

HANDOUTS
at the 10/15/2015
Risk Management Committee Meeting

E.1.2 NCCSIF Risk Management Funding (CORRECTED) - ADMIN

NCCSIF Risk Management Budget 2015-16				
	TOTAL	WORKERS' COMP.	LIABILITY	% Total Safety Services
Safety Services:				
Bickmore Onsite Risk Assessments	\$ 67,500	\$ 36,000	\$ 31,500	14%
Bickmore Police Risk Mgmt Comm Training	\$ 7,900	\$ 3,950	\$ 3,950	2%
Bickmore Risk Control Service Days	\$ 36,460	\$ 18,230	\$ 18,230	8%
Bickmore Phone Consultation	\$ 18,600	\$ 9,300	\$ 9,300	4%
Bickmore Newsletter	\$ 5,580	\$ 2,790	\$ 2,790	1%
Bickmore Safety Training Coordination	\$ 14,880	\$ 7,440	\$ 7,440	3%
Bickmore Meeting Preparation	\$ 9,300	\$ 4,650	\$ 4,650	2%
Total Bickmore	\$ 160,220	\$ 82,360	\$ 77,860	34%
OCCUMED Occupational Health Consulting	\$ 18,000	\$ 18,000	\$ -	4%
Online Risk Management Services - TargetSol	\$ 14,000	\$ 7,000	\$ 7,000	3%
ACI - Wellness Optional	\$ 15,072	\$ 15,072	\$ -	3%
Outside Training (Bickmore & Others)	\$ 30,000	\$ 15,000	\$ 15,000	6%
Risk Mgmt Comm Mtg Expense	\$ 1,500	\$ 750	\$ 750	0%
Seminars and PARMA	\$ 72,600	\$ 40,000	\$ 32,600	16%
Lexipol Law Enforcement Policy Updates & D	\$ 106,250	\$ 12,400	\$ 93,850	23%
Police Risk Management Funds	\$ 50,000	\$ 25,000	\$ 25,000	11%
Total Safety Services Expense	\$ 467,642	\$ 215,582	\$ 252,060	100%
Total Admin Budget	\$ 1,082,912	\$ 574,657	\$ 508,255	
% of Total Admin Budget	43%	38%	50%	



NCCSIF

**Risk Management
Planning Session**

**Programs, Services
Policies & Funding**



Purpose of Planning Session

Provide Members an overview of:

- What we do** – policies, programs, services, funding
- Where we are** – assessments, scorecard, exposures

Ask Members:

- How are we doing?**
- What can we do to improve?**
- Where do we want to be in 2-3 years?**
- How do we achieve *your* goals?**

RM Planning Session Outline

- Current Programs, Services, Policies, and Funding
- Bickmore Assessments & Recommendations
- Loss Exposures and Claims Experience
- Discussion, recommendations & goals

Programs & Services

Programs Offered through NCCSIF

- ❖ Liability
- ❖ Workers' Compensation
- ❖ Property
- ❖ Crime
- ❖ Auto Physical Damage

Programs Offered through Alliant

- ❖ Special Events Programs
- ❖ Bonds
- ❖ Airport Liability
- ❖ Flood/Earthquake
- ❖ Pollution

Contract Review (Insurance Requirements) & Coverage Questions
General Risk Management Advice and Resource

Service Providers

- Bickmore Risk Services – assessments +
- Occu-Med – occupational health consulting
- TargetSolutions – online training
- ACI – wellness and optional EAP services
- Lexipol – law enforcement policies and training
- DKF Solutions – online training & sewer risk mgmt.
- Various providers as needed for training or expertise in swimming pool operations, ADA compliance, employment practices, and other risk exposures

See Service Matrix in Agenda Packet

Risk Management Policies

P & P NUMBER	SUBJECT	LAST REVISION	TYPE
RM-1	Compliance with Risk Management Standards	06/14/06	Mandatory
RM-2	Driving Standards	04/24/09	Mandatory
RM-3	Sidewalk Maintenance Liability Standards	01/11/08	Advisory
RM-4	Use of Public Facilities	01/11/08	Advisory
RM-5	Unlawful Harassment Policy	04/15/10	Mandatory*
RM-6	Approval of Coverage for Skateboard Parks	12/19/08	Mandatory
RM-7	Pool Operation	01/14/10	Advisory
RM-8	Development and Operation of Bicycle Parks	10/24/03	Mandatory
RM-9	Model Sewer Overflow and Backup Response <small>While every member must have a harassment policy in place, the sample policy included is advisory only.</small>	04/28/06	Advisory
	<small>Risk Management Committee Composition and</small>		

Funding – Admin Budget

Safety Services:	TOTAL	WORKERS' COMP.	LIABILITY	% Total Safety Services
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Allocated to All Members in WCC & GL Programs Funding-

Funding – RM Grant Program

- Began in 2009 as a way to fund ADA improvements
- Now can be used for any RM purpose
- Most Members have continued funding by opting to set aside ***refunds from the shared risk layer.***
- Available only if there is a refund AND a member is not in a negative position in banking layer(s)
- *Some members need help but have no funds, some haven't added to what they received in 2009*

Tracked on the last page of quarterly financials
SEE PAGE 23 OF AGENDA PAKET

Review of Risk Exposures & Assessments

Henri Castro of Bickmore Risk Services
Will present Assessments & Scorecard

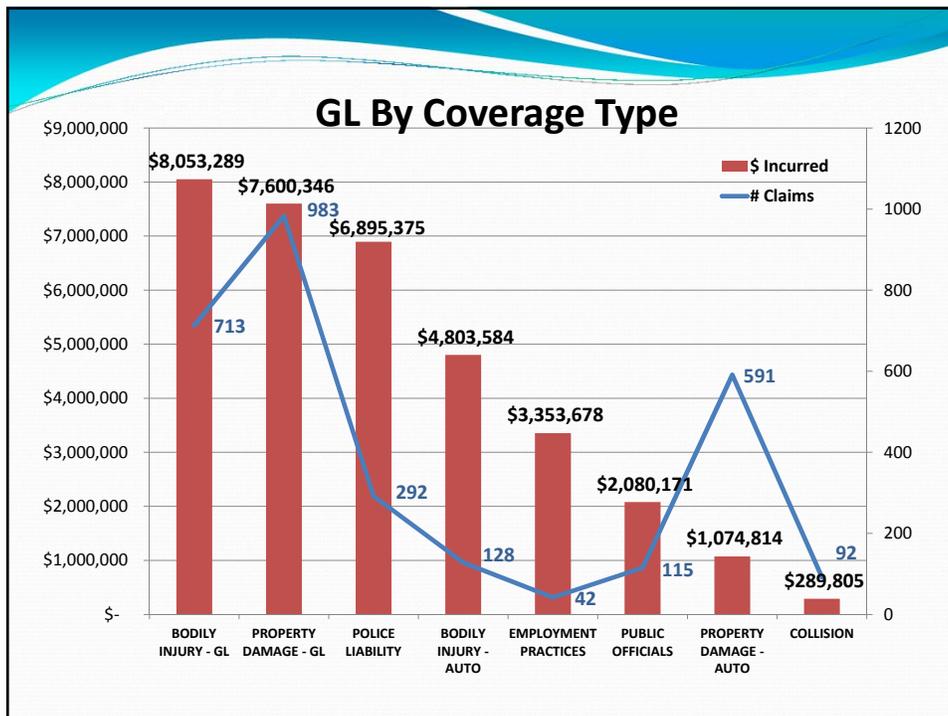
See Scorecard on pages 25 & 26 of Agenda Packet

Loss Exposures – By Payroll Class

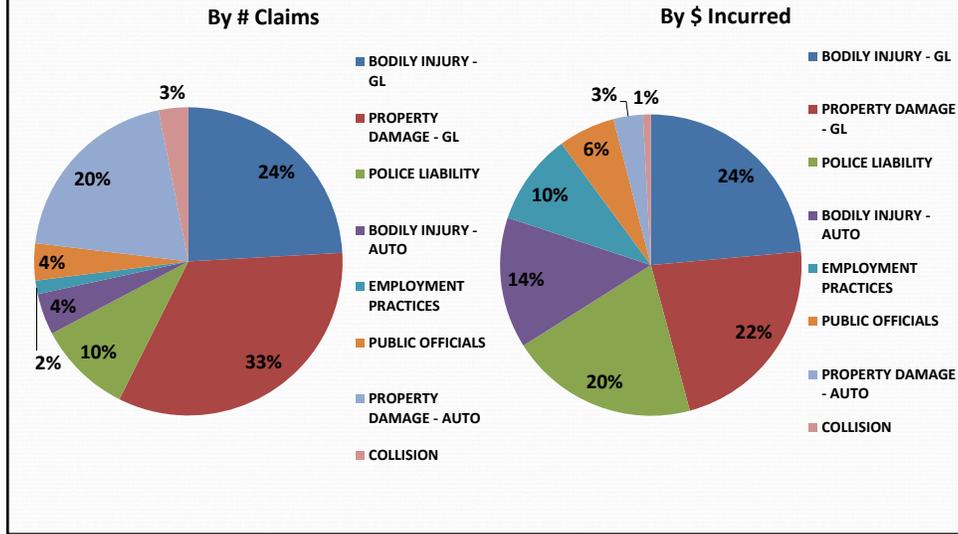
Employee Classification	2015/2016 Est. Payroll	2015/2016 Est. FTE	% Payroll	% FTE
Police Sheriffs Peace Officers (7720)	\$64,954,288	674	33.0%	25.6%
Clerical Office (8810) (1)	\$51,332,004	750	26.1%	28.5%
Municipal - Manual Labor (9420)	\$28,073,782	463	14.3%	17.6%
Firefighters - Regular (7706)	\$24,152,661	260	12.3%	9.9%
Municipal - Non-Manual Labor (9410)	\$18,733,526	284	9.5%	10.8%
Waterworks (7520)	\$2,168,895	31	1.1%	1.2%
Paramedics (7706)	\$1,303,558	17	0.7%	0.6%
Sanitation Employees (7580)	\$1,279,632	21	0.7%	0.8%
Animal Control Officers (7720)	\$1,129,282	19	0.6%	0.7%
Bus Operators (7382)	\$961,564	20	0.5%	0.8%
Transportation Employees (All(9422)	\$730,147	11	0.4%	0.4%

Claims Experience Last 10 Years

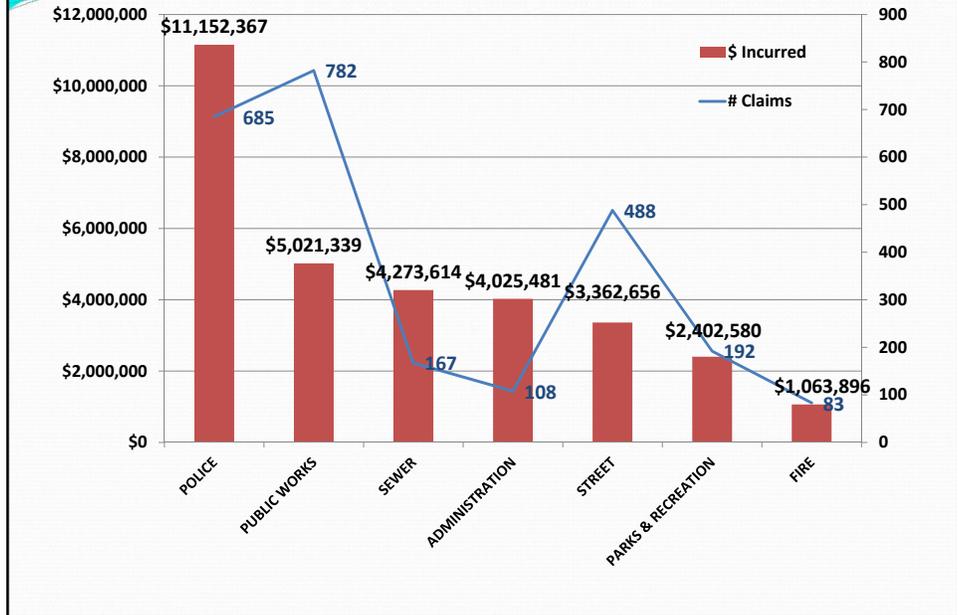
All data is for dates of loss between
7/1/2005 and 6/30/2015,
valued as of 9/21/15.



GL By Coverage Type - % of Total

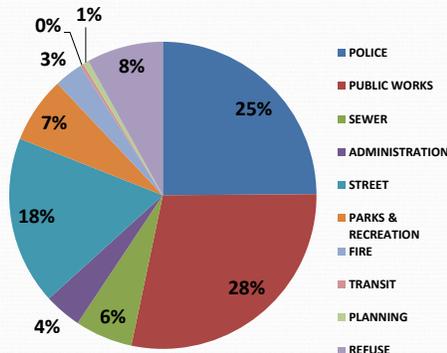


GL By Location - Top \$

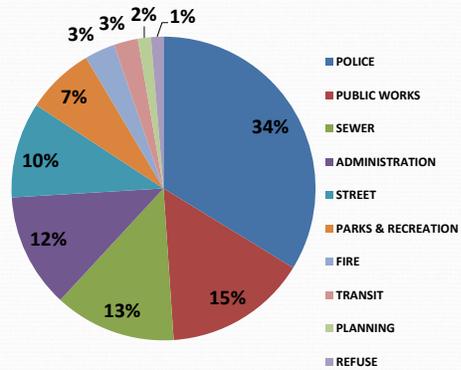


GL By Location - % of Claims

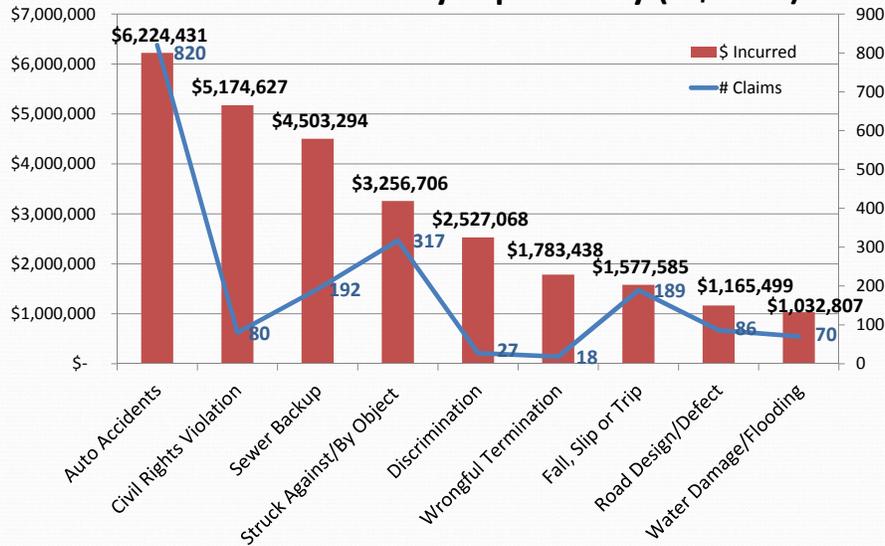
GL % of Top 10 # Claims

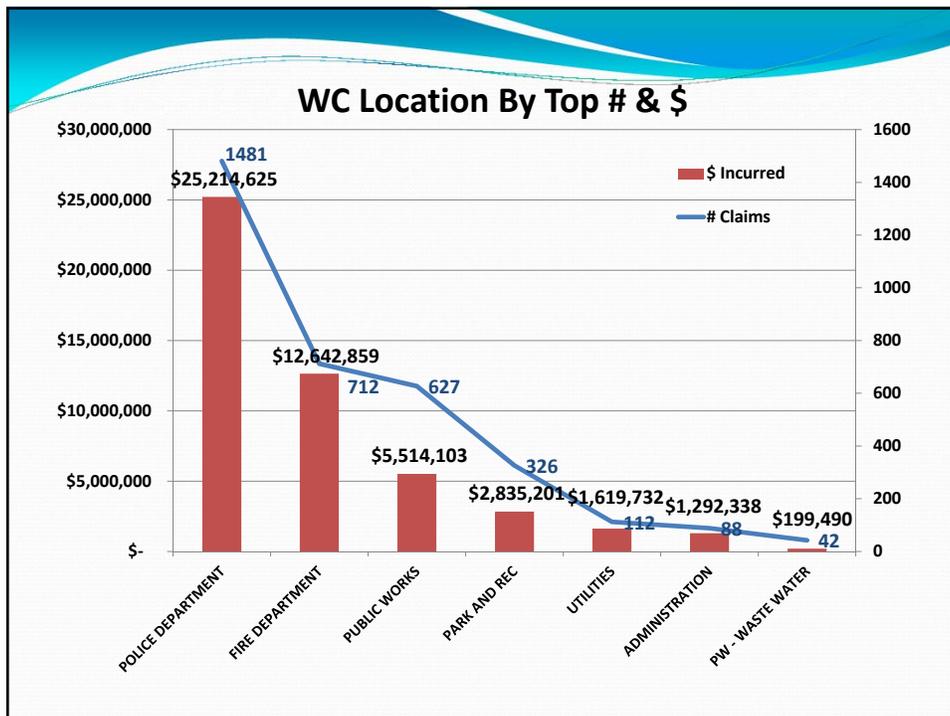
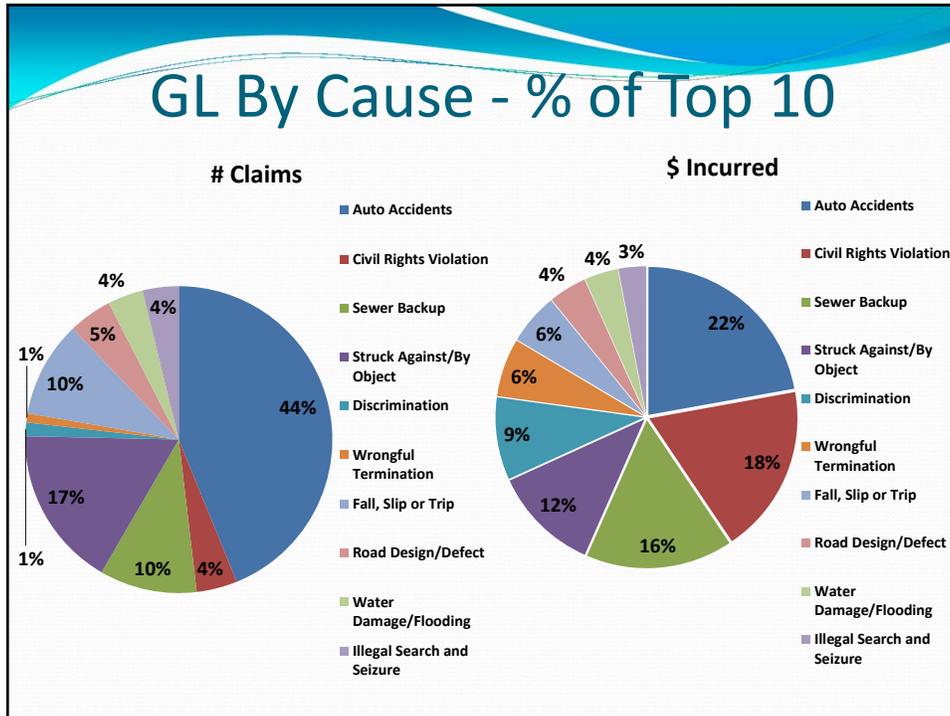


GL % of Top 10 \$ Incurred

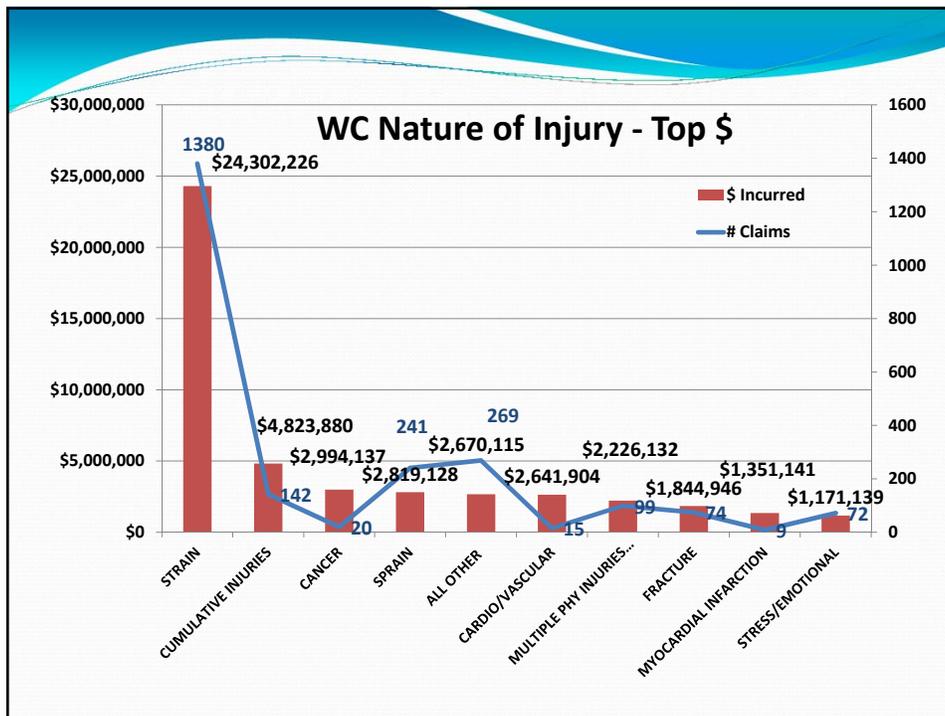
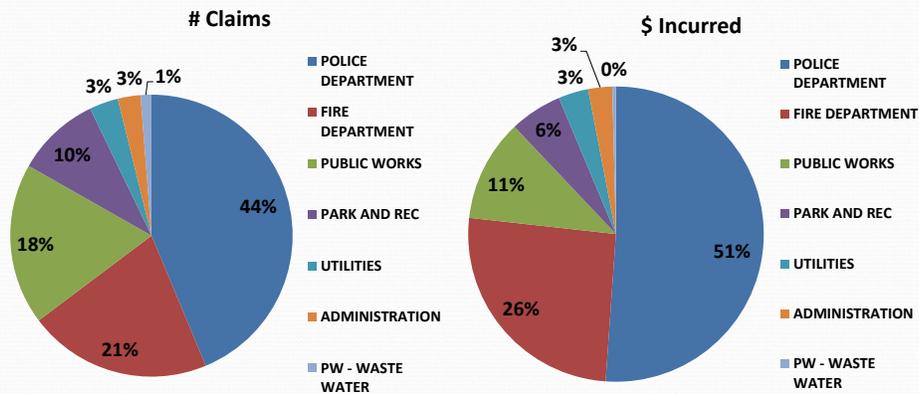


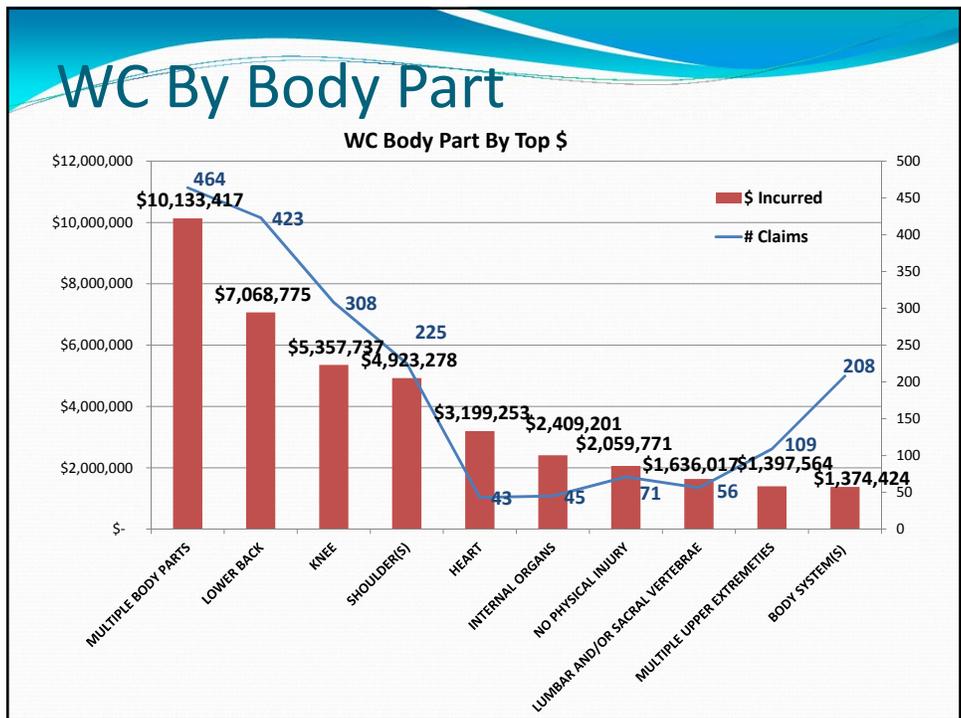
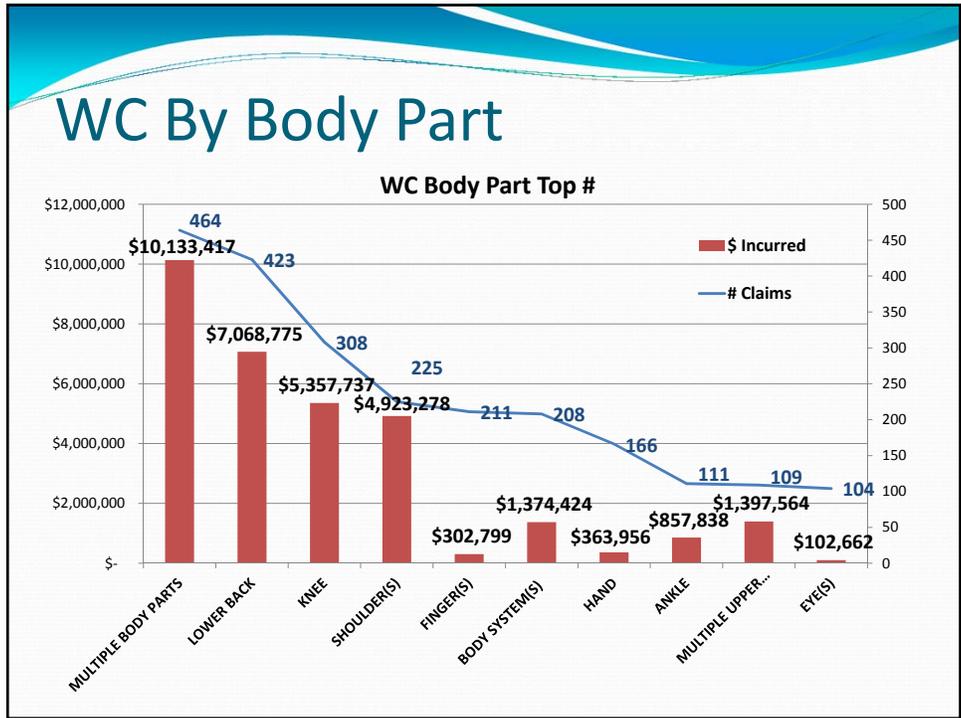
GL Cause By Top Severity (> \$1 mil)





WC By Location - % of Total





Summary of Claims Analysis

Liability

- Auto Accidents
- Sewer Backups
- Police
- Civil Rights
- Employment Practices
- Slip & Falls
- Public Works

Work Comp

- STRAINS
- Sprains
- Backs/Knees/Shoulders
- Cumulative
- Public Safety & Presumptions
 - Heart, Cancer, Cumulative
- Public Works

Services/Funding v. Exposures

- Focus on Police is warranted
- Sewers & trees need more focus
- Employment practices not part of funding
- Heart, strains subject to “healthy” risk control?
- Use more of the training budget?
- Review grant funding/member assistance

Questions? Comments?

Risk Management Goals

- What are we doing well?
- What can we do to improve?
- What results want to achieve over next 2-3 years?

What can we do to help you help each other?



NCCSIF

Northern California Cities Self Insurance Fund



Risk Control Services &
Assessment Overview

October 15, 2015

Risk Control Services

- Phone & Email Consultation
- Customized service days
- Police Risk Management Committee Coordination & Training
- Resources
 - Streaming Videos
 - Publications
 - Sample programs
 - Risk Management Webinars





Risk Control Services

Register | Login

Bickmore
Risk Control

For Managers | For Employees

- SEARCH
- TRAINING RESOURCES
- SAMPLE PROGRAMS
- SPECIAL EMPHASIS PROGRAMS
- MY TOOLS
- WORKSHOP REGISTRATION

Law Enforcement Resources

Risk Control Portal
from Bickmore HD

Bickmore

00:54 HD :: vimeo



Member Progress

■ 64 Programs & Policies Developed

- Aerial & Fork Lift Inspection
- ATD Exposure Control Plans
- BBP Exposure Control Plans
- Commercial Driver Drug & Alcohol
- Confine Space
- Emergency Action Plan
- Ergonomics
- Fall Protection
- Fire Prevention
- Hazard Communication
- Hearing Conservation
- Heat Illness
- IIPP
- Lockout Tagout
- Mandated Reporter
- PPE Policy & Certification
- Respiratory Protection
- Volunteer Policy
- Return to Work
- Safety
- Sidewalk
- Urban Forest
- Workplace Violence





Member Progress

■ Employee Training

- New new employee safety orientation
- IIPP on-site and customized webinars
- Video and Web Based Training
- On-Site Bickmore training
(Over 1600 employees)





Member Progress

- Hazard Inspections
- Customized Inspection Checklists
- Playground/Skatepark Inspections
- Ergonomic Evaluations
- PPE Certification Assessment
- Purposeful Safety Committees

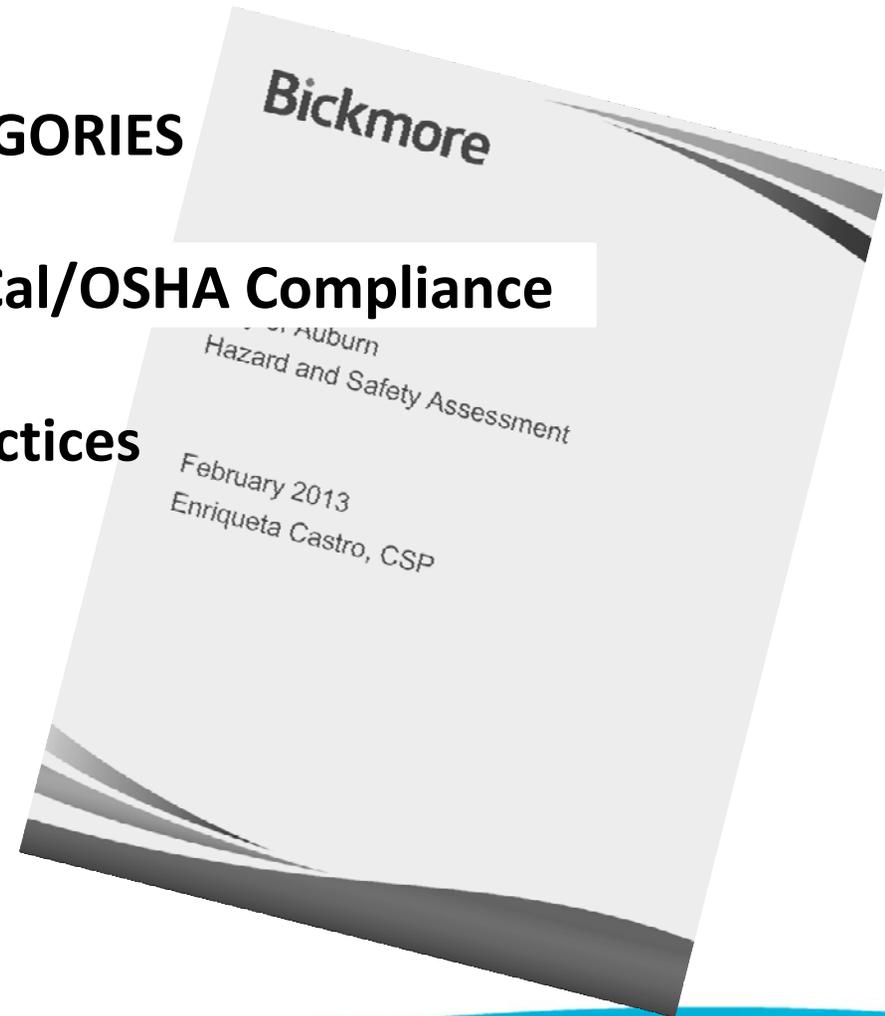




Risk Management Assessment

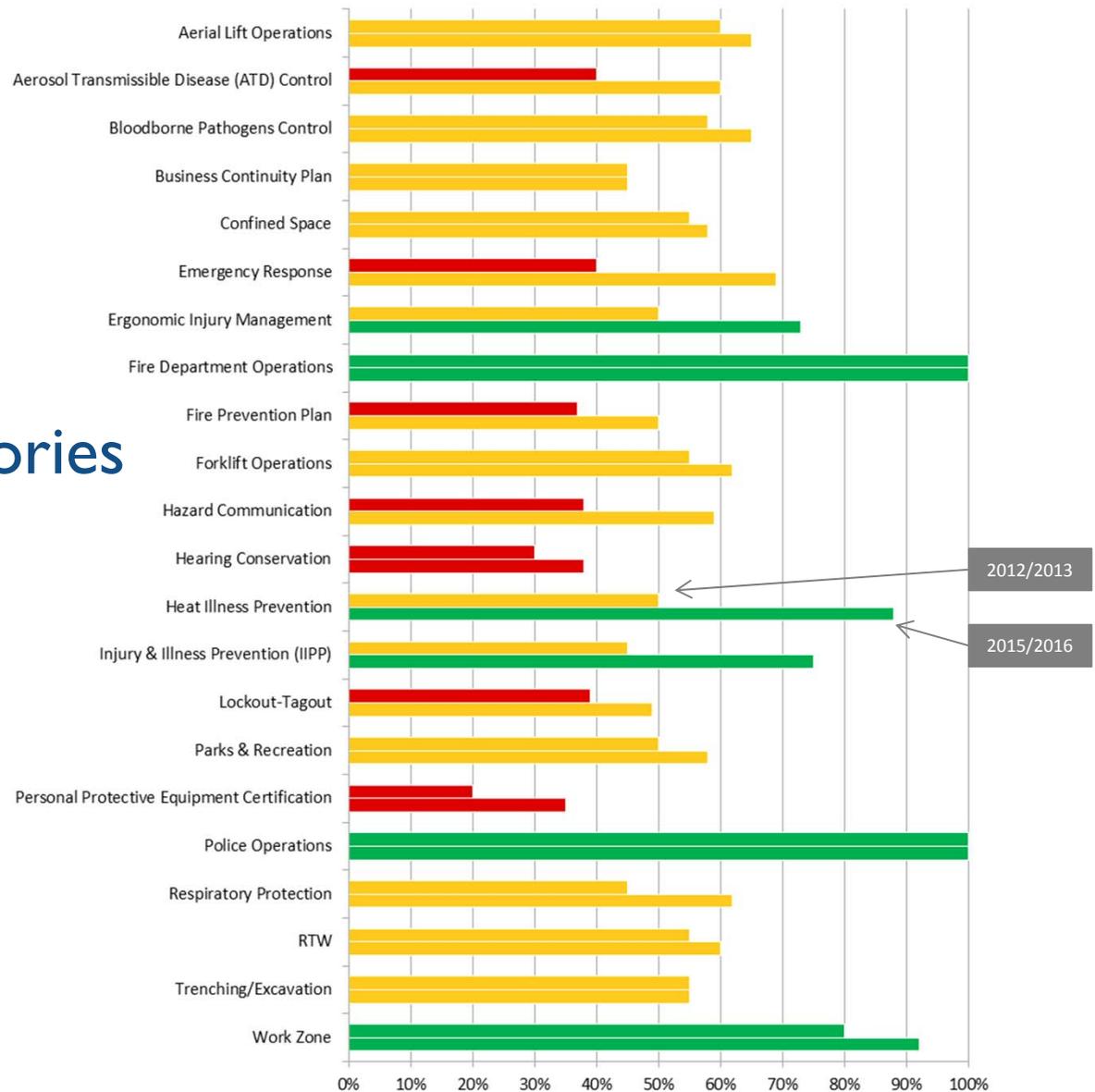
35 RISK MANAGEMENT CATEGORIES

- Workers' Compensation - Cal/OSHA Compliance
- Liability - Industry Best Practices





Work Comp Best Practice Categories

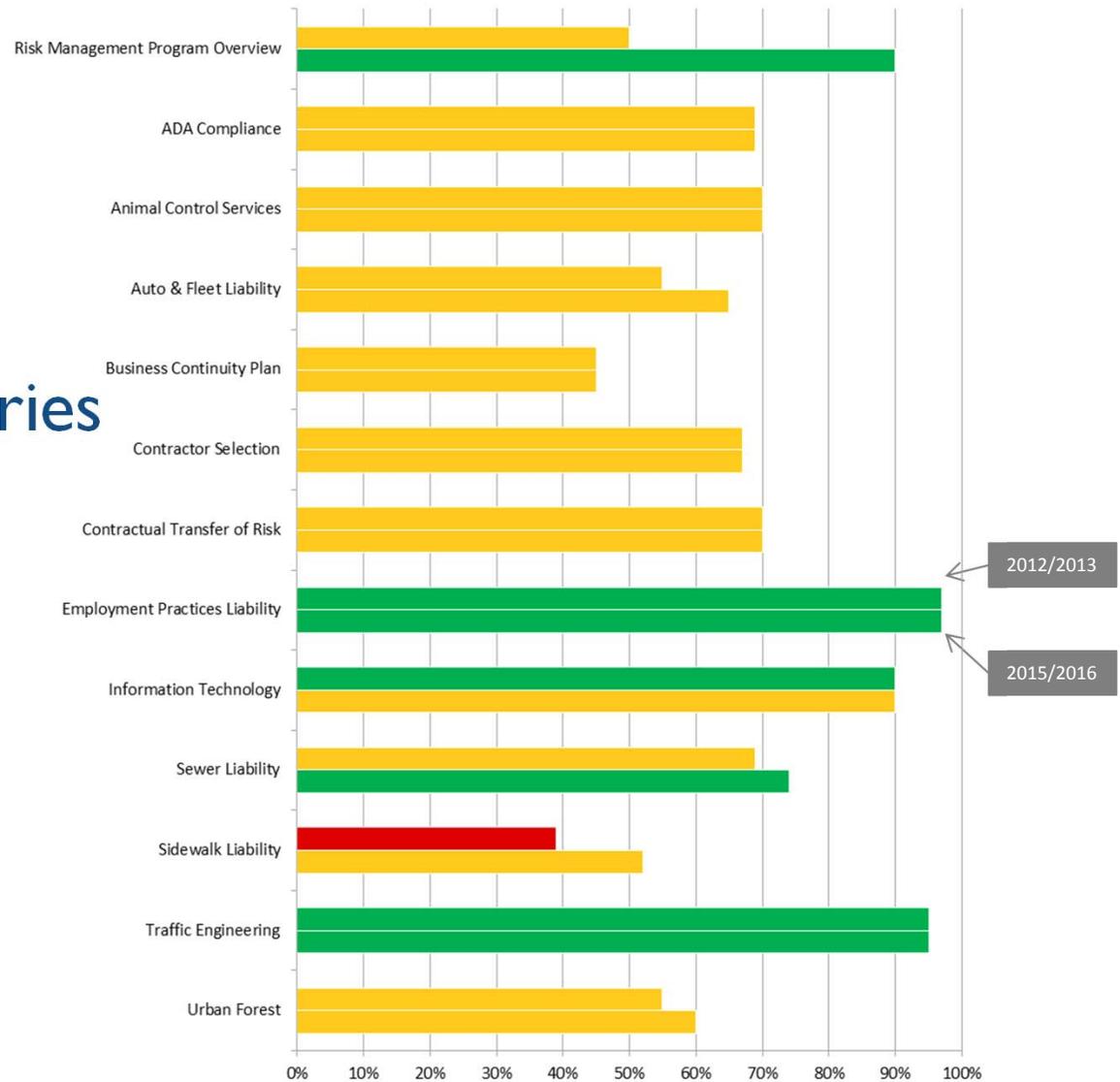


70% - 100% Strong – Major elements in place.
69% - 40% Moderate – Some elements in place. Additional Work Required.
0% - 39% Considerable effort required to develop and implement major elements.



Liability

Best Practice Categories



- 70% - 100% Strong – Major elements in place.
- 69% - 40% Moderate – Some elements in place. Additional Work Required.
- 0% - 39% Considerable effort required to develop and implement major elements.



WHERE DO WE GO FROM HERE?





PROPOSED MONTHLY RETAINER AGREEMENT
Employment Practices Hotline for NCCSIF JPA

This AGREEMENT is entered into between EYRES LAW GROUP, LLP (“ELG”) and ALLIANT INSURANCE SERVICES, INC., on behalf of NCCSIF, for implementation and supervision of the program set forth in the Scope of Work and Services Provided Statements below.

This Agreement shall be effective beginning **January 1, 2016**, and shall continue through and including **December 30, 2016** (alternative 18 month proposal also included through **June 30, 2017**).

SCOPE OF WORK

Participating NCCSIF Members: The NCCSIF member cities participating in this program include the following cities:

- | | |
|----------|-----------------------|
| Anderson | Lincoln |
| Auburn | Marysville |
| Colusa | Oroville |
| Corning | Paradise |
| Dixon | Red Bluff |
| Folsom | Rio Vista |
| Galt | Rocklin |
| Grisly | Willows |
| Ione | Yuba City |
| Jackson | JPA management office |

SERVICES PROVIDED

This is a monthly service that will provide participating public entities with the ability to contact Eyres Law Group, LLP (“ELG”) for assistance and/or consultation with ELG concerning labor and employment law, HR or personnel matters. Participating entities may submit questions, requests for assistance with matters within the scope of services; seek guidance and advice on labor and employment law or practices, Education Code, Government Code, or other statutory standards governing public sector workplaces.

California Office

18 Mann Street
Irvine, California 92612-2708
T: 949-981-3395 ◦ F: 949-654-8617

Administrative Office

90 Crystal Sky Drive
Sedona, Arizona 86351-7449
T: 928-284-2581 ◦ F: 928-284-2638

Patricia S. Eyres Direct Hotline number: 602-448-4051

Eyres Law Group, LLP will provide legal guidance, counseling, legal advice, guidance with policy enforcement, and process documentation, thereby providing consultation, support and information which is needed by a participating entity via the established communication channels. The full monthly service includes all of the following:

1. Unlimited telephone calls, email communications and/or faxes from each entity's designated contacts, for answers to employment law questions as they arise; including return to work issues, modified duty and reasonable accommodations, leave of absence management and tracking, harassment and retaliation prevention, performance management, discipline, policy enforcement, or related employment law and personnel practices issues. **We will initiate contact with every member, every month to establish individualized attention (this is not part of larger JPA hotline programs)**
2. Step-by step-coaching and advice in a privileged context to specified member entity designees for employment law decisions and subsequent actions; including review and analysis of documentation, writing or editing documentation and other assistance or legal counseling and/or advice, developing talking points for return to work and stay at work processes, and reasonable accommodation decisions, as appropriate.
3. One Monthly Webinar Exclusively for NCCSIF Cities (separate from CSAC EIA webinars)
 - Patricia S. Eyres will present one 90-minute webinar each month **customized for cities in the NCCSIF program**; We will address timely issues affecting specific issues within the member group Webinars will include preparation of materials relevant to each topic. On a quarterly basis, a compilation of webinar handouts will be electronically distributed to all participating entities.
 - All materials used for webinars under this program shall be customized for NCCSIF. Proactive Law Press, LLC shall own the copyright for all such materials and visual aids and has agreed to license them to Eyres Law Group, LLP and NCCSIF, exclusively for this program. No other use of these materials, except for use in this program, is expressly or impliedly given.
4. Introductory Webinar: ELG and NCCSIF will deliver a live 90-minute webinar introducing this program and providing all necessary information for participating members to use the program effectively. That webinar will be recorded and will remain accessible for participating members on a password-protected basis.
5. Interactive Process Manual: ELG shall provide one hard copy of the Interactive Process Manual, 3rd Edition, for each participating entity and shall make the Interactive Process Manual available in PDF format for each entity to provide to additional internal staff, as deemed necessary, by the participating entity. Further commercial or private use of these materials is prohibited under the license granted.
6. Monthly Newsletter. ELG shall provide a monthly publication on timely issues that directly affect California public entities, **with a special edition for NCCSIF members**. The newsletter has currently been expanded to six pages and will address timely employment law, and other topics relevant to the public sector workplace. Eyres Law Group LLP will also provide, from time to time, special bulletins and memoranda on employment law cases that are relevant to California public entities, including their compliance requirements, employment policies and procedures, and unique work environments. Proactive Law Press, LLC shall own the copyright on all such publications and has agreed to license them to ELG and NCCSIF on the same terms and conditions as the webinar materials. No further license, express or implied, is granted.

7. Quarterly Bulletins and case law updates: ELG will provide Special bulletins and memoranda on employment law cases that are relevant to California municipalities, including their compliance requirements, employment policies and procedures, and unique work environments. Proactive Law Press, LLC shall own the copyright on all such publications and has agreed to license them to ELG and NCCSIF on the same terms and conditions as the monthly newsletters. No further license, express or implied, is granted.
8. Administrative Assistance/Consulting: ELG will engage in consulting, as necessary and appropriate, with Alliant Insurance Services, Inc. to accomplish the objectives of this program.
9. Coordination with Entity Counsel: ELG will communicate, as necessary, with County Counsel, City Attorney or other legal departments of participating entities to implement this program.

SUPPLEMENTAL WORK SUBJECT TO SEPARATE ENGAGEMENT

This monthly service is only for services specified in the Scope of Work and Services Provided Statements, and **does not include** the following legal services. Eyres Law Group, LLP will perform these supplemental services for individual NCCSIF members only with advance authorization and written engagement agreement that the individual member will incur the specific costs/fees that are outside the scope of this Agreement on its own behalf. When authorized, the work will be billed by the hour as reflected below.

1. In-Person Investigation Services or facilitating in-person witness interviews, meetings at the public entity's facility for investigation of misconduct, discrimination or harassment complaints (including review of investigative files and witness statements in preparation for personal participation). These services will be performed jointly with authorized representatives of the member entity, when such level of involvement is necessary and appropriate and agreed upon by ELG and the client. Each participating entity will be responsible for additional legal fees incurred for these supplemental services, at **Eyres' customary hourly fee of \$400.00**, or other flat fee to be established between ELG and the member entity.
2. Process Facilitation: Conducting or participating in an interactive process meeting in person when NCCSIF determines that this level of involvement is necessary and appropriate. Each participating entity will be responsible for additional additional legal fees incurred for these supplemental services, at an hourly fee to be established between ELG and the member entity.
3. Responding to EEOC and/or California DFEH Complaints: Filing responsive papers, negotiating with administrative agencies or claimants to resolve charges. Each individual entity will identify those cases for which ELG's assistance or participation is necessary and shall specifically authorize such work in advance. The nature and scope of these additional services shall be agreed upon by ELG and the client entity and set forth in a separate engagement from this Master Agreement. These services shall be invoiced on a monthly basis by ELG at the rate of \$400.00 per hour.
4. Live Workshops, Training Programs and Print Resources: Refresher training workshops are provided through Proactive Law Press, LLC pursuant to separate Agreement with NCCSIF.

PERSONNEL AND SUPERVISION

This program for participating entities and NCCSIF staff shall be administered and supervised directly by Patricia S. Eyres, Attorney at Law of ELG. In accordance with the California Rules of Professional Responsibility, no attorneys who are not directly associated with Eyres Law Group, LLP will perform legal services under this Agreement without express prior authorization of NCCSIF.

APPLICABLE PRIVILEGES

The monthly legal advice and counseling service involves professional legal services. Eyres Law Group, LLP, and its affiliated licensed California attorneys, shall maintain all applicable attorney client and attorney work product privileges with participating entities. ELG shall take all appropriate and necessary steps to protect the confidentiality of each participating entity's personnel and related records in its possession and shall maintain appropriate confidential record-keeping for hard copy and electronic records.

Pursuant to the California Rules of Professional Responsibility, Eyres Law Group, LLP shall execute a written "Legal Services Engagement Letter," as appropriate, with each participating entity. That Engagement Letter shall confirm that an attorney-client relationship is established for the purposes of providing legal services to the participating entity, including all applicable confidentiality and attorney client privileges. The letter shall further state that the participating entity shall have its own responsibility for remitting legal fees to ELG for services rendered under this Master Agreement to be administratively processed and paid via NCCSIF. Any failure to pay by NCCSIF shall constitute a material breach which shall result in ELG's withdrawal from the attorney client relationship concerning such participating entity or entities. An exemplar model of the "Legal Services Engagement Agreement" is attached hereto as Appendix "2."

CONFIDENTIALITY AGREEMENT

Eyres Law Group, LLP will treat all information received in the course of performance of this Agreement as confidential. Confidential information is that information obtained solely as a result of work for NCCSIF and/or each individual participating entity and not available in the public domain. Such information may include, but is not limited to, the policies and procedures, union contracts, claims data and records pertaining to actual or threatened litigation. On a case-by-case basis, attorney-client or attorney work product privileges from disclosure of information may also apply.

INDEPENDENT CONTRACTOR STATUS

While performing services under this Agreement, Eyres Law Group, LLP and Patricia S. Eyres (as well as attorneys working under their direction and supervision) will be acting as independent contractors and not an officer, agent or employee of NCCSIF or any individual member entity. We will comply with all Federal and State laws and regulations for payment of all applicable taxes and shall procure and maintain all required insurance and related benefits.

COST AND TERMS

Number of participating entities = 20 (19 cities plus JPA management office)

Fixed Fee for 12 month commitment: **\$8,000.00; payable monthly** (total = \$96,000)

Fixed Fee for 18 month commitment: **\$7,500.00 payable monthly** (total = \$135,000)

Invoicing and Payment Terms:

- Eyres Law Group LLP shall submit to NCCSIF an invoice on the first day of each month for the total monthly retainer fee **of \$8,000 (or \$7,500 for 18 months)**. The fee shall be due and payable on or before the 15th day of each month.

- NCCSIF shall be responsible for direct payment of the monthly retainer fee to Eyres Law Group, LLP on behalf of the entities participating under this Agreement and who are receiving services from ELG. NCCSIF will obtain reimbursement or contribution from participating entities on terms and conditions that are within its sole discretion.
- Eyres Law Group LLP **shall not submit any invoice to NCCSIF participating entities** for fees, costs, or expenses of any kind connected with monthly services provided pursuant to this Master Agreement. Should any individual member entity elect to retain ELG separately for hourly fees associated with "SUPPLEMENTAL WORK," as defined above, ELG and the member entity shall enter into a separate engagement with scope of work to be determined by the parties to that separate and additional engagement.

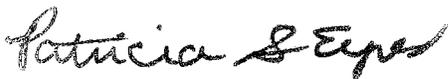
Periodic Reporting: Eyres Law Group, LLP will provide periodic reports upon request by Alliant Insurance Services, Inc., summarizing the utilization of this program, Data provided and reports are not intended by ELG and NCCSIF or the participating entities to constitute an express or implied waiver of any privilege or claim of confidentiality, including, but not limited to, the attorney-client or work product privileges.

INSURANCE AND INDEMNIFICATION

This Scope of Work is incorporated into and made a part of the NCCSIF Agreement for Services for Outside Vendors. Eyres Law Group, LLP will comply with the terms and conditions of the standard Agreement for Services pertaining to insurance, indemnification, documentation and performance obligations.

Eyres Law Group, LLP shall maintain in force and effect the required Errors and Omissions insurance, general liability and automobile coverage required by Alliant during the term of this Agreement and shall provide proof of insurance in the form and manner specified by Alliant Insurance Services, Inc. on behalf of NCCSIF.

EYRES LAW GROUP, LLP



Patricia S. Eyres, Managing Partner

Dated: **October 14, 2015**

NCCSIF

Dated: _____, **2015**

F.3.4 EPL Hotline Providers Summary (UPDATED)

Law Firm	Hotline Hours	Annual Training	Annual Price	Hourly Rate*	Comments
Kronick - Proposal 1	20/month - all members	Two sessions	\$ 48,000	\$230	Recently added to the Approved List of Liability Attorneys
Kronick - Proposal 2	5/year - each member	Two sessions	\$ 26,000	\$230	
Liebert Cassidy	No limit on hours	Four or Five sessions	\$ 53,900	\$250	Nine members already belong to Consortium
Eyres Law Group	No limit on hours		\$96,000 (12 month commitment) \$135,000 (18 month commitment)	\$400	Provides services for CSAC-EIA members
Shaw Valenza	Declined to quote				

* Standalone Hotline service or time above normal hotline services