



AGENDA PACKET



Tuesday, June 19, 2018 at 3:30 PM

**Hainesport Municipal Bldg
1 Hainesport Centre
Hainesport, NJ**

WWW.BURLCOJIF.ORG

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND
Hainesport Municipal Building
1 Hainesport Centre
Hainesport, NJ
Tuesday, June 19, 2018 – 3:30 PM

AGENDA

- I. Meeting called to order by Chairman
- II. Salute the Flag
- III. Statement of Compliance with Open Public Meetings Act
 - A. Notice of this meeting was given by:
 - 1. Sending sufficient notice herewith to the ***Burlington County Times***, Mount Holly, and ***Courier Post***, Cherry Hill NJ;
 - 2. Filing advance written notice of this meeting with the Clerks/Administrators of all member municipalities; and
 - 3. Posting notice on the public bulletin boards of all member municipalities of the BURLCO JIF.
- IV. Roll Call
 - A. Fund Commissioners
 - B. Fund Professionals
 - C. Risk Management Consultants
 - D. Move up Alternates (*if necessary*)
- V. Allow that this monthly meeting be conducted directly by the Fund Commissioners present with all matters to be decided upon by a combined majority vote of all Fund Commissioners – **Motion – All in Favor**
- VI. Approval of Minutes
 - A. Adoption of the **May 15, 2018** Meeting Minutes.....Pages 1-13
 - B. Adoption of the **May 15, 2018** Closed Session Minutes.....Handout

Motion to Adopt the above meeting minutes – **Motion – All in Favor**

The Closed Session Minutes shall not be released to the public until the reason(s) for their remaining confidential is no longer applicable and the Fund Solicitor has an opportunity to review them.
- VII. Executive Director's Report.....Pages 14-69
 - A. Lost Time Accident Frequency.....Pages 18-19
 - B. Certificates of Insurance..... Pages 20-21
 - C. 2017 Safety Incentive Program Awards.....Page 22
 - D. 2018 Optional Safety Budget.....Page 23
 - E. 2018 Wellness Incentive.....Page 24
 - F. Employment Practices Liability Coverage UpdatePage 25
 - G. EPL/Cyber Risk Management Budget.....Page 26
 - H. EPL Helpline – Authorized Contact List.....Page 27
 - I. Financial Fast Track Report.....Page 28
 - J. Regulatory Filing Checklists.....Pages 29-30
 - K. Capehart & Scatchard Updates.....Pages 31-38
 - L. Statutory Bond Status.....Page 39
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1.	Resolution 2018-_____ Accepting the Annual Audit Report for the Period Ending December 31, 2017 – Motion – Roll Call	Pages 122-123
2.	Resolution 2018-_____ Authorizing the Transfer of the 2014 Fund Year to the Municipal Excess Liability Residual Claims Fund – Motion – Roll Call	Page 124
B.	Safety Committee Meeting Report – June 19, 2018.....	Verbal

XV. MEL/RCF/E-JIF Reports

- A. MEL Report – June 7, 2018.....Pages 125-128
 - 1. MEL Bulletin 18-29 Solicitation Ordinances.....Page 129
 - 2. Registration Packet – 2018 NJUA Safety Expo.....Pages 130-136
- B. RCF Report – June 7, 2018.....Page 137
- C. EJIF Report – June 7, 2018.....Pages 138-139

XVI. Miscellaneous Business

- A. Resolution 2018-_____ Authorizing the Fund Chair and Fund Secretary to Execute a Contract with North Shore Consulting to Complete a Claims Audit in Conjunction with The ACM and TRICO JIF's at a Cost Not to Exceed \$9,750Pages 140-141
- B. PRIMA Report – Dave Matchett, Shamong.....Pages 142-144

<p style="text-align: center;">The next meeting will be held on Tuesday, July 17, 2018 at 3:30 PM at Hainesport Municipal Building, Hainesport, NJ</p>

XVII. Meeting Open to Public Comment

- A. Motion to Open Meeting to Public Comment – **Motion - All in Favor**
- B. Motion to Close Meeting to Public Comment – **Motion - All in Favor**

XVIII. Closed Session – Resolution 2018- _____ Authorizing a Closed Session of the Burlington County Municipal Joint Insurance Fund to discuss matters affecting the protection of safety and property of the public and to discuss pending or anticipated litigation and/or contract negotiations – **Motion -Roll Call**

- A. Professionals' Reports
 - 1. Claims Administrator's Report
 - a. Review of PARs over \$10,000
 - 2. Executive Director's Report
 - 3. Safety Director's Report
 - 4. Solicitor's Report
- B. Reopen Public Portion of Meeting – **Motion – All in Favor**

XIX. Approval of Claims Payments – **Motion – Roll Call**

XX. Authorization to Abandon Subrogation (if necessary) – **Motion – Roll Call**

XXI. Motion to Adjourn Meeting – **Motion – All in Favor**

**BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND
HAINESPORT TOWNSHIP MUNICIPAL BUILDING
1 HAINESPORT CENTRE, RTE 537
HAINESPORT, NEW JERSEY**

May 15, 2018

OPEN SESSION MINUTES

A meeting of the Burlington County Municipal Joint Insurance Fund (BURLCO JIF) was held at the Hainesport Township Municipal Building, 1 Hainesport Centre, Rte. 537, Hainesport, New Jersey, Tuesday, May 15, 2018 at 3:30PM, prevailing time. Chair Keller, **Springfield**, presiding. The meeting was called to order at 3:30PM.

FLAG SALUTE

STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETING ACT

Notice of this meeting was given by: (1) sending sufficient notice herewith to the ***Burlington County Times***, Mt. Holly, NJ, and to the ***Courier Post***, Cherry Hill, NJ; (2) filing advance written notice of this meeting with the Clerks/Administrators of all member municipalities of the Burlington County Municipal Joint Insurance Fund; and (3) posting notice on the public bulletin boards of all member municipalities of the Burlington County Municipal Joint Insurance Fund.

ROLL CALL

Rich Ireton, **Bass River Twp Alternate**
Rich Wolbert, **Beverly City**
Grace Archer, **Bordentown City**
Mike Theokas, **Bordentown Twp.**
Glenn McMahon, **Chesterfield Twp.**
Mike Templeton, **Delanco Twp.**
Jeff Hatcher, **Delran Twp....**arrived 3:46pm
Richard Brook, **Florence Twp**
Paula Kosko, **Hainesport Twp.**
Mike Mansdoerfer, **Lumberton Twp.**
Kathy Burger, **Medford Twp.**
Jerry Mascia, **Mt. Laurel Twp.**
John Gural, **Palmyra Borough**
Dennis Gonzalez, **Pemberton Twp**
Meghan Jack, **Riverside Twp.**
David Matchett, **Shamong Twp.**
J. Paul Keller, **Springfield Twp.**
Doug Cramer, **Tabernacle Twp.**
Steve Ent, **Westampton Twp, Alternate**
James Ingling, **Wrightstown Borough**

Absent Fund Commissioners were:

Tom Pullion, **Edgewater Park Twp.**
Patrice Hansell, **Fieldsboro Twp.**
Mike Fitzpatrick, **Mansfield Twp.**
Mary Picariello, **North Hanover Twp**

Donna Mull, **Pemberton Boro**
Kathy Hoffman, **Southampton Twp.**
Maryalice Brown, **Woodland Twp.**

Those also in attendance were:

Paul Miola, Executive Director, *AJG Risk Management Services, Inc.*
Paul Forlenza, Deputy Executive Director, *AJG Risk Management Services, Inc.*
David DeWeese, Fund Solicitor, *The DeWeese Law Firm, P.C.*
Tom Tontarski, Treasurer
John Saville, Safety Director, *J.A. Montgomery Risk Control*
Chris Roselli, Account Manager, *Qual-Lynx*
Karen Beatty, *QualCare*
Debby Schiffer, *Wellness Director*

Also present were the following Risk Management Consultant agencies:

Hardenberg Insurance Group
EJA/Capacity Insurance
Conner Strong & Buckelew

Absent Risk Management Consultant agencies:

CBIZ Benefits & Insurance Services
Insurance Agency Mgmt.

These minutes do not necessarily reflect the order in which some items were discussed.

CONDUCT OF MONTHLY MEETING

Motion by Ms. Jack, seconded by Mr. Cramer, to allow that this monthly meeting to be conducted by the Fund Commissioners present with all matters to be decided upon by a combined majority vote of all the Fund Commissioners. All in favor. Motion carried.

APPROVAL OF THE OPEN & CLOSED SESSION MINUTES

Chair Keller presented the Open & Closed session meeting minutes of the April 17, 2018 meeting of the Fund, as found in the agenda packet, for approval.

Chair Keller asked if there were any questions at this time. No questions were entertained.

Motion by Mr. McMahon, seconded by Ms. Jack, to approve the Open & Closed session meeting minutes of the April 17, 2018 meeting of the Fund as presented.

Motion carried.

The Closed Session minutes of the April 17, 2018 meeting shall not be released to the public until the reason(s) for their remaining closed is no longer applicable and the Fund Solicitor has had the opportunity to review them.

Closed Session Meeting Minutes from the April 17, 2018 meeting were collected at this time.

EXECUTIVE DIRECTOR'S REPORT

Mr. Miola reviewed the Executive Director's Report found in the agenda packet with the membership. He highlighted the following items:

2018 Optional Safety Budget - Mr. Miola asked that all members review available balances for this program and to contact the Executive Directors office or your RMC with any questions.

2018 Wellness Incentive Program Allowance – Mr. Miola asked that all members review available balances for this program and to contact the Executive Director's office or your RMC with any questions.

Employment Practices Liability Coverage Update – Mr. Miola asked the members to please review this spreadsheet for accuracy.

EPL/Cyber Risk Management Budget – Mr. Miola noted the JIF has budgeted \$500 for each member to help offset employment practice and cyber security related expenses. This budget can be a valuable resource to members in addressing these areas of exposure. If you need additional information regarding this program, please contact our office.

EPL Helpline – Authorized Contact List – Mr. Miola asked members to review the attached list for accuracy. He noted any changes must be done by Resolution and the Resolution for this is available on the JIF website at www.burlcojif.org. Please contact the Executive Director's office with any questions.

Financial Fast Track – Mr. Miola noted the “snapshot” was included in the agenda packet and as of 2018; the JIF's surplus position was \$11,437,128.

Regulatory Filing Checklists – Mr. Miola stated included in the agenda were two regulatory filing checklists that we provide each month as part of our due diligence reporting on behalf of the JIF. These checklists provide an outline of required reporting to the Departments of Banking and Insurance and Community Affairs on an annual and a monthly basis, and the status of the items outlined.

Statutory Bond Status – Mr. Miola stated that attached to his report is the latest listing of Statutory Bonds issued by the MEL for JIF members. This list should be reviewed for accuracy. Any questions on the status of an application or a listed bond should be directed to Cate Kiernan at PERMA. Cate can be reached at 201-518-7031.

Police Command Staff Training -Mr. Miola noted Risk Management Training for Police Command Staff has been scheduled. Attendance at this training by Police Command Staff is required for compliance with the MEL's 2019/2020 EPL Plan of Risk Management. Invitations for the sessions were e-mailed to all Municipal Clerks and Fund Commissioners on January 10, 2018. There are two (2) identical sessions each day: a morning session 9:00 am – 11:30 am, and an afternoon session 1:00 pm – 3:30 pm. The sign-in sheets from February 13 and April 26, 2018 are posted on the JIF website. The remaining training dates are scheduled as follows:

June 12, 2018 - O'Connor's, Eastampton
June 28, 2018 – Merighi's Savoy Inn, Vineland

Managerial & Supervisory Training – Mr. Miola reminded the members that one of the requirements of the MEL's 2019/2020 EPL Plan of Risk Management is the training of all member managers & supervisors. Four training sessions have been scheduled in conjunction with the TRICO and ACMJIFs. Invitations for the sessions were e-mailed to all Municipal Clerks and

Fund Commissioners on February 2, 2018. There are two (2) identical sessions each day: a morning session 9:00 am – 11:30 am, and an afternoon session 1:00 pm – 3:30 pm. The sign-in sheets from March 6 and May 8, 2018 are posted to the JIF website. The trainings have been scheduled on the following dates:

September 11, 2018 – Wildwood Convention Center

September 27, 2018 – Nicolosi's Catering, West Deptford

New Fund Commissioner Orientation - Mr. Miola noted that the New Fund Commissioner Orientation training was held prior to the Executive Committee Meeting today at 1:30 PM in Hainesport.

Member Visitation Program- Mr. Miola noted that a Representative from his office has contacted those members up for renewal this year to schedule an appointment with the Fund Commissioner, Risk Management Consultant, and Representatives of the Governing Body. These appointments are an opportunity to discuss the member's participation in the JIF and the many programs available to them. The Executive Director's office believes it is very important for the decision makers in each member municipality to understand the value of JIF membership.

RMC Roundtable - Mr. Miola noted a Risk Management Consultant's Roundtable is being held on May 23, 2018 at Merighi's Savoy Inn, Vineland, NJ. During this session, attendees will be provided important information on a variety of topics including coverage provided by the JIF and the Annual Renewal process. Attendees also have an opportunity to ask questions on any subject of importance to them.

MEL 2019/2020 Employment Practices Liability Program- Mr. Miola stated that earlier this month all members should have received an email and accompanying memorandum outlining the compliance procedure for the 2019/2020 MEL EPL Plan of Risk Management Program. Members that update their loss control programs by October 1, 2018 will receive the standard EPL deductible of \$20,000 per claim plus a co-pay of 20% of the first \$250,000 on each claim and may be eligible to buy down deductibles and co-insurance caps. Members that fail to come into compliance by the October 1, 2018 deadline will have a minimum deductible of \$100,000 per claim plus a co-pay of 20% on each claim with no cap. Members submitting this form after the October 1, 2018 deadline will become eligible for reduced deductibles and co-pays upon approval of their EPL Plan of Risk Management application by the MEL; but not retroactively. Members are encouraged to review this memorandum with their RMC and Municipal Solicitor to be sure they understand the procedure for compliance. Questions on this procedure can be directed to the Executive Director's office.

Mr. Miola also noted that a Police "In Suit" Dinner is planned for tomorrow evening, May 16, 2018 at Merighi's Savoy Inn, Vineland. This dinner is for those officers and their spouses, currently named in litigation. Mr. Mike Barker is presenting. Feedback will be provided at next month's meeting.

Mr. Miola stated that concluded his report and asked if there were any questions at this time. There were none.

SOLICITOR'S REPORT

Closed Cases – Mr. DeWeese reported that there were six (6) closed case(s) since the April 17, 2018 meeting.

Diamond Pools and Spas, Inc & Tucker v. Township of Medford & Township of Southampton
Dunn Wright Properties, LLC v. Township of Pemberton
Pease v. Township of Mt. Laurel
Simmins v. Township of Westampton
Reed v. Borough of Palmyra
Wilson v. Township of Delran

Mr. Wolbert asked why the Closed Cases were now included in the agenda packet and posted on the website. Mr. DeWeese explained as they are closed cases, anything included in the report is public information, and anyone could request and obtain any of the information included in his Close Cases Reports, so it was decided to make it a part of the agenda rather than a handout each month.

Next Mr. DeWeese discussed the recently completed Beach Signage Guidelines. He explained this is something he and the Executive Director's office has been working on with the ACMJIF. He noted the ACMJIF authorized the hiring of a Beach Safety Expert, Mr. DeRosa. He explained that Mr. Forlenza drafted the guidelines and then he and Mr. DeRosa revised the guidelines to create the final document for distribution to the ACMJIF members. Mr. DeWeese noted these guidelines are not only applicable to ocean front locations, but lakes and rivers as well and provide sound recommendations for signage to use at these locations.

Mr. DeWeese asked the group if they felt it was beneficial to them to have these types of guidelines, and if so, please reach out to him and he will email you the guidelines and the corresponding report from the expert.

Mr. DeWeese stated that concluded his report and asked if there were any questions at this time. There were none.

SAFETY DIRECTOR'S REPORT

Mr. Saville stated that the Safety Director's Report is self-explanatory. He highlighted the following items:

MEL Video Library – He noted this has been updated recently, so please utilize it. If a copy of the video library titles is needed, you can find it at the MEL or JIF website. He also pointed out there is a new email address: melvideolibrary@jamontgomery.com, and phone number: 856-552-4900.

Safety Director's Bulletins – He noted that there were three (3) bulletin(s) included in the agenda;

- *Enforcement Directive concerning Public Release of Video Recordings Depicting Police Deadly Force Incidents*
- *School Related Threats*

- *Chipper Safety*

Right to Know Update – He noted that in addition to the annual Right to Know services, included in this year's contract is an electronic Central file link which is being distributed to each member town through a Dropbox link and everyone should have received this by now. Once the online chemical inventory has been completed, this will allow the following information to be filed in the States RTK portal for each member:

- Safety Data Sheets
- Hazardous Substance Facts Sheets
- Right to Know Survey
- Written Hazardous Communication Program
- Training Documentation
- Right to Know poster
- Instructions on how to download, store, and share the files with affected departments and employees.

MSI Class Listing – Mr. Saville referenced the list of MSI Classes that are available in May, June, and July that are included in the agenda packet. He noted the MSI Attendance, for both instructor lead and online use for the BURLCO JIF was included in the agenda packet, so please look it over.

Lastly he noted they are in the process of having the utility vehicle training program loaded on the website under the safety tab. Included will be a Powerpoint presentation that can be utilized to train your employees along with several other useful documents and to please keep a lookout for the Safety Directors message via email to let you know when this is available.

Mr. Saville asked if there were any questions at this time. No questions were entertained.

CLAIMS ADMINISTRATOR'S REPORT

Lessons Learned from Losses – May

Mr. Roselli presented the *Lessons Learned from Losses* for May which reviewed *Cyber Incidents*.

Mr. Roselli reviewed how preparedness to combat a cyber-attack must include employee training, having Policies and Procedure in place, and follow up on new kinds of cyber threats as they will develop.

Mr. Roselli then discussed two examples of costly cyber-attacks that could have easily been avoided had the employee not clicked on a link or attachment in an email.

Next, Mr. Roselli presented the Qual-Lynx 2017 Annual Report to the Committee members and highlighted the following:

- There were 404 claims received in 2017, with a total of 449 closed in 2017 which is over 100%.
- For years 2013-2017 89.2% of all claims have been closed, with only 241 remaining open.
- For years 2013-2017 approximately \$500,000 has been recovered through subrogation and salvage recovery for the BULRCO JIF.

- “Monday morning claims” for Workers Compensation. There really aren’t more “Monday morning claims”. Most Workers Compensation claims, over the last 5 years, are reported on Wednesday.
- Act of Crime is the most expensive type of claim (police interacting with resisting suspects).
- Of the different types of property claims, claims involving vehicles for Paid Fire Departments have the least amount of claims, but are the most expensive by far.

Ms. Beatty presented the Managed Care section of the report to the Committee and highlighted the following:

- § The Surgical Center reimbursement rate is approximately \$3,000 per bill.
- § Utilizing Urgent Care/Occupational Health facilities rather than ER’s gives us almost 91% savings, or, on average, \$2,717 per visit. 64% of initial treatments visits are at an Urgent Care facility.
- § The Provider Liaison has helped with pricing negotiations, speaks with providers, recruits Drs. for the network, goes on office visits and has been a tremendous asset all around.
- § In regards to Physical therapy, the sooner a patient gets in the better. The JIF has established a very specific list of physical therapists.
- § For years 2013-2017, 71% of the available transitional duty days have been accommodate by BURLCOJIF members
- § In regards to the Opioid Restriction Initiative, QualCare takes the recent changes in legislation very seriously and has put into place additional internal protocols in regards to dispensing Opioids.

Mr. Roselli noted if anyone would like a copy of the report to please contact the Executive Director’s office. He then asked if there were any questions at this time. No questions were entertained.

WELLNESS DIRECTOR’S REPORT

Ms. Schiffer noted that her report is detailed in the agenda packet. She highlighted the following:

- May presentations: Beverly – ShopRite Dietitian on the Mediterranean Diet and healthy lunch; Hainesport – ShopRite Dietitian and healthy lunch; Medford – ShopRite Dietitian Smoothie Demonstration and tasting; Florence – Police Dept Mtg “Surviving Shiftwork”
- April Challenges: Bordentown Twp. – Home Run Challenge; Florence – Maintain Don’t Gain and Home Run Challenge; Hainesport, and Westampton – Home Run Challenge for the month of May
- Florence’s Maintain Don’t Gain has turned into a Biggest Loser contest with 14 participants and over 105lbs lost total. This will run throughout the year.
- Medford will be hosting a Diva Day (Mammo Van) in Sept.
- Hainesport has a “Smoothie of the Month” on the first Monday of each month and have made a game out of it by guessing the ingredients for gift card prizes.
- Bordentown implemented voluntary physical fitness tests for the Police officers and installed a permanent spring water cooler for employees
- Ms. Schiffer noted in her News Letter this month is a 30 day Mental Health Day Challenge.

- Ms. Schiffer reminded everyone if you are planning any event, please let her know so she can help and share with other members.
- Ms. Schiffer reviewed other unique ideas for Health and Wellness activities from her other JIF.
- Lastly, she reminded the members to use NJWELL and work towards earning \$250 by completing health and wellness screenings along with other activities by October 31, 2018. www.state.nj.us/treasury/pensions/njwell/

Ms. Schiffer asked if there were any questions at this time. No questions were entertained.

MANAGED HEALTH CARE REPORT

Ms. Beatty reviewed the Managed Care Report for April, 2018 noting there were nine (9) claims reported.

Lost Time v. Medical Only Cases

Ms. Beatty presented the BURLCO JIF *Lost Time v. Medical Only Cases (Intake Report)*:

	<i>April</i>	<i>YTD</i>
<i>Lost Time</i>	0	13
<i>Medical Only</i>	6	34
<i>Report Only</i>	3	22
<i>Total New Claims Reported</i>	9	69
<i>Report Only % of Total</i>	33.3%	20.0%
<i>Medical Only/Lost Time Ratio</i>	100:00	72.28
<i>Average Days to Report</i>	2.1	2.9

Transitional Duty Report

Ms. Beatty presented the April Transitional Duty Report:

<i>Transitional Duty Summary Report</i>	<i>April</i>
<i>Transitional Duty Days Available</i>	713
<i>Transitional Duty Days Worked</i>	378
<i>% of Transitional Duty Days Worked</i>	53.0%
<i>Transitional Duty Days Not Accommodated</i>	335
<i>% of Transitional Duty Days Not Accommodated</i>	47.0%

PPO Penetration Report:

Ms. Beatty presented the PPO Penetration Report:

<i>PPO Penetration Rate</i>	<i>April</i>
<i>Bill Count</i>	196

<i>Original Provider Charges</i>	<i>\$224,912</i>
<i>Re-priced Bill Amount</i>	<i>\$88,491</i>
<i>Savings</i>	<i>\$136,421</i>
<i>% of Savings</i>	<i>60.7%</i>
<i>Participating Provider Penetration Rate - Bill Count</i>	<i>92.9%</i>
<i>Participating Provider Penetration Rate – Provider Charges</i>	<i>91.8%</i>
<i>EPO Provider Penetration Rate - Bill Count</i>	<i>88.9%</i>
<i>EPO Provider Penetration Rate – Provider Charges</i>	<i>87.8%</i>

Ms. Beatty asked if there were any questions. No questions were entertained.

TREASURER'S REPORT

Mr. Tontarski presented an overview of the Treasurer's Report for month ending **April 30, 2018** a copy of which was provided to the membership in the agenda packet.

Investment Interest

Interest received or accrued for the reporting period totaled \$17,118.80. This generated an average annual yield of 1.12%. However, after including an unrealized net gain of \$29,820.42 in the asset portfolio, the yield is adjusted to 3.08% for this period. The total overview of the asset portfolio for the fund shows an overall unrealized loss of \$232,076.64 as it relates to current market value of \$ 17,735,822.96 vs. the amount we have invested. This current market value, however, when considering the total accrued income at month end is \$17,814,107.02.

Our asset portfolio with Wilmington Trust consists of eight (8) obligations with maturities greater than one year.

Receipt Activity for the Period

	Monthly	YTD
Subrogation Receipts	\$3,009.74.00	\$56,859.75
Overpayment Reimbursements	\$0.00	
Salvage Receipts	\$0	
FY 2016 Approp. Refunds	\$71.18	
FY 2015 Approp. Refunds	\$71.36	

A.E.L.C.F. Participant Balances at Period End

Delran Township	\$65,303.00
Chesterfield Township	\$1,071.00
Bordentown City	\$37,692.00
Bordentown Township	\$13,755.00

Westampton Township	\$10,024.00
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Cash Activity for the Period

During the reporting period the Fund's "Cash Position" changed from an opening balance of \$18,828,523.66 to a closing balance of \$17,709,155.93 showing a decrease in the fund of \$1,119,367.73.

Loss Run Payment Register – April 2018

Mr. Tontarski stated that the report included in the agenda packet shows net claim activity during the reporting period for claims paid by the Fund and claims payable by the Fund at period end in the amount of \$320,855.85. The claim detail shows 348 claim payments issued.

Bill List – April 2018

For the Executive Committee's consideration, Mr. Tontarski presented the May 2018 Bill List in the amount of \$84,230.70.

Chair Keller entertained a motion to approve the April 2018 Loss Run Payment Register and the May 2018 Bill List in the amount of \$84,230.70 presented.

Chair Keller asked if there were any questions at this time. No questions were entertained.

Motion by Mr. McMahon, seconded by Mr. Mc Cramer, to approve the *April 2018 Loss Run Payment Register and the May 2018 Bill List, in the amount of \$84,230.70* as presented.

<p>ROLL CALL</p>	<p>Yeas</p> <p>Rich Ireton, Bass River Twp <i>Alternate</i> Rich Wolbert, Beverly City Grace Archer, Bordentown City Mike Theokas, Bordentown Twp. Glenn McMahon, Chesterfield Twp. Mike Templeton, Delanco Twp. Jeff Hatcher, Delran Twp Richard Brook, Florence Twp Paula Kosko, Hainesport Twp. Mike Mansdoerfer, Lumberton Twp. Kathy Burger, Medford Twp. Jerry Mascia, Mt. Laurel Twp. John Gural, Palmyra Borough Dennis Gonzalez, Pemberton Twp Meghan Jack, Riverside Twp. David Matchett, Shamong Twp. J. Paul Keller, Springfield Twp. Doug Cramer, Tabernacle Twp. Steve Ent, Westampton Twp, Alternate James Ingling, Wrightstown Borough</p> <p>Nays: None</p> <p>Abstain: None</p>
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Motion carried by unanimous vote.

COMMITTEE REPORTS

Nothing to report this month.

MEL/RCF/EJIF REPORTs

EJIF Alerts:

Ms. Jack noted there were two (2) EJIF Alerts included in the agenda packet and were self-explanatory:

- ***Changes to the UST Regulations***
- ***Storm Water Permits***

Ms. Jack noted that in regards to the Storm Water Permits, there are some due dates coming up for items that need to be addressed, so please make sure that whoever is responsible for this knows to complete the questionnaire by June 1.

Ms. Jack asked if there were any questions. No questions were entertained.

MISCELLANEOUS BUSINESS

Chair Keller entertained a Motion to authorize the Executive Director and the Fund Solicitor to prepare, solicit, and receive RFQ's for the EPL, Liability, and Workers Compensation Defense Panel.

Motion by Ms. Jack, seconded by Mr. McMahon to authorize the Executive Director and the Fund Solicitor to prepare, solicit, and receive RFQ's for the EPL, Liability, and Workers Compensation Defense Panel. All in favor. Motion carried.

Next Meeting

Chair Keller noted that the next meeting of the BURLCO JIF will take place on **Tuesday, June 19, 2018 at 3:30 PM** at the Hainesport Municipal Building, Hainesport, NJ.

PUBLIC COMMENT

Motion by Ms. Jack, seconded by Mr. Cramer, to open the meeting to the public. All in favor. Motion carried.

Chair Keller opened the meeting to the public for comment.

Hearing no comments, Chair Keller entertained a motion to close the public portion of the meeting.

Motion by Mr. McMahon, seconded by Ms. Jack, to close the meeting to the public. All in favor. Motion carried.

EXECUTIVE SESSION MEETING – Resolution #2018-27

Chair Keller entertained a motion to go into a closed session to discuss matters affecting the protection and safety of the public and to discuss pending or anticipated litigation and/or contract negotiations.

Motion by Ms. Jack, seconded by Mr. McMahon, to Adopt Resolution #2018-27. All in favor.
Motion carried.

A Closed Session of the BURLCO JIF was held and the meeting was then reopened to the public.

REOPEN PUBLIC PORTION OF THE MEETING

Chair Keller entertained a motion to reopen the public portion of the meeting.

Motion by Ms. Jack, seconded by Mr. Gural, to reopen the public portion of the meeting. All in favor. Motion carried.

APPROVAL OF CLAIMS PAYMENTS

Chair Keller asked for a motion for *Approval of Claims Payment* on the following claims as presented in Closed Session.

<i>Workers' Compensation</i>	<i>Property</i>	<i>General Liability</i>	<i>Auto</i>
2018108894	2017106110	001210439	2018122585
2018128624	2018130044		
2018127449	2018129937		

Chair Keller asked if there were any questions at this time. No questions were entertained.

Motion by Mr. Jack, seconded by Mr. Gural, to approve the following claims as discussed in *Closed Session*.

ROLL CALL *Yeas* Rich Ireton, **Bass River Twp** *Alternate*
Rich Wolbert, **Beverly City**
Grace Archer, **Bordentown City**
Mike Theokas, **Bordentown Twp.**
Glenn McMahon, **Chesterfield Twp.**
Mike Templeton, **Delanco Twp.**
Jeff Hatcher, **Delran Twp**
Richard Brook, **Florence Twp**
Paula Kosko, **Hainesport Twp.**
Mike Mansdoerfer, **Lumberton Twp.**
Kathy Burger, **Medford Twp.**
Jerry Mascia, **Mt. Laurel Twp.**
John Gural, **Palmyra Borough**
Dennis Gonzalez, **Pemberton Twp**
Meghan Jack, **Riverside Twp.**
David Matchett, **Shamong Twp.**
J. Paul Keller, **Springfield Twp.**
Doug Cramer, **Tabernacle Twp.**
Steve Ent, **Westampton Twp**, *Alternate*
James Ingling, **Wrightstown Borough**

Nays: None

Abstain: None

Motion carried by unanimous vote.

AUTHORIZATION TO ABANDON SUBROGATION – APPROVAL

There were zero (0) abandonment of Subrogation claim(s) presented in Closed Session.

MOTION TO ADJOURN

Chair Keller entertained a motion to adjourn the May 15, 2018 meeting of the BURLCO JIF.

Motion by Ms. Jack, seconded by Mr. Gural, to adjourn the May 15, 2018 meeting of the BURLCO JIF. All in favor. Motion carried.

The meeting was adjourned at 4:25 pm.

Kris Kristie,
Recording Secretary for

MEGHAN JACK, SECRETARY



To: Fund Commissioners
From: Paul J. Miola, CPCU, ARM, Executive Director
Date: June 19, 2018
Re: **Executive Director's Report**

.....

A. Lost Time Accident Frequency Report – (pgs. 18-19)

The April 2018 Lost Time Accident Frequency Summary and the Statewide Recap for April 2018 are attached for your review

B. Certificates of Insurance (pgs. 20-21)

A summary of the Certificates of Insurance issued during May 2018 are attached for your review.

C. 2017 Safety Incentive Program Awards (pg. 22)

A letter from our office describing how to collect your 2017 Safety Incentive Awards money was emailed out to all members on or about February 23, 2018. A report detailing the available balances for each member is attached for your review. If you have any questions on how to collect your 2017 Safety Incentive Program allowance, please contact our office. **Please note that the deadline to claim or encumber these funds is November 30, 2018. All encumbered funds have to be claimed by February 1, 2019.**

D. 2018 Optional Safety Budget (pg. 23)

A letter from our office describing how to collect your 2018 Optional Safety Budget allowance was e-mailed on or about January 25, 2018. A report detailing the available balances for each member is attached for your review. If you have any questions on how to collect your 2018 Optional Safety Budget allowance, please contact our office. **Please note that the deadline to claim or encumber these funds is November 30, 2018. All encumbered funds have to be claimed by February 1, 2019.**

E. 2018 Wellness Incentive Program Allowance (pg. 24)

A letter from our office describing how to collect your 2018 Wellness Incentive money was emailed out on or about February 5, 2018. A report detailing the available balances for each member is attached for your review. If you have any questions on how to collect your 2018 Wellness Incentive Program allowance, please contact our office. **Please note that the deadline for claiming or encumbering these funds is November 30, 2018. All encumbered funds must be claimed by February 1, 2019.**

F. Employment Practices Liability Coverage – (pg. 25)

A compliance status report regarding the Employment Practices Liability Coverage is included for your review. Each member should review this report carefully to insure its accuracy. If you believe the report to be inaccurate regarding your town, please contact PERMA directly.

G. EPL/Cyber Risk Management Budget (pg. 26)

The JIF has budgeted \$500 for each member to help offset employment practice and cyber security related expenses. This budget can be a valuable resource to members in addressing these areas of exposure. If you need additional information regarding this program, please contact our office.

H. EPL Helpline – Authorized Contact List (pg. 27)

With the placement of the member's EPL/POL coverage in the commercial insurance market, the insurance company QBE has implemented an EPL Helpline for the member's use. There is no restriction on the number of calls or amount of time that members can contact this service. Members can appoint two representatives to use this service. Appointments must be made by Resolution of the Governing Body. Please note that Municipal Solicitors can not be appointed as Helpline Contacts. Enclosed, please find the most recent list of authorized contacts for the EPL Helpline. These are the only representatives authorized to access this service. Please contact the Executive Director's Office with any questions.

I. Financial Fast Track Report (pg. 28)

The Financial Fast Track Report as of April 30, 2018 is attached for your review. The report is generated by PERMA and provides a "snapshot" of the JIF's financial status. The JIF's surplus position as of April 30, 2018 was **\$11,673,086.**

J. Regulatory Filing Checklists (pgs. 29-30)

Enclosed please find two regulatory filing checklists that we provide each month as part of our due diligence reporting on behalf of the JIF. These checklists provide an outline of required reporting to the Departments of Banking and Insurance and Community Affairs on an annual and a monthly basis, and the status of the items outlined.

K. Capehart & Scatchard Updates (pgs. 31-38)

John Geaney, Esq. of the law firm of Capehart & Scatchard periodically provides updates on court cases dealing with workers' compensation, ADA and FMLA issues. Copies of his latest updates are included for your information.

L. Statutory Bond Status (pg. 39)

Attached for your review is the latest listing of Statutory Bonds issued by the MEL for JIF members. This list should be reviewed for accuracy. Any questions on the status of an application or a listed bond should be directed to Cate Kiernan at PERMA. Cate can be reached at 201-518-7031.

M. Skateboard Park Approval Status (pg. 40)

Enclosed, please find a spreadsheet depicting the current status of all approved skateboard parks or those currently under construction by a member municipality. The MEL has established a process, outlined in MEL Coverage Bulletin **2017-09**, which must be followed by all members who wish to construct a skateboard park and have the BURLCO JIF and MEL provide said facility with coverage. Any member with a park currently under construction or in the review process should review the enclosed spreadsheet to be sure that it accurately depicts the status of your facility. All members considering construction of a skateboard park should contact the Executive Director's office prior to moving forward.

N. MEL Cyber Risk Management Program

On December 18, 2017 the MEL released the *MEL Cyber Risk Management Program*. The program includes employee training, the adoption and implementation of cyber related policies and procedures, and other software and hardware related compliance components. Members who come into compliance with the *Program* will be eligible for reimbursement of a portion of their deductible for cyber related claims. Members are encouraged to work with their IT Professional to come into compliance with the *Program* components. If you have any questions, please contact the Executive Director's office.

O. WEBSITE (WWW.BURLCOJIF.ORG)

The JIF has a website that contains useful information for our members:

- Directories
 - Fund Commissioners
 - Claims and Safety Contacts
 - Fund Professionals
- Coverage
 - Bulletins
 - Certificates of Insurance/ID Card Requests
 - Sample Indemnification Language
- Safety
 - Bulletins
 - Training Links

And much, much more. Why not take a moment and explore our website!

P. Police Command Staff Training – Invite (pgs. 41-42)

Risk Management Training for Police Personnel has been scheduled. Attendance at this training by Police Command Staff is required for compliance with the MEL's 2018/2019 EPL Plan of Risk Management. Invitations for the sessions were e-mailed to all Municipal Clerks and Fund Commissioners on January 10, 2018. There will be two (2) identical sessions each day: a morning session 9:00 am – 11:30 am, and an afternoon session 1:00 pm – 3:30 pm. The sign-in sheets from February 13, April 26, and June 12, 2018 are posted on the JIF website. The remaining training dates are scheduled as follows:

June 28, 2018 – Merighi's Savoy Inn, Vineland

Q. Managerial & Supervisory Training – Invite (pgs. 43-45)

One of the requirements of the MEL's 2018/2019 EPL Plan of Risk Management is the training of all member managers & supervisors. Four training sessions have been scheduled in conjunction with the TRICO and ACMJIFs. Invitations for the sessions were e-mailed to all Municipal Clerks and Fund Commissioners on February 2, 2018. There will be two (2) identical sessions each day: a morning session 9:00 am – 11:30 am, and an afternoon session 1:00 pm – 3:30 pm. The sign-in sheets from March 6, and May 8, 2018 are posted to the JIF website. The trainings have been scheduled on the following dates:

September 11, 2018 – Wildwood Convention Center

September 27, 2018 – Nicolosi's Catering, West Deptford

R. Renewing Members

Renewal letters were emailed to the nine (9) members whose membership in the JIF is up for renewal on January 1, 2019. These members are: Chesterfield, Delanco, Edgewater Park, Fieldsboro, Medford, Pemberton Twp., Tabernacle, Westampton, and Wrightstown. Included in the mailing was a Resolution for Renewal of Membership in the Burlington County Municipal JIF, a Certification required under the Local Public Contracts Law, and an Agreement to Renew Membership in the Burlington County Municipal JIF. Please have the Resolution placed on your governing body's agenda and return both the Resolution and the Agreement to our office by August 17, 2018.

S. Member Visitation Program

Beginning last month, a Representative from our office contacted those members up for renewal this year to schedule an appointment with the Fund Commissioner, Risk Management Consultant, and Representatives of the Governing Body. These appointments are an opportunity to discuss the member's participation in the JIF and the many programs available to them. The Executive Director's office believes it is very important for the decision makers in each member municipality to understand the value of JIF membership.

T. MEL 2019/2020 Employment Practices Liability Program (pgs. 46-62)

On or about May 4, 2018 all members should have received an email and accompanying memorandum outlining the compliance procedure for the 2019/2020 MEL EPL Plan of Risk Management Program. Members that update their loss control programs by October 1, 2018 will receive the standard EPL deductible of \$20,000 per claim plus a co-pay of 20% of the first \$250,000 on each claim and may be eligible to buy down deductibles and co-insurance caps. Members that fail to come into compliance by the October 1, 2018 deadline will have a minimum deductible of \$100,000 per claim plus a co-pay of 20% on each claim with no cap. Members submitting this form after the October 1, 2018 deadline will become eligible for reduced deductibles and co-pays upon approval of their EPL Plan of Risk Management application by the MEL; but not retroactively. Members are encouraged to review this memorandum with their RMC and Municipal Solicitor to be sure they understand the procedure for compliance. Questions on this procedure can be directed to the Executive Director's office.

U. Fireworks – MEL Bulleting 2018-8 (pgs. 63-69)

The July 4th holiday is quickly approaching. As a reminder, if your municipality is planning a Fireworks display, **coverage for this event is not automatic**. To secure coverage you must comply with the terms and conditions outlined in **MEL Coverage Bulletin 2018-08**. In addition, please do not wait until the last minute before seeking coverage for this event, as the Fund Underwriter needs time to review all documentation submitted to determine compliance with **MEL Coverage Bulletin 2018-08**. Please do not hesitate to contact the Executive Director's office or Fund Underwriter's office if you have any questions.

V. New Member Activity

Nothing to Report.

**Burlington County Municipal Joint Insurance Fund
2017 Safety Incentive Program**

Member Municipality	Opening Balance	Jan 2018	Feb 2018	March 2018	April 2018	May 2018	June 2018	July 2018	Aug 2018	Sept 2018	Oct 2018	Nov 2018	Dec 2018	Paid in 2019	Total Paid	Remaining Balance	Encumb. Funds
Bass River	1,650.00				1,650.00										1,650.00	0.00	
Beverly	1,975.00														0.00	1,975.00	
Bordentown City	1,975.00														0.00	1,975.00	
Bordentown Twp	2,275.00														0.00	2,275.00	
Chesterfield	1,650.00														0.00	1,650.00	
Delanco	1,650.00					1,650.00									1,650.00	0.00	
Delran	2,275.00														0.00	2,275.00	
Edgewater	1,975.00														0.00	1,975.00	
Fieldsboro Boro	1,650.00				1,650.00										1,650.00	0.00	
Florence	2,275.00				2,275.00										2,275.00	0.00	
Hainesport	1,650.00				1,650.00										1,650.00	0.00	
Lumberton	2,275.00				2,275.00										2,275.00	0.00	
Mansfield	1,975.00														0.00	1,975.00	
Medford	2,600.00				2,600.00										2,600.00	0.00	
Mount Laurel	2,600.00														0.00	2,600.00	
North Hanover	1,975.00					1,975.00									1,975.00	0.00	
Palmyra	1,975.00					1,975.00									1,975.00	0.00	
Pemberton Boro.	1,650.00				1,650.00										1,650.00	0.00	
Pemberton Twp.	2,600.00				2,600.00										2,600.00	0.00	
Riverside	1,975.00														0.00	1,975.00	
Shamong	1,650.00														0.00	1,650.00	
Southampton	1,975.00					1,975.00									1,975.00	0.00	
Springfield	1,650.00														0.00	1,650.00	
Tabernacle	1,650.00														0.00	1,650.00	
Westampton	1,975.00				1,975.00										1,975.00	0.00	
Woodland	1,650.00				1,650.00										1,650.00	0.00	
Wrightstown	1,650.00														0.00	1,650.00	

**Burlington County Municipal Joint Insurance Fund
2018 Optional Safety Budget**

Member Municipality	Opening Balance	January 2018	February 2018	March 2018	April 2018	May 2018	June 2018	July 2018	August 2018	September 2018	October 2018	November 2018	December 2018	Paid 2018	Date of Encumbrance	Total Paid	Remaining Balance
Bass River	995.00															0.00	995.00
Beverly	1,595.00															0.00	1,595.00
Bordentown City	1,595.00															0.00	1,595.00
Bordentown Twp.	2,660.00															0.00	2,660.00
Chesterfield	995.00															0.00	995.00
Delanco	1,595.00															0.00	1,595.00
Delran	2,660.00															0.00	2,660.00
Edgewater Park	1,595.00															0.00	1,595.00
Fieldsboro	750.00															0.00	750.00
Florence	2,660.00															0.00	2,660.00
Hainesport	995.00															0.00	995.00
Lumberton	2,660.00															0.00	2,660.00
Mansfield	1,595.00															0.00	1,595.00
Medford	4,645.00															0.00	4,645.00
Mount Laurel	4,645.00				2,729.24											2,729.24	1,915.76
North Hanover	1,595.00					882.72										882.72	712.28
Palmyra	1,595.00															0.00	1,595.00
Pemberton Boro	995.00															0.00	995.00
Pemberton Twp.	4,645.00															0.00	4,645.00
Riverside	2,660.00															0.00	2,660.00
Shamong	995.00															0.00	995.00
Southampton	1,595.00															0.00	1,595.00
Springfield	995.00															0.00	995.00
Tabernacle	995.00															0.00	995.00
Westampton	1,595.00															0.00	1,595.00
Woodland	995.00															0.00	995.00
Wrightstown	995.00															0.00	995.00
Total By Line	51,295	\$0.00	\$0.00	\$0.00	\$2,729.24	\$882.72	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		3,611.96	47,683.04

Must be Claimed or Encumbered by November 30, 2018. All Encumbered Claims Must be Claimed by February 1, 2019

Burlington County Municipal Joint Insurance Fund 2018 Wellness Incentive Program																		
Member Municipality	Opening Balance	January 2018	February 2018	March 2018	April 2018	May 2018	June 2018	July 2018	August 2018	September 2018	October 2018	November 2018	December 2018	Paid 2018	Date of Encumbrance	Total Paid	Remaining Balance	
Bass River	500.00															0.00	500.00	
Beverly	750.00															0.00	750.00	
Bordentown City	750.00															0.00	750.00	
Bordentown Twp.	1,000.00		73.83													73.83	926.17	
Chesterfield	500.00															0.00	500.00	
Delanco	750.00															0.00	750.00	
Delran	1,000.00															0.00	1,000.00	
Edgewater Park	750.00				99.45											99.45	650.55	
Fieldsboro	500.00															0.00	500.00	
Florence	1,000.00															0.00	1,000.00	
Hainesport	500.00															0.00	500.00	
Lumberton	1,000.00															0.00	1,000.00	
Mansfield	750.00															0.00	750.00	
Medford	1,500.00															0.00	1,500.00	
Mount Laurel	1,500.00															0.00	1,500.00	
North Hanover	750.00					143.18										143.18	606.82	
Palmyra	750.00															0.00	750.00	
Pemberton Boro	500.00				120.00											120.00	380.00	
Pemberton Twp.	1,500.00															0.00	1,500.00	
Riverside	1,000.00															0.00	1,000.00	
Shamong	500.00															0.00	500.00	
Southampton	750.00															0.00	750.00	
Springfield	500.00															0.00	500.00	
Tabernacle	500.00															0.00	500.00	
Westampton	750.00															0.00	750.00	
Woodland	500.00															0.00	500.00	
Wrightstown	500.00															0.00	500.00	
Total By Line	\$21,250.00	\$0.00	\$73.83	\$0.00	\$219.45	\$143.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		436.46	20,813.54	

Must be Claimed or Encumbered by November 30, 2018. All Encumbered Claims Must be Claimed by February 1, 2019

**Burlington County Municipal Joint Insurance Fund
2018 EPL/CYBER Risk Management Budget**

Member Municipality	Opening Balance	January 2018	Feb 2018	March 2018	April 2018	May 2018	June 2018	July 2018	August 2018	September 2018	October 2018	November 2018	December 2018	Paid in 2019	Remaining Balance	Date Encumbered
Bass River	500.00														500.00	
Beverly	500.00														500.00	
Bordentown City	500.00														500.00	
Bordentown Twp.	500.00														500.00	
Chesterfield	500.00														500.00	
Delanco	500.00														500.00	
Delran	500.00														500.00	
Edgewater Park	500.00														500.00	
Fieldsboro	500.00														500.00	
Florence	500.00														500.00	
Hainesport	500.00														500.00	
Lumberton	500.00														500.00	
Mansfield	500.00														500.00	
Medford	500.00														500.00	
Mt. Laurel	500.00														500.00	
North Hanover	500.00														500.00	
Palmyra	500.00														500.00	
Pemberton Boro	500.00														500.00	
Pemberton Twp.	500.00														500.00	
Riverside	500.00														500.00	
Shamong	500.00														500.00	
Southampton	500.00														500.00	
Springfield	500.00														500.00	
Tabernacle	500.00														500.00	
Westampton	500.00														500.00	
Woodland	500.00														500.00	
Wrightstown	500.00														500.00	
Total By Line	\$13,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,500.00	

Must be Claimed or Encumbered by November 30, 2018. All Encumbered Claims Must be Claimed by February 1, 2019



Police Command Staff Risk Management Seminar

As part of their continuing commitment to Police Command Staff Training the Atlantic, Burlington, and Gloucester, Salem, Cumberland Counties Municipal Joint Insurance Funds are jointly sponsoring a seminar on Police Risk Management. **The seminar is intended for all Command Staff who manage or supervise other officers within your municipality. This includes, but is not limited to, Chiefs, Deputy Chiefs, Lieutenants, Captains, Sergeants, and Corporals.** Attendance at bi-annual employment practices training is mandatory for Police Command Staff in order to comply with the MEL's 2018-2019 Employment Practices Liability (EPL) Plan of Risk Management. Failure to attend training can lead to costly litigation and may result in higher co-pays and deductibles for EPL Claims against your municipality.

Today, Police Command Staff face a multitude of challenges in performing their job. These include workforce issues and regulatory training requirements just to name a few. However, the field of employment law remains perhaps the most rapidly evolving area of law both in the State of New Jersey and nationally. As legislators and the courts afford greater protection to more groups of employees, the nature and frequency of claims against employers increase proportionately. Public employers are not immune from this trend. Your knowledge of basic legal and administrative employment principles will help keep you out of trouble.

Topics

Training will be offered twice each day as noted on the registration form; an AM Session and a PM Session. Each session is identical and each command staff officer only needs to attend one session.

The training will focus on common employee/employer issues including discipline and discharge, promotion procedures, and discrimination and harassment including the Conscientious Employee Protection Act (CEPA). In addition, information will be provided on immunities available for police operations under Title 59, how to protect your agency against liability claims, and managing these claims when they occur. Time will also be spent discussing workers compensation and liability coverage afforded police officers as well as various safety and risk management programs implemented to manage the risk associated with police operations.

For your convenience, and to facilitate maximum participation, the seminar will be presented in three different locations throughout Southern New Jersey. **Please note that all sessions are identical.** **Please see the attached documentation for specific times and locations.**

PLEASE RESPOND TWO WEEKS PRIOR TO ANY TRAINING DATE

Police Risk Management Training Registration Form

Sessions – There will be (2) identical sessions each day.
You need only attend one of the sessions. Choose One:

Dates and Locations: Please indicate your choice

_____ **Tuesday, February 13, 2018 at Merighi's Savoy Inn, Vineland**

_____ **9:00 AM – 11:30 AM ...Registration starts at 8:15 AM**

_____ **1:00 PM – 3:30 PM.....Registration starts at 12:00 Noon**

_____ **Thursday, April 26, 2018 at Nicolosi Caterers, West Deptford**

_____ **9:00 AM – 11:30 AM ...Registration starts at 8:15 AM**

_____ **1:00 PM – 3:30 PM.....Registration starts at 12:00 Noon**

_____ **Tuesday, June 12, 2018 at O'Connors, Eastampton**

_____ **9:00 AM – 11:30 AM ...Registration starts at 8:15 AM**

_____ **1:00 PM – 3:30 PM.....Registration starts at 12:00 Noon**

_____ **Thursday, June 28, 2018 at Merighi's Savoy Inn, Vineland**

_____ **9:00 AM – 11:30 AM ...Registration starts at 8:15 AM**

_____ **1:00 PM – 3:30 PM.....Registration starts at 12:00 Noon**

.....
Please Print Clearly

Municipality _____ **Contact Name:** _____

Phone: _____ **Fax:** _____ **E-Mail** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Forward Completed Registration Form to:

Carol Mason

Account Rep.

PHONE: (856) 446-9127

FAX: (856) 446-9149

E-MAIL: Carol_Mason@ajg.com



Municipal Managers and Supervisors Risk Management Seminar

As part of their continuing commitment to management/supervisory training, the Atlantic, Burlington and Gloucester, Salem, Cumberland Counties Municipal Joint Insurance Funds are jointly sponsoring a seminar on municipal risk management. The seminar is intended for all employees who manage or supervise others within your municipality. That will include department heads, managers, foremen, and supervisors from all departments included but not limited to Administration, Public Works, Recreation, Fire, Rescue and Emergency Services (paid or volunteer). CFO's, Tax Collectors and Tax Assessors who manage or supervise staff are included within this category.

Police officers that currently manage or supervise others including Police Chiefs, Captains, Lieutenants, Sergeants, etc are required to attend the specific Police Command Staff Training. In addition, it is recommended that any officer that will be eligible to be promoted into a supervisory or management position within the next two (2) years also attend that training. A separate announcement regarding this training was sent out on or about January 10, 2018 via email to all Clerks and Fund Commissioners.

Today, municipal managers and supervisors face a multitude of challenges in performing their job. These include workforce issues and regulatory training requirements just to name a few. However, the field of employment law remains perhaps the most rapidly evolving area of law both in the State of New Jersey and nationally. As legislators and the courts afford greater protection to more groups of employees, the nature and frequency of claims against employers increase proportionally. Public employers are not immune from this trend. Your knowledge of basic legal and administrative employment principles will help keep you out of trouble.

Topics

The training offered will include information on how managers and supervisors can help reduce accidents in the workplace over time, accident rates in various municipal departments and the importance of safety training. In addition, these sessions will address common employee/employer issues including discipline and discharge, and discrimination and harassment including the Conscientious Employee Protection Act (CEPA). Finally, these sessions will examine liability in municipal operations, and how Managers and Supervisors can assist in reducing these exposures. These seminars will count toward Managerial/Supervisory continuing training required by the MEL for compliance with the 2018-2019 EPL Plan of Risk Management.

For your convenience, and to facilitate maximum participation, the seminar will be presented in a morning and afternoon session. Please note that all sessions are identical. **Please see the attached documentation for specific times and locations.**



Managerial & Supervisory Training Seminar Details

Morning Session – Continental Breakfast provided beginning at 8:30 AM

Afternoon Session – Lunch provided beginning at 12:30 PM

<i>Date</i>	<i>Location</i>	<i>Time (2 Sessions)</i>
Tuesday March 6, 2018	O'Connors (formerly Charley's Other Brother) Eastampton	Morning Session: 8:30 AM Registration Session 9:00 AM - 11: 30 AM Afternoon Session: 12:30 PM Registration Training Session 1:00 PM - 3:30 PM
Tuesday, May 8, 2018	Merighi's Savoy Inn, Vineland	Morning Session: 8:30 AM Registration Session 9:00 AM - 11: 30 AM Afternoon Session: 12:30 PM Registration Training Session 1:00 PM - 3:30 PM
Tuesday, September 11, 2018	Wildwood Convention Center Wildwood	Morning Session: 8:30 AM Registration Session 9:00 AM - 11: 30 AM Afternoon Session: 12:30 PM Registration Training Session 1:00 PM - 3:30 PM
Thursday, September 27, 2018	Nicolosi Caterers West Deptford	Morning Session: 8:30 AM Registration Session 9:00 AM - 11: 30 AM Afternoon Session: 12:30 PM Registration Training Session 1:00 PM - 3:30 PM

**Please confirm your registration via the attached response form at
least 2 weeks prior to any of the scheduled training dates!**

****All Sessions are Identical****

Managerial & Supervisory Registration Form

Dates and Locations

Both Sessions are Identical

9:00 AM – 11:30 AM

1:00 PM – 3:30 PM

_____ Tuesday, March 6, 2018 at O’Connors, Eastampton

_____ Tuesday, May 8, 2018 at Merighi’s Savoy Inn, Vineland

_____ Tuesday, September 11, 2018 at Wildwood Convention Center, Wildwood

_____ Thursday, September 27, 2018 at Nicolosi Caterers, West Deptford

.....

Please Print Clearly

Check One: Morning 9:00 AM – 11:30 AM _____ Afternoon 1:00 PM – 3:30 PM _____

Municipality _____ **Contact Name** _____

Phone: _____ **Fax:** _____ **E-Mail** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Forward Completed Registration Form to:

Sheila Ortiz

AJG Risk Management Services, Inc.

P.O. Box 530

Marlton, NJ 08053

PHONE: (856) 446-9137

FAX: (856) 446-9149

E-MAIL: Sheila_Ortiz@ajg.com



Municipal Excess Liability Joint Insurance Fund

9 Campus Drive – Suite 216
Parsippany, NJ 07054
Tel (201) 881-7632
Fax (201) 881-7633

To: Members - Municipal Excess Liability Joint Insurance Fund
(Municipalities and Utility Authorities)

From: David N. Grubb, Executive Director

Date: April 2018

Re: 2019-2020 Employment Practices Liability (EPL) Program

95% of MEL members have adopted the MEL's model employment practices risk control program and are eligible for lower deductibles. These programs must be updated every two years to remain eligible. **PLEASE VISIT THE MEL WEBPAGE – NJMEL.ORG – FOR A COPY OF THE REVISED MODEL**. Attached is a memorandum synopsis of the changes.

Members with updated loss control programs receive the standard EPL deductible of \$20,000 per claim plus a 20% co-pay capped at \$50,000 and may be eligible to buy down deductibles and co-insurance caps (See note below concerning members with adverse EPL claims experience).

To qualify for the lower deductibles, have your General Counsel or Employment Attorney complete the one page form checking the minimum requirements for updating the plan. It is not necessary to attach any further documentation. Mail the completed form to MEL Fund Office, 9 Campus Drive, Suite 216, Parsippany, NJ 07054.

Members that did not qualify for the 2017-2018 incentive must adopt the EPL loss control plan and submit to the MEL for review. Have your General Counsel or Employment Attorney complete the two-page form checking the minimum requirements for the plan. The following must be attached to this form: (1) the Personnel Policies and Procedures Manual, (2) the resolution adopting this manual, and (3) the Employee Handbook. Mail the completed form and attachments to the MEL Fund Office, 9 Campus Drive, Suite 216, Parsippany, NJ 07054.

Members submitting the required form by October 1, 2018 will qualify or continue to qualify for the deductible incentives effective January 1, 2019. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.

Members without updated loss control programs will have a deductible of \$100,000 per claim plus a 20% co-pay with no cap. (See note below concerning members with adverse EPL claims experience).

Members with adverse EPL claims experience: Members with adverse loss experience will have a deductible of \$75,000 if they have an updated loss control plan and \$150,000 if they do not – in addition to the co-pay (as outlined above). In a few cases, the insurance carrier will establish higher deductibles for members due to exceptionally poor experience.

Public Official's Training Credit: The MEL is continuing the public officials training throughout the state for elected public officials and authority commissioners. Sessions have already been given at the League Convention and the AEA Convention in Atlantic City. The MEL will reduce each member's 2018 MEL premium by \$250 for each municipal elected official and authority commissioner who completes the course. The credit is also extended to the member's CEO (i.e. municipal manager/administrator or authority executive director). The maximum credit is capped at 5% of the member's MEL assessment. The MEL webpage will post a listing of sessions scheduled throughout the state. In addition, the course can be taken on-line through the MEL Safety Institute (direction attached).

Required Elements for the Incentive

1. **Employment Attorney/Advisor:** An Employment Attorney or an Employment Advisor usually provides advice concerning personnel matters. However, the member may designate its General Counsel if experienced in employment matters.
2. **Personnel Policies and Procedures Manual:** To facilitate this process, the MEL has developed a Model Personnel Policies and Procedure Manual that members are free to use at their discretion. Members can adopt the model, take sections from the model and place them in their existing personnel manual, or write their own policies that cover the subjects in the model.
3. **Conscientious Employee Protection Act Notice:** This notice (in both English and Spanish) must be posted on the bulletin board and distributed to all personnel. The notice required by the NJ Department of Labor is included in the Model Personnel Policies and Procedures Manual. (copy can also be found on the MEL webpage – njmel.org)
4. **Employee Handbook:** The handbook must be updated and distributed to all personnel. To facilitate this process, the MEL has developed a Model Employee handbook that members are free to use at their discretion. (which can be found on the MEL webpage – njmel.org)
5. **Model Local Unit Civil Rights Resolution (municipalities only):** Adopt the model resolution. (which can be found on the MEL webpage – njmel.org)
6. **Managerial and Supervisory Training:** Court decisions made personnel training for managerial and supervisory "mandatory". A signed acknowledgement that the manager or supervisor has completed training within the last 12 months must be placed in the personnel files. Training is also mandatory for the Municipal Judge, the heads of volunteer emergency service organizations such as Volunteer Fire Departments, EMS units, and the heads of organizations such as Library Boards and Planning Boards, etc., that are involved in personnel matters. The MEL has developed a Model that the local JIFs will conduct over the next 6 months. Your JIF will contact you with the details.
7. **Police Chief, Captains and Lieutenants Training:** Because Police Departments are involved in a high percentage of employment related litigation, Police Chiefs and at least one other command officer must complete employment-practices training that takes into

consideration the Attorney General's guidelines for police operations. A schedule of these seminars will be distributed by your JIF.

8. **Training for All Other Personnel:** Court decisions also require employers to offer anti-harassment and related personnel training to all employees. This can be accomplished by requiring your employees to complete the 11 minutes on-line “We Must Respect Each Other in Local Government” found on www.njmel.org. Attached are the instructions to access this program.
9. **MEL EPL Helpline:** The MEL includes a helpline to its members at no additional cost. Members are required to enroll (if you have not already done so) by calling 415-817-1611 or emailing bhansen@enquiron.com.

For assistance, please contact the MEL office or the office of your local JIF.

**Synopsis of Changes to
Municipal Excess Liability Joint Insurance Fund
MODEL PERSONNEL POLICIES AND PROCEDURES MANUAL**

The Municipal Excess Liability Fund Personnel Policy Committee (“Committee”) convened to consider changes to the Model Personnel Policies and Procedures (“Manual”) for the 2019 Policy Year. In order to be eligible to maintain current deductibles and co-pay, members must be in compliance with the Employment Practices Liability Program. Members must adopt the recommended changes by October 1, 2018.

This memorandum is intended to provide an overview of the changes to the Manual and accompanying documents. Members should amend their personnel manual accordingly.

Discussion of Adopted Changes:

Change 1: Protections Against Discrimination and Accommodation for Breastfeeding Employees
(Located in Section One)

The Manual was modified to amend the Anti-Discrimination Policy and the Americans with Disabilities Act Policy/ New Jersey Pregnant Worker’s Fairness Act contained in Section One to include protections for breastfeeding to comply with recent changes in New Jersey law. The Manual now expressly protects individuals who are breastfeeding from discrimination and requires the Local Unit to provide to employees who are breastfeeding a reasonable break time each day and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

Change 2: Modification to Communication Media Policy (Located in Section Two)

The Communication Media Policy was amended to be a “Communication Media/ Social Media Policy” with relevant changes contained within to be in compliance with recent cases.

Change 3: Section Five

There are some revisions to this Section in accordance with the Fair Credit Reporting Act. Change 4: Modification to Open Public Records Meetings Act Section (Located in Section Five)

Three changes have been made to the policy's Open Public Meetings Act (OPMA) section. First, the policy has been amended to reflect the holding of Keane Federation of Teacher v. Ada Morell, 448 N.J. Super. 520 (App. Div. 2017). In Keane Federation, the Appellate Division held that Rice notices are not only required when there is *discussion* regarding the appointment, termination, terms and conditions of employment, performance evaluation or discipline of any current or prospective officer of employee in closed session but also when the local unit intends to *act* on these enumerated matters. Additional language has been added to clarify this expansion of when Rice notices are required to be issued. Second, the policy has been amended to clarify that only the municipal governing body or a "public body" of the local unit (as that term is defined by OPMA) are required to provide Rice notices. Third, changes have been made to update the criminal background checks in accordance with State legislative amendments.

Change 5: Overtime Compensation

Overtime Compensation Policy in Section 4 of the Manual was modified slightly to clarify the rate of overtime pay. This is not a substantive change.

Other Items of Note:

The Committee also discussed the following items, which did not necessitate any changes to the

Manual but should be considered by the Members:

1. Attached please find a notice from the Department of Community Affairs regarding the certifications required by the P.L. 2017, c. 183. and referenced sample certifications.
2. In January, 2018 the DOT published a Notice of Proposed Rulemaking in the Federal Register that announced that proposes some amendments to the current DOT-regulated drug and alcohol testing requirements to broaden the testing of opiates to include synthetic opioids.
3. In January 2018, New Jersey enacted P.L. 2017, c.272, which requires the Civil Service Commission to develop a uniform domestic violence policy that all public employers, regardless if they are Civil Service, must adopt and distribute to their employees. To date, the Civil Service Commission has not adopted such a policy.

Please consider these changes and consult with your general counsel prior to adopting same.

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE
WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF *(Insert County Name)*

We, members of the governing body of the *(Name of local unit)* being duly sworn according to law,
upon our oath depose and say:

1. We are duly elected (or appointed) members of the *(insert name of governing body)* of the
(name of local unit) in the county of *(name of county)*;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United
States Equal Employment Opportunity Commission's "Enforcement Guidance on the
Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of
the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an
individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement
guidance.

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

Sworn to and subscribed before me this
_____ day of _____
Notary Public of New Jersey

Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth
the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its
approved budget to the Division of Local Government Services. The executed certificate and the
adopted resolution must be kept on file and available for inspection.

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964”**

FORM OF RESOLUTION

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *(name of governing body)* of the *(name of local unit)*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON *(insert meeting date)*.

Clerk

Checklist for Members with Currently Approved Risk Control Plans

2019-2020 MEL EMPLOYMENT PRACTICES RISK CONTROL UPDATE CHECKLIST

Name of Municipality or Authority: _____

- ☐ Retain Employment Attorney/Advisor: (name)_____
- ☐ Update and distribute to managerial/supervisory employees the Personnel Policies and Procedures Manual: (Not necessary to attach)
- ☐ Distribute a notice concerning the Conscientious Employee Protection Act to all personnel:
- ☐ Update and distribute the Employee Handbook: (Not necessary to attach)
- ☐ Adopt the model civil rights resolution (municipalities only).
- ☐ Train managerial and supervisory personnel:
- ☐ Have Police Chief, Deputy Chief, Public Safety Director, Captains & Lieutenants complete the special EPL training course:
- ☐ Offer Anti-Harassment training to all other personnel:
- ☐ Sign up with NJ MEL Helpline for Employment Practices.

I, _____, the (check __General Counsel or __Employment Attorney) of (member name)_____ hereby certify that the member has verified to me that the above actions have been completed and that I have read the updated Personnel Policies and Procedures Manual and the updated Employee Handbook.

Signature: _____

Date: _____ Telephone: _____

To qualify for the Employment Practices Liability policy deductible, this checklist should be returned to the MEL Fund Office (9 Campus Drive, Suite 216, Parsippany, NJ 07054 as soon as possible. Members submitting this form by October 1, 2018 will qualify or continue to qualify for the deductible effective to January 1, 2019. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.

Checklist for Members without Currently Approved Risk Control Plans

INITIAL EMPLOYMENT PRACTICES LOSS RISK CONTROL INCENTIVE APPLICATION

Name of Municipality or Authority: _____

- q Retain Employment Attorney/Advisor: (name)_____
- q Adopt and distribute to managerial/supervisory employees the Personnel Policies and Procedures Manual: (Attach Resolution and Manual)

Required Minimum Provisions:

- q Anti-Discrimination Policy
- q Americans with Disabilities Act Policy
- q Contagious or Life Threatening Illnesses Policy
- q Safety Policy
- q Drugs and Alcohol Policy
- q Workplace Violence Policy
- q General Anti-Harassment Policy
- q Anti-Sexual Harassment Policy
- q Whistle Blower Policy
- q Employee Complaint Policy
- q Access to Personnel Files Policy
- q Conflict of Interest Policy
- q Political Activity Policy
- q Employee Evaluation Policy
- q Employee Discipline Policy
- q Workforce Reduction Policy
- q Driver's License Policy
- q Communication Media Policy/Social Media Policy
- q Bulletin Board Policy
- q Leave of Absence Policy
- q Family and Medical Leave Act Policy
- q Military Leave Policy
- q Domestic Abuse Leave Policy
- q Employment Procedure
- q Open Public Meeting Act Procedure Concerning Personnel Matters
- q Processing and Orientation of New Employees Procedure
- q Initial Employment Period Procedure
- q Employee Handbook Procedure
- q Performance Evaluation Procedure
- q Disciplinary Action Procedure
- q Personnel File Procedure
- q Employee Complaint Investigation Procedure
- q Requests for Employment Verification and Reference Procedure
- q Continuing Education Procedure

- q Distribute a notice concerning the Conscientious Employee Protection Act to all personnel:
- q Adopt and distribute the Employee Handbook: (Attach handbook)
- q Adopt the model civil rights resolution (municipalities only).
- q Train managerial and supervisory personnel:
- q Have Police Chief, Deputy Chief, Public Safety Director, Captains & Lieutenants complete the special EPL training course:
- q Offer Anti-Harassment training to all other personnel:
- q Sign up with NJ MEL Helpline for Employment Practices.

I, _____, the (check ___General Counsel or ___Employment Attorney) of (member name)_____hereby certify that the member has verified to me that the above actions have been completed and that I have read the Personnel Policies and Procedures Manual and the Employee Handbook.

Signature: _____

Date: _____ Telephone: _____

To qualify for the Employment Practices Liability policy deductible, this checklist should be returned to the MEL Fund Office (9 Campus Drive, Suite 216, Parsippany, NJ 07054 as soon as possible. Members submitting this form by October 1, 2018 will qualify or continue to qualify for the deductible effective to January 1, 2019. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.

Conscientious Employee Protection Act “Whistleblower Act”

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____

Address: _____

Telephone Number: _____

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (609) 292-7832.

La Ley de protección al empleado consciente

"Ley de protección del denunciante"

Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
 - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
 - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
 - c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - d. Ofrece información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
 - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
 - (2) es fraudulenta o delictiva; o
 - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al parágrafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: _____

Dirección: _____

Número de teléfono: _____

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados. Si necesita este documento en algún otro idioma que no sea Inglés o español, sírvase llamar al (609) 292-7832.



2018 Elected Officials Online Training

While we recommend that public officials attend a training class, the MEL is also making available an on-line training program for Elected Officials and Authority Commissioners to earn their \$250 training credit. Please follow the steps below to access the program. To receive credit, the program must be completed by May 1, 2018.

1. Click the following link for the MEL Safety Institute's Learning Management System

www.firstnetcampus.com/meljif

2. If you have previously taken MSI classes, enter your username and password. If you do not know your username/password, check with your Training Administrator or call the MSI Helpline. If you are new, click 'New User Registration.' Complete the fields and you will receive an email with your username and password.
3. Click on the On-Line Training Courses, at bottom right.
4. Click the 'Elected Officials - Land Use Liability' course.
5. Click 'Enroll'.
6. Click the 'My Training' tab on the top blue tool bar.
7. Click the program name to launch the course.
8. Upon completion of the course and questions you will navigate to the 'Student Center' tab to print your Certificate of Completion. Learning transcripts are automatically updated in the MEL Safety Institute's Learning Management System.

Questions? Contact the MSI Help Line (866) 661-5120

The MEL Safety Institute can also be accessed anytime by going to www.njmel.org.

You must complete the entire program and the affidavit at the end of the program to receive credit. If you need additional assistance please call the MSI help line at (866) 661-5120 during business hours.



We Must Respect Each Other In Local Government Online Training Instructions

This course discusses the right of each employee to a workplace free of harassment and each employee's duty to respect the rights of all other employees.

To access the online course:

1. Click the following link for the MEL Safety Institutes Learning Management System

www.firstnetcampus.com/meljif

2. If you have previously taken MSI classes, enter your username and password. If you are new, click 'New User Registration.' Complete the fields and you will receive an email with your username and password.
3. Click on the On-Line Training Courses, at bottom right.
4. Click the "We Must Respect Each Other in Local Government".
5. Click 'Enroll'.
6. Click the 'My Training' tab on the top blue tool bar.
7. Click the program name to launch the course.
8. Upon completion of the course and questions navigate to the 'Student Center' tab to print your Certificate of Completion. Transcripts are automatically updated in the MEL Safety Institute's Learning Management System.

Questions? Contact the MSI Help Line (866) 661-5120

The MEL Safety Institute can also be accessed anytime by going to www.njmel.org.

Employee Safety and Anti Harassment Seminar Leader's Guide

Who should conduct the seminar? The leader should be the Municipal Manager/Administrator, the Authority Executive Director, the Human Resources Manager, the local unit's General Counsel or Employment Attorney/Advisor.

Are all employees required to attend? The court requires employers to "make training available" to all employees. However, the employer has the option of making the training mandatory. Attendance must be documented in each employee's personnel file.

How long is the seminar? The formal presentation is about 20 minutes, mostly consisting of the video. However, the question and answer period at the end could easily add another half hour or more to the seminar.

Is this seminar also available on line? Yes. See njmel.org for directions on how to take this course directly from the MEL's web based learning management system.

Section One: Introduction

Each of you has a right to safe workplace free discrimination, violence, harassment and conflicts of interest. The (local unit name) has a "no tolerance policy" towards workplace wrongdoing and expects all employees to conduct themselves consistent with this policy. Today, we will discuss what this means.

The program begins with a twelve-minute video that explains your rights and obligations under the "no tolerance" policy. The video states clearly what types of conduct are unacceptable when interacting with fellow employees. As many of the unacceptable behaviors are also against the law, compliance is essential both for your own protection and to ensure that others not subjected to conduct that might create a hostile work environment.

At the end of the video, there will be time to ask questions.

Section Two: Play video, "We Must Respect Each Other in Local Government."

Section Three: Question and Answers:

Before opening for questions, distribute copies of the CEPA notice and discuss the procedure to report wrongdoing. This is also an opportunity to distribute the revised employee handbook or discuss any particular personnel matter that you deem appropriate.

At the beginning of the Q&A period, tell the employees questions that pertain to a particular individual are not appropriate for the general session and should be asked after the meeting. Further, if anyone feels uncomfortable asking a question during the meeting, you will be available to talk to them afterwards. Also state that if the question involves a legal issue, it will be forwarded to the General Council or the Employment Attorney/Advisor. Make detailed notes of these questions in the attached Question Log and tell the employees that the attorney/advisor will quickly get back to them.

ATTENDANCE LOG

Employee Safety and Anti Harassment Seminar

Town/Authority Name: _____

Date: _____ **Time:** _____

Leader's Name: _____

[illegible]

Questions Log

[illegible]

MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND

9 Campus Drive, Suite 216
Parsippany, NJ 07054
Telephone (201) 881-7632

BULLETIN MEL 18-08

Date: January 1, 2018
To: Fund Commissioners of Member Joint Insurance Funds
From: Underwriting Manager
Conner Strong & Buckelew
Re: Fireworks Displays and Amusement Ride Requirements

The bulletin does not apply to the members of the NJUA JIF, members of NJPHA JIF and “workers compensation only” members of the First Responders Insurance Fund.

This will serve as an annual reminder for members of the Fund that there are fireworks displays and amusement ride requirements dealing with insurance to be provided by the fireworks and amusement ride contractors. An outline of these requirements is enclosed along with the Hold Harmless Agreement wording to be provided by the fireworks contractor and amusement ride contractor in favor of the member entity.

“Bouncy houses” and the like are also considered amusement rides and are formally known as “Type 4 Air Supported Structures”. The ownership, operation and maintenance of Type 4 Air Supported Structures is excluded from coverage. If you own such a structure, please consult with your risk management consultant to secure the appropriate liability coverage in the commercial market.

You should consider the following two nuances when contracting with vendors providing these devices: 1) The vendor may try to just drop-off the device for you to setup; 2) The vendor may not include personnel to oversee the devices. Both of these nuances would fall within the exclusion and not be covered by the Fund. Please note, oversight of the structures are considered “operation”.

Water Tag and Laser Tag as activities do not fall within the above category of amusement rides; however, there is the potential for the tag courses to be considered a Type 4 Air Supported Structure. Most courses are designed with numerous inflated shapes, which the participants do not go on, in or under. Please review with counsel and the amusement vendor for clarification on the type of inflatable.

The liability of member entities associated with fireworks displays and amusement rides are a major concern to the Fund. It is imperative you adhere to the enclosed requirements. In order to ensure compliance with the Fund's insurance requirements, if necessary, please have your contractor or contractor's insurance company call the MEL Underwriting Manager, so we can discuss these requirements with them in more detail.

As respects to the Hold Harmless Agreement wording, all blank spaces should be completed. Please note, paragraph three should be completed, dated and signed by an authorized representative of the contractor and witnessed to authenticate the signature of the authorized contractor representative. Any additional Hold Harmless/Indemnification wording included in the contract shall not contradict/negate the Hold Harmless Agreement noted above.

Page Two
BULLETIN MEL 17-08

Any certificate of insurance requests from member entities, such as use of a private parking lot for spectator parking, will not be processed until the member entity meets the MEL fireworks display and amusement ride insurance requirements.

Please note that there is no longer a requirement for a Surety Bond from the fireworks contractor.

If you have any questions on this bulletin, please contact your Risk Management Consultant, JIF Executive Director or the Underwriting Manager.

This bulletin is for information purposes only. It is not intended to be all-inclusive but merely an overview. It does not alter, amend or change your coverage. Please refer to specific policies for limits, terms, conditions and exclusions.

cc: Risk Management Consultants
Fund Professionals
Fund Executive Directors

**2018 FIREWORKS DISPLAY/AMUSEMENT RIDE REQUIREMENTS
MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND**

The following information must be filed with and approved by the MEL Underwriting Manager prior to the event:

- 1) Copy of contract between the fireworks/amusement ride contractor and the member entity. As respects to fireworks displays, some of the contracts we see with the various contractors are silent or ambiguous as to who is responsible for policing the fireworks display and searching for and disposing of unfired fireworks. When submitting your fireworks paperwork to us for approval we will be looking closely at each contract for this. If the contract is silent or ambiguous as to who is responsible for policing the fireworks display and searching for and disposing of unfired fireworks, we will be requesting that you obtain an addendum to the contract or a letter from the contractor on their letterhead stating that they will be responsible for policing the fireworks display and searching for and disposing of unfired fireworks.
- 2) Certificate of insurance from contractor to include the following information:
 - General liability limits of \$1,000,000 per occurrence combined single limit for bodily injury and property damage with at least \$2,000,000 general aggregate. Contractual liability must be included.
 - Automobile liability limits of \$1,000,000 per occurrence combined single limit for bodily injury and property damage with no aggregate.
 - Workers Compensation at Statutory limits
 - Employers Liability at minimum limits of \$500,000.
 - Umbrella liability limits of \$4,000,000 are strongly recommended, sitting excess of the General Liability, Automobile Liability and Employers Liability coverages.
 - The member entity and any associations, recreations or committees formed by the member entity to organize the "event" must be named as additional insureds on the General Liability, Automobile Liability and Umbrella Liability coverages.
 - Rain date, if applicable, should also be shown on the description section of the certificate of insurance.
- 3) An executed hold harmless agreement in favor of the member entity must be signed by the fireworks/amusement ride contractor. Enclosed is suggested hold harmless agreement wording to be used by the fireworks display contractor and amusement ride contractor. The Fund will not accept a "Null and Void" clause in favor of the contractor as part of the hold harmless agreement. Any additional hold harmless/indemnification language in any agreement contradictory to the wording enclosed shall be removed.
- 4) As respects to mechanical amusement rides/devices, the contractor will need to provide proof of registration of its amusement ride equipment, as well as a copy of the contractor's permit application for the rides being utilized for the member sponsored event. Once the equipment is delivered to the event site, the member should confirm that the actual permit is affixed to the equipment. To confirm that the amusement vendor is registered, as required by the State, the member can visit the NJDCA website at http://www.state.nj.us/dca/divisions/codes/publications/pdf_rides/permitted_rides.pdf.

- 5) As stated above, mechanical amusement rides/devices are required to be licensed by the State of New Jersey. Mechanical amusement rides/devices are defined as any amusement ride required to be licensed by the State of New Jersey which includes any mechanical device or devices, including but not limited to water slides exceeding 15 feet in height, which carry or convey passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement; and any passenger or gravity propelled ride when located in an amusement area or park in which there are other amusement rides. Mechanical amusement rides/devices are also defined to include the following pursuant to the New Jersey Department on Community Affairs, concerning Carnival and Amusement Ride Safety Act P. L. 1975 C105 as amended on July 20, 2001, and New Jersey Administrative Code, Title 5. Community Affairs, Chapter 14A. Carnival-Amusement Rides, N.J.A.5:14 A (2014), N.J.A.C. §5.14A-1.1:

- Small truck kiddie rides as defined under N.J.A.C. §5:14A-1.2, and inflatable bounce houses, moonwalks, inflatable slides, and other inflatable attractions, which allow riders to bounce, slide, and/or to be supported by them, as defined under N.J.A.C. §5:14A-1.2, and §5:14A-13.1, “Inflatable Rides” subchapter.
- The rental or lease of Inflatables – Inflatables are considered an amusement ride. DCA’s web site lists rental firms and those inflatables that already have a DCA permit. Be sure the inflatable you want to rent is on the list.

http://www.state.nj.us/dca/divisions/codes/publications/pdf_rides/permitted_rides.pdf

A ride inspection must take place prior to using the inflatable.

NOTES: The attached checklist can be used as a guide in making sure that a complete submission is being made by the member to the MEL Underwriting Manager.

The fireworks display/amusement ride submissions should be e-mailed to MELUnderwritingSvcCntr@connerstrong.com or faxed to (732) 736-5274 for review and approval no later than three weeks prior to the event. If you have any questions please contact the MEL Underwriting Manager team.

FIREWORKS DISPLAY
HOLD HARMLESS AGREEMENT

Between the Borough/Township/City/County of _____
and _____ (Contractor).

WITNESSETH:

1. _____ (Contractor) agrees to release, indemnify and hold harmless the Borough/Township/City/County of _____ from and against any loss, damage or liability, including attorneys' fees and expenses incurred by the latter entities and their respective employees, agents, volunteers or other representatives arising out of or in any manner relating to the manufacture, installation, firing or disassembly of any pyrotechnic equipment or device and/or the supervision and presentation thereof.

2. The applicant has furnished the Certificate of Insurance with limits of liability described below:

Workers Compensation/Employers Liability: _____

General Liability: _____

Automobile Liability: _____

Umbrella Liability: _____

A true copy of the Certificate of Insurance is attached indicating the member entity and applicable associations, recreations or committees formed by the member entity to organize the "event" must be named as additional insured on all liability policies.

3. The facilities will be used for the following purpose and no other:

Event: _____ Date: _____ Rain Date: _____

Dated: _____ Signed: _____

Authorized Signature of the Contractor

Witness: _____

AMUSEMENT RIDES

HOLD HARMLESS AGREEMENT

Between the Borough/Township/City/County of _____
_____ and _____ (Contractor).

WITNESSETH:

1. _____ (Contractor) agrees to release, indemnify and hold harmless the Borough/Township/City/County of _____ from and against any loss, damage or liability, including attorneys' fees and expenses incurred by the latter entities and their respective employees, agents, volunteers or other representatives arising out of or in any manner relating to the installation, operation, use, or disassembly of any amusement ride equipment or device and/or the supervision thereof.

2. The applicant has furnished the Certificate of Insurance with limits of liability described below:

Workers Compensation/Employers Liability: _____

General Liability: _____

Automobile Liability: _____

Umbrella Liability: _____

A true copy of the Certificate of Insurance is attached indicating the member entity and applicable associations, recreations or committees formed by the member entity to organize the "event" must be named as additional insured on all liability policies.

3. The facilities will be used for the following purpose and no other:

Event: _____ Date: _____ Rain Date: _____

Dated: _____ Signed: _____

Authorized Signature of the Contractor

Witness: _____

MEL UNDERWRITING MANAGER SUBMISSION CHECKLIST

TOWN: _____

JIF: _____

VENDOR: _____

DATE OF EVENT: _____

RAIN DATE (IF APPLICABLE): _____

RMC OR MUNICIPALITY E MAIL ADDRESS: _____

_____ (1) Copy of Complete Contract (As respects to fireworks, the contract should indicate that the Fireworks Contractor is responsible for the inspection, clean up and disposal of any unexploded aerial shells or live components, as required under NFPA 1123, 1995 edition, Section 4-1.12).

_____ (2) Hold Harmless Agreement

_____ (3) Certificate of Insurance for General Liability naming member as Additional Insured

_____ (4) Certificate of Insurance for Workers Compensation and Automobile

_____ (5) A letter from the Fireworks contractor indicating that they are responsible for the inspection, clean up and disposal of any unexploded aerial shells or live components, as required under NFPA 1123, 1995 edition, Section 4-1.12. THIS LETTER IS ONLY NECESSARY IF THE CONTRACT, AS STATED IN (1) ABOVE, DOES NOT INCLUDE THIS STATEMENT. (This applies to Fireworks Displays only).

_____ (6) Proof of registration of amusement ride equipment, as well as, a copy of the contractors permit application for the rides being utilized for the member sponsored event. Once the equipment is delivered to the event site, the member should confirm that the actual permit is affixed to the equipment. (This applies to Amusement rides only).

The fireworks display/amusement ride submissions should be e-mailed to MELUnderwritingSvcCntr@connerstrong.com or faxed to (732)736-5274 for review and approval no later than three weeks prior to the event. If you have any questions please contact the MEL Underwriting Manager team.

BURLINGTON COUNTY MUNICIPAL **JOINT INSURANCE FUND**

JUNE 2018 **CLOSED CASES**

1.) **Berardi v. Township of Pemberton**-This matter involved the Plaintiff's allegations in Superior Court of New Jersey, Burlington County Complaint that the Plaintiff, Rocco Barardi, was the owner of the Browns Mills Shopping Center in the Township of Pemberton; that the Shopping Center had a vacancy percentage of 84%; and that in January of 2013, Ordinance 18-2012 became effective which defined "Vacant Property" as "any building used or to be used as a residence which is not legally occupied...for at least 60 days". The Plaintiff alleged that owners of vacant properties were required to register with the Director of Community Development, allow inspection of the property, pay fines, secure the property against entry, and post a sign. The Plaintiff further alleged that on January 18, 2017, the Defendant adopted Ordinance 1-2017 which expanded the definition of "Vacant Property" to include commercial buildings that had at least two-thirds vacancy.

In Count III of the Plaintiff's Complaint, the Plaintiff alleged that the Defendant violated the Plaintiff's rights under the Fifth and Fourteenth Amendments of the Constitution and exceeded the constitutional constraints of the Defendant's zoning power by not adopting Ordinance 1-2017 in accordance with statutory and municipal procedural requirements. The Plaintiff was seeking a judgment declaring that the actions of the Defendant in adopting Ordinance 1-2017 violated the Plaintiff's Fifth and Fourteenth Amendment rights to the quiet use and enjoyment of his property, compensatory damages, punitive damages, attorneys' fees and costs, and such other relief as the Court deems equitable and just.

In Count IV of the Plaintiff's Complaint, the Plaintiff alleged that the actions of the Defendant deprived the Plaintiff of a right secured by the United States Constitution and the laws of the State of New Jersey and that deprivation occurred under the color of state law and authority, and violated Plaintiff's rights. The Plaintiff alleged a violation of 42 USC Section 1983. The Plaintiff was seeking compensatory damages, punitive damages, attorneys' fees and costs, and such other relief as the Court deems just.

The case was assigned to Richard L. Goldstein, Esquire on May 8, 2017. Defense Counsel accepted the Assignment and he was instructed that the Assignment applied only to any allegations against the Township contained in Counts Three and Four of the Plaintiff's Complaint. A Stipulation Extending

Time to Answer was filed with the Court, and on August 10, 2017, Defense Counsel filed an Answer to Counts Three and Four only. On November 14, 2017, Defense Counsel participated in a telephonic Case Management Conference. All parties ultimately agreed with the proposal that the Plaintiff pay the \$500.00 vacant property fee, without prejudice and without affecting his rights to challenge the validity of the Ordinance would be placed into an Order. Also discussed was the continued possibility of Mr. Berardi's property being sold for the development of a Wawa. An additional Case Management Conference was conducted on December 11, 2017 and the Court agreed to continue holding this matter in abeyance while the parties continued to explore the possibility of the sale of the property. An additional Case Management Conference occurred on February 7, 2018 and there was a discussion whether Pemberton Township would condemn the property. An additional Case Management Conference occurred on March 23, 2018 and the Court was notified that the Township will be proceeding to condemn the property. As a result, it is expected that this case will be dismissed and a Stipulation of Dismissal filed. An additional Case Management Conference occurred on April 30, 2018 and the Court was notified that the Plaintiff was served with paperwork concerning the condemnation of the property. An additional Case Management Conference occurred on May 23, 2018 and Judge Bookbinder entered an Order Dismissing the Plaintiff's Complaint without Prejudice.

2.) Butts v. Township of Pemberton-This matter involved the Plaintiff's allegations in a Superior Court of New Jersey, Burlington County Complaint that on July 23, 2014, the Plaintiff, Lisa Butts, was a pedestrian traversing Scammell Drive in an area adjacent to the curb and in the vicinity of a storm sewer drain in front of 6 Scammell Drive, in the Township of Pemberton, when she was caused trip and fall as a result of a ditch/hole which was filled with sand. The Plaintiff alleged that when she stepped into the hole, the sand gave way and shifted which resulted in a twisting-type injury to her left foot and ankle and injuries to her back and left hip. As a result of the incident, the Plaintiff suffered multiple metatarsal fractures which required three (3) surgeries to be performed on her foot and ankle, and a future surgery/bony fusion has been recommended. In addition, she suffered disc bulging at multiple levels of her lumbar spine which required multiple injections and a recommendation for fusion surgery. The case was assigned to Richard L. Goldstein, Esquire on July 6, 2016. Defense Counsel accepted the Assignment and filed an Answer and he proceeded with Discovery. Plaintiff's Counsel filed a Motion to Extend the November 19, 2017 Discovery End Date which was granted. The extended Discovery End Date was January 18, 2018. Additional Depositions were completed. Numerous Experts (Liability & Orthopedic) were retained by both parties and Expert Reports were exchanged between the parties. An Arbitration Hearing occurred on

February 1, 2018. The Arbitrators found in favor of the Plaintiff with Pemberton being 60% liable and the Plaintiff being 40% liable. The Arbitrators awarded a total of \$215,000.00, with the net award to the Plaintiff being \$135,000.00. Defense Counsel filed a Trial de Novo and a Trial was scheduled to begin in the matter on April 9, 2018. In addition, Defense Counsel filed a Motion for Summary Judgment which was returnable before the Court on March 29, 2018. The Court subsequently adjourned the Trial and adjourned Oral Argument on Defense Counsel's Motion for Summary Judgment to April 27, 2018. Defense Counsel received the Judge's tentative disposition denying the Motion; however, Defense Counsel still appeared for Oral Argument to create a record for appeal purposes. The Plaintiff's demand for the settlement of this matter was for a payment in the amount of \$200,000.00. Prior to Oral Argument on our Motion for Summary Judgment rescheduled for April 27, 2018, the parties requested an adjournment of the Motion and requested to convert the Trial date of May 29, 2018 to a settlement conference based upon discussions between Counsel regarding a possible settlement of the matter. These requests were granted and a Settlement Conference was scheduled for May 31, 2018. Defense Counsel's Motion was to be argued should settlement not occur. In addition, a Trial was scheduled to begin on June 18, 2018. Defense Counsel was ultimately able to negotiate the settlement of this matter for a payment to the Plaintiff in the amount of \$135,000.00, an offer which had previously been rejected by the Plaintiff.

3.) DeCamp v. Township of Medford-This matter involved the Plaintiff's allegations in a Superior Court of New Jersey, Burlington County Complaint that on June 19, 2014, the Plaintiff, Donald DeCamp, Jr., was operating his motorcycle traveling eastbound on Evesboro-Medford Road just south of its intersection with State Highway #70 in the Township of Medford when he struck two large potholes which caused him to be thrown off of his motorcycle and onto the road. The Plaintiff further alleged that the Township of Medford was provided prior notice of the alleged dangerous condition of the roadway and that they were negligent in allowing the alleged dangerous/hazardous condition to exist. The Plaintiff alleged that as a result of the accident, he suffered serious and permanent injuries. The case was assigned to Douglas Heinold, Esquire on March 17, 2016 and he immediately provided notice to the Plaintiff's attorney to dismiss the Complaint in accordance with R. 1:4-8 based upon non-jurisdiction. Defense Counsel subsequently filed our Answer and he continued with Discovery. Plaintiff's Counsel filed a Motion to Amend the Complaint which was ultimately granted. An Amended Complaint was filed on August 22, 2016 and Defense Counsel filed an Amended Answer. Defendant, State of NJ, filed a Motion to Dismiss the Complaint and Defense Counsel filed Opposition to the Motion based upon a site inspection which occurred where both the Township

Engineer (Chris Noll) and the County Engineer's representative concurred that the area in question was within the State intersection. The Motion was ultimately withdrawn. A Case Management Conference occurred on August 17, 2017 and this matter was scheduled for an Arbitration Hearing on January 18, 2018. The Arbitration Hearing scheduled for January 18, 2018 was subsequently adjourned to April 19, 2018. The extended Discovery End Date in this matter was December 30, 2017 and Defense Counsel filed our Motion for Summary Judgment on January 5, 2018. Defense Counsel's primary argument was that the roadway was not within our jurisdiction but was a State-owned and controlled intersection. Defense Counsel's secondary argument was that there was not actual or constructive notice of the potholes that Plaintiff struck on his motorcycle. The County filed a similar Motion. The State filed a Motion arguing lack of notice and dangerous condition. Notably, the State did not raise a defense that it lacks jurisdiction. The State and the Plaintiff opposed our motion. Settlement negotiations continued while all Motions for Summary Judgment remained pending. The Plaintiffs issued a demand for the settlement of this matter for a payment in the amount of \$185,000.00. Defense Counsel was attempting to settle the matter for a settlement contribution from the insured in an amount less than \$50,000.00. Defense Counsel was ultimately able to resolve the matter with a \$35,000 contribution from the insured. The State contributed \$110,000, and the County did not contribute to the settlement. All Motions for Summary Judgment were subsequently withdrawn and Defense Counsel is drafting closing documents.

LESSONS LEARNED FROM LOSSES

MONTHLY NEWSLETTER - JUNE 2018

ENTERING AND EXITING VEHICLES PROPERLY AND SAFELY



- MAINTAIN 3 POINTS OF CONTACT AT ALL TIMES UNTIL SEATED OR ON THE GROUND.
- WEAR PROPER FOOTWEAR WITH STURDY NON-SLIP SOLES
- ONLY STEP IN DEDICATED STEPPING AREAS
- FACE THE VEHICLE WHEN GETTING IN OR OUT
- DO NOT JUMP DOWN FROM THE VEHICLE, USE ALL OF THE STEPS
- EXAMINE THE GROUND FOR UNEVEN AREAS, ICE AND WATER BEFORE STEPPING ON IT
- ONLY GRIP FIXED OBJECTS; DO NOT GRIP AN UNLOCKED STEERING WHEEL OR THE DOOR AS IT CAN SWING OPEN.
- WEAR GLOVES TO HELP FACILITATE A PROPER HANDHOLD.

- q EMPLOYEE WAS GETTING INTO A TRUCK IN A RUSH AND FELT A POP IN HIS KNEE. ARTHROSCOPIC SURGERY TOOK PLACE AND DUE TO CONTINUED SYMPTOMS A TOTAL KNEE REPLACEMENT IS BEING SCHEDULED. TOTAL INCURRED ON THE FILE IS \$145,000
- q EMPLOYEE EXITING TRUCK AND HEEL GOT CAUGHT CAUSING HIM TO HAVE TO JUMP TO THE GROUND INJURING HIS BACK. TOTAL INCURRED ON THE FILE IS \$40,000.
- q EMPLOYEE EXITING TRUCK IN DPW YARD WHEN HE SLIPPED ON AN ICY STEP CAUSING HIM TO FALL INTO RECYCLING CANS INJURING HIS SHOULDER. TO THIS POINT, A SINGLE SURGERY HAS TAKEN PLACE AND THE TOTAL INCURRED IS \$31,000

**BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND
WELLNESS DIRECTOR'S REPORT**

TO: Municipal Fund Commissioners, Safety Coordinators, and Risk Managers
FROM: Debby Schiffer, JIF Wellness Director
DATE: June 19, 2018 Hainesport Municipal Court
Contact Information: debby_schiffer@targetingwellness.com 856-322-1220

Planning an event?
Need my help?
Just let me know!

ACTIVITY SUMMARY & PLANNED EVENTS

Presentations scheduled for June:

- Bordentown Twp - Movement vs. Exercise: Combating a Sedentary Lifestyle scheduled for June
- Florence Twp - Movement vs. Exercise: Combating a Sedentary Lifestyle scheduled for June
- Medford Fire Dept – Dr. Peak offered Ragland Test, which utilized a blood pressure screening to estimate adrenal gland fatigue.
- Palmyra Fire Dept – ShopRite Dietitian Presentation during meeting night in June
- Riverside – Movement vs. Exercise: Combating a Sedentary Lifestyle scheduled for June
- Westampton Twp – ShopRite Dietitian scheduled for a smoothie taste testing demonstration
- *Possible add-ons: Chesterfield and Mt. Laurel (TBD)*

Challenges:

- Bordentown Twp – Home Run Challenge running from April 16th to May 25th (Results to be announced)
- Florence - Maintain Don't Gain – this will run throughout the year
- Florence – Home Run Challenge running April 2nd to October 28th World Series
- Hainesport – Home Run Challenge Month of May (Results to be announced)
- Westampton – Home Run Challenge Month of May (Police and Court participated - Results to be announced)

Other:

- Bordentown Twp – chair massages for employees in June
- Lumberton Twp – chair massages for employees in June
- Hainesport – “Smoothie of the Month” – second Monday each month
- Medford - Mammo Van offering mammography to interested employees and Seniors. Reflexology sessions available to employees.
- Westampton Employee Assistance Program (EAP) through Cooper

Other Scheduled Events:

- Burlington County Municipal Court Administrators Association Conference in Cape May, Guest Speaker

June Wellness Corner Connection Newsletter

The month of June has several observances: Men's Health Month, Alzheimer's Awareness Month and Safety Month. Focus was dedicated to:

- Bringing awareness to men's health issues: leading cause of death, areas to keep in check, why men hesitate to get the care they need,
- Foods to eat to avoid sunburn
- Ways to reduce chemical compounds when grilling
- How much protein do you need?
- Risks for Alzheimer's Disease
- Recipe Corner – Avocado Quinoa Salad

This 30 day Challenge is “your choice”! I provide you with four ideas, pick one or try them all.

Extra brochures available – I will drop more off as I visit but please reach out to me beforehand should you need more.

Idea to explore: Paint Parties for Team Building. If interested, please let me know.

**Topics to consider this month: sun safety, hydration, heat stroke prevention, grill safety,
eating fresh produce, staying active, planning a vacation for mental health!**



**Burlington County Municipal JIF
Managed Care Summary Report
2018**

Intake	May-18	May-17	2018 May YTD	2017 May YTD
# of New Claims Reported	18	12	87	75
# of Report Only	1	2	23	21
% Report Only	5.6%	16.7%	26.4%	28.0%
# of Medical Only	13	10	45	46
# of Lost Time	4	0	19	8
Medical Only to Lost Time Ratio	76:24	100:00	70:30	85:15
Average # of Days to Report a Claim	1.3	1.2	2.5	1.9

Nurse Case Management	May-18	May-17
# of Cases Assigned to Case Management	22	17
# of Cases >90 days	15	15

Savings	May-18	May-17	2018 May YTD	2017 May YTD
Bill Count	160	115	757	522
Provider Charges	\$116,617	\$84,490	\$923,191	\$674,609
Repriced Amount	\$43,062	\$29,193	\$422,531	\$252,148
Savings \$	\$73,555	\$55,298	\$500,661	\$422,462
% Savings	63.1%	65.4%	54.2%	62.6%

Participating Provider Penetration Rate	May-18	May-17	2018 May YTD	2017 May YTD
Bill Count	95.0%	98.3%	92.6%	96.6%
Provider Charges	90.8%	98.3%	93.4%	98.1%

Exclusive Provider Panel Penetration Rate	May-18	May-17	2018 May YTD	2017 May YTD
Bill Count	96.1%	95.6%	84.7%	89.2%
Provider Charges	97.5%	95.8%	88.2%	95.6%

Transitional Duty Summary		2018 May YTD	2017 May YTD
% of Transitional Duty Days Worked		51.6%	92.8%
% of Transitional Duty Days Not Accommodated		48.4%	7.2%

June 11, 2018

To the Members of the
Executive Board of the
Burlington County Municipal
Joint Insurance Fund

I have enclosed for your review and, in some cases consideration, documents of presentation relating to claims, transfers, and the financial condition of the Fund.

The statements included in this report are prepared on a “modified cash basis” and relate to financial activity through the one month period ending May 31, 2018 for Closed Fund Years 1991 to 2013, and Fund Years 2014, 2015, 2016, 2017 and 2018. The reports, where required, are presented in a manner prescribed or permitted by the Department of Insurance and the Division of Local Government Services of the Department of Community Affairs.

All statements contained in this report are subject to adjustment by annual audit.

A summary of the contents of these statements is presented below.

INVESTMENT INTEREST & INVESTMENTS:

Interest received or accrued for the reporting period totaled \$ 20,595.88. This generated an average annual yield of 1.41%. However, after including an unrealized net gain of \$28,916.04 in the asset portfolio, the yield is adjusted to 3.38% for this period. The total overview of the asset portfolio for the fund shows an overall unrealized loss of \$203,160.60 as it relates to current market value of \$ 16,862,125.73 vs. the amount we have invested. This current market value, however, when considering the total accrued income at month end is \$16,918,863.37.

Our asset portfolio with Wilmington/Trust consists of 5 obligations with maturities greater than one year and 6 obligations with maturities less than one year.

RECEIPT ACTIVITY FOR THE PERIOD

Subrogation Receipts \$ 23,352.70 w/YTD Total \$ 80212.45 (detailed in my report)
Salvage Receipts \$ 0.00
Overpayment Reimbursements \$ 0.00
FY 2015 Retro Premium/Bordentown City \$ 13,210.00

LOSS RUN PAYMENT REGISTER ACTIVITY FOR THE PERIOD:

The enclosed report shows net claim activity during the reporting period for claims paid by the fund and claims payable by the Fund at period end in the amount of \$ 307,956.54. The claims detail shows 262 claim payments issued.

A.E.L.C.F. PARTICIPANT BALANCES AT PERIOD END: (\$150. Interest Allocated)

Delran Township	\$65,379.00
Chesterfield Township	\$ 1,072.00
Bordentown City	\$37,737.00
Bordentown Township	\$13,771.00
Westampton Township	\$10,035.00

CASH ACTIVITY FOR THE PERIOD:

The enclosed reconciliation report details that during the reporting period the Fund's "Cash Position" changed from an opening balance of \$ 17,709,155.93 to a closing balance of \$ 17,432,534.55 showing a decrease in the fund of \$ 276,621.38. A detailed reconciliation of this change, including its affect on our banking instruments, is included in my report.

BILL LIST FOR THE PERIOD:

Vouchers to be submitted for your consideration at the scheduled meeting show on the accompanying bill list at the end of my report.

The information contained in this cover report is a summary of key elements related to activity during the reporting period. Other detailed information is contained in the attached documents and, if desired, a more specific explanation on any question can be obtained by contacting me at 609-744-3597.

Respectfully Submitted,

Thomas J. Tontarski
Treasurer

**BURLINGTON COUNTY
MUNICIPAL JOINT INS. FUND
Subrogation Report
Calendar Year 2018**

DATE REC'D	CREDITED TO:	CLAIM/ FILE NUMBER	CLAIMANT NAME	COV. TYPE	FUND YEAR	AMOUNT RECEIVED	RECEIVED Y.T.D.
1/18	WRIGHTSTOWN BORO	X06829	WRIGHTSTOWN BORO	PR	2010	25.00	
1/18	EDGEWATER PARK	Z42992	MARK HERKOPEREC	WC	2016	50.00	
1/22	PEMBERTON TWP.	1243851	ANTHONY LUSTER	WC	2015	23.00	
1/23	MOUNT LAUREL TWP.	2017098364	MOUNT LAUREL TWP.	PR	2017	26,829.55	
1/23	MOUNT LAUREL TWP.	2017098364	MOUNT LAUREL TWP.	PR	2017	22,792.99	
1/25	DELANCO TOWNSHIP	X34461	DELANCO TOWNSHIP	PR	2012	70.00	
TOTAL-JAN						49,790.54	
TOTAL-YTD							49,790.54
2/1	RIVERSIDE TWP.	1223718	AMAYA URTASUN	WC	2015	140.74	
2/1	MEDFORD TWP.	1211751	ROBERT ZANE	WC	2014	1,448.42	
2/1	MEDFORD TWP.	1211750	WILLIAM KNECHT	WC	2014	1,248.43	
2/14	PEMBERTON TWP.	1243851	ANTHONY LUSTER	WC	2015	23.00	
2/16	EDGEWATER PARK	Z42992	MARK HERKOPEREC	WC	2016	50.00	
2/21	DELANCO TOWNSHIP	2018113892	DELANCO TOWNSHIP	PR	2017	945.88	
TOTAL-FEB						3,856.47	
TOTAL-YTD							53,647.01
3/13	WRIGHTSTOWN BORO	X06829	WRIGHTSTOWN BORO	PR	2010	50.00	
3/13	RIVERSIDE TWP.	1229747	MICHAEL MEGARA	WC	2015	153.00	
TOTAL-MAR						203.00	
TOTAL-YTD							53,850.01
4/2	PEMBERTON TWP.	1226444	BRIAN BARTLESON	WC	2015	1,160.00	
4/2	RIVERSIDE TWP.	1223718	AMAYA URTASUN	WC	2015	80.74	
4/4	PEMBERTON TWP.	2018121412	PEMBERTON TWP.	PR	2017	1,650.00	
4/4	PEMBERTON TWP.	1243851	ANTHONY LUSTER	WC	2015	23.00	
4/12	RIVERSIDE TWP.	1229747	MICHAEL MEGARA	WC	2015	48.00	
4/13	PEMBERTON TWP.	1243851	ANTHONY LUSTER	WC	2015	48.00	
TOTAL-APR						3,009.74	
TOTAL-YTD							56,859.75
5/8	CHESTERFIELD TWP.	2018121981	CHESTERFIELD TWP.	PR	2018	4,195.94	
5/14	SPRINGFIELD TWP	1220784	WILLIAM KERR	WC	2015	14,291.04	
5/15	DELRAN TOWNSHIP	2018127074	DELRAN TOWNSHIP	PR	2018	4,775.72	
5/17	WRIGHTSTOWN BORO	1114463	WRIGHTSTOWN BORO	PR	2010	40.00	
5/18	EDGEWATER PARK	1255304	MARK HERKOPEREC	WC	2016	50.00	
TOTAL-MAY						23,352.70	
TOTAL-YTD							80,212.45

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND**BILL LIST - JUNE 2018**

	Payee	FY 2018	FY2017	JIF Appropriation	Description
1	The Actuarial Advantage	5,236.00		Prof Services/Actuary	March/April 2018 Fees
2	Arthur J. Gallagher Risk Management Services, Inc.	28,966.00		Prof Services/Administration	June 2018 Fees
3	Arthur J. Gallagher Risk Management Services, Inc.	313.13		Misc/Postage/Copies/Faxes	May 2018 postage/copies expenses
4	The DeWeese Law Firm, P.C.	5,525.00		Prof Services/Attorney	June 2018 Fees
5	Bowman & Company LLC		9,550.00	Prof Services/Auditor	12/31/17 JIF audit; final installment
6	Bowman & Company LLC	5,395.00		Prof Services/Payroll Auditor	WC payroll audit; final installment
7	Qual-Lynx	16,414.00		Prof Services/Claims Admin.	June 2018 Fees
8	Qual-Lynx	166.00		Misc/Performance Bond (TPA)	Claims administrator bond (1/1/18-12/31/18)
9	Exigis LLC	1,253.00		Exposure Data Mgmt System	June 2018 Fees plus annual photo import
10	Joyce Media	225.00		Misc/JIF Website	June 2018 Fees
11	Kris Kristie	368.00		Misc/Recording Secretary	June 2018 Fees
12	J. A. Montgomery Risk Control Services	10,391.00		Prof Services/Safety Director	June 2018 Fees
13	J. A. Montgomery Risk Control Services	260.54		Misc/Meeting Expense/Dinner Mtg	5/10/18 Regional training F&B
14	Tom Tontarski	912.00		Prof Services/Treasurer	June 2018 Fees
15	Conner Strong & Buckelew	646.00		Prof Services/Underwriting Mgr	June 2018 Fees
16	Debby Schiffer	2,445.00		Wellness Program	June 2018 Fees
17	ARC Reprographics	308.16		Misc/Printing	Inv#272777 5/8/18 Mgr Supv training; 3/28/18 EO training Inv#272496
18	AssetWORKS Inc	11,334.00		Prof Services/Prop. Appraiser	Inv#664-11088; 70% payment of contract
19	Garden Sport Service Inc	333.00		EPL/Cyber Consult/Training	Deposit for 9/11/18 mgr & supv training
20	Iron Mountain	62.16		Misc/Record Retention Service	#ABKZ856 Storage 6/1/18-6/30/18; Service 4/25-5/29/18
21	Mereghi's Savoy Inn	1,330.67		EPL/Cyber Consult/Training	5/8 Mgr Supv; 5/16 Police in-suit; 5/23/18 RMC roundtable
22	Dave Matchett	1,296.12		Misc/AGRIP/PRIMA	Travel expenses for PRIMA 6/3-6/18
23	Annette Reap	590.00		Misc/AGRIP/PRIMA	Dave M. registration for PRIMA 6/3-6/18
	TOTAL	\$93,769.78	\$9,550.00		

JIF BILL LIST TOTAL**\$103,319.78**

Resolution No. 2018 -

**Burlington County Municipal Joint Insurance Fund Resolution of Certification
Annual Audit Report for Period Ending December 31, 2017**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by the appointed Fund Auditor with the Secretary of the Fund as per the requirements of N.J.S.A. 40A:5-6 and N.J.S.A. 40A:10-36, and a copy has been received by each member of the Executive Committee, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Executive Committee of the Fund shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Executive Committee have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
and
Recommendations

and

WHEREAS, the members of the Executive Committee have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
and
Recommendations

as evidenced by the group affidavit form of the Executive Committee.

WHEREAS, such resolution of certification shall be adopted by the Executive Committee no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Executive Committee have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Executive Committee to the penalty provisions of R.S. 52:27BB-52- to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the Executive Committee of the Burlington County Municipal Joint Insurance Fund, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey, dated July 30, 1968, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF A
RESOLUTION ADOPTED AT THE MEETING HELD ON JUNE 19, 2018 AT THE
HAINESPORT TOWNSHIP MUNICIPAL BUILDING, 1 HAINESPORT CENTRE,
RTE 537, HAINESPORT, NJ.

Fund Secretary

RESOLUTION 2018-

**BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND
TO TRANSFER TO
MUNICIPAL EXCESS LIABILITY RESIDUAL CLAIMS FUND**

WHEREAS, the Municipal Excess Liability Residual Claims Fund was organized pursuant to N.J.S.A. 40A:10-36, et seq., to provide residual risk coverage to its member joint insurance funds; and,

WHEREAS, the Executive Committee of the **Burlington County Municipal Joint Insurance Fund** determined that membership in the Residual Claims Fund is in the best interests of the member local units and joined the Residual Claims Fund in 1995.

NOW, THEREFORE, BE IT RESOLVED that the Executive Committee of the **Burlington County Municipal Joint Insurance Fund** does hereby resolve and agree to transfer the following residual risks:

<u>Fund Year</u>	<u>Lines of Coverage</u>	<u>JIF Member Fund S.I.R.</u>
2014	WC/GL/AL	\$300,000

BE IT FURTHER RESOLVED that the actual transfer of liabilities and premium to the Municipal Excess Liability Residual Claims Fund shall be based upon the following formula:

Case Reserves and IBNR as of 12/31/18
Less Net Claim Payments from 01/01/19 to the date of closure

Net claim Payments are defined as claim payments, less voids, refunds and recoveries. All voids, refunds, and recoveries received after the date of closure for the closed fund years shall be paid to the Municipal Excess Liability Residual Claims Fund as well.

This resolution was duly adopted by the Burlington County Municipal Joint
Insurance Fund at a public meeting held on June 19, 2018.

BY: _____

CHAIRPERSON

ATTEST: _____

SECRETARY



Municipal Excess Liability Joint Insurance Fund

9 Campus Drive – Suite 216
Parsippany, NJ 07054
Tel (201) 881-7632
Fax (201) 881-7633

Date: June 7, 2018
To: Burlington County Municipal Joint Insurance Fund
From: Commissioner Jack
Subject: June MEL Report

Year-end Financial Reports: Fund Auditor submitted and reviewed the Audit Report as of December 31, 2017 noting the Fund's surplus stands at \$21,870,835. Auditor said there was one finding: one TPA did not have a Service Organization Control (SOC) Report but added that MEL is no longer contracting with that TPA. Auditor said the Fund is in excellent financial condition.

Actuary submitted and reviewed the Valuation Report as of December 31, 2017 and said liability reserves increase was offset by decreases in workers' compensation.

Audit Committee: Committee met on May 30th to review the Audit and the Internal Audit on Accounting and Financial Reporting; minutes of the meeting were distributed along a copy of the Internal Audit. Board accepted the recommendation of the Audit Committee and amended Committee's Charter to reflect actual composition of the Committee.

Management Committee: Committee met on May 30th and submitted minutes of its meeting. Chairman reviewed the topics discussed.

Planning and Zoning Boards: Board accepted the Committee recommendation and approved the distribution of letter, along with training material and Policy Form for Planning and Zoning Boards. To be eligible for the policy, board members would be required to attend a training program designed to prevent land use liability claims. Training can be met by attending a regional training or municipal attorney or planning board attorney using prepared materials at the planning board meeting. This training is critical to address a significant increase in suits against planning and zoning board members.

Legislation: The Senate Labor Committee held hearings recently on 2 firefighter bills impacting workers' compensation. Executive Director distributed a copy of the testimony the MEL provided to the committee. One bill, the Firefighter Presumption Bill

S-716 is now expected to advance from the Budget committee on June 4 and passed by the full Senate on June 7. MEL Representatives also attended the June 4th Budget Committee; Fund Attorney said committee was addressing a few bills and did not focus as much as the Labor Committee did on the Firefighters' cancer presumption bill (which includes first aid and police). Commissioner Tomasko said the League of Municipalities took a position to oppose the bill and just released an alert. Commissioner Cuccia said the MEL was hoping to work with sponsors to modify bill to include some qualifications and shared with the committee statistics from California showing the dramatic impact. Commissioner Cuccia also noted a second bill that would expand workers' compensation coverage for firefighters suffering a heart attack and said if bills goes forward, an amendment to conduct annual physicals should be considered. Board referred the firefighters' cancer presumption bill matter to the Coverage Committee to consider options if the bill is passed into law as introduced.

Investment Legislation: The bill that would expand the JIF and MEL's investment was conditionally vetoed by the Governor. Bill, with his recommended amendments, is expected to be adopted shortly. The law will authorize certain joint insurance funds to invest in certain bonds, notes, and other obligations of State and Federal agencies and to form joint cash management and investment programs as a means to broaden the types of securities joint insurance funds may invest in and to reduce the amount of assets that must be held in short-term investments to cover the cash flow needs of the funds.

Residual Claims Fund: Currently, the local JIFs transfer open liabilities to the RCF at 4 ½ years (54 months). The Actuary was asked to review this timetable and evaluate the impact if the transfer were to occur at 60 and 66 months respectively. Actuary provided the attached exhibit in support of the change. Board accepted recommendation to move to 60 months starting with Fund Year 2014.

Professional Service Agreement: Board approved contract addendums for Baker Tilly and Perma. Baker Tilly had asked for a number of revisions to its contract. A copy of a "red-lined" version of the contract reflecting only those changes Fund Attorney recommends the MEL consider. Baker Tilly has agreed to accept the limited changes as well.

In revising the MEL's standard contract, PERMA inadvertently removed one paragraph unique to the Executive Director's contract – which is highlighted in the attached excerpt.

Cyber Security: Rutgers has completed the services in their contract with the MEL. Since this remains an evolving risk, we recommend the MEL enter into a new contract with Rutgers to continue to work on specific projects assigned by the Cyber Task Force but not to exceed \$25,000. Board authorized contract.

Risk Management Information/Operating System (RMIS): The online underwriting database through Origami was launched mid-March; Fund Commissioners and Risk Management Consultants were provided login information, as well as, links to short

training videos. Training webinars were held on May 8th and 10th. We are working with Origami for another training date and will email once scheduled.

Members and Risk Managers will receive an email with a link to renewal worksheets – to begin the 2019 underwriting renewal – which is expected to begin in early June.

The Fund has already begun working with Origami on Phase 2 – which is to develop a program for a proprietary claims system.

RCF Report: A copy of Commissioner Clarke’s report on the RCF’s April meeting submitted for information.

Marketing Committee: This committee is scheduled to meet on June 1st. Acrisure submitted a report on MEL and non-MEL member renewal dates and will work with local JIF Executive Directors to help retain member and market to new members. Princeton submitted draft MEL marketing material and will develop a template for local JIFs to add JIF specific information.

Coverage Committee: This committee is scheduled to meet on June 22nd.

Safety & Education Committee: This committee is scheduled to meet on June 15th.

2018/2019 Employment Practices Program: A copy of correspondence distributed to members announcing the 2018/2019 Program submitted for information. Members should visit the MEL’s webpage www.njmel.org for changes to the MEL’s Model Personnel Manual and information on training program requirements. Members have until October 1st to submit the checklist to qualify and/or maintain deductible and co-pay incentives. Compliance includes updating Personnel Manuals, Training Managers & Supervisors, Police Command Staff and offering training to non-supervisory personnel.

Fund Attorney to review law concerning accommodates for breastfeeding and requirement to make “secure storage of milk” available.

Cyber Task Force: The Task Force last met on February 15th to outline its next steps. Task force plans to continue to work on programs to educate members.

League Magazine: A copy of latest in the series of “Power of Collaboration” ads, appearing in the League magazine, distributed for information.

Claims Committee: The Claims Review Committee submitted a report on its May 2, 2018. Committee met again just prior to board meeting.

Fund Attorney: Attorney discussed a matter arising out of West Wildwood concerning a police officer that had been terminated after numerous disciplinary charges. Officer filed a lawsuit under employment practices liability, against the town. Subsequently, a new council was elected that re-instated the officer and promoted her to Police Chief. Council dismissed the disciplinary charges and entered into a settlement to pay back wages and seal information about prior discipline – after the MEL warned the council that such action would jeopardize the MEL’s defense in the employment matter. As

a result, the MEL withdrew coverage due to lack of cooperation. Town filed suit challenging coverage denial. Judge held decision in that matter until the EPL claim was settled. Town lost lawsuit, costing \$1.8 million (including settlement and legal costs). Judge then issued his decision on the coverage challenging in support of the MEL, noting an insured's obligation to cooperate with the insurer is a cornerstone in insurance and added that town's action greatly reduced the defense council's ability to defend the town.

MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND

9 Campus Drive, Suite 216
Parsippany, NJ 07054
Telephone (201) 881-7632

MEL LEGAL BULLETIN 18-29

Date: May 25, 2018
To: Fund Commissioners of Member Joint Insurance Funds
From: Fund Attorney, Dorsey & Semrau, LLC
Re: Be aware of inquiries about your solicitation ordinances

Attention: Beware of inquiries about your solicitation ordinances

Law firms are contacting towns about their solicitation ordinances and threatening litigation. If you receive one of these inquiries, immediately seek the advice of your municipal attorney. Legal problems with these ordinances can lead to significant monetary awards against towns.

While municipalities are legally permitted to regulate canvassing and solicitation, these regulations cannot be so restrictive that they impede rights under the First and Fourteenth Amendments and similar guarantees of the New Jersey constitution.

In New Jersey Citizen Action v. Edison Twp., 797 F.2d 1250 (3d Cir. 1986), the Federal courts ruled that solicitation ordinances requiring fingerprinting or with curfews before 9:00 p.m. violated constitutional rights. Courts in other jurisdictions have also over turned solicitation ordinances because they were unduly burdensome or vested the licensing authority with unrestricted discretion. Plaintiffs in these cases won damages and attorney's fees.

Please contact your municipal to ensure that your hawking, peddling, canvassing and solicitation ordinances are constitutionally compliant. If necessary, suspend enforcement of problem provisions until the Governing Body can enact an amendment to address relevant case law.

Should you have any questions, please do not hesitate to contact the MEL Fund Attorney, Fred Semrau at 973-334-1900.

cc: Fund Executive Directors
Fund Professionals
Risk Management Consultants

**REGISTRATION PACKET
NEW JERSEY UTILITY AUTHORITY JOINT INSURANCE FUND
AND THE
MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND
ARE PLEASED TO ANNOUNCE**

**26th ANNUAL
2018 SAFETY EXPOS
TO BE HELD ON**

JUNE 29, 2018

**At The
Middlesex Fire Academy, Sayreville, NJ**

AND ON

SEPTEMBER 28, 2018

**At The
Camden County Emergency Training Center, Blackwood, NJ**

SESSIONS:

- **Supervisor Roles & Responsibilities in a Changing Environment** ****Full Day Session**** *Three segments include - Succession Planning, Ethics and Diversity*
- **Safety Fast Track** –*Blood Borne Pathogens, Lockout/Tagout, Fire Safety and Hazardous Communications with GHS*
- **Work Zone Safety Track** – *Work Zone Traffic Control, Excavation Safety and Utility Mark-outs*
- **Focus Four Track** ****Full Day Session**** – *This full day program will focus on the four leading causes of job related fatalities or injuries; Electrocution, Falls, Struck-by and Caught Between.*

NJUA SAFETY EXPO – 2018 COURSE DESCRIPTIONS

Track #1 (Must attend full track for TCH/CEU)

Supervisor Role's & Responsibilities in a Changing Environment: This full day program reminds us that frontline supervisors have a crucial role in building and maintaining a successful safety culture. The Supervisor Safety consists of three related presentations. **Part 1: Succession Planning**, is one-hour training focusing on identifying and developing critical staff as more experience personnel retire or move on to other opportunities. Learn how to prepare and implement a Succession Plan as well as grooming the next generation of leaders. **Part 2: Ethics**, is a 2-hour program that identifies the critical ethical issues in supervision, what are the most important ethical responsibilities supervisors have for employees and ethical dos and don'ts. In addition, the program highlights the common traits ethical supervisors use to build morale and foster teamwork. **Part 3: Diversity**, is a one-hour program that looks at the benefits and challenges of the today diverse workforce, and the supervisor's role in addressing and managing diversity issues. Learn the importance of having and implementing guidelines that respect co-workers. Target audience: Managers and Supervisors. Credits available for full day attendance: 4.0 TCH or 4.0 CPWM Management CEU.

Track #2

Fast Track Safety Short Courses: Four one-hour classes that provide the basics:

- **Bloodborne Pathogens:** This one-hour presentation looks at what are Bloodborne Pathogens, the likelihood of job exposure, safety procedures and PPE to prevent BBP exposure and post-exposure care. Credits: 1.0 TCH or 1.0 CPWM Government CEU or 1 RMC-Professional Development
- **Lockout/Tagout:** When servicing or repairing equipment, the unexpected or unplanned release of hazardous energy can lead to an injury. Learn the key steps to stay safe in this one-hour training that includes types of hazardous energy, employee designations, and LO/TO procedures and equipment. Credits: 1.0 TCH or CPWM Technical CEU
- **Fire Safety:** Being ready for fires and other emergencies can be the difference between life and death. This one-hour training has important information as to fires and their hazards, emergency evacuation plans, portable fire extinguishers as well as fire safety at home. Credits: 1.0 TCH ; 0.5 Government and 0.5 CPMW Technical CEU
- **Hazard Communication with GHS: To keep** employees safe from hazardous materials, a good understanding of chemical characteristics and properties is needed. This one-hour program is geared for the non-chemist, and takes an in-depth look at the boiling point, flash point, vapor density, pH, vapor pressure and reactivity to better appreciate how hazardous materials act in routine and non-routine activities. 1.0 TCH or 1.0 CPWM Technical CEU.

Track #3

Excavation Safety: This 90 minute program looks at the duties and responsibilities of the Competent Person, likelihood of trench cave-ins, the importance of soil classifications and protective systems such as hydraulic shoring and trench boxes. There will be a demonstration of several manual tests for soil classification. Target Audience: Employees and Supervisors. Credits: 1.5 TCH

Work Zone Safety: This 120 minute presentation focuses on the planning and setup of Temporary Traffic Control Mobile Work Zones. The program highlights the use of the Manual on Uniform Traffic Control Devices (MUTCD) with emphasis on Section 6 Temporary Traffic Control. Target Audience: Employees and Supervisors. Credits: 2.0 TCH or 2.0 CPWM Technical CEU, 2 Management

Utility Mark-outs: Utility Authorities depend upon mark-outs to do the job safely. In addition, Utility Authorities will do mark-outs for construction and site work contractors. This 30 minute highlights the use of safe work procedures and PPE for mark-outs, reviews the call-in requirements and utility color coding. Target Audience: Employees and Supervisors. Credits: N/A

Track #4 (Must attend full track for TCH/CEU)

Focus Four: This full-day program looks at the four (4) leading causes of job related fatalities or injuries; Electrocution, Falls, Struck-by and Caught Between. The presentation consists of four (4) one-hour training with emphasis on recognizing each Focus Four Hazard applicable to Utilities Authority jobs, Toolbox Safety Talks, Focus Four Specific Safe Work Procedures and PPE. In addition, the presentations discuss the importance of employee-to-employee Job Safety Observations for the Presence of Safety related to Focus Four Hazards. Target Audience: Employees and Supervisors. Credits: Credits available for full attendance of all 4 modules: 4.0 TCH.

In order to run TCH training reports for NJDEP for your licenses we need to ask all Training Administrators to enter their employees' license numbers into their profiles on the MSI Learning Management System. Please see below instructions on how to enter license numbers to employee records.



How to Add Water/Wastewater License Numbers to Employees Records
Water/Wastewater License numbers must be entered in the MSI Learning Management System by March 30, 2018 in order to receive TCH credits for MSI classes attended

***You must have Administrator Access in the MSI Learning Management System to access employee records. If you are a Training Administrator and do not have Administrator access call the MSI helpline at **866-661-5120**.

1. Click the following link for the MEL Safety Institute's Learning Management System:

www.firstnetcampus.com/meljif

2. Log in: If you do not know your username/password, call the MSI Helpline shown above. If you are new, click "I am a new user." Complete the fields and you will receive a confirmation email with your username and password. You will then need to call the MSI helpline to gain Admin access.
3. Once logged in, click the Administrator tab at the top of your screen.
4. Under 'User Administration', click the 'Edit User' option to display the list of your employees.
5. To access and modify the individual employee records, click on the employee's name.
6. Now within the employee's Edit User screen, click 'Edit User Properties'.
7. **Enter the Employee's numeric license number in the 'License #' field (7th field from the bottom). Do not enter a license code. If the employee has multiple licenses, only enter one license number.**
8. Verify your entry, then click the 'Submit' button at the bottom of the screen.
9. Additional fields in the Edit User Properties screen can also be modified here as needed.
10. Call the MSI Helpline with any questions at 866-661-5120.

The screenshot shows a web form titled "Edit User Properties". The fields are as follows:

- * Re-enter Password: [password field]
- * Last Name: [Text]
- * First Name: [Text]
- Middle Initial: [Text]
- Suffix: [Text]
- Email: [Email field]
- EmailOthers: [Text]
- Title: [Text]
- Organization: [Text]
- Address1: [Text]
- Address2: [Text]
- Address3: [Text]
- City: [Text]
- State: [Text]
- Zip: [Text]
- Phone: [Text]
- Phone Extension: [Text]
- Fax: [Text]
- Country: [Text]
- Job Title: [Text]
- Water/Wastewater License Number: [Text] (indicated by a red arrow)
- *Employee Status: [Text]
- Work Address: [Text]
- Work City: [Text]
- Work State: [Text]
- Work Zip: [Text]
- *Department: [Text] (indicated by a red arrow)
- [Submit button]

Please register online by visiting www.njmel.org and clicking on the MSI button in the upper right hand corner and click on “MSI LOGIN”. If this is your first time visiting a MSI Training Site and you do not have your user ID, please call the MSI Helpline at 1-866-661-5120 to obtain your user ID.

Time	Track 1	Track 2	Track 3	Track 4	Time
8:00 - 9:00	Registration, Continental Breakfast and Opening Comments				8:00 - 9:00
	Supervisor	Fast Track	Jobsite Safety	Focus Four	
9:00-9:15	Succession Planning *Full Day Session* Part 1: 1 hour	Bloodborne Pathogens 1 hour	Workzone Safety Part 1: 2 hours	Electrocution *Full Day Session* 1 hour	9:00-9:15
9:15-9:30					9:15-9:30
9:30-9:45					9:30-9:45
9:45-10:00					9:45-10:00
10:00-10:15	Ethics Part 2: 2 hours	Lockout/Tagout 1 hour	Excavation & Trenching Safety Part 2: 1.5 hours	Falls 1 hour	10:00-10:15
10:15-10:30					10:15-10:30
10:30-10:45					10:30-10:45
10:45-11:00					10:45-11:00
11:00-11:15	LUNCH	Fire Safety 1 hour	Struck By 1 hour	Caught Between 1 hour	11:00-11:15
11:15-11:30					11:15-11:30
11:30-11:45					11:30-11:45
11:45-12:00					11:45-12:00
12:00-12:15	Diversity Part 3: 1 hour	Hazard Communication 1 hour	LUNCH	Utility Markout Part 3: 30 minutes	12:00-12:15
12:15-12:30					12:15-12:30
12:30-12:45					12:30-12:45
12:45-1:00					12:45-1:00
1:00-1:15					1:00-1:15
1:15-1:30					1:15-1:30

IF YOU ARE UNABLE TO REGISTER ONLINE YOU MAY UTILIZE THE FOLLOWING FORM:

Courses have been placed into convenient "tracks" to allow participants to take advantage of the maximum number of classes during the Expo.

*PLEASE CIRCLE DESIRED TRACK ABOVE OR CREATE YOUR OWN TRACK (see below)					
*PLEASE CIRCLE DATE/LOCATION:					
June 29, 2018- Middlesex Fire Academy			September 28, 2018- Camden County Emergency Training Center		
*EMPLOYEE NAME:			DEPT.		
*PHONE NUMBER:			LICENSE #		
*AUTHORITY/MUNICIPALITY:					
* must be completed					
Class:			Time:		
Class:			Time:		
Class:			Time:		
Be sure that your classes do not overlap! Students must sign in and out to earn credit.					
For Pre-Registration return by June 18th for the June Expo OR by September 17th for the September Expo date to: Karen Read- kread@permainc.com or Andrea Felip afelip@jamontgomery.com					

**Camden County Emergency Services Training Center
420 North Woodbury-Turnersville Road
Blackwood, New Jersey 08012**

From the Northeast

I-95/NJTP South to exit 3 for NJ-168/N/S Black Horse Pike

Take NJ-168 South towards Blackwood (approximately 6 miles) to Lakeland Road

Continue on Lakeland Road for approximately .75 miles and make right onto County House/Woodbury-Turnersville Road

From Northwest

Take US-206 South to I-295 South

I-295 South to Exit 28 for NJ-168/N/S Black Horse Pike

Take NJ-168 South towards Blackwood (approximately 8 miles) to Lakeland Road

Make a right and continue on Lakeland Road for approximately .75 miles and make right onto County House/Woodbury-Turnersville Road

From Ocean County Area

Take NJ-70 West to NJ-73 North

Takes NJ-73 North to I-295 South

I-295 South to Exit 28 for NJ-168/N/S Black Horse Pike

Take NJ-168 South towards Blackwood (approximately 8 miles) to Lakeland Road

Make a right and continue on Lakeland Road for approximately .75 miles and make right onto County House/Woodbury-Turnersville Road

From Princeton/Trenton Area

I-295 South to Exit 28 for NJ-168/N/S Black Horse Pike

Take NJ-168 South towards Blackwood (approximately 8 miles) to Lakeland Road

Make a right and continue on Lakeland Road for approximately .75 miles and make right onto County House/Woodbury-Turnersville Road

From Pennsville Area

I-295 North to exit 21 for Woodbury/National Park

Follow signs for Woodbury/County Road 640 East and merge onto County Road 640 East

Continue onto Cooper Street/County Road 706

Bear right onto County House Road/County Road 534/Woodbury-Turnersville Road

From The Southern Shore Points

Garden State Parkway North to exit 38A to merge onto Atlantic City Expressway West Exit onto NJ-42 North and take exit 7 toward and make right onto County Road 534/Route 705/Sicklerville Road/Woodbury-Turnersville Road

Continue on County House Road/Woodbury-Turnersville Road

Middlesex Fire Academy

1001 Fire Academy Drive
Sayreville, NJ 08872

Via Route 9 / Route 35 Northbound:

Come up through South Amboy into Sayreville. Do not go over the bridge. Take the exit on to the Route 9/Route 35 circle. The sign for the exit reads North 35. The ramp is just after a large sign marked Colosseum (sic). At the bottom of the ramp merge right into the circle, then move quickly to the left lane to go around the circle. Bear left going around the circle, passing the Amboy Cinemas. After going under Route 9, merge to the right and take the first right turn-off, on to Chevalier Drive, just past the Sayreville Motor Lodge (Note: Chevalier Drive street sign may be missing, look for signs for Garden State Parkway "South"). After 1/4 mile (just past the Parkway entrance) turn left on to Main Street (large church at corner). After 3/4 mile take the exit for Kennedy Drive. At the bottom of the ramp turn right into the Academy.

Traveling from Perth Amboy on Route 35 Southbound:

Take Route 35 south, crossing the Victory Bridge, and passing the back of Amboy Cinemas. Follow the Route 9/Route 35 circle under Route 9. After going under Route 9, merge to the right and take the first right turn-off, on to Chevalier Drive, just past the Sayreville Motor Lodge (Note: Chevalier Drive street sign may be missing, look for signs for Garden State Parkway "South"). After 1/4 mile (just past the Parkway entrance) turn left on to Main Street (large church at corner). After 3/4 mile take the exit for Kennedy Drive. At the bottom of the ramp turn right into the Academy.

Via East Brunswick / South River via Route 535:

Route 535 is Cranbury Road in East Brunswick. It becomes Main Street in South River. Travel North on Route 535 through South River and over the Veterans' Memorial Bridge, stay in left lane. At the light after the bridge go straight on to Washington Road. At the next light, (this will be the second traffic light after crossing the bridge) turn left on to Main Street. Proceed to the fourth traffic light (approx. 5 miles) and make a left into the Fire Academy.

Via the Garden State Parkway Northbound:

Take Exit 125 (just after the Raritan tolls and before the bridge). At the bottom of the ramp turn left on to Chevalier Drive, then make the first on to Main Street (large church at corner). After 3/4 mile take the exit for Kennedy Drive. At the bottom of the ramp turn right into the Academy.

Via the Garden State Parkway Southbound:

Take Exit 124 (just after the Raritan tolls). At the bottom of the ramp turn right on to Main Street and after a few hundred feet make the first right on to Kennedy Drive. Stay on Kennedy Drive for 3/4 of a mile, through the traffic light, and straight into the Fire Academy.

Via Route 9 Southbound:

Take Route 9 south from Woodbridge over the Raritan River. Take the first exit (marked South Amboy Business Center). At the bottom of the ramp take the first right turn on to Chevalier Drive just past the Sayreville Motor Lodge (Note: Chevalier Drive street sign may be missing, look for signs for Garden State Parkway "South"). After 1/4 mile (just past the Parkway entrance) turn left on to Main Street (large church at corner). After 3/4 mile take the exit for Kennedy Drive. At the bottom of the ramp turn right into the Academy.

From the New Jersey Turnpike North or South:

Take Turnpike Exit 11 for the Garden State Parkway (GSP). After the tolls, bear left and on to the Garden State Parkway (GSP) traveling south. From the GSP take Exit 124 (just after the Raritan tolls). At the bottom of the ramp turn right on to Main Street and after a few hundred feet make the first right on to Kennedy Drive. Stay on Kennedy Drive for 3/4 of a mile, through the traffic light, and straight into the Fire Academy.



Municipal Excess Liability Residual Claims Fund

9 Campus Drive – Suite 216
Parsippany, New Jersey 07054
Tel (201) 881-7632
Fax (201) 881-7633

June 7, 2018

Memo to: Burlington County Municipal Joint Insurance Fund
From: Commissioner Matchett
Re: Topics Discussed at the RCF June 7th Meeting

Auditor and Actuary Year-End Reports: The Audit Report as of December 31, 2017 and Actuarial Analysis and Loss Adjustment Reserves report were presented for review. Fund Auditor referred to the Summary of Statement of Net Position and said Fund Year 2017 unrestricted net position was \$11,958,385 – a decrease of approximately \$10,000 from the prior year.

Fund Auditor said is the audit noted the standard annual recommendation of “Specific Fund Years for workers’ compensation, liability, property, and faithful performance bond experienced a deficit caused by paid claims and loss reserves in excess of the projected amounts used to establish the budget.”

Fund Auditor said this is an annual finding since the lines of coverage that experience deficits vary as reserves are liquidated. Fund Auditor noted that the RCF has not assessed members for these deficits and the corrective action from management is to instead monitor fund position and reserve changes quarterly.

Fund Actuary reviewed the Actuarial Analysis and Loss Adjustment Reserves report; as of December 31, 2017 the RCF has reserves totaling approximately \$80 million for Fund Years 1995-2017.

Following the report the Board approved the year-end financials as presented and adopted resolution 9-18 and executed the group affidavit indicating that members of the Executive Committee have read the general comments section of the audit report.

Residual Claims Fund: Executive Director reported the local JIFs currently transfer open liabilities to the RCF at 4 ½ years (54 months). The Actuary was asked to review this timetable and evaluate the impact if the transfer were to occur at 60 and 66 months respectively. The MEL Management Committee recommended moving the transfer at 60 months starting with Fund Year 2014. Extending the transfer of open liabilities from 54 months to 60 months will allow claims to develop longer and provide greater certainty on reserves. The Board approved the recommendation to transfer the liability at 60 months beginning with Fund Year 2014. The RCF will take formal action at their September meeting and provide the local JIFs with the resolution initiating the transfer at that time.

Claims Committee: The Claims Review Committee met in May and the morning of the Commissioner’s meeting. Minutes of the May meeting were distributed under separate cover.

Next Meeting: The next meeting of the RCF will be **Wednesday September 5, 2018** at 10:30AM at the Forsgate Country Club-Monroe, NJ.



**New Jersey Municipal Environmental
Risk Management Fund**

9 Campus Drive, Suite 216
Parsippany, New Jersey 07054
Tel (201) 881-7632

DATE: June 7, 2018

TO: Burlington County Municipal Joint Insurance Fund

FROM: Commissioner Jack

SUBJECT: Summary of Topics Discussed at E-JIF Meeting

AUDITOR YEAR-END REPORTS – Mr. Jones of Nisivoccia & Company reviewed the audit report as of December 31, 2017. The Auditor said the Fund is in excellent financial condition. The report contained no recommendations. Following his review of the audit, the Executive Board adopted Resolution #18-18 approving the Year-End Financials and executed the Group Affidavit.

ACTUARIAL IBNR ESTIMATES – The EJIF Actuary gave a verbal report on the actuarial IBNR estimates for the E-JIF valued as of March 31, 2018.

ENVIRONMENTAL ENGINEER RFQ - The Executive Director issued an RFQ for the position of Environmental Engineer with a return date of May 15, 2018. There were two responses received. The responding firms were First Environment and PS&S. The Executive Director said a sub-committee will meet during the summer to review the responses and the potential contract(s) going forward.

38 LAGOON DRIVE PROPERTY LISTING – Resolution #19-18 was adopted authorizing the E-JIF owned property at 38 Lagoon Drive East, Toms River, NJ to be listed with a listing agent.

LEGISLATIVE AGENT CONTRACT - The Executive Director said the legislative agent contract with Princeton Public Affairs Group expired June 1, 2018 but noted that there is a provision to extend the contract for an additional year. A motion was passed authorizing a 1 year contract extension to Princeton Public Affairs Group for the position of Fund Legislative Agent.

E-JIF COVERAGE COMMITTEE - The Underwriting Manager said there will be a need for a coverage meeting in the near future to discuss several items. One issue is a pollution loss

that results from the cyber peril. Another is requirements under the “Water Quality Accountability Act” that applies to public water systems with more than 500 service connections. Affected water suppliers are required to comply with published standards by the Board of Public Utilities (BPU) as respects cyber security and join the New Jersey Cyber Security and Communications Integration Cell (NJCCIC).

2018 BILLINGS- The first assessment installment was sent to our member JIFs in January. The second installment billings will be distributed next month.

NEXT MEETING- The next meeting of the EJIF is scheduled for September 5, 2018 at the Forsgate CC, Jamesburg.

**BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND
RESOLUTION #2018-___**

**A RESOLUTION AUTHORIZING THE FUND CHAIR AND FUND SECRETARY TO EXECUTE
A CONTRACT WITH NORTH SHORE RISK CONSULTING TO COMPLETE A CLAIMS AUDIT
AT A COST NOT TO EXCEED \$9,750**

WHEREAS, the Burlington County Municipal Joint Insurance Fund (FUND) has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the FUND is duly constituted as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

WHEREAS, on March 20, 2018, the FUND adopted Resolution 2018-22, authorizing an interlocal agreement with the Atlantic County Municipal Joint Insurance Fund (ACM JIF) and the Gloucester, Salem, Cumberland Counties Municipal Joint Insurance Fund (TRICO JIF) for the completion of a claims audit; and

WHEREAS, each of the aforementioned Funds use the same Claims Administrator and team of claims adjusters making utilization of the same claims auditor efficient; and

WHEREAS, the Executive Director's office issued a Request for Proposals (RFP) on April 11, 2018 with all proposals to be returned to the Executive Director's office by May 4, 2018; and

WHEREAS, proposals were received from Highland Claims Services Inc. and North Shore Risk Consulting LLC; and

WHEREAS, each proposal was evaluated by a subcommittee which included a Fund Commissioner from each of the Funds involved in the interlocal agreement; and

WHEREAS, each proposal was reviewed and scored using the criteria included in the RFP that outlined the basis by which the proposals would be evaluated by the Funds; and

WHEREAS, following the evaluation and scoring process, each of the Funds have determined that North Shore Risk Consulting should be awarded a contract to complete a claims audit in accordance with the terms and conditions outlined in the RFP; and

WHEREAS, based upon the number of FUND claims to be audited and other associated costs as outlined in the proposal from North Shore, the total cost to the FUND for their portion of the claims audit shall not exceed \$9,750; and

WHEREAS, funds to pay for this expense are available in the 2017 & 2018 FUND operating expense budget for this expense;

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Burlington County Municipal Joint Insurance Fund that the FUND Chair and FUND Secretary are hereby authorized to execute a Contract with the ACM JIF, TRICO JIF, and North Shore Risk Consulting to complete a claims audit; and

BE IT FURTHER RESOLVED, that the total cost to the FUND for their portion of the Claims Audit shall not exceed \$9,750; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the ACM JIF, TRICO JIF, Executive Director's office, Fund Treasurer, and Claims Administrator for their information and knowledge; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed with the Division of Local Government Services in the Department of Community Affairs.

This Resolution was duly adopted by the Burlington County Municipal Joint Insurance Fund at a public meeting held on June 19, 2018.

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

Attest: _____
Meghan Jack, Secretary

By: _____
Paul Keller, Chairperson

Date: June 19, 2018

6/10/2018

. . .

David Matchett
26 Virginia Drive
Atco, NJ 08004
856-768-0812

Burlco Jiff
Commissioners

Re: Prima Conference
Indianapolis, Indiana
June 3-6, 2018

Dear Fellow Commissioners,

First of all, I would like to thank my fellow Commissioners for supporting my attendance at the Prima Conference. The conference was one of the most thought provoking conferences I have attended. Prima is making every effort to stay on top of the current Risk Management needs.

The opening speaker's message could be best explained by stating a Manager needs to get comfortable being comfortable. Managers need to have their own style, and be comfortable.

The next message, involved a common theme of the conference, the Police response to the Mental Health Crisis. 7% of all Police encounters involve the mentally ill. Officers need to be trained in de-escalation techniques, and how to best control an encounter with a person who has some mental illness.. Shootings involving the mentally ill often end with a lawsuit.

Cyber Insurance, a current need for all entities, provides primary coverage when an event occurs. Insurers have in place agreements with the necessary vendors to get an entity back in working order after a hacking event. Training is needed for all employees in the entity to help prevent cyber events.

Monday ended with Pooling Basics, which this Commissioner was able to be the Moderator, and discussion participant. It was a good experience to be able to help others within the industry, and have the experience such that I did not have to say, I don't know....or I'll have to get back to you. Because of our mutual experience I was confident .

Tuesday began with the best keynote experience of the Conference. David Sears, a 20 year Navy Seal Commander discussed Management style and decision making. His key points were: Remember your Objective at all times, have a deliberate thought process and cut through the noise of conflicting opinions, Gather information and learning experiences, research your objective, and be aware of your abilities along with receiving feedback. Thought provoking questions one should entertain were: Is your decision safe? Suitable? Acceptable? Or Feasible?

I then attended the PTSD course, because of the current increase in these events. The speaker stated that a childhood trauma gives an individual the susceptibility to have PTSD later in life. A secondary traumatic event triggers the earlier memories. The best course of therapy is group counselling, especially amongst ones peers. Events of stress, depression, or anxiety can trigger the PTSD within 3 months of the event. The speaker mentioned that telehealth options are helpful along with working with NAMI, the national alliance on mental illness. NAMI has a mental health first aid program for Police Officers .

Active Shooter was the next topic. All active shooter situations have involved “soft targets” . What to look for to harden a space are; large venues where groups of people can meet that have limited egress. The public needs to train for active shooter situations, so their responses will be automatic. After an event, provide counselling, meet with the staff , and dedicate a memorial. For insurance policies, look for a 0 dollar deductible, and have all exclusions removed.

Next was transparency in healthcare, where any health based fund should attempt to have their price based upon a percentage above the medicare rates. Be careful about who and how you negotiate the drug portion of your program, which can be the most competitive.

Our Wednesday morning keynote was with Gordan Graham, who owns Lexipol, and national Police Agency advisory company. He based his talk on Admiral Rickovers’ 7 rules to mangle by.

1) Always look for continuous improvement. 2) People running complex systems must be highly capable. Don’t hire stupid people. 3) Supervisors have got to spot issues before they become problems. 4) You have to have a healthy respect for the dangers you confront. 5) Training has got to be constant and rigorous. Focus training on the core critical tasks. 6) Audit the functions of your organization. 7) Continuous learning. Study the past.

Discussion points of note were: keep lost time accident rates by job function. Do background checks before you hire. DISCONTINUE performance evaluations. The primary mission of supervisors is to enforce company policies and procedures. And, lastly to walk around and observe, correcting all performance concerns.

Lastly, I attended another course on body cams. To date, there is no evidence that body cams are helpful. What has come up, is that towns who have good training programs and use body cams have good results. While towns that have poor training, and use body cams, have lessor results. Shoulder mounted or eyeglass mounted cams are the best. The problem with cams is to balance the cost of retaining all the footage, and the need to have the footage available in case a suit is brought. Some towns destroy footage after 6 months, while an action can be brought in 2-3 years. The other concern is the need to have privacy regulations, and the need to decide when the cam is automatically turned off in a Police encounter.

Thank you again for the Jif's sponsorship. I'll be happy to discuss the concepts learned with any commissioner.

Sincerely,

David Matchett