

NEW JERSEY COUNTIES EXCESS JOINT INSURANCE FUND

OPEN MINUTES

APRIL 23, 2020

Via Teleconference

9:30 AM

MEETING OF THE FUND CALLED TO ORDER AT 9:30 A.M. BY ACTING CHAIRMAN SHEEHAN

OPEN PUBLIC MEETING ACT READ INTO RECORD

ROLL CALL BOARD OF 2020 FUND COMMISSIONERS

Ross Angilella, Chair	Camden County	Absent
Timothy Sheehan, Commissioner	Gloucester County	Present – <i>via teleconference</i>
Jannette Kessler, Commissioner	Atlantic County	Present – <i>via teleconference</i>
Sander Friedman, Commissioner	Burlington County	Present – <i>via teleconference</i>
Kimberly Wood, Commissioner	Cumberland County	Present – <i>via teleconference</i>
John Kelly, Commissioner	Ocean County	Present – <i>via teleconference</i>
Edmund Shea, Commissioner	Hudson County	Present – <i>via teleconference</i>
Lillian Nazzaro, Commissioner	Mercer County	Present – <i>via teleconference</i>
Laura Scutari, Commissioner	Union County	Present – <i>via teleconference</i>
Teri O'Connor, Commissioner	Monmouth County	Absent

ALTERNATE FUND COMMISSIONERS

Anna Marie Wright	Camden County	Present – <i>via teleconference</i>
Carl Block	Ocean County	Present – <i>via teleconference</i>
Raissa Walker	Mercer County	Absent
Christopher Marion	Monmouth County	Present – <i>via teleconference</i>

APPOINTED OFFICIALS PRESENT:

Executive Director/Administrator      PERMA Risk Management Services  
**Joe Hrubash, Nancy A. Ghani**  
**Brandon Tracy**

Safety Director      JA Montgomery Risk Control  
**Paul Shives, Glenn Prince**

Attorney      **Laura Paffenroth**

Underwriting Manager      Conner Strong & Buckelew  
**Ed Cooney, Alex DeLuccia**

Claims Administrator      AmeriHealth Casualty Services  
**Tracy Ware**

ALSO PRESENT – *via teleconference*:

Brad Stokes, PERMA  
Cathy Dodd, PERMA  
Karen Read, PERMA  
Rachel Chwastek, PERMA  
Robyn Walcoff, PERMA  
Steve Williams, Camden County  
Robin Racioppi, North American Insurance Management  
Kerin Drumheiser, Comp Services d/b/a AmeriHealth  
Chris Roselli, Qual Lynx  
Christina Violetti, Hardenbergh Insurance Group  
Mary Ann Sander, Conner Strong & Buckelew  
Carol Mack, Conner Strong & Buckelew

Christine Baroudi, Conner Strong & Buckelew  
Karl McConnel, Camden County  
Dave Matthiessen, Old Republic  
Honorable E. Dave Millard, Citta, Holzapfel, Zabarsky  
Jennifer Beck, Alliant Americas  
Ryan O'neil, Alliant Americas  
Sean Obeirne, Alliant Americas  
Joshua Friedman, Camden County

**MINUTES:** Open Minutes as of February 27, 2020 were included in agenda for review; Closed Minutes as of February 27, 2020 were distributed to the Board only.

**MOTION TO APPROVE OPEN AND CLOSED MINUTES FROM FEBRUARY 27, 2020 AS PRESENTED:**

**Moved:** Commissioner Wood  
**Second:** Commissioner Nazzaro  
**Roll Call Vote:** Unanimous

**NJCE CLAIMS REVIEW COMMITTEE:** Committee Chairman Sheehan reported the Claims Review Committee met prior to the Fund's meeting on April 23, 2020 to review claims in detail.

As per discussion held at the Claims Review Committee prior to the NJCE Fund meeting permitted via Resolution 24-20 motion to approve the following:

**Worker Compensation**

Payment Authority Request for: Claim # 640-113-0000049 in the amount of \$116,782.40  
Payment Authority Request for: Claim # 640-115-0000127 in the amount of \$161,500.00  
Payment Authority Request for: Claim # 640-116-0000217 in the amount of \$140,000.00

**MOTION TO APPROVE THE SETTLEMENT AUTHORITY REQUEST AND PAYMENT AUTHORITY REQUESTS AS PRESENTED:**

**Moved:** Chairman Sheehan  
**Second:** Commissioner Wood  
**Roll Call vote:** 6 Ayes – 0 Nays

Robyn Walcoff, of PERMA claims, performed a high level overview of COVID-19 Workers Compensation Claims as it pertains to the State of New Jersey and asked the Litigation Manager to comment on any impact from the executive order(s) or new legislation on current immunities in the State of New Jersey.

Litigation Manager reviewed two pieces of legislation that he felt were relevant for EMT workers, and Mobile Intensive Care workers. The first Legislation, which was passed in April 2020, protects healthcare workers from personal injury and wrongful death lawsuits arising from their treatment of coronavirus patients during the outbreak. Litigation Manager briefly reviewed an existing immunity protecting hospitals from a lack of having sufficient medical equipment, due to limited allocation of resources. Litigation Manager reviewed a previous case in 2016 where an individual was quarantined for 80 hours following her trip to Africa where she cared for EBOLA patients. Following the quarantine, she filed a federal law suit claiming a violation of civil rights. The result of this case provides limited immunity to the state whom is authorized to maintain and enforce regulations that are necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. Additionally, immunity was granted to cover General Immunity for discretionary activities. For example, if the Mayor directs physical or mental examinations. This will protect them from a complaint that the governmental agency did not take the proper precautions.

Ms. Walcoff, reported the Fund office is tracking COVID-19 work-related exposure claims noting there are under 200 cases for NJCE.

Ms. Walcoff said PERMA will continue to monitor all developments, and work with the Fund Attorney, Litigation Manager, and engage the assistance from the Worker's Compensation defense counsel. Ms. Walcoff encouraged members to report COVID-19 claims immediately to their Third Party Administrators (TPAs). Local TPAs have been instructed on reporting COVID-19 related claims to AmeriHealth, the NJCE Excess Workers' Compensation Administrator. Ms. Walcoff said PERMA is available to assist with questions and/or COVID-19 claim reporting requirements.

**CORRESPONDENCE:**

NONE

**EXECUTIVE DIRECTOR'S REPORT:**

**COVID-19 NOTICES & RESOURCES:** Executive Director reported on a notice distributed to NJCE members, which was enclosed in the agenda, regarding guidance on COVID-19 claims. Executive Director reviewed a memo that was also distributed advising that local members' third-party administrators or managed care providers to report any COVID-19 work-related exposure to the NJCE excess carriers. Executive Director noted additional resources on COVID-19 information can be found on the NJCE website ([www.njce.org](http://www.njce.org)), which includes a section on Safety Bulletins and Shift Briefings.

**PROSPECTIVE MEMBERSHIP:** Executive Director reported that the Counties of Essex and Sussex are renewing 6/1/20 and 1/1/21 respectively and have been identified as potential members for the NJCE program. A copy of the underwriting summaries prepared by the Underwriting Manager were enclosed in the Agenda for review and discussion. Resolutions to offer membership to both Counties were presented to the committee allowing ongoing negotiations and time to bind coverage.

**MOTION TO ADOPT RESOLUTION 20-20 OFFERING MEMBERSHIP TO ESSEX COUNTY AND RESOLUTION 21-20 OFFERING MEMBERSHIP TO SUSSEX COUNTY**

**Moved:** Commissioner Kessler  
**Second:** Commissioner Kelly  
**Roll Call Vote:** 6 Ayes – 0 Nays

*Alternate Commissioner Marion of Monmouth County joined the call at 9:35 AM*

**MEMBERSHIP RENEWAL:** Executive Director reported that the Commissions of Atlantic County, Burlington County and Cumberland County are scheduled to renew their membership with the Fund as of January 1, 2021. Renewal documents will be sent to each respective County following the meeting. Executive Director referred to page 13 of the agenda, which included a membership chart that depicted the counties and affiliated entities that are a part of the program.

**FINANCIAL FAST TRACK:** Executive Director reported on the Financial Fast Track as of February 29, 2020 reflected a statutory surplus of \$15.9 million, \$3.6 million in total dividends distributed to members and an overall profit of \$19.5 million.

**PROFESSIONAL CONTRACTS/SERVICES/COMPETITIVE CONTRACTS:**

**Learning Management System – Competitive Contract Request for Proposals (CCRF):** Executive Director said a dedicated safety institute of instructor-led and online training programs will be provided to members of the NJCE JIF through a Learning Management System. A CCRFP was issued for this system and was scheduled to be opened on April 2<sup>nd</sup>, but due to the health crisis was cancelled. A second CCRFP will be re-advertised in time for approval of a vendor at the June

Executive Committee meeting. Executive Director noted the fund office is working with the Fund Attorney to re-issue the competitive contract and advertise it.

**WORKERS' COMPENSATION CLAIMS ADMINISTRATION REQUEST FOR PROPOSALS (RFP):**

**LITIGATION MANAGER:** The contract for Citta, Holzapfel & Zabarsky, the Litigation Manager, is due to expire on April 31, 2020. Fund Attorney has requested a proposal since the total historical cost is below \$17,500 the fund office was able obtain a quote. Executive Director noted the proposal is in line with what was expected in terms of services requested.

**MOTION TO AWARD CONTRACT FOR LITIGATION MANGER SERVICES TO CITTA, HOLZAPFEL & ZABARSKY BASED ON THE SUBMITTED PROPOSAL**

**Moved:** Commissioner Kelly  
**Second:** Chairman Sheehan  
**Roll Call Vote:** 7 Ayes – 0 Nays

*Commissioner Friedman, of Burlington County and Commissioner Shea, of Hudson County joined the call at 9:40 AM*

**AUDITOR, PAYROLL AUDITOR AND ACTUARY:** Executive Director noted the contracts for these services has expired.

The Fund office issued a request for price quotes for Auditor and the sole response from Bowman and Company was distributed for review; their proposal noted a fee of \$16,500. Executive Director noted the price quotes for Payroll Auditor and Actuary will be issued in time to take action at the June Executive Committee meeting.

**MOTION TO AWARD CONTRACT FOR AUDITING SERVICES TO BOWMAN COMPANY BASED ON THE SUBMITTED PROPOSAL IN THE AMOUNT OF \$16,500**

**Moved:** Commissioner Kelly  
**Second:** Commissioner Wood  
**Roll Call Vote:** 9 Ayes – 0 Nays

**SEXUAL ABUSE MOLESTATION LEGISLATION:** The Fund opted to participate in the MEL training initiative, and begin scheduling in-person training sessions. Executive Director said due to the current situation in-person training is on hold; however, the Fund Office is working with J.A. Montgomery on options for the NJCE membership to access the MEL's Protection of Children on-line training and other resources.

Safety Director said J.A. Montgomery is in the process of updating a link on the CEL website, which will take the trainees to a site with training videos, policies, and other resources. J.A. Montgomery will send out a bulletin when the information is available. Executive noted the twenty-minute video on Sexual Abuse Molestation is professionally done, and complimented the Safety Director and J.A. Montgomery for their efforts.

**NJCE CYBER TASK FORCE:** Executive Director reported the Cyber Task Force held their initial meeting on April 20, 2020 to discuss cyber-related issues as respects to County operations.

Underwriting Manger noted the initial meeting was to introduce the taskforce, and discuss the objectives of the cyber task force. Underwriting Manager also stated the committee's overall goal with the program is to create a large cyber risk management framework to allow counties to become more cyber secure, and to create a collaborative space for the IT professionals in the county to work together. Underwriting Manager also noted that enclosed in the agenda was a copy of a Cyber News Update that focused on cyber-attacks during the pandemic, which was distributed to members.

**DIGITAL STREAMING LIBRARY:** Executive Director said NJCE JIF members were previously authorized to access the MEL Media Library; however, it is grossly underutilized and the Safety Director was asked to find a viable alternative.

Safety Director reported that Atlantic Training provides a digital streaming library with over 500 possible safety videos.

The cost structure and catalog with available videos was attached in Appendix II of the agenda. The fees are based on “hits” or “views.” Safety Director said his team would identify about 150 videos out of the possible five hundred plus videos available to start with. Any unutilized hits can be rolled over to the ensuing year. Mr. Shives stated his team finished reviewing the platform’s videos and will send out a catalog, and login information to the members of the NJCE which can then be disseminated to their employees.

**NJCE 10<sup>TH</sup> YEAR ANNIVERSARY:** Deputy Executive Director noted this year marks the 10<sup>th</sup> anniversary of the Fund’s inception, which began with two County members and has grown to ten members and nineteen affiliated entities. Deputy Executive Director referenced the membership chart, which was attached to the agenda. In February, the Board agreed to celebrate the milestone with a luncheon hosted at a Central Jersey venue for all Fund Commissioners, Professionals and staff to attend. Please save the date of June 25, 2020 at noon until a location has been secured.

**2020 NEW JERSEY ASSOCIATION OF COUNTIES CONFERENCE:** Deputy Executive Director noted due to the pandemic the annual conference originally scheduled for May has been rescheduled for October 27<sup>th</sup> - October 29<sup>th</sup>.

**2020 MEL & MRHIF & NJCE EDUCATIONAL SEMINAR:** Deputy Executive Director noted this annual seminar originally scheduled for May 1<sup>st</sup> has been cancelled and will be rescheduled for a date later in the year. Members should be on the lookout for information regarding the updated date.

**2020 FINANCIAL DISCLOSURES:** Deputy Executive Director noted members should have received an email about filing their disclosure form. The Division of Local Government Services distributed a notice that online filings began on Monday March 30<sup>th</sup> for Commissioners, as well as, any other municipal/county related positions that require filing. Deputy Executive Director noted the deadline to file is April 30<sup>th</sup>, and the Local Finance Board has issued violations in the past for not filing.

**2020 SECOND INSTALLMENT:** Deputy Executive Director said the second installment for the CEL will be distributed on or around June 15<sup>th</sup>, and due August 1<sup>st</sup>.

**UNDERWRITING MANAGER REPORT:**

**REPORT:** Underwriting Manager noted he had nothing additional to report.

**TREASURER REPORT:**

Included in the agenda was the confirmation of bills lists and the Treasurer’s reports for January thru February 2020.

**VOUCHER PAYMENTS (BILL LIST) –**

Resolution 22-20 March 2020 Bills Confirmation of Payments	\$1,827,455.62
Resolution 23-20 April 2020 Bills Approval of Payments	\$790,083.02

**CONFIRMATION OF JANUARY 2020 CLAIMS PAYMENTS/CERTIFICATION OF CLAIMS TRANSFERS:**

<b>2011</b>	<b>92,822.37</b>
<b>2012</b>	<b>171.83</b>
<b>2013</b>	<b>79,294.34</b>
<b>2014</b>	<b>1,118.50</b>
<b>2015</b>	<b>5,134.00</b>
<b>2016</b>	<b>2,578.36</b>
<b>2017</b>	<b>1,450.00</b>
<b>2018</b>	<b>6,788.75</b>
<b>2019</b>	<b>100,624.38</b>
<b>2020</b>	<b>0.00</b>
<b>TOTAL</b>	<b>\$289,982.53</b>

**CONFIRMATION OF FEBRUARY 2020 CLAIMS PAYMENTS/CERTIFICATION OF CLAIMS TRANSFERS:**

<b>2011</b>	<b>1,970.50</b>
<b>2012</b>	<b>722.05</b>
<b>2013</b>	<b>35,886.40</b>
<b>2014</b>	<b>711.46</b>
<b>2015</b>	<b>31,508.26</b>
<b>2016</b>	<b>11,569.31</b>
<b>2017</b>	<b>55.00</b>
<b>2018</b>	<b>4,310.32</b>
<b>2019</b>	<b>52,636.96</b>
<b>2020</b>	<b>0.00</b>
<b>TOTAL</b>	<b>139,370.26</b>

**MOTION TO APPROVE PAYMENTS OF APRIL 2020 BILLS LIST AS RESOLUTION 23-20:**

**Moved:** Commissioner Friedman  
**Second:** Commissioner Wood  
**Roll Call vote:** 9 Ayes – 0 Nays

**SAFETY DIRECTOR:**

**REPORT:** Safety Director submitted a report reflecting the risk control activities and the Safety Director Bulletins distributed from February 2020 through May 2020. There have been approximately twelve Safety Bulletins issued since the COVID-19 outbreak. The CEL website has the listing of bulletins and guidance given to the membership. Safety Director reported that all instructor led courses have been suspended until the end of May. Safety Director noted his team are looking at Webinars as a viable option to continue trainings. Safety Director encouraged members to utilize online training resources in the interim.

**RESOLUTIONS:**

**RESOLUTION 20-20:** Resolution Offering membership to the County of Essex

**RESOLUTION 21-20:** Resolution Offering membership to the County of Sussex

**CLAIMS ADMINISTRATOR:**

**REPORT:** NJCE Claims Administrators were not in need of a Closed Session to discuss claims status and other matters; enclosed in the agenda was Resolution 24-20 authorizing closed session, but it was not acted on.

**OLD BUSINESS:**

NONE

**NEW BUSINESS:**

NONE

**PUBLIC COMMENT:**

**PUBLIC COMMENT**

**MOTION TO OPEN MEETING TO PUBLIC**

**Moved:** Commissioner Friedman  
**Second:** Commissioner Wood  
**Vote:** Unanimous

**MOTION TO CLOSE MEETING TO PUBLIC**

**Moved:** Commissioner Friedman  
**Second:** Commissioner Wood  
**Vote:** Unanimous

**NON- AGENDA ITEMS**

NONE

**MOTION TO ADJOURN:**

**Moved:** Commissioner Friedman  
**Second:** Commissioner Wood  
**Vote:** Unanimous

**MEETING ADJOURNED: 10:07 AM**

**NEXT MEETING: June 25, 2020 – 12:00PM**

**Location TDB**