implement a risk management program that utilizes the operational best practices provided herein.

2.0 Scope

This Policy applies to all members of NCCSIF.

3.0 Objective

Provide a process to effectively identify, analyze and manage risks related to vehicle operation.

4.0 Criteria

The following Best Practices are used to assess member achievement in addressing the risks associated with vehicle operations.



Vehicle Use and Operations	
Each City has a comprehensive fleet management program to include defensive driver training, driver screening and selection, vehicle use, non-owned vehicle use, and vehicle maintenance.	
Driver Selection and Training Measures	
	There is a written program in place that is reviewed annually and actively utilized that establishes, at a minimum, vehicle use, vehicle selection and maintenance, and driver selection criteria.
	Employees and supervisors are trained on the City's fleet safety and driving policy and procedures at hire and annually thereafter. Defensive driver training is provided to new hires within six months and as needed thereafter.
	There is evidence that employees with negative Motor Vehicle Records (MVR) activity as defined by the NCCSIF Driving Standards are provided personnel counseling, training, rehabilitation, and/or removed from driving responsibilities depending on the nature and seriousness of the activity on their MVR or observed driving behavior.
	All employees who drive any vehicle on City business are enrolled in the DMV Employer Pull Notice (EPN) program and MVRs are reviewed to prevent negligent retention. Note: Release required for drivers whose license does not require participation in the EPN program.
	There is a written drug and alcohol testing program in place for covered drivers.
Vehicle Operations Measures	
	Vehicles and records are maintained to meet standards and warranties relevant to the vehicles or equipment and to help defend negligence claims.
	The City has adopted a vehicle use policy detailing when and how City and personal vehicles may be used for City business.
	The City has adopted a cell phone or distracted driver policy and all vehicle accident investigations reflect any "distracted driver" implication as part of the root cause analysis.



**TRENDING REPORTS FOR
WORKERS' COMPENSATION AND LIABILITY CLAIMS**

INFORMATION ITEM

ITEM: Dori Zumwalt with York Risk Services will present an overview of NCCSIF claim trends over the last five years and analysis of the top loss exposures related to the Workers' Compensation and Liability Programs.

FISCAL IMPACT: None.

RECOMMENDATION: Review analysis and consider when providing input for setting risk management goals.

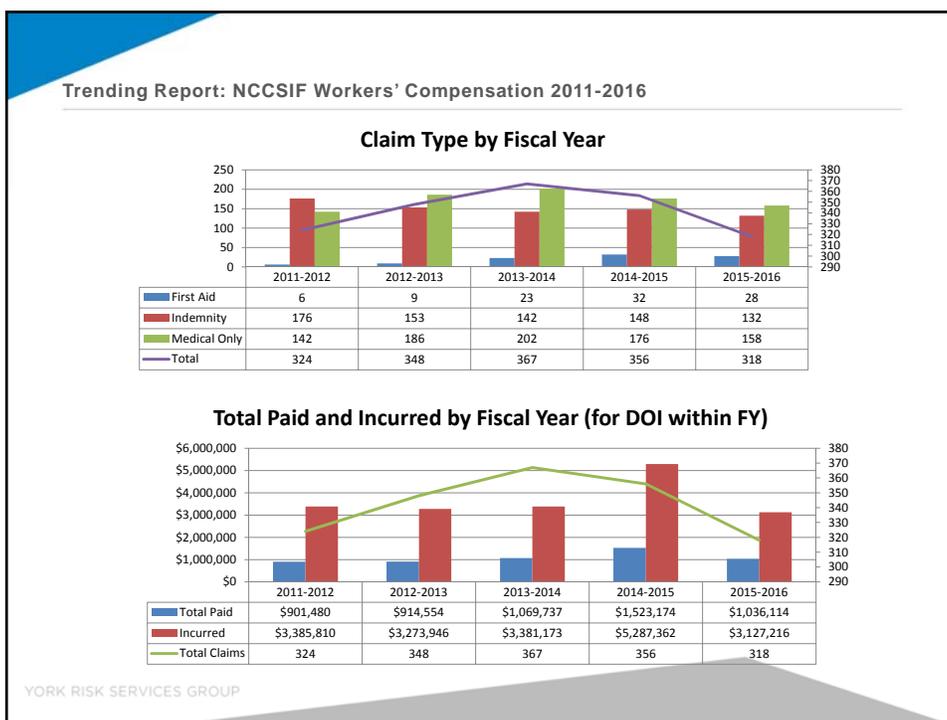
BACKGROUND: York Risk Services maintains a database of member claims experience that includes loss causes and other demographic information that can be used for risk management purposes.

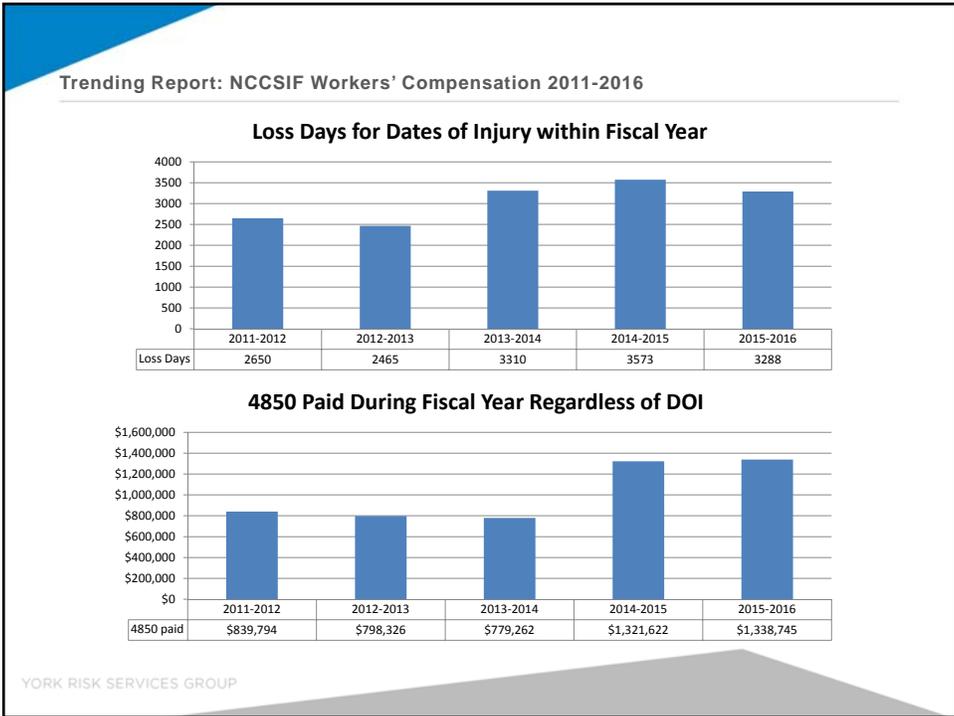
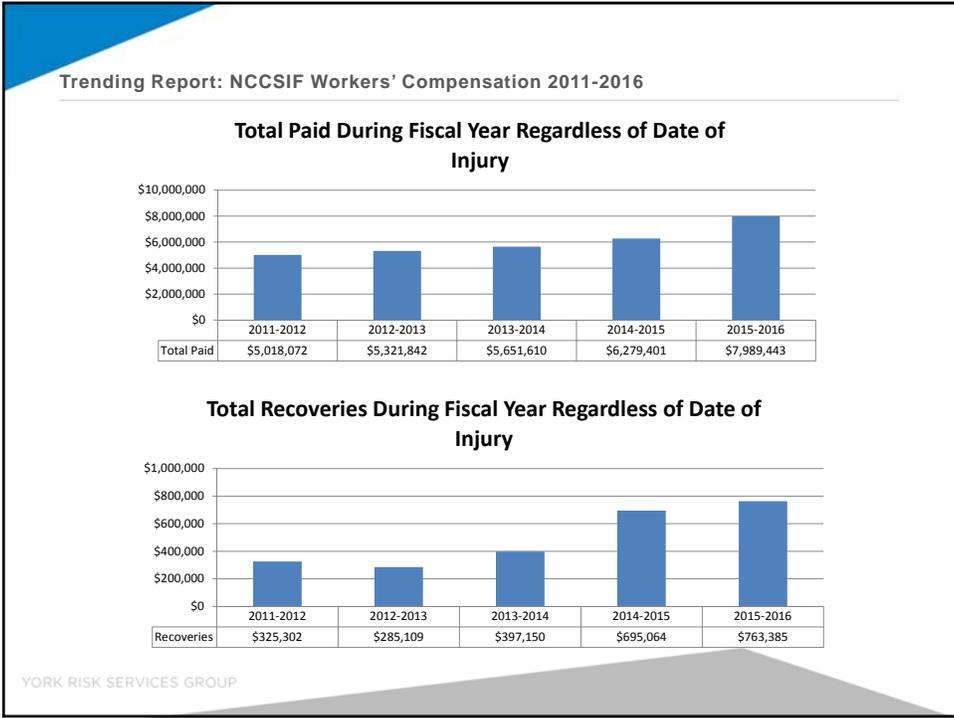
ATTACHMENT(S):

1. Workers' Compensation Claims Experience Analysis
2. Liability Loss Exposures and Claims Experience Analysis - *handout at the meeting*



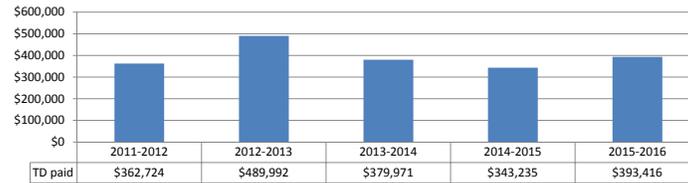
Trending Report for NCCSIF Workers' Compensation *October 2016*



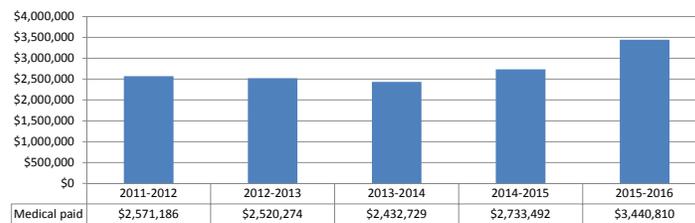


Trending Report: NCCSIF Workers' Compensation 2011-2016

Temporary Disability Paid During Fiscal Year Regardless of DOI



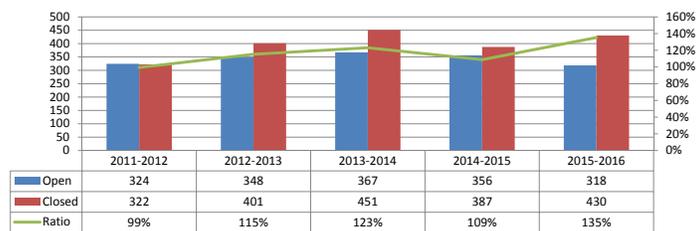
Medical Paid During Fiscal Year Regardless of DOI



YORK RISK SERVICES GROUP

Trending Report: NCCSIF Workers' Compensation 2011-2016

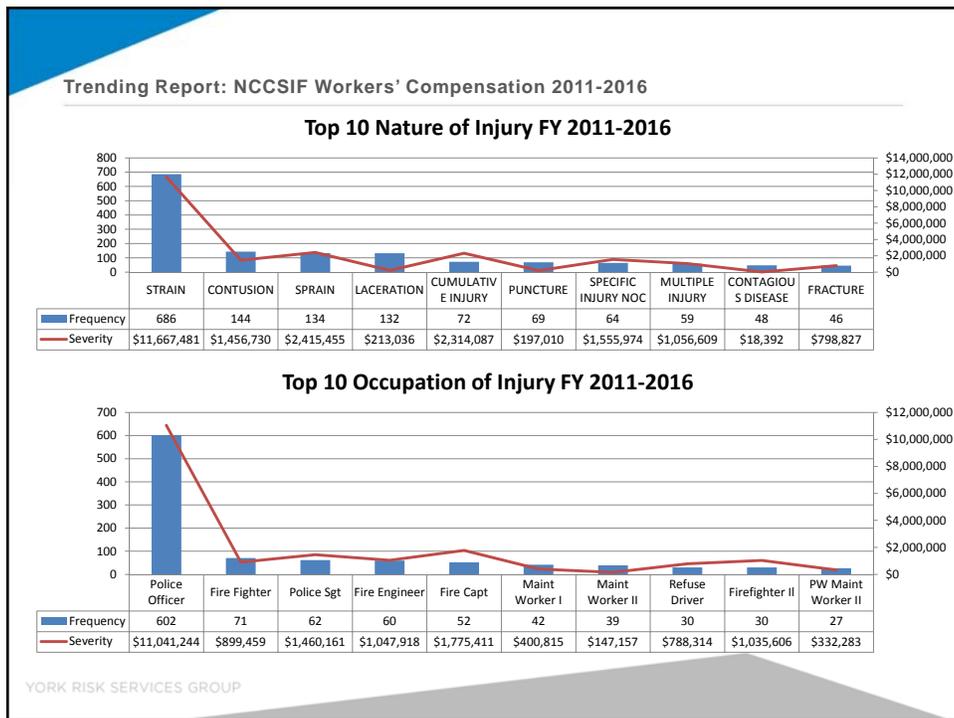
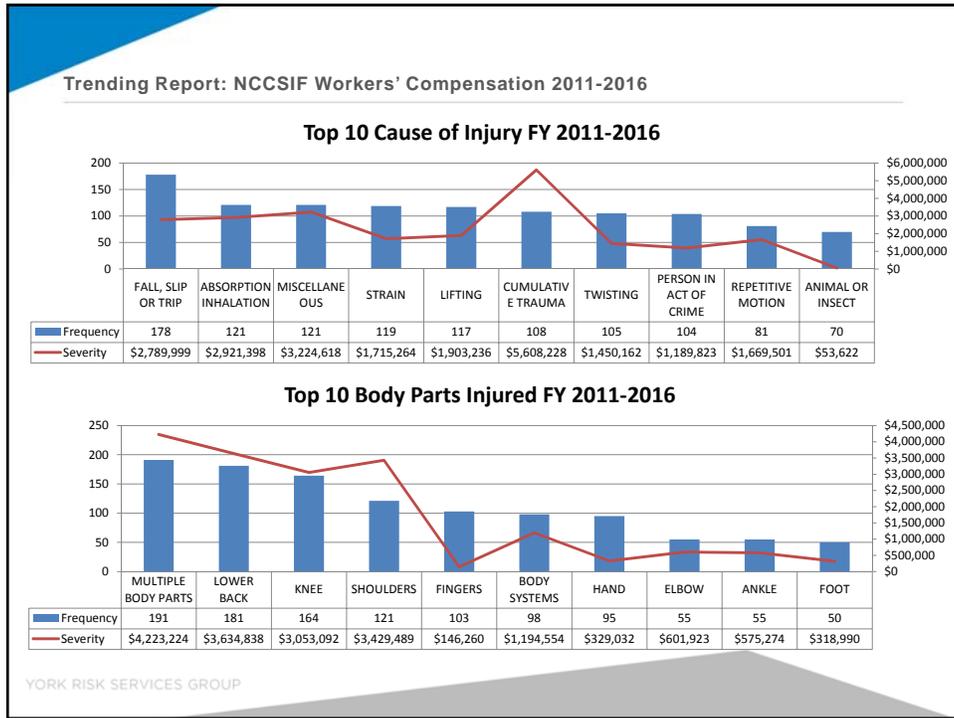
Closing Ratio by Fiscal Year



Litigation Ratio by Fiscal Year



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Trending Report: NCCSIF Workers' Compensation 2011-2016

NCCSIF Members FY 2011-2016

NCCSIF Member	Frequency	Severity	Average
City of Anderson	56	\$1,085,897	\$19,391
City of Auburn	67	\$2,645,178	\$39,480
City of Colusa	20	\$136,736	\$6,837
City of Corning	40	\$250,955	\$6,274
City of Dixon	68	\$2,387,658	\$35,113
City Of Elk Grove	155	\$2,747,156	\$17,724
City of Folsom	375	\$4,986,752	\$13,298
City of Galt	120	\$1,225,770	\$10,215
City of Gridley	21	\$166,940	\$7,950
City of lone	10	\$5,866	\$587
City of Jackson	29	\$1,022,620	\$35,263

YORK RISK SERVICES GROUP

Trending Report: NCCSIF Workers' Compensation 2011-2016

NCCSIF Members FY 2011-2016

NCCSIF Member	Frequency	Severity	Average
City of Lincoln	97	\$1,326,241	\$13,673
City of Marysville	42	\$1,027,370	\$24,461
City of Nevada City	33	\$220,278	\$6,675
City of Oroville	57	\$729,605	\$12,800
City of Placerville	62	\$420,566	\$6,783
City of Red Bluff	83	\$1,572,224	\$18,942
City of Rio Vista	20	\$171,548	\$8,577
City of Rocklin	165	\$1,990,341	\$12,063
City of Willows	20	\$846,223	\$42,311
City of Yuba City	225	\$4,604,813	\$20,466
Town of Paradise	62	\$1,229,525	\$19,831

YORK RISK SERVICES GROUP



RISK MANAGEMENT RECOGNITION

ACTION ITEM

ISSUE: The Committee is asked to review and provide recommendations on implementing some type of recognition program for meeting risk management best practices standards and/or improving their risk management programs or results.

Suggestions:

1. A grant and plaque acknowledging a member who achieves a certain minimum percentage of the recommended best practices as a “Best Practices City”.
2. Annual awards recognizing members for most improved, best new idea, model policies and practices, and/or commitment to risk management.
3. Premium discounts or additional risk management reserve funds for achieving certain goals.
4. Funds for repairs of sidewalks, tree maintenance, etc., based on implementing inspection and maintenance programs.

RECOMMENDATION: Discuss and provide direction regarding incentive or recognition programs.

FISCAL IMPACT: TBD.

BACKGROUND: Various incentives or disincentives are implemented by organizations to influence behavior and procedures for managing risks. Incentive programs are preferred for their focus on rewards and altruistic commitment to risk management rather than punishing bad behavior or practices. NCCSIF members are encouraged to think of meaningful incentives and assistance for meeting risk management goals.

ATTACHMENT(S): None.



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Risk Management Committee Meeting
October 27, 2016**

Agenda Item F.6.

ROUND TABLE DISCUSSION

INFORMATION ITEM

ISSUE: The floor will be open to the Committee for discussion.

RECOMMENDATION: None.

FISCAL IMPACT: None.

BACKGROUND: The item is to the Committee members for any topics or ideas that members would like to address.

ATTACHMENT(S): None.

Northern California Cities Self Insurance Fund

Travel Reimbursement Expense Form

Member Representative: _____

Entity: _____

Payee Address: _____

Meeting or Committee: _____

Date of Meeting: _____

Location of Meeting: _____

Total Mileage: _____

Payment Made to:

Signature _____ Date _____