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City of Oroville

**Vice President**  
Ms. Kristine Haile  
City of Folsom

**Treasurer**  
Mr. Tim Sailsbery  
City of Willows

**Secretary**  
Ms. Gina Will  
Town of Paradise

## **NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND RISK MANAGEMENT COMMITTEE MEETING AGENDA**

**Date:** Thursday, October 24, 2019

**Time:** 9:00 a.m.  
Breakfast available at 8:30 a.m.

**Location:** Rocklin Police Department  
Emergency Operations Center  
4080 Rocklin Road  
Rocklin, CA 95677

**A - Action**  
**I - Information**

**1 - Attached**  
**2 - Hand Out**  
**3 - Separate Cover**  
**4 - Verbal**

### **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 - April 25, 2019

pg. 9 **F. GENERAL RISK MANAGEMENT ISSUES**

**I 4**

*This is an opportunity for a member to discuss a topic of interest or seek guidance and input from the group about a current issue, risk management topic or exposure the member is facing.*





BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Risk Management Committee Meeting  
October 24, 2019**

**Agenda Item E.**

**CONSENT CALENDAR**

**ACTION ITEM**

**ISSUE:** The Risk Management Committee (RMC) reviews items on the Consent Calendar, and if any item requires clarification or discussion a Member should ask that it be removed for separate action. The Committee should then consider action to approve the Consent Calendar excluding those items removed. Any items removed from the Consent Calendar will be placed later on the agenda in an order determined by the Chair.

**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 - April 25, 2019



**MINUTES OF THE  
NCCSIF RISK MANAGEMENT COMMITTEE MEETING  
ROCKLIN EVENT CENTER, ROCKLIN, CA  
APRIL 25, 2019**

**COMMITTEE MEMBERS PRESENT**

Liz Cottrell, City of Anderson  
Toni Benson, City of Colusa  
Tom Watson, City of Corning  
Rachel Ancheta, City of Dixon  
Jim Ramsey, City of Elk Grove  
Kristine Haile, City of Folsom  
Elisa Arteaga, City of Gridley  
Jon Hanken, City of Ione

Dalacie Blankenship, City of Jackson  
Veronica Rodriguez, City of Lincoln  
Loree McCay, City of Nevada City  
Dave Warren, City of Placerville  
Sandy Ryan, City of Red Bluff  
Jose Jasso, City of Rio Vista  
Kimberly Sarkovich, City of Rocklin  
Sheleen Loza, City of Yuba City

**OTHER MEMBERS PRESENT**

Julie Rucker, City of Elk Grove  
Kristy Herbert, City of Marysville

Andy Schiltz, City of Rocklin

**COMMITTEE MEMBERS ABSENT**

Shari Harris, City of Auburn  
Cora Hall, City of Galt  
Jennifer Styczynski, City of Marysville

Liz Ehrenstrom, City of Oroville  
Crystal Peters, Town of Paradise  
Wayne Peabody, City of Willows

**CONSULTANTS & GUESTS**

Marcus Beverly, Alliant Insurance Services  
Raychelle Maranan, Alliant Insurance Services  
Dori Zumwalt, York Risk Services Group

Henri Castro, York Risk Services Group  
Dave Beal, York Risk Services Group  
Tom Kline, York Risk Services Group

**A. CALL TO ORDER**

Vice-Chair Kristine Haile called the meeting to order at 10:04 a.m. It was noted that Liz Ehrenstrom, Chair, is absent.

**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:** Dave Warren

**SECOND:** Jon Hanken

**MOTION CARRIED  
UNANIMOUSLY**

**Ayes:** Cottrell, Benson, Watson, Ancheta, Ramsey, Haile, Hanken, Blankenship, McCay, Warren, Ryan, Jasso, Sarkovich, Loza

**Nays:** None

**D. PUBLIC COMMENTS**

There were no public comments made.

**E. CONSENT CALENDAR**

1. Minutes of the Risk Management Committee Meeting - October 25, 2018
2. TargetSolutions 2018/19 YTD Usage Report

Mr. Marcus Beverly noted that most members use TargetSolutions for Fire Department trainings.

**A motion was made to approve the consent calendar.**

**MOTION:** Kimberly Sarkovich

**SECOND:** Liz Cottrell

**MOTION CARRIED  
UNANIMOUSLY**

**Ayes:** Cottrell, Benson, Watson, Ancheta, Ramsey, Haile, Hanken, Blankenship, McCay, Warren, Ryan, Jasso, Sarkovich, Loza

**Nays:** None

**F. COMMITTEE BUSINESS**

*Veronica Rodriguez arrived at 10:08 a.m.*

**F.1. York Risk Management Services, Assessments and Recommendations**

Ms. Henri Castro indicated that TargetSolutions is a robust system as well as a good recordkeeping database. She indicated members should utilize TargetSolutions and offered to train members on how to use the system. TargetSolutions courses are updated to comply with the new law requirements for harassment training for supervisor and non-supervisor.

*Dave Beal arrived at 10:17 a.m.*

Ms. Henri Castro introduced Dave Beal to the Committee. Dave will assume the role of the new primary Risk Manager for NCCSIF.



Ms. Castro reviewed the risk management services provided to the members to date and the various regional trainings that were completed and future training topics scheduled through July 2019.

*Elisa Arteaga arrived at 10:22 a.m.*

## **F.2. Police Risk Management Committee (PRMC)**

### **F.2.a. PRMC Update**

Mr. Tom Kline updated the Committee on recent and planned activities of the Police Risk Management Committee.

### **F.2.b. PRM Grant Fund Usage Report and Request**

Mr. Marcus Beverly indicated that the NCCSIF members have funded grants totaling \$50,000 per year for their police departments to purchase and implement Body-Worn Cameras (BWC) since FY 14/15. Since inception of the police grants, all but three members have taken advantage of the grants and have BWCs in use. The Galt Police Chief is supportive of BWCs, but has been unable to obtain political or financial support and would like to use the grant for Cordico Wellness App if permitted. Jackson has BWCs but has yet to request grant funds for them. Anderson is taking a wait and see approach as management feels the drawbacks outweigh the benefits.

The general consensus of the Committee is that all members should have BWC. It is a valuable tool to prove false claims and not having one will put the pool at risk. The Committee suggested to have one of the Police Chiefs reach out to Anderson. The Committee is not in agreement of allowing members who do not have BWC to use their accrued grant funds for other risk management purposes and recommends that those members get on board with implementing BWC.

**A motion was made to recommend to the Board of Directors funding \$50,000 Police Risk Management Grant for FY 19/20 primarily to fund BWC including any accrued funds from previous years with option to use for other risk management purposes only if a member agency has BWC already in place.**

**MOTION:** Dave Warren

**SECOND:** Kimberly Sarkovich

**MOTION CARRIED  
UNANIMOUSLY**

**Ayes:** Cottrell, Benson, Watson, Ancheta, Ramsey, Haile, Arteaga, Hanken, Blankenship, Rodriguez, McCay, Warren, Ryan, Jasso, Sarkovich, Loza

**Nays:** None

### **F.3. Crisis Communication Training and Support Services**

Mr. Beverly reviewed the Crisis Incident Management services available to members through group's Excess Workers' Compensation coverage provider, CSAC EIA. The Committee discussed the potential of having a media consultant, Cole Pro Media, on a retainer basis for the members.

The Committee directed the Program Administrators to have Laura Cole conduct training at future RMC and/or BOD meeting.

### **F.4. FY 19/20 Risk Control Services Plan and Budget**

Mr. Beverly reviewed the Risk Control Services Budget for FY 19/20.

**A motion was made to recommend approval of FY 19/20 to the Board of Directors as presented.**

**MOTION:** Jim Ramsey

**SECOND:** Liz Cottrell

**MOTION CARRIED  
UNANIMOUSLY**

**Ayes:** Cottrell, Benson, Watson, Ancheta, Ramsey, Haile, Arteaga, Hanken, Blankenship, Rodriguez, McCay, Warren, Ryan, Jasso, Sarkovich, Loza

**Nays:** None

### **F.5. Round Table Discussion**

Mr. Jim Ramsey shared that the City of Elk Grove is launching a mobile app where citizens can communicate anonymously to city council.

Mr. Beverly encouraged members to sign up for CJPRMA's upcoming training on 12 Steps to Litigation Management. Ms. Raychelle Maranan confirmed the training announcement was emailed to the members yesterday.

### **G. INFORMATION ITEMS**

NCCSIF Travel Reimbursement Form

### **H. ADJOURNMENT**

The meeting was adjourned at 11:37 a.m.

**Next Meeting Date:** October 24, 2019



Respectfully Submitted,

\_\_\_\_\_  
Gina Will, Secretary

\_\_\_\_\_  
Date

DRAFT



BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Risk Management Committee Meeting  
October 24, 2019**

**Agenda Item F.**

**GENERAL RISK MANAGEMENT ISSUES**

**INFORMATION ITEM**

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

**RECOMMENDATION:** None.

**FISCAL IMPACT:** None.

**BACKGROUND:** This is an opportunity for members to ask questions or raise issues on risk exposures common to the members.

**ATTACHMENT(S):**

1. CAJPA Key Bill List 10/15/19, with highlights
2. Daily Journal Article - Oroville v. Superior Court
3. Business Insurance Article - PTSD legislation increasing costs, not care



925 L Street, Suite 1250  
 Sacramento, CA 95814

## CAJPA KEY BILL LIST as of 10/15/2019

**[AB 9](#)**      **(Reyes D) Employment discrimination: limitation of actions.** (Chaptered: 10/10/2019 [html](#) [pdf](#))

**Status:** 10/10/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 709, Statutes of 2019.

**Location:** 10/10/2019-A. CHAPTERED

**Summary:** The California Fair Employment and Housing Act makes specified employment and housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Existing law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill would extend the above-described period to 3 years for complaints alleging employment discrimination, as specified. The bill would specify that the operative date of the verified complaint is the date that the intake form was filed with the Labor Commissioner.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose Unless Amended - Coalition	Key Bill		TL

**Notes 1:** In a coalition of other California employers, CAJPA is OPPOSED to AB 9 that would extend the period from one year to three years for which complaints alleging unlawful employment practices may be filed with the department, under the California Fair Employment and Housing Act and exposes public employers to costly litigation.

**[AB 206](#)**      **(Chiu D) Public nuisance: abatement: lead-based paint.** (Chaptered: 8/30/2019 [html](#) [pdf](#))

**Status:** 8/30/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 171, Statutes of 2019.

**Location:** 8/30/2019-A. CHAPTERED

**Summary:** Would make a property owner, or agent thereof, who participates in a program to abate lead-based paint created as a result of a judgment or settlement in any public nuisance or similar litigation, and all public entities, immune from liability in any lawsuit seeking to recover any cost associated with that abatement program. The bill would prohibit participation in a lead paint abatement program from being considered as evidence that a property constitutes a nuisance, or is substandard or untenable, as provided.

Organization	Position	Tier	Subject	Group
CAJPA	Support	Key Bill		TL

**Notes 1:** CAJPA SUPPORTS AB 206 (Chiu), as amended May 30, 2019, which would protect property owners, including local governments from threats of legal action if the property owner participates in the abatement program created by a 2017 judgment against lead paint manufacturers. CAJPA supports legislation that improves health standards that protect the health and welfare of employees and the general public. The health problem of lead exposure is a challenge to the health and education of our children and the threat of litigation should not discourage property owners and public agencies from removing lead paint from homes, schools and public buildings. For these reasons and more, CAJPA SUPPORTS AB 206 (CHIU).

**[AB 218](#)**      **(Gonzalez D) Damages: childhood sexual assault: statute of limitations.**

(Chaptered: 10/13/2019 [html](#) [pdf](#))

**Status:** 10/13/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 861, Statutes of 2019.

**Location:** 10/13/2019-A. CHAPTERED

**Summary:** Would expand the definition of childhood sexual abuse, which would instead be referred to as childhood sexual assault. This bill would increase the time limit for commencing an action for recovery of damages suffered as a result of childhood sexual assault to 22 years from the date the plaintiff attains the age of majority or within 5 years of the date the plaintiff discovers or reasonably

should have discovered that the psychological injury or illness occurring after the age of majority was caused by sexual assault, whichever is later. This bill would also provide for the recovery of up to treble damages against certain defendants in these actions, and would revive time-lapsed claims in certain circumstances.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose Unless Amended	Key Bill		TL

**Notes 1:** In a coalition with other educational leaders, CAJPA is OPPOSED UNLESS AMENDED to AB 218 , which among other things, would substantially extend the statute of limitations to bring a civil action against an employer, including school districts, public agencies and others, where there has been a claim against an employee of that organization for alleged child sexual abuse. Creating strong requirements for prevention needs to accompany any new legislation to address victim compensation. Structural change, including independent oversight and monitoring, awareness, training, and reporting both for students and teachers are the most effective measures we can implement to prevent child abuse. Proposed amendments will fill the need for aggressive, effective prevention measures to accompany robust and fair victim compensation.

### [AB 290](#) **(Wood D) Health care service plans and health insurance: third-party payments.**

(Chaptered: 10/13/2019 [html](#) [pdf](#))

**Status:** 10/13/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 862, Statutes of 2019.

**Location:** 10/13/2019-A. CHAPTERED

**Summary:** The Knox-Keene Health Care Service Plan Act of 1975 provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Current law also provides for the regulation of health insurers by the Department of Insurance. These provisions govern, among other things, procedures by health care service plans and insurers with respect to premium payments. This bill would require a health care service plan or an insurer that provides a policy of health insurance to accept payments from specified third-party entities, including an Indian tribe or a local, state, or federal government program.

Organization	Position	Tier	Subject	Group
CAJPA	Support	Key Bill		HC

**Notes 1:** CAJPA SUPPORTS AB 290, which would put reasonable requirements on financially interested third-parties who wish to pay patients' premiums. It also allows commercial health plans to reimburse services at the Medicare rate for a patient who is billed by a financially-interested provider.

### [AB 302](#) **(Berman D) Parking: homeless students.** (Amended: 8/30/2019 [html](#) [pdf](#))

**Status:** 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/5/2019)(May be acted upon Jan 2020)

**Location:** 9/15/2019-S. 2 YEAR

**Summary:** Would, until December 31, 2023, require a community college campus that has parking facilities on campus to grant overnight access to those facilities, commencing on or before July 1, 2021, to any homeless student who is enrolled in coursework, has paid any enrollment fees that have not been waived, and is in good standing with the community college, for the purpose of sleeping in the student's vehicle overnight. The bill would require the governing board of the community college district, commencing on or before July 1, 2021, and with the participation of student representatives, to determine a plan of action to implement this requirement, as specified.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose	Key Bill		JPA, LC

**Notes 1:** CAJPA is working with the Author's office regarding strong safety and liability concerns. This bill would require any community college campus with parking facilities to grant overnight access to any enrolled homeless student meeting specified criteria.

### [AB 346](#) **(Cooper D) Workers' compensation: leaves of absence.** (Vetoed: 10/13/2019 [html](#) [pdf](#))

**Status:** 10/13/2019-Vetoed by Governor.

**Location:** 10/13/2019-A. VETOED

**Summary:** Would add police officers employed by a school district, county office of education, or community college district to the list of public employees entitled to a leave of absence without loss of salary, in lieu of temporary disability payments, while disabled by injury or illness arising out of and in the course of employment.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose - Coalition	Key Bill		WC

**Notes 1:** In a coalition with other public employers CAJPA is OPPOSED to AB 346, which adds "police officers employed by a school district, county office of education, or community college district" to the list of police officers eligible for full salary continuation benefits under LC 4850.

**AB 403** (**Kalra D**) **Division of Labor Standards Enforcement: complaint.** (Vetoed: 10/12/2019 [html](#) [pdf](#).)

**Status:** 10/12/2019-Vetoed by Governor.

**Location:** 10/12/2019-A. VETOED

**Summary:** Current law authorizes a person who believes they have been discharged or otherwise discriminated against in violation of any law under the jurisdiction of the Labor Commissioner to file a complaint with the Division of Labor Standards Enforcement within 6 months after the occurrence of the violation. Current law establishes specified exceptions to the 6-month deadline for certain violations relating to discrimination or retaliation for taking time off, imposing instead a one-year filing deadline. This bill, for a violation subject to that 6-month deadline, would extend the period to file a complaint to within 2 years after the occurrence of the violation.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose - Coalition	Key Bill		TL

**Notes 1:** CAJPA is OPPOSED to AB 403 as it undermines the essence of the Division of Labor Standards Enforcement (DSLE) complaint process by requiring a one-sided attorney's fee provision that will incentivize further litigation, constricting public dollars.

**AB 628** (**Bonta D**) **Employment: victims of sexual harassment: protections.** (Amended: 5/16/2019 [html](#) [pdf](#).)

**Status:** 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was THIRD READING on 5/29/2019)(May be acted upon Jan 2020)

**Location:** 9/15/2019-A. 2 YEAR

**Summary:** Current law prohibits an employer from discharging or discriminating or retaliating against, an employee who is a victim of domestic violence, sexual assault, or stalking because of the employee's status as a victim, if the employer has notice or knowledge of that status. Current law additionally prohibits an employer with 25 or more employees from discharging, or discriminating or retaliating against, an employee who is a victim, in this regard, who takes time off to obtain specified services or counseling. This bill would extend these employment protections to victims of sexual harassment, as defined. The bill would also extend these employment protections to specified family members, as defined, of the victims for taking time off from work to provide assistance to the victims when seeking relief or obtaining those services and counseling, as specified.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose - Coalition	Key Bill		TL

**Notes 1:** CAJPA is OPPOSED to AB 628 which would create inconsistent definitions of sexual harassment under the Labor Code and Government Code, impose an unlimited leave of absence on employers for employees and their family members, and impose another pathway for costly litigation against employers for issues that are already protected under the Fair Employment and Housing Act (FEHA). While we fully support efforts to eliminate harassment in the workplace, this proposal will create significant challenges for public employers to manage their workforce and comply with existing anti-harassment requirements.

**AB 651** (**Grayson D**) **Air ambulance services.** (Chaptered: 10/7/2019 [html](#) [pdf](#).)

**Status:** 10/7/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 537, Statutes of 2019.

**Location:** 10/7/2019-A. CHAPTERED

**Summary:** Would require a health care service plan contract or a health insurance policy issued, amended, or renewed on or after January 1, 2020, to provide that if an enrollee, insured, or subscriber (individual) receives covered services from a noncontracting air ambulance provider, the

individual shall pay no more than the same cost sharing that the individual would pay for the same covered services received from a contracting air ambulance provider, referred to as the in-network cost-sharing amount.

Organization	Position	Tier	Subject	Group
CAJPA	Support	Key Bill		HC, WC

**Notes 1:** CAJPA SUPPORTS AB 651, as amended July 1, 2019, which would specify that an insured member would not owe a non-contracting air ambulance provider more than the in-network cost-sharing amount for services.

**[AB 680](#) (Chu D) Public safety dispatchers: mental health training.** (Amended: 8/12/2019 [html](#) [pdf](#))  
**Status:** 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/19/2019)(May be acted upon Jan 2020)

**Location:** 8/30/2019-S. 2 YEAR

**Summary:** Would require the Commission on Peace Officer Standards and Training, on or before January 1, 2021, to develop mental health training courses for state and local public safety dispatchers, incorporated in the dispatchers' basic training course and as a continuing training course, that cover specified topics, including recognizing indicators of mental illness, intellectual disabilities, or substance use disorders, and conflict resolution and deescalation techniques. The bill would require the commission to develop these courses in consultation with specified groups and individuals.

Organization	Position	Tier	Subject	Group
CAJPA	Support	Key Bill		LC

**Notes 1:** CAJPA supports AB 680 which would provide dispatchers with valuable training to help identify a mental health crisis and inform law enforcement how to appropriately approach the situation on the ground and provide important health intervention procedure for the person in crisis.

**[AB 749](#) (Stone, Mark D) Settlement agreements: restraints in trade.** (Chaptered: 10/12/2019 [html](#) [pdf](#))

**Status:** 10/12/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 808, Statutes of 2019.

**Location:** 10/12/2019-A. CHAPTERED

**Summary:** Would prohibit an agreement to settle an employment dispute from containing a provision that prohibits, prevents, or otherwise restricts a settling party that is an aggrieved person, as defined, from working for the employer against which the aggrieved person has filed a claim or any parent company, subsidiary, division, affiliate, or contractor of the employer.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose - Coalition	Key Bill		TL, WC

**Notes 1:** CAJPA is OPPOSED to AB 749 which precludes an employer from prohibiting an employee that has engaged in unlawful or egregious conduct, from seeking future employment with the same employer.

**[AB 891](#) (Burke D) Public property: safe parking program.** (Vetoed: 10/12/2019 [html](#) [pdf](#))

**Status:** 10/12/2019-Vetoed by Governor.

**Location:** 10/12/2019-A. VETOED

**Summary:** Would require a city or a county with a population greater than 330,000, in coordination with other entities, as specified, to establish a safe parking program that provides safe parking locations and options for individuals and families living in their vehicles. The bill would require a safe parking program to provide a bathroom facility and onsite security, among other requirements. The bill would exempt a city or a county that has a specified safe parking program administered by a nongovernmental entity operating in its jurisdiction from these requirements. The bill would require the safe parking programs be developed and implemented by June 1, 2022.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose	Key Bill		JPA, LC, TL

**Notes 1:** CAJPA is OPPOSED to AB 891 which would require cities and counties of a specified size to create a safe parking program and to include a bathroom facility, onsite security among other requirements. Granting overnight access raises strong safety and liability concerns as well as significant costs for limited public dollars.

**AB 932**

**(Low D) Workers' compensation: off-duty firefighters.** (Introduced: 2/20/2019 [html](#) [pdf](#).)

**Status:** 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was L., P.E. & R. on 5/16/2019)(May be acted upon Jan 2020)

**Location:** 7/10/2019-S. 2 YEAR

**Summary:** Current law grants workers' compensation benefits to a firefighter, or the firefighter's dependents, if the firefighter is injured, dies, or is disabled by proceeding to or engaging in a fire-suppression or rescue operation, or the protection of life or property, anywhere in California, but is not acting under the immediate supervision of the employer. This bill would expand the scope of this provision to apply when a firefighter engages in a fire-suppression or rescue operation, or the protection or preservation of life or property, outside of this state.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose Unless Amended - Coalition	Key Bill		WC

**Notes 1:** In a coalition with others, CAJPA is OPPOSED UNLESS AMENDED to AB 932 (Low), which would grant workers' compensation benefits to a firefighter or the firefighter's dependents if the firefighter is injured, dies or is disabled by proceeding to or engaging in a fire suppression or rescue operation or the protection of life or property outside of California. We would remove our opposition if the bill is amended to include local discretion and limit the types of out-of-State situations that would be covered by the measure in step with the provisions instituted by AB 1749 Chaptered in 2018.

**AB 1107**

**(Chu D) Workers' compensation.** (Amended: 4/22/2019 [html](#) [pdf](#).)

**Status:** 7/12/2019-Failed Deadline pursuant to Rule 61(a)(11). (Last location was L., P.E. & R. on 5/16/2019)(May be acted upon Jan 2020)

**Location:** 7/12/2019-S. 2 YEAR

**Summary:** Current law requires, when payment of compensation has been unreasonably delayed or refused, either prior to or subsequent to the issuance of an award, the amount of the payment unreasonably delayed or refused to be increased up to 25% or up to \$10,000, whichever is less, except for unreasonable delay in the provision of medical treatment for periods of time necessary to complete the utilization review process. Current law provides that a determination by the appeals board or a final determination of the administrative director pursuant to independent medical review that medical treatment is appropriate is not conclusive evidence that medical treatment was unreasonably delayed or denied for purposes of imposing those penalties. This bill would exclude a final determination of the administrative director pursuant to independent medical review from the latter provision regarding conclusive evidence that medical treatment was unreasonably delayed or denied.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose	Key Bill		WC

**Notes 1:** In a coalition with other employers, CAJPA is OPPOSED to AB 1107 which would eliminate statutory language saying an IMR decision that overturns the utilization review decision shall not be considered conclusive evidence of an unreasonable denial of medical benefits.

**AB 1249**

**(Maienschein D) Health care service plans: regulations: exemptions.** (Vetoed: 9/27/2019 [html](#) [pdf](#).)

**Status:** 9/27/2019-Vetoed by Governor.

**Location:** 9/27/2019-A. VETOED

**Summary:** Would authorize the director, no later than May 1, 2020, to authorize 2 pilot programs, one in northern California and one in southern California, under which providers approved by the department may undertake risk-bearing arrangements with a voluntary employees' beneficiary association with enrollment of more than 100,000 lives, notwithstanding the fee-for-service requirement described above, or a trust fund that is a welfare plan and a multiemployer plan with enrollment of more than 25,000 lives, if certain criteria are met, including that each risk-bearing provider is registered with the department as a risk-based organization and holds or will obtain a limited or restricted license, as applicable. The bill would require the association or trust fund and each health care provider participating in each pilot program to report to the department information regarding cost savings and clinical patient outcomes compared to a fee-for-service payment model, and would require the department to report those findings to the Legislature by June 1, 2026. The bill would require pilot program participants to reimburse the department for reasonable regulatory costs of up to \$500,000. The bill would repeal these provisions on January 1, 2029. This bill contains other existing laws.

Organization	Position	Tier	Subject	Group



**AB 1595 (Committee on Education) Elementary and secondary education: omnibus bill.**(Chaptered: 10/7/2019 [html](#) [pdf](#))**Status:** 10/7/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 543, Statutes of 2019.**Location:** 10/7/2019-A. CHAPTERED**Summary:** Current provisions of the Education Code refer to pupil instruction in homemaking. This bill would change those references to family and consumer sciences instead of homemaking.

Organization	Position	Tier	Subject	Group
CAJPA	Sponsor	Key Bill		TL

**Notes 1:** CAJPA is proud to SPONSOR AB 1595 which clarifies that a school district or charter school that elects to offer any interscholastic athletic program is required to acquire at least one automated external defibrillator (AED) only for each school within the school district or charter school that participates in the interscholastic athletic program.**AB 1611 (Chiu D) Emergency hospital services: costs.** (Amended: 6/27/2019 [html](#) [pdf](#))**Status:** 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was HEALTH on 6/12/2019)(May be acted upon Jan 2020)**Location:** 7/10/2019-S. 2 YEAR**Summary:** Would require a health care service plan contract or insurance policy issued, amended, or renewed on or after January 1, 2020, to provide that if an enrollee or insured receives covered services from a noncontracting hospital, the enrollee or insured is prohibited from paying more than the same cost sharing that the enrollee or insured would pay for the same covered services received from a contracting hospital. The bill would require a health care service plan or insurer to pay a noncontracting hospital for emergency services rendered to an enrollee or insured pursuant to a specified formula, would require a noncontracting hospital to bill, collect, and make refunds in a specified manner, and would provide a dispute resolution procedure if any party is dissatisfied with payment.

Organization	Position	Tier	Subject	Group
CAJPA	Support	Key Bill		HC

**Notes 1:** CAJPA SUPPORTS AB 1611 which bans hospitals from sending surprise bills to patients for emergency room care beyond their regular co-payment or deductible. It also closes the loophole that leaves workers with self-insured or federally-regulated coverage through their job exposed to surprise bills.**SB 11 (Beall D) Health care coverage: mental health parity.** (Amended: 5/1/2019 [html](#) [pdf](#))**Status:** 5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/13/2019)(May be acted upon Jan 2020)**Location:** 5/17/2019-S. 2 YEAR**Summary:** Would require the Department of Managed Health Care and the Department of Insurance annually to report to the Legislature the information obtained through activities taken to enforce state and federal mental health parity laws.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose	Key Bill		HC

**Notes 1:** CAJPA is OPPOSED to SB 11 which would impose a costly mandate on coverage that ignores evidence-based medicine. This would unnecessarily drive up the cost of monthly premiums for all insured and contribute to the affordability crisis that already exists in the health care delivery system.**SB 266 (Leyva D) Public Employees' Retirement System: disallowed compensation: benefit adjustments.** (Amended: 9/3/2019 [html](#) [pdf](#))**Status:** 9/15/2019-9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was DESK on 9/11/2019)(May be acted upon Jan 2020)**Location:** 9/15/2019-S. 2 YEAR**Summary:** Would establish new procedures under PERL for cases in which PERS determines that the benefits of a member or annuitant are, or would be, based on disallowed compensation that conflicts with PEPPRA and other specified laws and thus impermissible under PERL. The bill would also apply these procedures retroactively to determinations made on or after January 1, 2017, if an appeal has been filed and the employee member, survivor, or beneficiary has not exhausted their administrative or legal remedies. At the threshold, after determining that compensation for an

employee member reported by the state, school employer, or a contracting agency is disallowed, the bill would require the applicable employer to discontinue the reporting of the disallowed compensation.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose	Key Bill		JPA

**Notes 1:** In a coalition with other public employers, CAJPA is OPPOSED to SB 266, which will require public agencies to directly pay retirees and/or their beneficiaries disallowed retirement benefits using general fund dollars. As amended, SB 266 places 100 percent of the total liability for such overpayments on public agencies—abdicated all responsibility previously held by CalPERS to ensure that retirement benefits are calculated and administered correctly. As such, SB 266 is a de facto and retroactive benefit enhancement measure that will further strain local agency budgets at a time where retirement obligations are effectively eliminating agencies ability to provide critical services for the public. Our objections to this measure are rooted in policy, operational, cost, and legal concerns that will inevitably face virtually every state and local government agency should this measure be signed into law.

### **SB 338 (Hueso D) Senior and disability victimization: law enforcement policies.**

(Chaptered: 10/8/2019 [html](#) [pdf](#))

**Status:** 10/8/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 641, Statutes of 2019.

**Location:** 10/8/2019-S. CHAPTERED

**Summary:** Would eliminate the duty imposed on long-term care ombudsman programs to revise or include in their policy manuals specified information regarding elder and dependent adult abuse. The bill would also authorize local law enforcement agencies to adopt a policy regarding senior and disability victimization, as defined. The bill would require, if a local law enforcement agency adopts or revises a policy regarding elder or dependent adult abuse or senior and disability victimization on or after April 13, 2021, that the policy include specified provisions, including provisions related to enforcement and training. The bill would also make clarifying changes to provisions related to the entities that have jurisdiction to investigate elder and dependent adult abuse.

Organization	Position	Tier	Subject	Group
CAJPA	Support	Key Bill		LC

**Notes 1:** CAJPA SUPPORTS SB 338 which proposes to give local law enforcement agencies tools to better protect senior citizens and Californians living with disabilities from abuse, sexual assault, domestic violence, hate crimes, and other major crimes. A significant tool is the 2018 San Diego County Elder and Dependent Adult Abuse Blueprint. Established guidelines, such as this blueprint, promote a finished structure and can ensure quality through uniformity.

### **SB 355 (Portantino D) Joint powers agencies: Clean Power Alliance of Southern California: meetings.**

(Chaptered: 9/5/2019 [html](#) [pdf](#))

**Status:** 9/5/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 248, Statutes of 2019.

**Location:** 9/5/2019-S. CHAPTERED

**Summary:** Would authorize the Clean Power Alliance of Southern California, or its successor entity, to adopt a policy or bylaw or include in its joint power agreement a provision that authorizes both (1) a designated alternate member of its legislative body who is not a member of the legislative body of a local agency member, and who is attending a properly noticed meeting of the Clean Power Alliance of Southern California, or its successor entity, in lieu of a local agency member's regularly appointed member to attend closed sessions of the Clean Power Alliance of Southern California, or its successor entity and (2) a designated alternate member of its legislative body, who is not a member of the legislative body of the member local agency, to disclose information obtained in a closed session that has direct financial or liability implications for the local agency member for which the designated alternate member attended the closed session, to legal counsel of local agency member for specified purposes or to members of the legislative body of the local agency present in a closed session, as specified.

Organization	Position	Tier	Subject	Group
CAJPA	Support	Key Bill		JPA

**Notes 1:** CAJPA is proud to support your bill SB 355, which improves the ability of local governments to attain a quorum and discuss substantive issues in closed session as members of a joint powers authority (JPA). SB 355 ensures that local leaders have appropriate flexibility to meet

their elected duties to their primary agency while the vital mission of a JPA is executed in an effective and timely manner.

**[SB 416](#) (Hueso D) Employment: workers' compensation.** (Amended: 9/5/2019 [html](#) [pdf](#))

**Status:** 9/15/2019-Failed Deadline pursuant to Rule 61(a)(15). (Last location was DESK on 9/13/2019)(May be acted upon Jan 2020)

**Location:** 9/15/2019-A. 2 YEAR

**Summary:** Current law establishes a workers' compensation system to compensate employees for injuries sustained arising out of and in the course of their employment. Existing law designates illnesses and conditions that constitute a compensable injury for various employees, such as members of the Department of the California Highway Patrol, firefighters, and certain peace officers. These injuries include, but are not limited to, hernia, pneumonia, heart trouble, cancer, meningitis, and exposure to biochemical substances, when the illness or condition develops or manifests itself during a period when the officer or employee is in service of the employer, as specified. Would expand the coverage of the above provisions relating to compensable injuries to include all persons defined as peace officers under certain provisions of law, except as specified. This bill contains other related provisions and other existing laws.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose	Key Bill		WC

**Notes 1:** In a coalition with other employers, CAJPA is OPPOSED to SB 416 which would significantly expand eligibility for workers' compensation presumption benefits that are limited in current law only to certain categories of peace officers.

**[SB 542](#) (Stern D) Workers' compensation.** (Chaptered: 10/1/2019 [html](#) [pdf](#))

**Status:** 10/1/2019-Approved by the Governor. Chaptered by Secretary of State. Chapter 390, Statutes of 2019.

**Location:** 10/1/2019-S. CHAPTERED

**Summary:** Under current law, a person injured in the course of employment is generally entitled to receive workers' compensation on account of that injury. Current law provides that, in the case of certain state and local firefighting personnel and peace officers, the term "injury" includes various medical conditions that are developed or manifested during a period while the member is in the service of the department or unit, and establishes a disputable presumption in this regard. This bill would provide, only until January 1, 2025, that in the case of certain state and local firefighting personnel and peace officers, the term "injury" also includes post-traumatic stress that develops or manifests itself during a period in which the injured person is in the service of the department or unit. The bill would apply to injuries occurring on or after January 1, 2020.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose - Coalition	Key Bill		WC

**Notes 1:** In a coalition with other public employers, CAJPA is OPPOSED to SB 542, which creates a new presumption of industrial causation for all mental health conditions or mental disabilities that result in a diagnosis of post-traumatic stress disorder, or mental health disorder that develops (PTSD) or manifests itself during a period when a firefighter or peace officer is in service of the department.

**[SB 567](#) (Caballero D) Workers' compensation: hospital employees.** (Introduced: 2/22/2019 [html](#) [pdf](#))

**Status:** 4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L., P.E. & R. on 3/7/2019)(May be acted upon Jan 2020)

**Location:** 4/26/2019-S. 2 YEAR

**Summary:** Would define "injury," for a hospital employee who provides direct patient care in an acute care hospital, to include infectious diseases, cancer, musculoskeletal injuries, post-traumatic stress disorder, and respiratory diseases. The bill would create rebuttable presumptions that these injuries that develop or manifest in a hospital employee who provides direct patient care in an acute care hospital arose out of and in the course of the employment. The bill would extend these presumptions for specified time periods after the hospital employee's termination of employment. The bill would also make related findings and declarations.

Organization	Position	Tier	Subject	Group
CAJPA	Oppose	Key Bill		WC

**Notes 1:** In a coalition with other employers, CAJPA is OPPOSED to SB 567, which will impose an astronomical financial burden on public employers in the healthcare industry and create a troubling precedent for the workers' compensation system in general by creating a legal presumption that

blood-borne infectious diseases, tuberculosis, meningitis, Methicillin-resistant Staphylococcus aureus (MRSA), cancer, back injuries, post-traumatic stress disorder, and respiratory disease are presumptively workplace injuries for all hospital employees that provide direct care.

**SB 731 (Bradford D) Workers' compensation: risk factors.** (Introduced: 2/22/2019 [html](#) [pdf](#).)

**Status:** 7/12/2019-Failed Deadline pursuant to Rule 61(a)(11). (Last location was INS. on 5/30/2019)(May be acted upon Jan 2020)

**Location:** 7/12/2019-A. 2 YEAR

**Summary:** Current law requires a physician who prepares a report addressing the issue of permanent disability due to an industrial injury to address the cause of the permanent disability in the report, including what approximate percentage of the permanent disability was caused by other factors before and after the industrial injury, if the physician is able to make an apportionment determination. This bill would prohibit consideration of race, religious creed, color, national origin, age, gender, marital status, sex, sexual identity, sexual orientation, or genetic characteristics to determine the approximate percentage of the permanent disability caused by other factors.

Organization	Position	Tier	Subject	Group
CAJPA	Support if Amended	Key Bill		WC

**Notes 1:** CAJPA is leading a coalition with a position of SUPPORT IF AMENDED to SB 731, as introduced February 20, 2019, which among other things, prohibits consideration of race, religious creed, color, national origin, age, gender, marital status, sex, sexual identity, sexual orientation, or genetic characteristics, for the purposes of apportionment of permanent disability (PD).

Last year, our organizations and others participated in extensive stakeholder meetings on the issues posed by SB 731. The outcome was an unopposed bill with broad industry support for SB 899 (Pan) which stated that apportionment of PD cannot be based on race or other specified factors. We respectfully request consideration that SB 731 be amended to mirror the language of SB 899 that was sent to Governor Brown last year.

**Total Measures: 27**  
**Total Tracking Forms: 27**

10/15/2019 9:00:34 AM

# BUSINESS INSURANCE.

## PTSD legislation increasing costs, not care

Posted On: Oct. 9, 2019 7:00 AM CST

### Angela Childers

States across the country continue to propose and pass laws purported to provide first responders diagnosed with post-traumatic stress disorder with workers compensation coverage. However, these laws aren't necessarily working as intended, and can leave first responders without care and municipalities struggling to cover the costs, experts say.



“If you're listening to the first responders ... they're convinced that presumption is exactly what they've earned” but municipal workers comp pool managers will “tell you that presumption actually fails” in many ways, said John Hanson, an Atlanta-based senior consultant with Willis Towers Watson PLC.

“The cost is extraordinary,” he added. “The reality is that a large number of these claims ... are all heavily litigated or arbitrated, and a really high percentage of these claims are not readily paid.”

On Oct. 1, California became the latest state creating a rebuttable presumption of a compensable mental health injury when Gov. Gavin Newsom signed S.B. 542, intended to provide workers compensation for firefighters and law enforcement personnel who sustain occupational PTSD. The law will apply to injuries on or after Jan. 1, 2020.

Maine, Minnesota, Oregon and Vermont have passed occupational presumption legislation for PTSD. Colorado, Connecticut, Florida, New Mexico, New Hampshire, New York, Nevada and Texas have passed legislation that makes PTSD diagnosis compensable for certain first responders. Some bills, like those in Florida and Connecticut, define exactly what types of traumatic events must be witnessed for the PTSD to be compensable.

Hawaii, Michigan, North Carolina, Tennessee, Virginia and West Virginia all introduced some form of first responder PTSD legislation at the beginning of the 2019 legislative session but none have become law.

Ohio had considered the addition of PTSD presumption for first responders, but the language was stripped from the 2019 budget by the state's Senate until further study into the cost of the presumption can be conducted.

South Carolina created a fund to help first responders with out-of-pocket medical costs related to PTSD treatment.

According to the Substance Abuse and Mental Health Services Administration, an estimated 30% of first responders develop behavioral health conditions such as depression and PTSD, and firefighters and law enforcement officers have higher suicide rates than the general population.

This is where presumption laws aimed at providing care and paid leave under workers comp to first responders grappling with PTSD come in, but not all PTSD claims are viable and not all PTSD is caused by the first responder's work, according to legal experts.

Rebuttable presumption legislation is driving up the cost of litigation by placing the burden on the employers and insurers to rebut cases, said Bert Randall, president of Baltimore law firm Franklin & Prokopik P.C.

That can include paying for independent medical examinations, detailed investigations into the claimant's medical history and their exposures and more, which are "really costing employers and their insurers a lot of money."

Minnesota's PTSD presumption legislation, which took effect Jan. 1, applies to traumatic events that occurred after Jan. 1, 2013, so long as the first responder is diagnosed with PTSD according to the American Psychology Association's 5th Edition Diagnostic and Statistical Manual of Mental Disorders.

"(The legislation) has flipped the burden of proof, and there are more cases being filed," said Mark Kleinschmidt, partner at Mendota Heights, Minnesota-based law firm Cousineau, Waldhauser & Kieselbach PA. "It's very difficult to figure out ... objective measurements by which to say the person was exposed to a traumatic incident. You're looking at a treatment cost that's difficult to manage, and along with the treatment cost comes the period of disability ... that might be longer than a physical injury."

In California, state workers comp groups, as well as county, city and insurance associations, requested that the governor veto S.B. 542 due to a lack of information on the need of PTSD coverage and the financial impact it could have on the state's compensation system.

"Without evidence that a problem exists or an analysis of the potential costs to local entities, especially considering the retroactivity, we don't believe this legislation should be enacted," the entities said in a letter sent to the governor in September.

The Boca Raton, Florida-based National Council for Compensation Insurance has also expressed its concern with presumption bills, noting the uncertainty of future losses given the potential latency of a presumptive claim, according to research briefs published by the ratings agency.

Although most of these PTSD laws limit coverage to firefighters, police officers and emergency medical technicians, other public workers and even some groups in the private sector are fighting for PTSD presumption coverage, said Desiree Tolbert-Render, Orlando, Florida-based assistant vice president, national technology compliance for workers compensation at Sedgwick Claims Management Services Inc.

"What you are seeing more are attempts to expand (coverage), she said. "For instance, in some states where they started out with firefighters and police, it's expanded to include other state employees, correctional officers."

That includes the private sector. California nurses and Connecticut private ambulance drivers have been lobbying to have PTSD preemptively compensable, said Ms. Tolbert-Render, and teachers have also argued why they may witness a tragic event — such as the school shooting in Sandy Hook in 2012 — but don't have the same benefits as a first responder on the scene.

"If it keeps expanding, it's probably going to end up being cost prohibitive," she said.

Because the workers comp system "hinges on diagnosis," it makes more sense to implement a suite of preventive resources for first responders exhibiting symptoms of PTSD vs. claiming through the comp system, which "wasn't built" for addressing these issues, said Mr. Hanson.

"Some states that have the presumption have discovered that the volume of PTSD claims is far greater than they imagined," he said. "There is a lot to PTSD that has yet to be revealed. If we create a presumption, have we opened the floodgates to potential catastrophic damage to municipal comp pools?"

## Courts now look to a city's design in inverse condemnation actions

By Carolyn Frank

The California Supreme Court recently held that a city protects itself from inverse condemnation claims resulting from a sewer system backup by designing a reasonable sewer system with appropriate safeguards for these foreseeable damages. This new case places responsibility on private landowners to ensure that all required safeguards in the city's design have been implemented before proceeding with an inverse condemnation claim against a public entity. Instead of looking solely to the cause of damages, the courts will now look at the city's design and if a private individual fails to abide by the city's design it can be liable for the damages caused.

The California Constitution provides that "private property may be taken or damaged for a public use and only when just compensation ... has first been paid to ... the owner." Art. I sec. 19, subd. (a). A citizen can sue the government for inverse condemnation if they contend their property was taken or damaged without just compensation. *City of Oroville v. Super. Ct. of Butte County*, 2019 DJDAR 7729 (Cal. Aug. 15, 2019). Courts must consider the competing interests of the private individual and the public benefit when deciding inverse condemnation cases. "Private landowners may establish inverse condemnation liability even where the public improve-

ment was deliberately designed, constructed, and maintained was only one of several concurrent causes-provided the causal nexus between the risks inherent in the public improvement and the harm in question was sufficiently robust to create a pronounced likelihood of damage."

In *Oroville*, a dentist office in the city of Oroville sustained damage when a sewer backed up and flooded the office. Roots and branches caused the sewer backup. The dentist office sued the city alleging inverse condemnation. The city defended by showing that the city's sewer design required a backflow prevention device to be installed at the dentist office and no backflow prevention device was ever installed by the property owner. The dentist office's expert conceded that a functioning backflow prevention device would have prevented the damage. The Supreme Court held that although the sewer backup caused the injury and although this was a foreseeable risk of this type of injury, because the city's design included reasonable safeguards to prevent the damage the city was not liable for inverse condemnation. This new test puts the analysis on what caused the damages, not just what caused the sewer blockage.

Both the trial court and the Court of Appeal found the city liable for inverse condemnation. The lower courts relied on *California State Automobile Assn. v. City of Palo Alto*, 138 Cal. App. 4th 474 (2006), for the proposi-

tion that "in order to absolve itself of liability, the city would have to prove that other forces alone produced the injury." The Supreme Court rejected this proposition and held that to succeed on a claim for inverse condemnation "the damage to private property must be substantially caused by an inherent risk presented by the deliberate design, construction, or maintenance of the public improvement." Thus, "a court reviewing an inverse condemnation claim arising from a sewage overflow must consider whether the damages to private property were the direct and necessary effect of the inherent risks posed by the public improvement as deliberately designed, constructed or maintained." The court must also consider "whether the damages were the result of a risk created not by the public improvement, but by the acts of the private property owner. A causal connection between the public improvement and the property damage alone is insufficient to sustain a finding of inverse condemnation."

Here, the dentist office had not "shown the damage to its property was substantially caused by an inherent risk of the City's sewer system, as deliberately designed, constructed or maintained." To the contrary, "the City acted reasonably in adopting the design for the sewer system, and that the sewer was designed in accordance with the accepted practices for designing and constructing sewer systems of that time." The reasonable design of the sewer

system was defeated by the property owner's failure to install the requisite backflow prevention device specified in the city's sewer design. Thus, Oroville was not liable for inverse condemnation.

This landmark case is a major victory for public entities and puts responsibility on individual landowners to make sure they abide by the city's broad design. Had the Supreme Court decided differently it would have made it impossible for a city to protect itself from liability even with a well thought out sewer design. An individual landowner could defeat the city's plans by failing to install required safety precautions or by willfully damaging those safety precautions banking on the city being strictly liable for all damages caused. Thus, the Supreme Court has appropriately placed the expense of the damages caused on the individuals responsible for failing to implement the city's design.

*Carolyn Frank is a partner at Cole Huber LLP.*



# BUSINESS INSURANCE.

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### Angela Childers

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BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Risk Management Committee Meeting  
October 24, 2019**

**Agenda Item G.1.**

**SEDGWICK ACQUISITION OF YORK RISK SERVICES GROUP, INC.**

**INFORMATION ITEM**

**ISSUE:** The Committee may recall that the national firm York Risk Services purchased Bickmore several years ago; however operations continued under the Bickmore name. In December 2018, Bickmore fully re-branded itself as York.

In a more recent development, it was announced in July 2019 that Sedgwick agreed to purchase York. On September 4, 2019, the acquisition cleared regulatory hurdles and the sale was finalized.

*Business Insurance* magazine recently described the pending acquisition:

Memphis, Tennessee-based Sedgwick Claims Management Services Inc., the largest TPA with \$2.7 billion in gross revenue in 2018 according to *Business Insurance*'s latest ranking, announced last week it had agreed to acquire fellow top 10 third-party administrator York Risk Services Group Inc., the fifth-largest TPA with \$800 million in revenues last year, in a transaction expected to close later this year — terms were not disclosed. The deal is seen as adding scale and revenue diversity for Sedgwick, but also integration risk, according to analysts. Sedgwick has been in business for 50 years and has over 27,000 employees in 65 countries.

Sedgwick would emphasize that we do not foresee any significant changes for NCCSIF. While we now will be part of a much larger organization, the existing risk control team will remain intact, and we look forward to providing responsive, member-focused service.

**RECOMMENDATION:** None. Information only.

**FISCAL IMPACT:** None.

**BACKGROUND:** York Risk Services Group and its predecessor Bickmore have been providing risk management services to NCCSIF since 2012. The sale of York to Sedgwick was finalized on September 4, 2019.

**ATTACHMENT(S):** Sedgwick Press Release

September 4, 2019

## Sedgwick completes acquisition of York Risk Services Group

I am pleased to let you know that, after months of planning and having received regulatory approval, Sedgwick has finalized its purchase of York Risk Services Group. Today's news marks another exciting milestone in our remarkable growth story spanning the past 50 years.

York's customized claims solutions and expertise in managed care, pool administration, loss control and other specialties complement and enrich Sedgwick's market capabilities. With the close of this strategic acquisition, we are pleased to officially welcome York's 5,000 highly skilled professionals to the Sedgwick family, which now comprises nearly 27,000 colleagues across 65 countries! Together, we'll have greater capacity to support even more customers in their time of need, demonstrating on a broader scale how caring counts®.

Now that the transaction has closed, we can move forward with integrating the Sedgwick and York organizations into a unified team. You will hear more in the coming weeks regarding the details of our brand transition plans.

While many changes lie ahead for Sedgwick, our focus is clearly on our clients. Our top priority is ensuring that the programs we administer continue to produce outstanding results. We are fully committed to seamlessly providing those we serve with the exceptional support they have come to expect.

More details about today's news can be found in our press release, available [here](#). As always, please contact your Sedgwick client services representative if you have any questions. Thank you for your continued partnership.

Best regards,



Dave North  
President and CEO

Connect with us



*Celebrating 50 years and looking toward the future of caring*



## **Sedgwick completes acquisition of York Risk Services Group**

**MEMPHIS, Tenn.**, Sept. 4, 2019 – Sedgwick, a leading global provider of technology-enabled risk, benefits and integrated business solutions, today announced the completion of its purchase of York Risk Services Group, a premier provider of claims administration, managed care, specialized loss adjusting, pool administration and loss control solutions.

York's customized claims solutions and specialized expertise complement and enrich Sedgwick's market capabilities. The strategic acquisition brings to Sedgwick approximately 5,000 highly skilled professionals serving a variety of clients, including corporations, the insurance industry and public entities. With the close of the acquisition, the Sedgwick family now comprises nearly 27,000 colleagues across 65 countries.

"The York acquisition marks another milestone in our storied half-century of growth," said Sedgwick president and CEO Dave North, referencing the company's 50th anniversary in 2019. "Joining forces with York enhances Sedgwick's position as a global industry leader. Together, we'll have the capacity to support more customers in times of need; taking care of people is at the heart of everything we do, because caring counts."

"Integrating our two companies' expertise and capabilities will enhance our service offerings, bring us into new markets, and present exciting growth opportunities for our talented colleagues," said Thomas Warsop, chairman and CEO of York. "This union is great news for the industry and for all our valued stakeholders."

As part of the transaction, entities controlled by Onex Corporation (TSX: ONEX), an investment manager founded in 1984 that owned York, are rolling their equity into the combined business and join Sedgwick's shareholder group as a minority investor.

BofA Merrill Lynch and Morgan Stanley & Co. LLC served as financial advisors to Sedgwick, and Simpson Thacher & Bartlett LLP and Clifford Chance US LLP served as legal advisors. Jefferies LLC and J.P. Morgan Securities LLC served as financial advisors to York, and Fried, Frank, Harris, Shriver & Jacobson LLP served as its legal advisor. BofA Merrill Lynch and Morgan Stanley Senior Funding, Inc. acted as joint lead arrangers on the incremental debt for the transaction.

### **About Sedgwick**

Sedgwick is a leading global provider of technology-enabled risk, benefits and integrated business solutions. The company provides a broad range of resources tailored to clients' specific needs in casualty, property, marine, benefits and other lines. At Sedgwick, caring counts<sup>®</sup>; through the dedication and expertise of nearly 27,000 colleagues across 65 countries, the company takes care of people and organizations by mitigating and reducing risks and losses, promoting health and productivity, protecting

brand reputations, and containing costs that can impact the bottom line. Sedgwick's majority shareholder is The Carlyle Group; Stone Point Capital LLC, Caisse de dépôt et placement du Québec (CDPQ), Onex and other management investors are minority shareholders. For more, see [www.sedgwick.com](http://www.sedgwick.com).

###

**Media contacts**

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**Northern California Cities Self Insurance Fund  
Risk Management Committee Meeting  
October 24, 2019**

**Agenda Item G.2.**

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

**INFORMATION ITEM**

**ISSUE:** Dave Beal will present an update on the services Sedgwick has provided NCCSIF members during the 2019/20 program year to date.

**Hazard & Safety Assessment**

Sedgwick is scheduling meetings with all NCCSIF members in the few months to complete the FY 2019/20 Hazard & Safety Focused Assessments. Discussions will include progress made on the prior year's recommendations and setting priorities to complete deficiencies found during the assessment process.

**Member Services**

Members receive two days of risk control services to help implement recommendations from the Hazard & Safety Assessment. 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 program development, on-site training, etc.

Members can also receive a half day on-site risk management orientation (Risk Management 101 for Managers and Supervisors). This orientation is jointly led by the NCCSIF Program Administrator, Sedgwick Account Manager (TPA) and Sedgwick Risk Control Account Manager. An orientation is scheduled with the City of Lincoln in November. Sedgwick will continue to work with NCCSIF staff to reach out and schedule additional trainings at member cities request.

**Regional Training Workshops:**

The following regional training has been scheduled:

Workplace Violence Prevention

- Galt - October 31, 2019
- Corning - November 5, 2019



BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Risk Management Committee Meeting  
October 24, 2019**

**Agenda Item G.2. (continued)**

**Additional Services and Resources**

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

- **On-line Streaming Videos** - Members have access to over 400 on-line streaming videos to help comply with OSHA and other regulatory training requirements. Sedgwick-produced videos are also developed on key safety topics.
- **Safety Publications** - Sedgwick Risk Control has developed 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** - Sedgwick Risk Control conducts 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. These documents are in Word format so that they can be easily customized by each member.

**FISCAL IMPACT:** None.

**RECOMMENDATION:** None. This is provided as information only.

**ATTACHMENTS:**

1. Member Services Summary Report July 1, 2019 - October 11, 2019
2. Member Services Summary Report July 1, 2018 - June 30, 2019



**NCCSIF Member Services Report  
July 1, 2019 – October 11, 2019**

Client	Activity	Status	Staff
Dixon, City of	Consulting Safety Committee Review Safety Committee Bylaws	In Progress	Dave Beal
Dixon, City of	Consulting Safety Committee	In Progress	Dave Beal
Dixon, City of	Assessment Focused Assessment	In Progress	Dave Beal
Dixon, City of	Program Review IIPP	In Progress	Dave Beal
Dixon, City of	Training Site Inspections	In Progress	Dave Beal
Jackson, City of	Assessment Focused Assessment	In Progress	Dave Beal
Jackson, City of	Training Confined Space	Completed	Chris Williams
Jackson, City of	Training Traffic Control & Flagging	In Progress	Dave Beal
Jackson, City of	Program Development IIPP	In Progress	Dave Beal
Lincoln, City of	Training Traffic Control & Flagging	In Progress	Dave Beal
Marysville, City of	Consulting Theft and Vandalism	Completed	Dave Beal
Marysville, City of	Consulting Thefts and Vandalism at City Locations	Completed	Dave Beal
Paradise, Town of	Phone & E-mail Consultation Training Requirement Question	Completed	Dave Beal
Rio Vista, City of	Phone & E-mail Consultation Aquatics - AFO Certification Class	Completed	Dave Beal
Rocklin, City of	Consulting Emergency Response Management EAP Plan	In Progress	Dave Beal
Rocklin, City of	Consulting Safety Committee	Completed	Dave Beal
Rocklin, City of	Program Development Emergency Response Management	In Progress	Dave Beal
Rocklin, City of	Program Development Sidewalks Sidewalk Management Plan	In Progress	Dave Beal
Rocklin, City of	Training Aerial & Fork Lifts	In Progress	Dave Beal
Yuba City, City of	Assessment Focused Risk Assessment	In Progress	Dave Beal
Yuba City, City of	Phone & E-mail Consultation Wild Fire Smoke	Completed	Dave Beal



**NCCSIF Member Services Report  
July 1, 2019 – October 11, 2019**

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<b>Client</b>	<b>Activity</b>	<b>Status</b>	<b>Staff</b>
Yuba City, City of	Phone & E-mail Consultation Wildfire Smoke Standard	Completed	Dave Beal
Yuba City, City of	Program Development Sidewalks	In Progress	Dave Beal



**NCCSIF Member Services Report  
July 1, 2018 – June 30, 2019**

<b>Client</b>	<b>Activity</b>	<b>Status</b>	<b>Staff</b>
Anderson	Program Development Auto, Fleet and Driver Risk	Completed	Daniel Newsom
Auburn	Phone & E-mail Consultation Sex Harassment Training	Completed	Gail Zeigler
Colusa	Phone & E-mail Consultation PW Uniform	Completed	Gail Zeigler
Corning	Program Development Emergency Action Plan	Closed - see notes	Daniel Newsom
	Program Development Auto, Fleet and Driver Risk	Closed - see notes	Daniel Newsom
	Consulting Facilitate new Safety committee	Closed - see notes	Daniel Newsom
	Consulting Target Solutions	Completed	Jane Hayes
Dixon	Program Development IIPP Review	Completed	Daniel Newsom
	Phone & E-mail Consultation Hearing Conservation	Completed	Gail Zeigler
	Assessment Ergonomics Evals	Completed	Dave Beal
	Assessment Ergonomics	Completed	Dave Beal
Elk Grove	Phone & E-mail Consultation Risk Mgt Policy	Completed	Gail Zeigler
	Phone & E-mail Consultation Record Retention Question	Completed	Gail Zeigler
Folsom	Assessment 2017.18 Focused Risk Assessment	Completed	Dave Beal
	Assessment Hazard Inspections	Completed	Dave Beal
	Training Defensive Driver	Completed	Dave Beal
Galt	Program Development Volunteer Program	Completed	William Vannett
	Assessment 2017.18 Focused Risk Assessment	Completed	William Vannett
	Program Development Confined Space	Closed - see notes	Chris Williams
	Training Confined Space	Closed - see notes	Chris Williams
	Training Police	Completed	William Vannett



**NCCSIF Member Services Report  
July 1, 2018 – June 30, 2019**

Client	Activity	Status	Staff
Gridley	Program Development Auto, Fleet and Driver Risk	In Progress	Dave Beal
	Assessment Ergonomics Police Dispatch	Completed	Dave Beal
	Training RM 101 for Sup & Mgr	Placeholder	Dave Beal
	Assessment Ergonomics City Hall	Completed	Dave Beal
	Training Workplace Violence Bickmore Encounters Videos	In Progress	Dave Beal
	Phone & E-mail Consultation Accident Investigation	Completed	Gail Zeigler
Ione	RM 101 for Sup and Mgr	Placeholder	Dave Beal
	Assessment Focused Risk Assessment	Completed	Gail Zeigler
Jackson	Training Aerial & Fork Lifts	Completed	Dave Beal
	Training Traffic Control & Flagging	Completed	Dave Beal
	Phone & E-mail Consultation Sidewalks	Completed	Gail Zeigler
	Phone & E-mail Consultation BBP Immunizations	Completed	Gail Zeigler
Lincoln	RM 101 for Sup and Mgr	Placeholder	Dave Beal
	Training BBP	Closed - see notes	Gail Zeigler
	Assessment Parks and Recreation Playground Inspection	Completed	William Vannett
	Consulting Orientation Risk Control Services	Completed	Gail Zeigler
	Phone & E-mail Consultation Auto, Fleet and Driver Risk Spinner Knobs	Completed	Gail Zeigler
Marysville	Assessment 2017.18 Focused Risk Assessment	Completed	Gail Zeigler
	Consulting Orientation Risk Control Services	In Progress	Dave Beal
	Phone & E-mail Consultation CRT	Completed	Gail Zeigler



**NCCSIF Member Services Report  
July 1, 2018 – June 30, 2019**

<b>Client</b>	<b>Activity</b>	<b>Status</b>	<b>Staff</b>
Nevada City	Program Development Ergonomics	Awaiting Member Availability	Gail Zeigler
	Program Development IIPP	Completed	Daniel Newsom
	Program Development Phone & E-mail Consultation Website access	Completed	Gail Zeigler
Oroville	Assessment 2017.18 Focused Risk Assessment	Completed	Gail Zeigler
	Program Development Auto, Fleet and Driver Risk	Completed	Gail Zeigler
	Consulting Ergonomics New Police Dispatch Center	Completed	James Szymanski
	Program Development Return to Work	Completed	Gail Zeigler
Paradise	Training Aerial & Fork Lifts Public Works Training Day	Closed - see notes	Gail Zeigler
Placerville	Phone & E-mail Consultation Safety Training	Completed	Gail Zeigler
Red Bluff	Program Development Develop Hearing Conservation Program	Closed - see notes	Gail Zeigler
	Program Development Auto, Fleet and Driver Risk	Completed	Gail Zeigler
	Training Driver Training	Awaiting Member Availability	Gail Zeigler
	Program Development Auto, Fleet and Driver Risk	Awaiting Member Availability	Lee Sorenson
	Program Development Develop City BBP program	Closed - see notes	Gail Zeigler
	Program Development Develop Citywide Respiratory Protection Program	Closed - see notes	Gail Zeigler
	Program Development Develop Confined Space Program	Closed - see notes	Gail Zeigler
	Program Development LOTO Develop Program	Closed - see notes	Gail Zeigler
	Program Development Lead Exposure Program	Closed - see notes	Gail Zeigler



**NCCSIF Member Services Report  
July 1, 2018 – June 30, 2019**

<b>Client</b>	<b>Activity</b>	<b>Status</b>	<b>Staff</b>
Rio Vista	Program Development Auto, Fleet and Driver Risk	Closed - see notes	Dave Beal
	Training Heat Illness	Closed - see notes	Dave Beal
	Program Development BBP	Awaiting Member Availability	Dave Beal
	Training BBP	Completed	Dave Beal
	Phone & E-mail Consultation Sexual Harassment Training	Completed	Gail Zeigler
	Consulting RC Services Orientation	Placeholder	Dave Beal
Rocklin	Training RM 101	Completed	Gail Zeigler
	Physical Inspection Facility Inspection	Completed	Gail Zeigler
	Training Emergency Response Management	Completed	Gail Zeigler
	Phone & E-mail Consultation BBP Hep A	Completed	Gail Zeigler
	Phone & E-mail Consultation Quarry Park	Completed	Gail Zeigler
	Phone & E-mail Consultation Waivers	Completed	Gail Zeigler
	Safety Committee	Completed	Gail Zeigler
	Phone & E-mail Consultation Emergency Response Management EAP	Completed	Gail Zeigler
	Phone & E-mail Consultation Respiratory Protection Program Smoke	Completed	Gail Zeigler
	Consulting On site RM services	Completed	Gail Zeigler
	Program Development IIPP IIPP , EAP and Ergo	Completed	Gail Zeigler
	Phone & E-mail Consultation Ergonomics Equipment Vendors	Completed	Gail Zeigler
	Assessment Ergonomics	Completed	Dave Beal



**NCCSIF Member Services Report  
July 1, 2018 – June 30, 2019**

Client	Activity	Status	Staff
Willows	Assessment 2017.18 Focused Risk Assessment	Completed	Gail Zeigler
Yuba City	Phone & E-mail Consultation Safety Training Guide	Completed	Gail Zeigler
	Program Development LOTO Review Electrical Safety Program	Completed	Chris Williams
	Accident Investigation Incident Report Forms	Completed	Jane Hayes
	Phone & E-mail Consultation Smoke	Completed	Gail Zeigler
	Phone & E-mail Consultation Respiratory Protection Program N95	Completed	Gail Zeigler
NCCSIF	Regional Training Asbestos Cement Pipe		Gail Zeigler
	Regional Training Traffic Control & Flagging		Gail Zeigler
	Regional Training Traffic Control & Flagging		William Vannett
	Police Risk Mgt Committee		Gail Zeigler
	RMC Meeting		Gail Zeigler
	Training Police Department Operations		Tom Kline
	Consulting Police Department Operations Police Risk Management		Gail Zeigler
	Regional Training Traffic Control & Flagging		Gail Zeigler
	Regional Training BBP for Public Works and Parks		Gail Zeigler
	Regional Training Heat Illness Supervisor Training		Gail Zeigler
	Regional Training Workplace Violence		Gail Zeigler
	Special EC Meeting		Gail Zeigler
	Regional Training Heat Illness Supervisor Training		William Vannett



**Northern California Cities Self Insurance Fund  
Risk Management Committee Meeting  
October 24, 2019**

**Agenda Item G.3.**

**NCCSIF SAFETY AND RISK CONTROL REGIONAL TRAININGS**

**ACTION ITEM**

**ISSUE:** Dave Beal from Sedgwick Risk Control will provide the Risk Management Committee with a list of potential Regional Trainings that can be scheduled for the remainder of the 2019/20 program year and the start of the 2020/21 program year. Staff is also interested in hearing from the committee if they have other topics of interest that are not included on the list.

Past regional trainings have been limited to one topic that lasts three to four hours. In order to provide additional training while maintaining the number of training days, this could be expanded to include multiple topics lasting up to six hours.

In addition, staff would like to ensure that attendance at regional trainings is well-attended by the members. Factors that may limit participation might include lack of interest in a particular topic, timeliness of the topic, scheduling, the announcement not reaching the right persons, etc.

**FISCAL IMPACT:** None - Sedgwick's role is included in their contract and NCCSIF has budgeted \$30,000 for outside training in FY 19/20.

**RECOMMENDATION:** Staff recommends the Risk Management Committee to select four regional training topics for Sedgwick Risk Control to coordinate and schedule for the 2019/20 program year and one topic to start the 2020/21 program year.

Staff would like feedback from the Committee on their interest in having multiple topics delivered during the regional trainings and how to improve attendance.

**BACKGROUND:** NCCSIF contracted with Bickmore on January 1, 2012 to provide risk control services. Contracted services include the coordination of Regional Trainings.

**ATTACHMENTS:**

1. Regional Training Topic List
2. Past Regional Training Topic List

## **Regional Training Topics List**

### **Vehicle/Traffic:**

- Commercial Vehicle Safety (CHP)
- Temporary Traffic Control and Flagging
- Driver Safety Training

### **Emergency Readiness**

- What's New in Emergency Management (Mike Dever)

### **Supervisor Training**

- Recognition of Employee Substance Abuse
- Supervisor's Role in Safety Orientation Training

### **Public Works and Parks**

- Bloodborne Pathogens for Public Works and Parks
- Lock Out/Tag Out
- Heat Illness Prevention Training
- Heat Illness Train-the-Trainer
- Confined Space Awareness Training
- Heat Illness Prevention Train-the-Trainer
- Homeless Encampment Clean-up
- Playground Inspection and Maintenance

### **Liability Management**

- How Best to Defend Claims Against Your Department (Rick Buys)
- Contractual Risk Transfer (Insurance 101)
- Sidewalk Liability (Defense Counsel and York Liability Adjusters)
- Playground Inspection and Maintenance
- Aquatics Risk Management (Jim Wheeler)
- Cyber Security

### **Workplace Violence**

- Workplace Violence, Threat Assessment and Active Shooter (Hector Alvarez)

### **Ergonomics**

- Ergonomic Assessments Train-the-Evaluator

### **Human Resources**

- Harassment Prevention: AB1825 Training (Gerry or LCW)
- Ethics Training: AB:1234 (Gerry or LCW)
- The Role of the Supervisor (Work Logic HR)
- Communication: What you need to know to get what you need (Work Logic HR)
- Ethical & Legal Aspects of Supervision (Work Logic HR)
- Dealing with Difficult People (Work Logic HR)

## Past Regional Training Topics

Heat Illness Prevention Train-the Trainer - April 2019

Homeless Encampment Cleanup - June 26, 2019

Aquatics Risk Management – May 2018

Commercial Driver Safety – June 2018

Traffic Control & Flagger Training – July 2018

Asbestos Cement Pipe Exposure Management – December 2018

Playground Safety – April 2017

Forklift Train-the-Trainer – May 2017

Understanding Legal Marijuana for Municipalities – May 2017

AB 1825 Sexual Harassment Training – June 2017

AB 1825 Sexual Harassment Training – January 2016

Ergonomics Train-the-Evaluator – July 2016

Aquatics Risk Management – June 2016



BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Risk Management Committee Meeting  
October 24, 2019**

**Agenda Item G.4.**

**POLICE RISK MANAGEMENT COMMITTEE UPDATE**

**INFORMATION ITEM**

**ISSUE:** Sedgwick will provide an update on the recent and planned activities of the Police Risk Management Committee (PRMC). The PRMC meetings are well attended. At each PRMC meeting a new training topic is covered.

November 1, 2018 - the PRMC meeting included a demonstration of StarChase Pursuit Management Technology by the California Highway Patrol. The technology allows police to “tag” a fleeing vehicle, avoiding potentially dangerous pursuits. In addition, Bruce Kilday and Derick Konz, from Angelo, Kilday and Kilduff discussed new laws affecting the police, including requirements for disclosure of videos and personnel records that are expected to result in more Public Record Act requests.

February 21, 2019 - City of Vacaville Police Chief John Carli provided some background information on the need for a law enforcement wellness app. Dori Zumwalt presented a Workers’ Compensation Trending Report. The PRMC meeting training topic was *Having a Communication Strategy During a Crisis*. The presenter was Laura Cole from Cole Pro Media.

May 2, 2019 - Dr. David Black, Cordico CEO spoke about the *Cordico Mobile Wellness Apps for Law Enforcement*. Paul Wright CEO of Savvy Health Solution spoke about *Shifting the Wellness Mindset and Building a Fit-for-Life Culture*.

August 1, 2019 - City of San Bruno Police Lieutenant Ryan Johansen discussed *Lessons Learned from an Active Shooter Incident*. In his debriefing presentation, Lt. Johansen provided insights about the suspect’s actions prior to and during the event, the emergency response, incident command, investigations, public/private cooperation, and dealing with the media.

November 7, 2019 - Shannon McQuaide of Active Wellness will provide a training titled *Recharge and Refocus through Mindfulness*. The training will provide information to help officers better manage stress. She will also discuss topics such as the science behind mindfulness, breathing techniques, de-escalating your body’s stress response, and how to handle your thoughts to relax and sleep better.

**FISCAL IMPACT:** None.

**RECOMMENDATION:** None - information only.



BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Risk Management Committee Meeting  
October 24, 2019**

**Agenda Item G.4. (continued)**

**BACKGROUND:** NCCSIF contracted with Bickmore Risk Services (BRS) on January 1, 2012 to provide risk control services. Contracted services include the facilitation of the Police Risk Management Committee meetings, primarily by Tom Kline.

**ATTACHMENT(S):** Police Risk Management Committee Training Announcement titled *Recharge and Refocus Through Mindfulness*



# POLICE RISK MANAGEMENT COMMITTEE

## RECHARGE AND REFOCUS THROUGH MINDFULNESS

### Overview:

This forum will help officers better manage stress, and rapidly recover from the flight or fight response.

### Attend this forum and learn:

- The science behind mindfulness
- Breathing techniques to remain calm and focused in high-stress situations
- How to de-escalate your body's stress response
- How to handle thoughts in order to relax and sleep better

### Date and Time:

Thursday, November 7, 2019

Committee meeting starts at 10:00 a.m.

Lunch provided at 11:00 a.m.

Training from 11:30 a.m. to 1:00 p.m.

### Location:

Rocklin Event Center - Garden Room

2650 Sunset Blvd.

Rocklin, CA 95677

### To Register:

Please e-mail Raychelle Maranan at [raychelle.maranan@alliant.com](mailto:raychelle.maranan@alliant.com) with the names of those who wish to attend.

### FREE TRAINING EVENT

Presenter: Shannon McQuaide

Shannon McQuaide is a mindfulness instructor with over 20 years of experience where the past 5 years has been working with first responders. Her passion for mindfulness developed from watching first responders experience better health and personal leadership through regular practice.



Regional Manager for Active Wellness, LLC  
[shannon.mcquaide@activewellness.com](mailto:shannon.mcquaide@activewellness.com)

### Target Audience:

Command staff, police chiefs, human resources and risk management are encouraged to attend.

SPONSORED BY NCCSIF



BACK TO AGENDA

**Northern California Cities Self Insurance Fund  
Risk Management Committee Meeting  
October 24, 2019**

**Agenda Item G.5.**

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

**ITEM:** Dori Zumwalt from Sedgwick will present an overview of NCCSIF claim trends over the last five years, 2014-2019, and analysis of the top loss exposures related to the Workers' Compensation and Liability Programs.

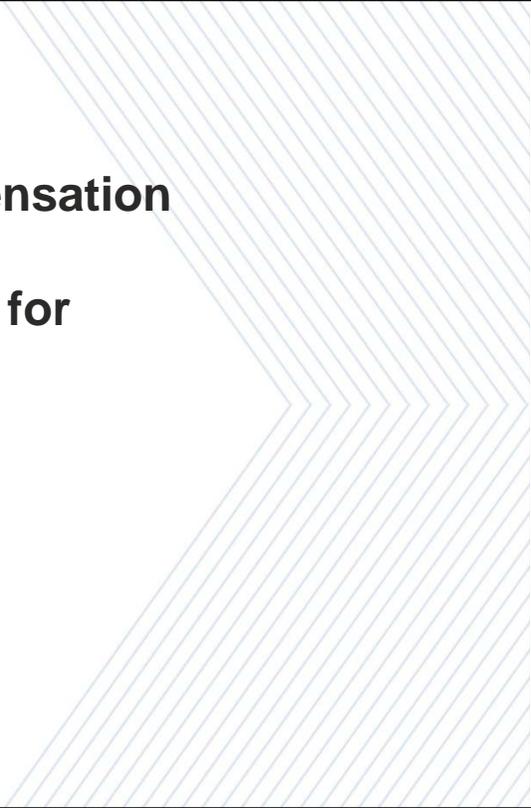
**FISCAL IMPACT:** None.

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

**BACKGROUND:** York/Sedgwick 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



**Workers' Compensation  
Trending Report for  
NCCSIF**

*October 2019*

**york.**

Trending Report: NCCSIF Workers' Compensation Fiscal Year 2014-2019



**Summary of Trending Report**

- The number of new indemnity claims continues to trend upwards with FY 18/19 at an all time high.
- Total Paid is a bit lower than the five year average however, the total incurred is higher. This is consistent with the WCIRB report that projected loss severity is 5% higher in 2018 than 2017.
- Loss days continue to trend higher over the last several fiscal years.
- Closing ratio over 100% achieved again for FY 18/19.
- Total open inventory is holding steady – look to resolve more claims via Compromise and Release to reduce future medical inventory.

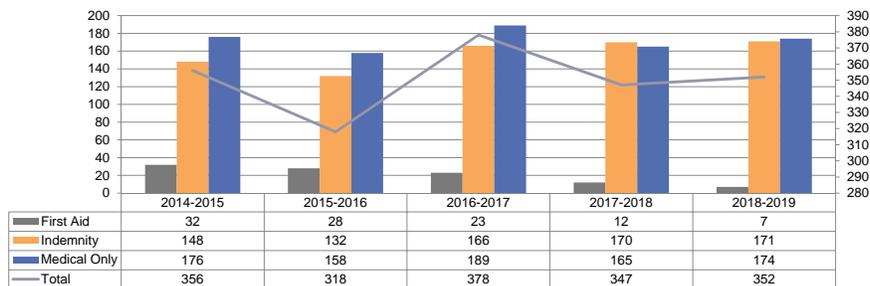
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## Summary of Trending Report

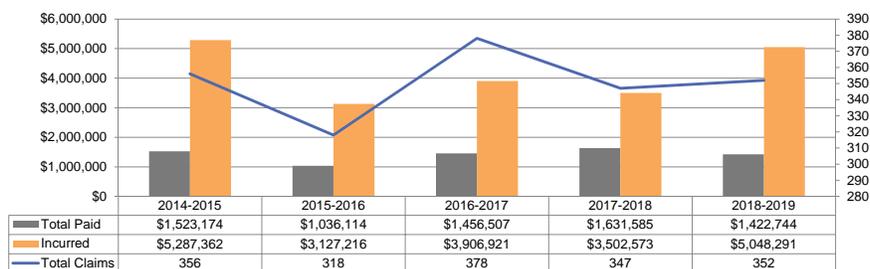
- Slip and fall and lifting injuries continue to be the most frequent cause of injury while cumulative trauma and presumption injuries are the most costly. The WCIRB reports that cumulative trauma claims in California have increased by more than 80% since 2005.
- Police Officer claims are the most frequent by occupation, but the average is just under \$20,000 - we normally see an average cost per public entity claim of about \$23,000-\$25,000 in northern California.
- The Fire Department has the highest average cost per claim at just over \$27,000.
- Over half of the top 20 claims were presumption injuries.

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### Claim Type by Fiscal Year

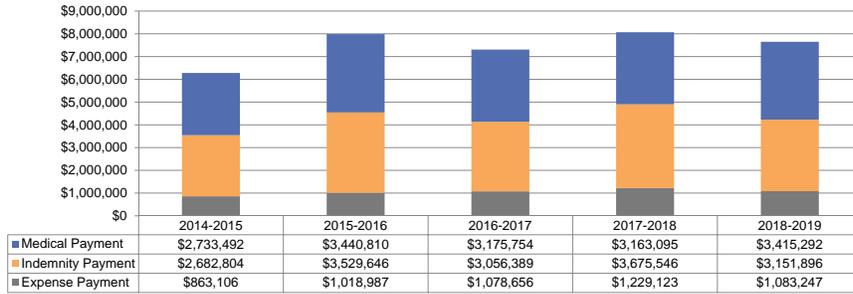


### Total Paid and Incurred by Fiscal Year for Injuries within Fiscal Year

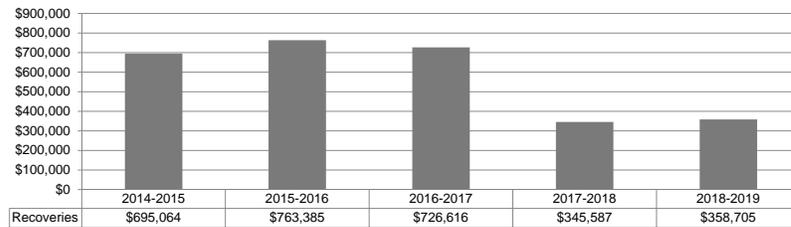


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### Total Paid by Fiscal Year Regardless of Injury Date

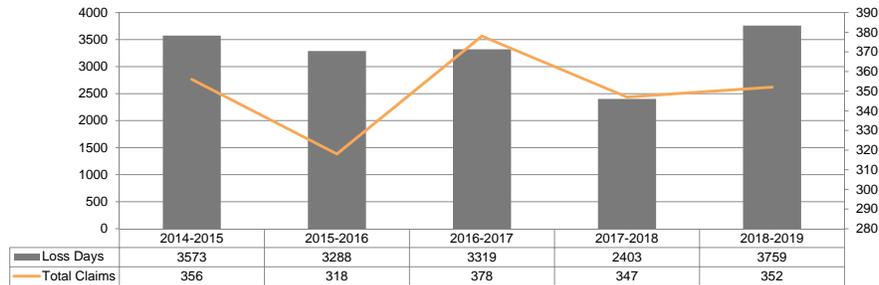


### Recoveries Received During Fiscal Year Regardless of Injury Date

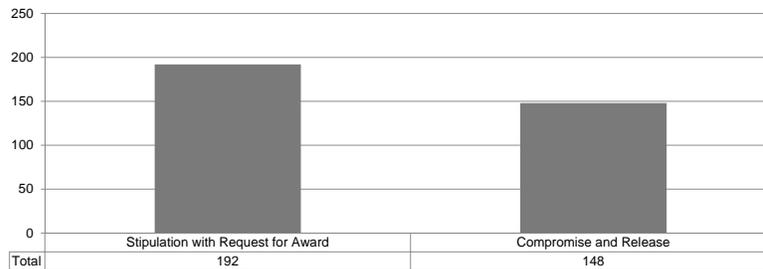


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### Loss Days for Injuries within Fiscal Year

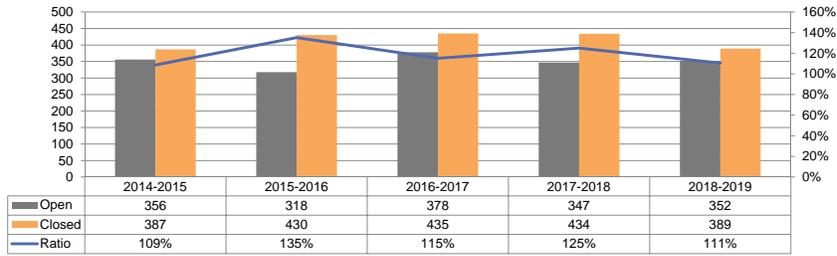


### Total Settlements by Type Fiscal Year 2014-2019

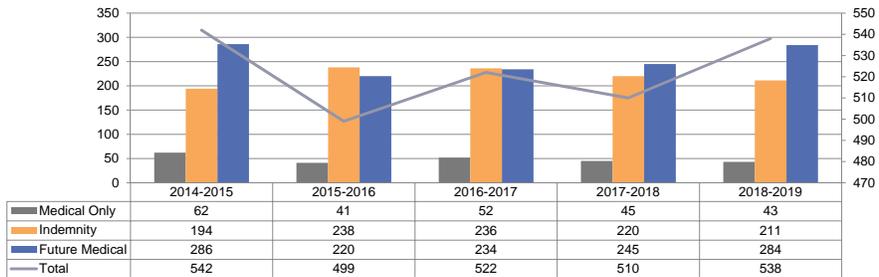


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### Closing Ratio by Fiscal Year

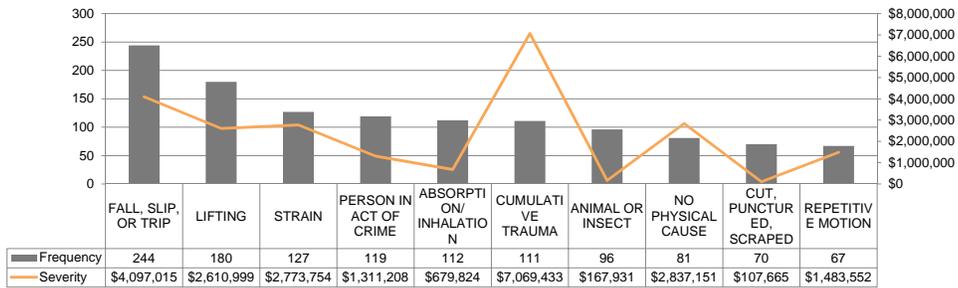


### Total Ending Open Inventory by Fiscal Year

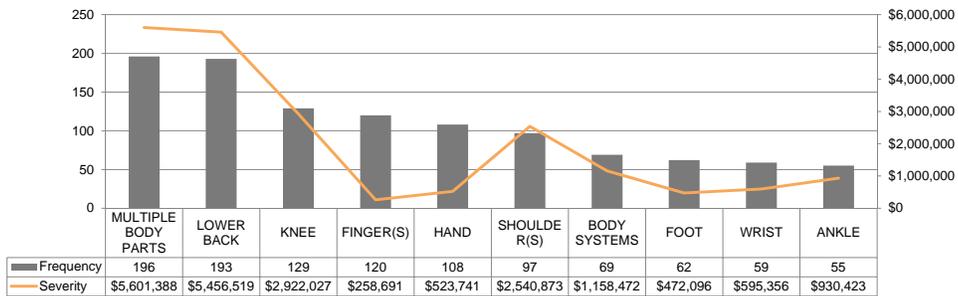


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### Top 10 Cause of Injury Fiscal Year 2014-2019

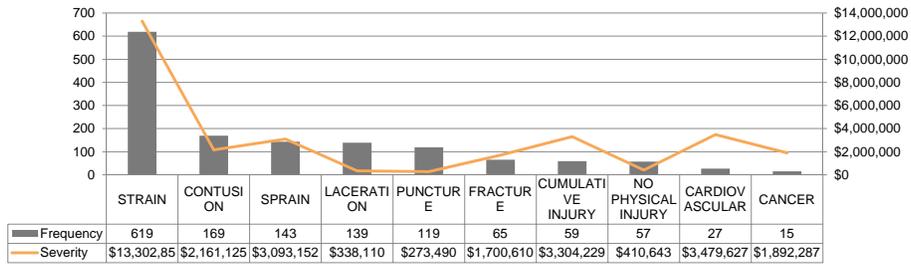


### Top 10 Part of Body Injured Fiscal Year 2014-2019

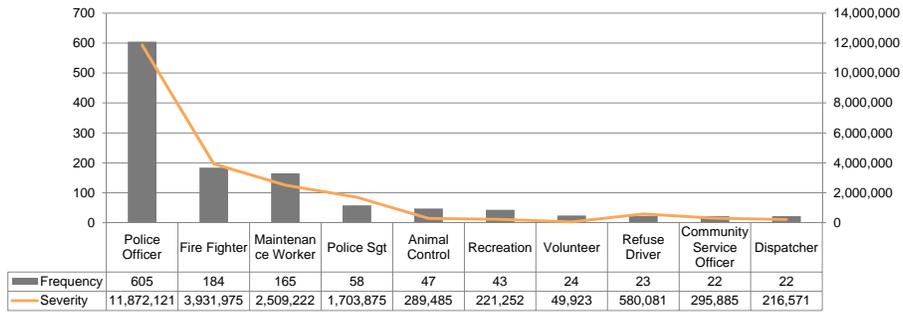


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### Top 10 Nature of Injury Fiscal Year 2014-2019

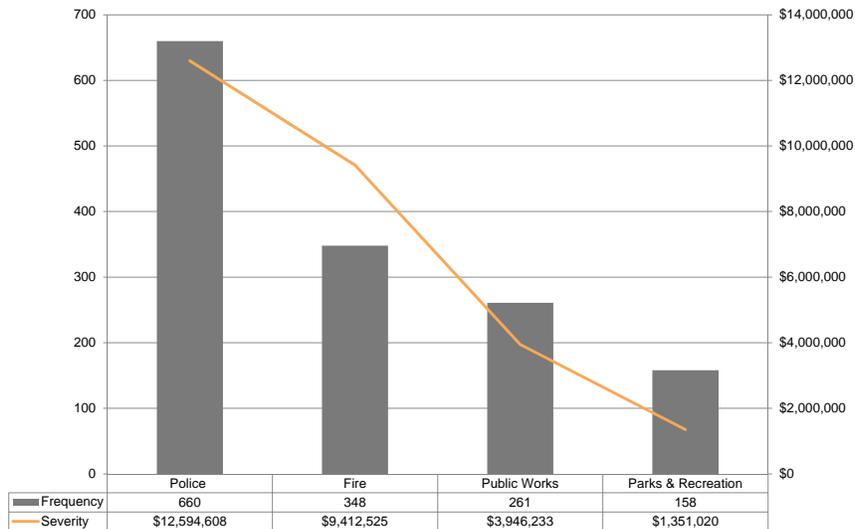


### Top 10 Occupation of Injury Fiscal Year 2014-2019



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### Frequency and Severity by Department Fiscal Year 2014-2019



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Top 20 Claims Fiscal Year 2014-2019

Claim Number	Member	Description	Injury Date	Status	Paid	Incurred
NCWA-556529	City of Jackson	Fatal heart attack	1/10/2015	O	\$280,229	\$881,297
NCWA-556521	City of Folsom	Head injury sustained while running on bike path	1/6/2015	O	\$33,598	\$772,420
NCWA-556526	City of Dixon	Heart attack	1/6/2015	O	\$295,422	\$510,461
NCWA-556330	City of Anderson	Heart attack	7/10/2014	O	\$262,251	\$442,004
NCWA-557610	City of Jackson	Cumulative trauma to neck, back, upper, lower extremities, and hearing	8/11/2016	O	\$27,535	\$438,636
NCWA-556800	Town of Paradise	Injured low back while spreading concrete over pipe installation	8/26/2015	O	\$355,998	\$409,040
NCWA-558290	City of Dixon	Heart trouble	5/8/2019	O	\$0	\$406,882
NCWA-556600	City Of Elk Grove	Cancer	1/21/2015	O	\$35,320	\$388,705
NCWA-556537	City of Rocklin	Injured right shoulder during team training using a metal ramming device to force open a door	8/21/2014	O	\$213,945	\$349,994
NCWA-558202	City of Yuba City	Low back strain from lifting very heavy patient	2/6/2019	O	\$28,315	\$341,331

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Top 20 Claims Fiscal Year 2014-2019

Claim Number	Member	Description	Injury Date	Status	Paid	Incurred
NCWA-557556	City of Marysville	While hiking on fire line, slipped injuring ankle and back	7/24/2017	O	\$177,648	\$322,918
NCWA-556433	City of Yuba City	While running after an armed suspect, employee tripped over raised asphalt injuring left hand, right forearm/elbow, and right knee	9/26/2014	O	\$183,499	\$310,208
NCWA-557495	City of Rocklin	Heart trouble	6/16/2017	O	\$200,971	\$305,057
NCWA-556902	City of Jackson	Cancer	12/15/2015	C	\$302,542	\$302,542
NCWA-556477	City Of Elk Grove	Low back strain from wearing duty belt	11/4/2014	C	\$290,146	\$290,146
NCWA-557446	City of Yuba City	Heart trouble, cancer, and right knee pain	5/31/2016	O	\$35,605	\$272,303
NCWA-557668	City of Auburn	Twisted right ankle while walking	10/31/2017	O	\$82,617	\$270,646
NCWA-556980	City Of Elk Grove	Low back pain from teaching tactics training	3/22/2016	O	\$193,178	\$263,525
NCWA-556775	City of Folsom	Cumulative trauma to head, neck, and shoulders from normal job duties	8/13/2015	O	\$233,030	\$263,167
NCWA-558066	City of Red Bluff	Terminal cancer	9/2/2018	O	\$3,526	\$261,000

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Frequency and Severity by Member Fiscal Year 2014-2019

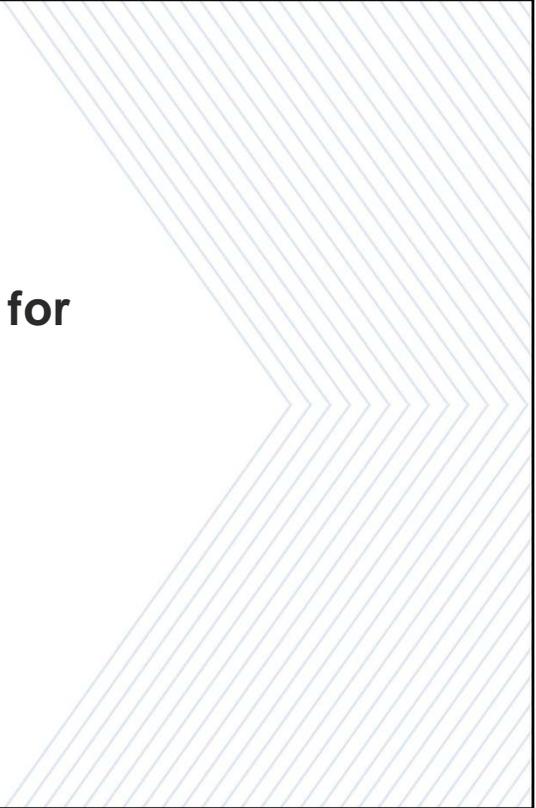
Member	Frequency	Severity	Average
City of Anderson	54	\$1,068,312	\$19,784
City of Auburn	70	\$1,542,656	\$22,038
City of Colusa	14	\$209,249	\$14,946
City of Corning	28	\$133,771	\$4,778
City of Dixon	67	\$2,353,866	\$35,132
City Of Elk Grove	249	\$4,567,596	\$18,344
City of Folsom	375	\$5,058,010	\$13,488
City of Galt	135	\$1,824,784	\$13,517
City of Gridley	21	\$235,972	\$11,237
City of Lone	16	\$117,632	\$7,352
City of Jackson	25	\$1,710,036	\$68,401

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Frequency and Severity by Member Fiscal Year 2014-2019

Member	Frequency	Severity	Average
City of Lincoln	79	\$882,952	\$11,177
City of Marysville	62	\$1,074,574	\$17,332
City of Nevada City	28	\$852,396	\$30,443
City of Oroville	58	\$1,199,178	\$20,675
City of Placerville	52	\$586,659	\$11,282
City of Red Bluff	79	\$1,251,945	\$15,847
City of Rio Vista	28	\$248,854	\$8,888
City of Rocklin	160	\$3,443,772	\$21,524
City of Willows	13	\$303,758	\$23,366
City of Yuba City	197	\$4,369,584	\$22,181
Town of Paradise	47	\$1,181,901	\$25,147

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**> General Liability**  
**Trending Report for**  
**NCCSIF**

*October 2019*

**york.**

Trending Report: NCCSIF General Liability Fiscal Year 2014-2019

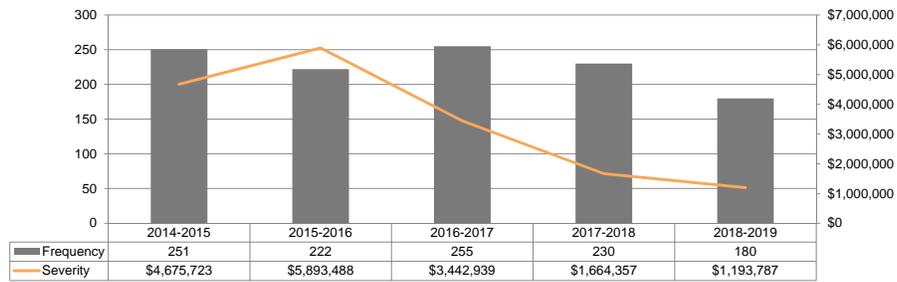


## **Summary of Trending Report**

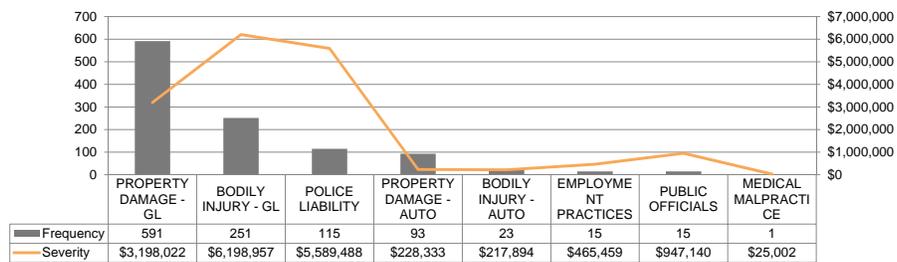
- The trending report reflects data valued as of June 30, 2019.
- Property Damage – GL claims are received the most and Bodily Injury – GL claims are the most expensive.
- Public Works department has the highest frequency of claims whereas Police has the highest severity of claims.
- Claims caused by a motor vehicle are the most frequent and civil right claims have the highest incurred cost.
- The five year closing ratio continues to trend higher with fiscal year 2018-2019 at a 140% closing ratio! This means that we are closing more claims than we are receiving each fiscal year.
- Eight out of the top twenty claims occurred in Fiscal Year 2014-2015.

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### Frequency and Severity by Fiscal Year

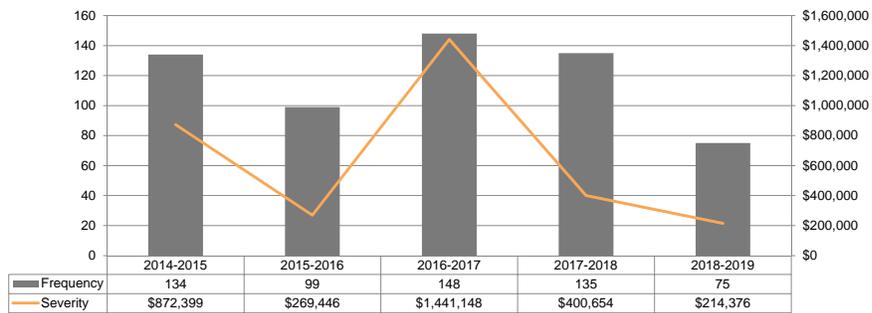


### Frequency and Severity of Claims by Type Fiscal Year 2014-2019

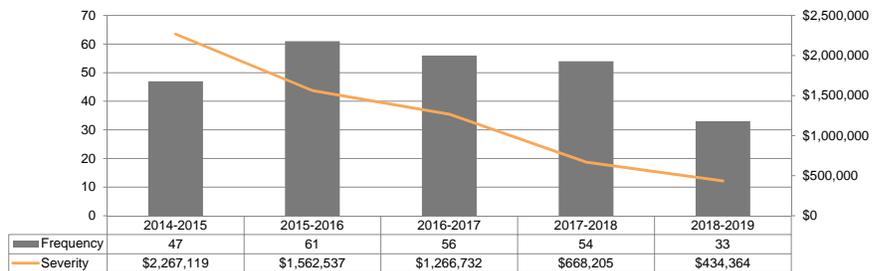


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### Property Damage - GL Claims by Fiscal Year

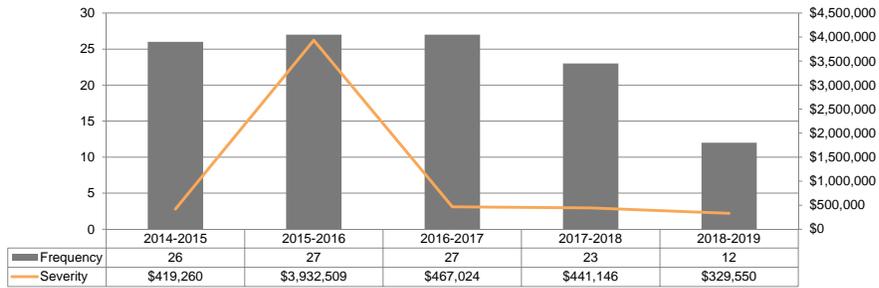


### Bodily Injury - GL Claims by Fiscal Year

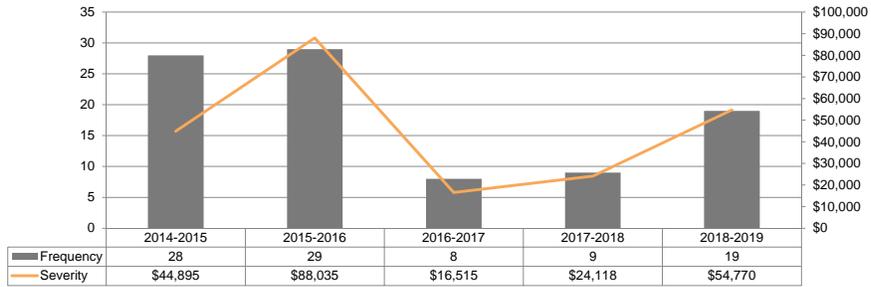


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### Police Liability Claims by Fiscal Year

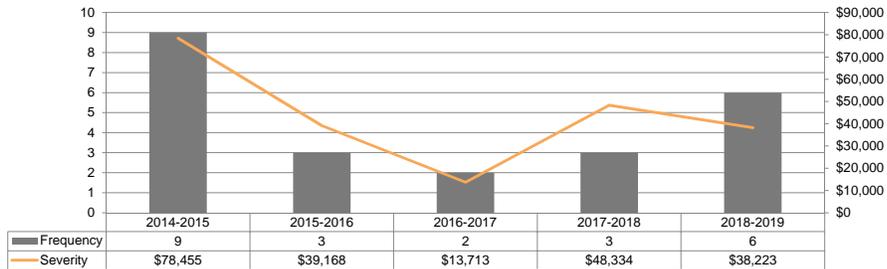


### Property Damage - Auto Claims by Fiscal Year

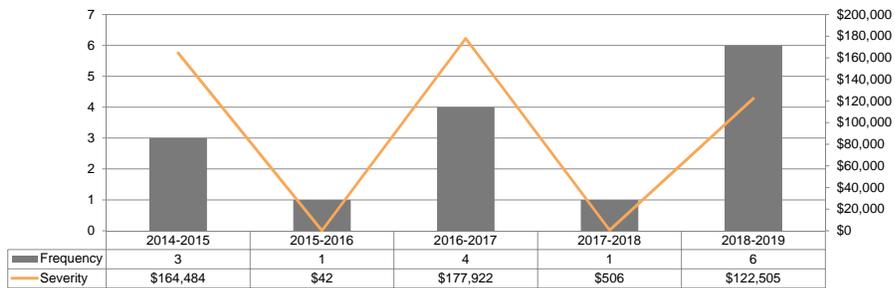


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### Bodily Injury - Auto Claims by Fiscal Year

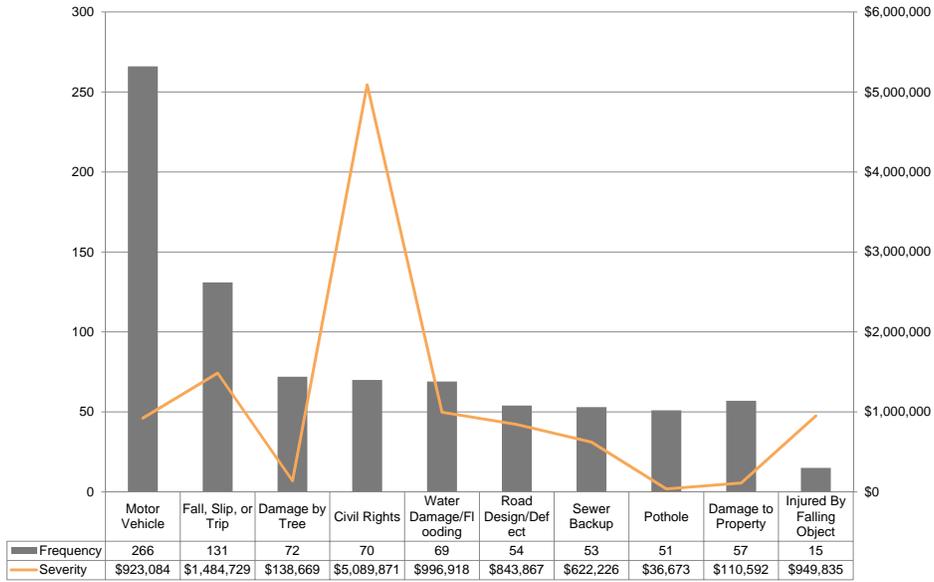


### Employment Practices Claims by Fiscal Year



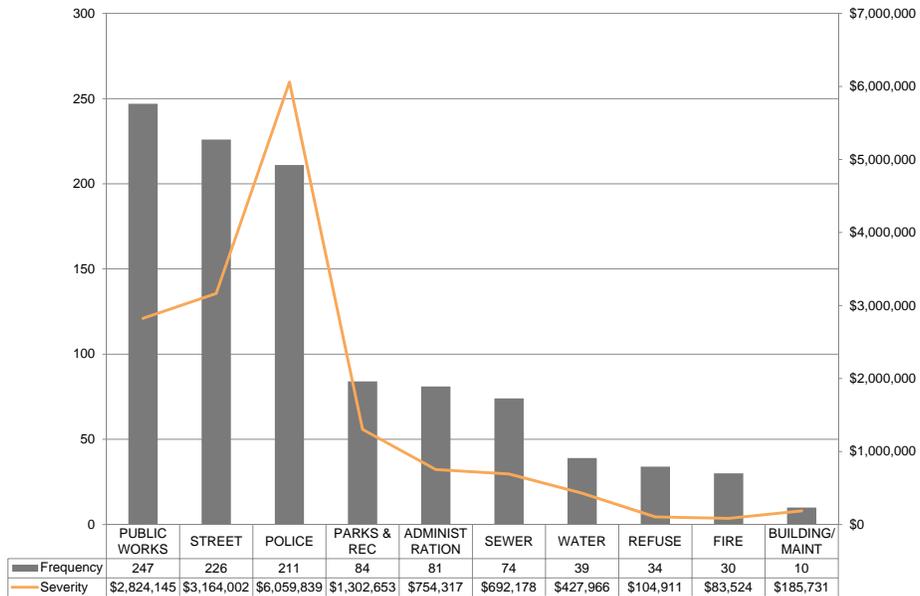
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### Top 10 Cause of Claim Fiscal Year 2014-2019



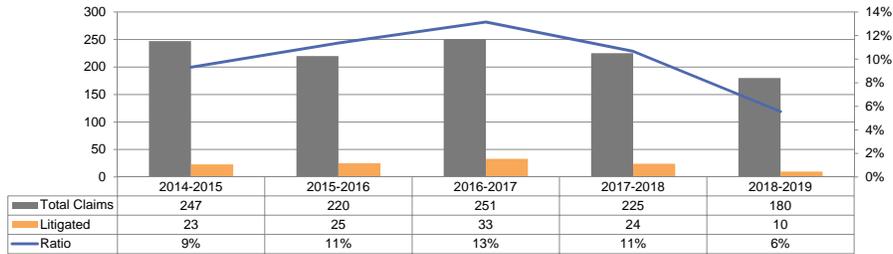
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### Frequency and Severity by Department Fiscal Year 2014-2019

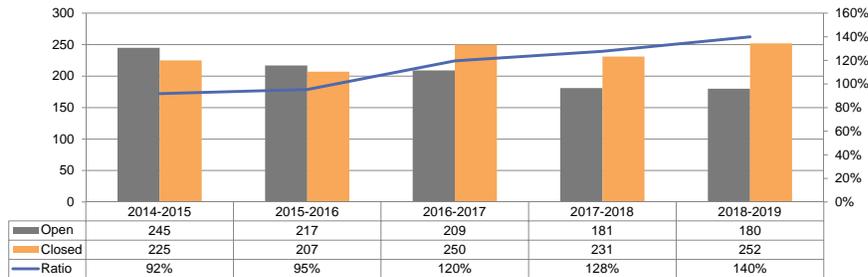


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### Litigation Ratio by Fiscal Year as of 6/30/2019



### Closing Ratio by Fiscal Year



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### Top 20 Claims Fiscal Year 2014-2019

Claim Number	Description	Loss Date	Status	Paid	Incurred
NCGA08079A1	Fatal police shooting	11/25/2015	C	\$3,336,084	\$3,336,084
NCGA08034A2	Alleging City did not disclose a pipeline on claimant property	6/7/2015	O	\$187,204	\$749,000
NCGA07857A1	Claimant hit storm drain, ejected from bike causing head injury	10/28/2014	O	\$534,274	\$725,000
NCGA08207A1	Alleging inmate work crew created a dangerous condition on public roadway	6/2/2016	O	\$164,104	\$622,300
NCGA07828A1	Large tree limb fell onto people attending a party at the park	8/30/2014	C	\$593,514	\$593,514
NCGA08478A1	Alleged discrimination based on retaliation, disability, and gender	6/30/2017	C	\$346,753	\$346,753
NCGA08074A1	An unsecured storage shelf fell on claimant	1/15/2015	O	\$142,201	\$335,000
NCGA08401A1	Claimant alleges his eviction from a homeless camp was a civil rights violation	10/20/2016	O	\$159,939	\$305,000
NCGA08040A1	Struck and killed while walking in crosswalk	9/4/2015	C	\$287,638	\$287,638
NCGA07818A1	Alleging retaliation by providing false information to a prospective employer after termination	1/29/2015	C	\$267,478	\$267,478

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Top 20 Claims Fiscal Year 2014-2019

Claim Number	Description	Loss Date	Status	Paid	Incurred
NCGA08481A1	Alleging excessive force by police during investigation	9/24/2017	C	\$257,838	\$257,838
NCGA08193A1	Alleging the roadway was in a dangerous condition due to design	1/5/2016	C	\$212,648	\$212,648
NCGA08501A2	City removed personal property of homeless squatting on public land	10/18/2016	O	\$44,782	\$200,000
NCGA07951A1	Alleging excessive force while being handcuffed and detained	9/25/2014	C	\$170,857	\$170,857
NCGA08711A1	Claimant was bitten by K9	9/29/2018	O	\$6,142	\$170,000
NCGA08595A2	Alleging improper drainage on property led to erosion and water runoff	12/29/2016	O	\$13,982	\$170,000
NCGA08441A1	Alleging wrongful termination	1/9/2017	O	\$17,008	\$155,000
NCGA07975A2	Alleging discrimination during hiring process	1/30/2015	O	\$68,383	\$155,000
NCGA07986A1	Alleging road defect caused fatality	6/8/2015	C	\$153,206	\$153,206
NCGA08794A1	Swing broke in half causing claimant to fall	12/8/2018	O	\$1,544	\$140,000

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Frequency and Severity by Member Fiscal Year 2014-2019

Member	Frequency	Severity	Average
City of Anderson	16	\$205,277	\$12,830
City of Auburn	62	\$1,807,206	\$29,148
City of Colusa	35	\$971,827	\$27,766
City of Corning	21	\$76,243	\$3,631
City of Dixon	16	\$22,526	\$1,408
City of Folsom	347	\$3,826,807	\$11,028
City of Galt	67	\$635,047	\$9,478
City of Gridley	10	\$388,681	\$38,868
City of Lone	7	\$111,350	\$15,907
City of Jackson	8	\$342,051	\$42,756
City of Anderson	16	\$205,277	\$12,830

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Frequency and Severity by Member Fiscal Year 2014-2019

Member	Frequency	Severity	Average
City of Lincoln	112	\$547,901	\$4,892
City of Marysville	91	\$878,674	\$9,656
City of Oroville	20	\$263,560	\$13,178
City of Red Bluff	64	\$266,705	\$4,167
City of Rio Vista	46	\$490,325	\$10,659
City of Rocklin	90	\$1,307,114	\$14,523
City of Willows	7	\$512,341	\$73,192
City of Yuba City	70	\$498,110	\$7,116
Town of Paradise	49	\$3,718,549	\$75,889

# 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 \_\_\_\_\_