



## **AGENDA PACKET**



**Tuesday, April 20, 2021 at 3:30 PM**  
**Via Zoom Conferencing**

<https://zoom.us/j/92277557384>

Telephone Access: 646 876 9923 US (New York)

Meeting ID: 922 7755 7384

**[WWW.BURLCOJIF.ORG](http://WWW.BURLCOJIF.ORG)**

## BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

**Tuesday, April 20, 2021 – 3:30 PM**

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<https://zoom.us/j/92277557384>

Meeting ID: 922 7755 7384

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### **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. Approval of Minutes
  - A. Adoption of the **March 16, 2021** Meeting Minutes.....Pages 1-14
  - B. Adoption of the **March 16, 2021** 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The Closed Session Minutes shall not be released to the public until the reason(s) for their remaining confidential is no longer applicable and the Fund Solicitor has an opportunity to review them.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 15- 64
  - A. Lost Time Accident Frequency.....Pages 19-20
  - B. Certificates of Insurance.....Pages 21-22
  - C. Financial Fast Track Report.....Page 23
  - D. Regulatory Filing Checklists.....Pages 24-25
  - E. 2020 Safety Incentive Program Awards.....Page 26
  - F. 2021 Optional Safety Budget.....Page 27
  - G. 2021 Wellness Incentive.....Page 28
  - H. 2021 EPL/Cyber Risk Management Budget.....Page 29
  - I. EPL Compliance Status .....Page 30
  - J. Statutory Bond Status.....Page 31
  - K. Skateboard Park Approval Status.....Page 32
  - L. Capehart Scatchard Updates.....Pages 33-39
  - M. 2022-2023 MEL EPL Risk Management Plan Update
  - N. Police Command Staff Training Save the Dates.....Page 40
  - O. Managerial & Supervisory Training Invitation.....Page 41
  - P. Non-Supervisory EPL Employee Training.....Pages 42-47
  - Q. 2020-2021 Elected Officials Training.....Pages 48-53
  - R. Protection & Safe Treatment of Minors Training – Additional Dates Announcement....Page 54
  - S. Summary of JIF Trainings and Reimbursement Programs.....Pages 55-62

T.	Land Use Training Certification.....	Page 63
U.	Annual Planning Retreat	
V.	New Fund Commissioner Orientation	
W.	Financial Disclosure Statement Filing	
X.	Quarterly Attendance.....	Page 64
Y.	Website	
Z.	New Member Activity	
VIII.	Solicitor's Report	
A.	Closed Cases.....	Page 65
B.	MEL Helpline and Contact List.....	Pages 66-67
IX.	Safety Director's Report	
A.	Activity Report .....	Pages 68-70
B.	Police One Training.....	Update
X.	Claims Administrator's Report	
A.	Lessons Learned from Losses .....	Page 71
B.	Qual-Lynx 2020 Annual Report.....	Pages 72-95
XI.	Wellness Director Report	
A.	Monthly Activity Report.....	Pages 96-97
B.	Targeting Wellness Newsletter .....	Pages 98-105
C.	De-Stress Bingo.....	Page 106
D.	Coping Skills Word Search.....	Page 107
XII.	Managed Health Care Report	
A.	Summary Report .....	Page 108
B.	Average Number of Days to Report a Claim.....	Page 109
C.	COVID – 19 Claims Report.....	Page 110
D.	Transitional Duty Report.....	Page 111
E.	PPO Savings & Penetration Reports.....	Pages 112-113
F.	Top 10 Provider/Paid Provider by Specialty.....	Page 114
G.	Nurse Case Management Report.....	Page 115
XIII.	Technology Risk Services	
A.	Report.....	Pages 116-125
B.	Pivot Point Newsletters.....	Page 126
XIV.	Treasurer's Report as of March 31, 2021 .....	Pages 127-173
A.	Investment Report	
B.	Investment JCMI	
C.	Loss Run Payment Registers	
D.	Fund Status	
E.	Disbursements	
F.	EJIF Allocation	
G.	April Bill List.....	Page 174-175
	Motion to approve the Payment Register & Bill Lists– <b>Motion – Roll Call</b>	

XV. Committee Report

- A. Safety Committee Meeting – March 16, 2021.....Pages 176-198

XVI. MEL/RCF/E-JIF Reports

- A. MEL Report – March 26, 2021.....Pages 199-200
1. MEL Bulletin: Mandatory Vaccination.....Pages 201-207
  2. MEL Bulletin: Cannabis Licensing and Zoning.....Pages 208-212
  3. Cannabis Legislation Memo.....Pages 213-214
- B. RCF Report – March 26, 2021.....Pages 215-216
- C. EJIF Report – March 26, 2021.....Pages 217-218
1. Environmental Impacts of NJ Legalized Cannabis.....Pages 219-222

XVII. Miscellaneous Business

- A. Resolution 2021 - \_\_\_\_\_ Authorizing the Payment of \$15,840.00 in Allocated File Expenses for 2020 COVID Related Workers Compensation Expenses From the 2020 Loss Funding Budget and Further Authorizing the Ongoing Payment of 2021 COVID Related Expenses From the 2020 Loss Funding Budget in Accordance with the Professional Services Contracts Between Qual-Lynx and the Burlington County Municipal Joint Insurance Fund - **Motion – Roll Call.....**Pages 223-224
- B. Motion to Authorize the Fund Solicitor & Executive Director to Prepare, Advertise, and Receive Requests for Qualifications for the Position of Workers Compensation Defense Attorneys and Liability Defense Attorneys – **Motion – All in Favor**

<p style="text-align: center;"><b>The next meeting will be held on Tuesday, May 18, 2021 at 3:30 PM via Zoom Conferencing</b></p>
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XVIII. 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**

XIX. Closed Session – Resolution 2021-\_\_\_\_\_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**

XX Approval of Claims Payments – **Motion – Roll Call**

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

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

# **BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND**

**March 16, 2021**  
**Via Zoom Conferencing**

## ***OPEN SESSION MINUTES***

The meeting of the Burlington County Municipal Joint Insurance Fund (BURLCO JIF) was held via Zoom Conferencing on Tuesday, March 16, 2021 at 3:30PM, prevailing time. Chair McMahon, **Chesterfield**, presiding. The meeting was called to order at 3:30PM.

Mr. Forlenza then took a moment to verify call in phone numbers and rename them to the appropriate member.

## ***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 Wolbert, **Beverly City**  
Mike Theokas, **Bordentown Twp.**  
Grace Archer, **Bordentown City**  
Glenn McMahon, **Chesterfield Twp.**  
Erin Provencano, **Delanco Twp.**  
Jeffrey Hatcher, **Delran Twp.**  
Patrice Hansell, **Fieldsboro Boro**  
Steve Fazekas, **Florence Twp.**  
Paula Kosko, **Hainesport Twp.**  
Brandon Umba, **Lumberton Twp.**  
Mike Fitzpatrick, **Mansfield Twp.**  
Kathy Burger, **Medford Twp.**  
Jerry Mascia, **Mt. Laurel Twp.**  
Brandon Shinglefield, *Rep.*, **Mt. Laurel Twp.**  
Kyle Tuliano, **New Hanover Twp.**  
Mary Picariello, **North Hanover Twp.** ....after roll call  
John Gural, **Palmyra Boro**  
Donna Mull, **Pemberton Boro**  
Dan Hornickel, **Pemberton Twp.**  
Meghan Jack, **Riverside Twp.**  
David Matchett, **Shamong Twp.**  
J. Paul Keller, **Springfield Twp.**  
Doug Cramer, **Tabernacle Twp.**  
Steve Ent, **Westampton Twp.**  
James Ingling, **Wrightstown Boro**

Absent Fund Commissioners were:

Amanda Somes, **Bass River Twp.**  
Tom Pullion, **Edgewater Park**  
Kathy Hoffman, **Southampton Twp.**  
Maryalice Brown, **Woodland Twp.**

Those also in attendance were:

Paul Forlenza, MGA, Executive Director, *AJG Risk Management Services, Inc.*  
Paul Miola, CPCU, ARM, *AJG Risk Management Services, Inc.*  
David S. DeWeese, Esquire, Fund Solicitor, *The DeWeese Law Firm, P.C.*  
Tom Tontarski, Treasurer  
John Saville, Safety Director, *J.A. Montgomery Risk Control*  
Chris Roselli, Claims Administrator, *Qual-Lynx*  
Karen Beatty, *QualCare*  
Debby Schiffer, *Wellness Director*  
Lou Romero, *Technology Risk Services.....after roll call*

Also present were the following Risk Management Consultant agencies:

CBIZ Benefits & Insurance Services  
Conner Strong & Buckelew  
EJA/Capacity Insurance  
Hardenberg Insurance Group  
Insurance Agency Mgmt.

Absent Risk Management Consultant agencies:

Insurance Agency Mgmt.

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

### ***APPROVAL OF THE OPEN & CLOSED SESSION MINUTES***

Chair McMahon presented the Open & Closed session meeting minutes of the February 16, 2021 meeting of the Fund, as found in the agenda packet and as provided to the Executive Committee prior to the Executive Committee meeting, for approval.

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

Motion by Mr. Gural seconded by Mr. Cramer to approve the Open & Closed session meeting minutes of the February 16, 2021 meeting. All in Favor. Motion carried by majority vote.

The Closed Session minutes of the February 16, 2021 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.

### ***EXECUTIVE DIRECTOR'S REPORT***

Mr. Forlenza reviewed the Executive Director's Report found in the agenda packet with the membership. He then highlighted the following items from his report:

Mr. Forlenza referenced the most recent Certificates of Insurance reports which included February 2021 certificates and asked the members to please review for accuracy and be sure they were issued to the correct organizations with the correct limits and types of coverage.

Mr. Forlenza asked for members to review their OSB, Wellness, and EPL/Cyber Risk Management Budget balances included in the agenda. A consolidated announcement letter including instructions on how to collect your 2021 Optional Safety Budget allowance; Wellness allowance, and EPL/Cyber Risk allowance was emailed to all members the week of February 22, 2021. He noted in regards to the 2020 Safety Award Money, a letter from his office will be emailed to all members in the next few weeks.

Mr. Forlenza referenced the Statutory Bond Status report and asked members to please review the report for accuracy. He noted that January 1<sup>st</sup> is a popular time for employees to retire, so be sure to check the list and make sure any new employees are listed. He reminded the members that the bond is for the individual, not the position, and if you would like to check the status of an application, please contact Ed Cooney, Fund Underwriter.

Mr. Forlenza noted the 2022-2023 MEL EPL Risk Management Plan had been revised and in July 2020 the Model Employment Practice Policies and Employee Handbook were placed on the NJ MEL's website (NJMEL.org). Adopting the revised policies and handbook are one of steps required by all members to become/remain in compliance with the MEL EPL Risk Management Plan. He stated the June 1, 2021 deadline has been extended to November 1, 2021, however please do not wait until the last minute to complete your trainings and other requirements. Use the extra allotted time wisely.

In regards to the Police Command Staff Training, a hybrid training process is being planned. Chief Hummel will be hosting the training in person with the Police Chiefs, and then doing a virtual session for the remaining Command Staff. We are looking to start up these training in June and additional information will be forthcoming.

Mr. Forlenza reminded that members that the in person Managerial & Supervisory Trainings have been cancelled due to the COVID-19 pandemic and the required social distancing guidelines. These sessions will now be held via Webinar. The trainings will be presented by Armando Riccio and include AM and PM sessions with a limit of 100 participants per session. He noted numerous dates have been establish for April and May and a notification of the dates was emailed to all members earlier today. In addition to those dates, and due to several requests, two (2) evening training classes have been scheduled on April 27 and May 27, 2021 starting at 6:30 pm. Additional information regarding those two trainings was emailed out earlier today to all Fund Commissioners and Risk Management Consultants.

In regards to Non-Supervisory EPL Employee Training, Mr. Forlenza stated on November 23, 2020, a memorandum was sent to all members notifying them of the availability of non-supervisory employee training through the MEL Safety Institute (MSI). A required element of compliance with the MEL's 2022-2023 Employment Practices Liability (EPL) Risk Management Plan, all members are required to notify their non-supervisory employees of the availability of this training, though not required to take it. The training module is entitled *Building a Safe Workplace: Anti-Harassment and Discrimination* and is approximately 20 minutes in length. The memorandum provided specific directions on how to access the training module in the MSI. All members should document the notification of the availability of this training to their employees and the notification should go out as soon as possible. Again, the deadline to comply with all aspects of the EPL Risk Management Plan has been extended to November 1, 2021

Mr. Forlenza noted, again, this year, the Fund is sponsoring Elected Officials training and it will be conducted online. The MEL will reduce each member's 2021 MEL Assessment by \$250 for each municipal elected official who completes one of the online training sessions. This credit will also be extended to the member's CEO (i.e. Municipal Manager or Administrator) again this

year. The total credit is limited to 5% of a member's 2021 MEL Assessment. On November 23, 2020 a memorandum including detailed directions on how to access this training through the MSI was emailed to Municipal Clerks, Fund Commissioners, and Risk Management Consultants. Mr. Forlenza stated the participant count across all there JIF's is very low and he emphasized not to lose that \$250 credit per attendee and reiterated the May 1, 2021 deadline. He noted that a reminder regarding this training was sent to all members earlier in the month.

Mr. Forlenza stated on or about March 1, 2021, a notice was sent to all Fund Commissioners and Municipal Clerks announcing the availability of additional training dates for the *Protection & Safe Treatment of Minors* webinars which will be conducted by Armando Riccio through the MSI. He emphasized it is strongly recommended that all Managers & Supervisors complete this training as soon as possible if not already completed. Completion of this training will assist in defending the municipality and their employees should they be named in a SAM claim. Mr. Forlenza noted that this training is separate and distinct from the Managers & Supervisors employment training that must be completed for compliance with the MEL EPL Risk Management Plan.

In regards to Payroll Audits, Mr. Forlenza stated on or about February 11, 2021 a letter was e-mailed to all Municipal Clerks, with a copy to Fund Commissioners, advising that Bowman & Company will be performing workers' compensation exposure verification audits of members' 2020 payrolls. These payroll figures will serve as the basis for your 2022 workers compensation excess premiums. Attached to the e-mail was a spreadsheet that included employee counts by payroll classification as reported during last year's payroll audit and members were asked to review and update this spreadsheet upon receipt. Members were asked to send the required payroll data to the auditors for processing either via mail or electronically no later than March 11, 2021. Details on how the data can be sent were included in the February 11, 2021 correspondence. Once the information is processed, the auditor will contact each town to discuss the results of the audit and clarify any questions. Members who still have questions following the audit can contact a representative from Bowman to set up a mutually convenient date and time to meet and discuss the audit results.

Mr. Forlenza noted that on or about February 14, 2021, each member and their RMC's received a notification from his office asking that they review and update their property schedule located in the Origami Exposure Data Management System. Once a member responds, those that are going to receive a physical appraisal this year will be contacted by the Fund Property Appraiser, ASSETWORKS. Those that are not receiving a physical inspection in 2021 will have their building & contents values trended accordingly. All members are asked to complete the review and update process no later than March 23, 2021.

In regards to the Annual Planning Retreat, Mr. Forlenza noted the Retreat has been tentatively scheduled for Tuesday May 4<sup>th</sup> & Thursday, May 6<sup>th</sup>. The Retreat will be held via webinar and will include approximately two (2) hours of presentations each day beginning at 10:00 AM. Each day's presentations will be different. Mr. Forlenza also reminded the members that participation in one of the days is a requirement of the Safety Incentive Program and mandatory to qualify for your SIP funds. If both days are attended, you will qualify for an SIP enhanced reward. Additional information, along with the invitation and list of presentations, will be emailed out to all members in early April.



Mr. Forlenza noted an email inquiring about interest in attending the New Fund Commissioner Orientation was emailed to all Fund Commissioners, Alternate Fund Commissioners and Risk Management Consultants on or about February 12, 2021. We received quite a few responses from all three JIF's. We will be conducting New Fund Commissioner Orientation training in April. An email notification with further details will be sent out to all Fund Commissioners, Alternate Fund Commissioners, and RMC's who indicated an interest in attending later this week.

Mr. Forlenza stated the Loss Ratio Snapshots valued as of December 31, 2020, inclusive of Fund Years 2014-2019 have been uploaded into Origami. Ms. Tracy Forlenza noted she had recently sent out an email explaining an easier way to access the reports and if anyone had any issues they could contact her.

Lastly, Mr. Forlenza noted with some members voicing concern or frustration with all of the training deadlines, Mr. Miola is putting together a memo with all of the training requirements needed and completion dates for the 2021 Fund year. He has also included hyperlinks within the document for ease in accessing details for each of the trainings. Once it is complete, it will be emailed to all members as a tool to assist in keeping compliant with the trainings.

Mr. Forlenza asked if there were any other questions. No questions were entertained.

### ***SOLICITOR'S REPORT***

#### ***Closed Claims Report***

Mr. DeWeese stated that there were no (0) closed cases since the last meeting:

***MEL EPL Helpline & Authorized Contact List*** – Mr. DeWeese reminded the members to please review the attached list of authorized contacts for the *MEL Employment Practices Helpline* and that members can appoint up to **two (2)** municipal representatives who will be permitted to contact the *Helpline* attorneys with their inquiries. The appointment of the municipal representatives must be made by Resolution of the Governing Body. These authorized contacts are the only individuals permitted to access this service, so please review the list and be sure who you would like appointed as the contacts is actually appointed.

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

### ***SAFETY DIRECTOR'S REPORT***

Mr. Saville stated that the Safety Director's Report is included in the agenda and is self-explanatory. He then highlighted the following:

Mr. Saville noted his report included a list of the Safety Director Bulletins and Safety Announcements issued during the month.

Mr. Saville noted the MSI in-classroom training continues to be suspended due to the requirements for social distancing, but you may want to take advantage of one of the upcoming webinars currently being offered, or try the video streaming service through MSI as training requirements must still be met while dealing with the pandemic. The Applicable CEUs and TCH credits are available for those who attend the webinars. Group registrations are available for those with limited internet capabilities.

Mr. Saville asked to please make the appropriate personnel review the Law Enforcement Bulletins as they are distributed.

In regards to the Police One Training, Mr. Saville reported that 16 of the 20 law Enforcement agencies in the BURLCOJIF are actively participating in the program. Activity has remained unchanged from last month's report. As of 3/12/21 members have participated in 1,205 classes. If anyone is interested in the details you may email him and he will provide that information.

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

## ***CLAIMS ADMINISTRATOR'S REPORT***

### ***Lessons Learned from Losses***

Mr. Roselli presented the *Lessons Learned from Losses* for March which reviewed *Tree OPS Safety*. He then highlighted the following in order to keep claims at a minimum:

- Ensure only qualified personnel direct tree related operations and that they immediately correct any identified hazard or improper work practices.
- Workers involved in tree related operations must be given instruction as to all hazards related to the work including fall prevention, methods of communication, first aid and CPR, roadway safety, Electrocution prevention and other rescue procedures.
- Be aware of surroundings such as debris, tripping hazards, falling limbs and power lines in which the assumption should be made that it is a live wire.
- Wear all applicable personal protective equipment

Mr. Roselli then discussed an example of how a costly claim could have been prevented if everyone involved had taken the initiative to be a part of the safety culture.

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

## ***WELLNESS DIRECTOR'S REPORT***

Ms. Schiffer stated her report is included in the agenda packet and highlighted the following:

All municipalities should have received the updated Wellness Incentive Flyer, providing a list of the ideas of what is approved or not as it relates to spending your wellness funds.

As mentioned at the 2020 JIF Safety Breakfast, reimbursement for food (i.e. luncheons) is a difficult request to support. She noted the following:

- No food will be covered under the Wellness Budget but will be reimbursed under your SIP funds. We have listed a few items (including snack bars) that will be covered to help take away the guesswork on your part.
- Gift cards are not looked upon favorably. However, gift certifications or vouchers for Farmer Markets are acceptable! Please keep in mind that when we are giving out these cards, they should always be connected to a wellness initiative such as participation in a challenge, a teachable moment with an educational handout, door prizes, etc.

Ms. Schiffer noted she is always open to consider onsite visits based on each individual situation, and in addition is always willing to attend a safety meeting via teleconference and/or video conference.

If you have not yet planned a meeting to discuss wellness ideas for this year with Ms. Schiffer, please reach out to her with some available dates.

**Municipality Activity Thus Far:**

Bordentown Township – bingo challenge and Baseball Homerun challenge

Florence Township – bingo challenge

Mt. Laurel – Weight Loss Fundraiser challenge: The buy-in for participating in the challenge will be donated to the Unity Ride Fundraising event in May. This challenge runs March 15 – June 15 with weekly weigh ins and prizes awarded for the person with the highest *percentage* of weight loss and the Department with the highest *percentage* of weight loss as a combined group.

Ms. Schiffer asked if you are planning or have held a wellness initiative that is not listed, please let her know as she would like to share all ideas so other towns can benefit should they be looking for something different to do.

**Mindfulness Practice** – Another mindful practice is scheduled for March 11<sup>th</sup>.

Ms. Schiffer is launching a new program which she is calling *Powered through Plants*, which falls in line with this month's theme "National Nutrition Month".

- Hosting several virtual introductions in March to let folks know what to expect should they want to sign up for the workshops.
- Six (6) weekly workshops with specific topic to address
- Program also highlights benefits of going plant-strong and will bust some of the myths about nutrition and food. The goal is to bring awareness, education and help to set folks up for success.
- Attending one of four introductions will allow your employees to make the decision for themselves as to whether this is right for them.

Lastly Ms. Schiffer noted the March *Targeting Wellness* Newsletter is all about how food and sleep play a huge role in not only weight management but also in preventing the risk of chronic disease:

- The challenges of weight loss and where to start
- How sleep affects weight and the time you eat is just as important as what you eat
- Understanding food labels
- Some tips for meal planning in a busy life
- Is organic healthier and safer?
- Nutritional Bites: Calorie density vs. portion control
- Recipe of the Month: 30-minute Quinoa "fried rice"

Also included was Stretching for Flexibility, along with a listing of JIF Approved Wellness Items and Activities.

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

## **MANAGED HEALTH CARE REPORT**

### **Lost Time v. Medical Only Cases**

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

	<b>February</b>	<b>YTD</b>
<i>Lost Time</i>	9	12
<i>Medical Only</i>	13	23
<i>Report Only</i>	28	65
<i># of New Claims Reported</i>	50	100
<i>Report Only % of Total</i>	56%	65%
<i>Medical Only/Lost Time Ratio</i>	59:41	66:34
<i>Average Days to Report</i>	6.4	4.8

Ms. Beatty noted the Average Days to Report is running high due to the COVID claims and how long it takes to contract trace to confirm who may have been exposed.

### **Transitional Duty Report**

Ms. Beatty presented the Year-to-Date Transitional Duty Report:

<b>Transitional Duty Summary Report</b>	<b>YTD</b>
<i>Transitional Duty Days Available</i>	330
<i>Transitional Duty Days Worked</i>	277
<i>% of Transitional Duty Days Worked</i>	84%
<i>Transitional Duty Days Not Accommodated</i>	53
<i>% of Transitional Duty Days Not Accommodated</i>	16%
<i>\$ Saved by Accommodating</i>	\$28,222
<i>\$ Lost by Not Accommodating</i>	\$5,489

Ms. Beatty presented a report that depicts the number of cases related to COVID-19 from January 2021 to February 2021 by town and month. The highlights of this report are as follows:

Total Cases in the BURLCOJIF: 70  
Indemnity: 10  
Medical Only: 9  
Report Only: 51

### **PPO Penetration Report:**

Ms. Beatty presented the PPO Penetration Report:

<b>PPO Penetration Rate</b>	<b>February</b>
<i>Bill Count</i>	136
<i>Original Provider Charges</i>	\$503,929

<i>Re-priced Bill Amount</i>	<i>\$134,298</i>
<i>Savings</i>	<i>\$369,632</i>
<i>% of Savings</i>	<i>73%</i>
<i>Participating Provider Penetration Rate - Bill Count</i>	<i>94%</i>
<i>Participating Provider Penetration Rate – Provider Charges</i>	<i>93%</i>
<i>EPO Provider Penetration Rate - Bill Count</i>	<i>91%</i>
<i>EPO Provider Penetration Rate – Provider Charges</i>	<i>80%</i>

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

#### ***TECHNOLOGY RISK SERVICES REPORT***

Mr. Romero noted in regards to the phishing emails for the month of February there were 652 phishing emails issued with 10 clicked, or 1.5%, which is very good. Mr. Romero noted again, there are some firewalls that are blocking the phishing email exercises, and asked the members to please ask your IT service provider to whitelist the IP address that Pivot Point uses to launch their simulated phishing emails. He also noted he will continue to send reports to the Fund Commissioners so they can see which employees are clicking on the phishing emails.

In regards to the MEL Cyber Risk Management Compliance, 22 of our 28 members are certified in Tier 1, and 20 of the 28 are completely certified. He noted a revised program will be rolled out for 2021 and will include a third Tier. He is working on webinars, a worksheet and a new assessment process which will include new findings, recommendations and guidance as he explained some controls have moved between Tiers and some have become more stringent. Mr. Romero noted he will be presenting a training presentation for the upcoming virtual Retreat and additional information will be forthcoming.

Mr. Romero noted that Pivot Point Security was able to continue with their Vulnerability Scanning of member firewalls and gateways this month after being shut down for a bit due to the failure of a server. He noted that the issue has been corrected and everyone should have received their Vulnerability Report for this month.

Lastly, Mr. Romero noted to be careful of emails indicating they are from the IRS, or related to taxes as cyber criminals are trying to get you to believing they are sending you legitimate tax documents, or insist you owe the IRS money. He also noted cyber criminals have now started attacking QR Codes. If a QR Code has been hacked, and you have utilized it, it can direct a user to a fake website, capture personal data, or install malicious software on your smartphone, so be aware of what QR Codes you utilize. In regards to phishing emails, if you are unsure of an email, contact him and he will assist you with any questions or concerns.

Mr. Romero asked if there were any questions. No questions were entertained.

#### ***TREASURER'S REPORT***

Mr. Tontarski presented an overview of the Treasurer's Report for the month of February 2021, a copy of which was provided to the membership in the agenda packet. Mr. Tontarski reports are valued as of February 28, 2021 for Closed Fund Years 1991 through 2016, and Fund Years 2017, 2018, 2019, 2020, and 2021.

### **Investment Interest**

Interest received or accrued for the reporting period totaled \$12,249.84. This generated an average annual yield of .75%. However, after including an unrealized net loss of \$5,354.49 in the asset portfolio, the yield is adjusted to .42% for this period. The total overview of the asset portfolio for the fund shows an overall unrealized gain of \$48,509.72 as it relates to current market value of \$3,751,446.36 vs. the amount we have invested. This current market value, however, when considering the total accrued income at month end is \$4,763,071.25.

Our asset portfolio with Wilmington/Trust consists of 4 obligations with maturities less than one year.

### **Receipt Activity for the Period**

	Monthly	YTD
Subrogation Receipts	\$0	\$769.81
Salvage Receipts	\$0.00	
Overpayment Reimbursements	\$0.00	
FY 2021 Premium Receipts	\$1,630,109.00	

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

Delran Township	\$16,195.00
Chesterfield Township	\$1,114.00
Bordentown City	\$70,419.00
Bordentown Township	\$63,824.00
Westampton Township	\$10,426.00

### **Cash Activity for the Period**

During the reporting period the Fund's "Cash Position" changed from an opening balance of \$19,380,982.12 to a closing balance of \$19,709,007.04 showing an increase in the fund of \$328,024.92.

### ***Loss Run Payment Register – February 2021***

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 \$246,445.87. The claim detail shows 339 claim payments issued.

### ***Bill List –March, 2021***

For the Executive Committee's consideration, Mr. Tontarski presented the March 2021 Bill List in the amount of \$99,611.29.

Chair McMahon entertained a motion to approve the February 2021 Loss Run Payment Register and the March 2021 Bill List, as presented.

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

Motion by Mr. Gural seconded by Mr. Ingling to approve the *February 2021 Loss Run Payment Register and the March 2021 Bill List* as presented.

**ROLL CALL    Yeas    Doug Cramer, Tabernacle Twp.**  
**James Ingling, Wrightstown Boro.**  
**Paula Kosko, Hainesport Twp.**  
**Jerry Mascia, Mt. Laurel Twp.**  
**Rich Wolbert, Beverly City**

John Gural, *Secretary, Palmyra Boro.*  
Glenn McMahon, *Chair, Chesterfield Twp.*

*Nays:* None  
*Abstain:* None

Motion carried by unanimous vote.

## **COMMITTEE REPORTS**

### ***Strategic Planning Meeting Minutes – February 16, 2021***

Mr. Gural noted the Strategic Planning Committee met on February 16, 2021 and the detailed minutes of that meeting were included in the agenda packet for your review and are self-explanatory. Mr. Gural stated all members were present and the next meeting will be on May 18, 2021.

Mr. Gural reminded the members there has been discussion and review in regards to the proposed *JIF Preferred Auto Repair Facility Program* that has been quarterbacked by Mr. Miola. He noted it is a great program and thanked Mr. Miola for his time and effort in regards to this money saving program. Mr. Gural asked if there were any questions. No questions were entertained.

With that said, Mr. Gural asked for a Motion to authorize the adoption of the *JIF Preferred Auto Repair Facility Guidelines*.

Motion by Mr. Ingling, seconded by Mr. Mascia to authorize the adoption of the *JIF Preferred Auto Repair Facility Guidelines*. All in favor. Motion carried.

### ***Safety Committee Meeting Minutes – March 16, 2021***

Mr. Cramer noted the Safety Committee met earlier today and the detailed minutes of that meeting will be included in the agenda packet next month for your review. He then highlighted the following from the meeting.

He noted the committee reviewed and discussed the latest Loss Ratio Reports for the JIF, MEL and EPL valued as of 12/31/20, Safety Bulletins; Police Training MEL Safety & Education Committee minutes from November 2020 and January 2021; Wellness initiatives; and PEOSHA updates and their most cited citations. Mr. Cramer noted that concluded his report unless there were any questions. No questions were entertained.

## ***MEL/RCF/E-JIF REPORT***

Mr. Forlenza referenced a flyer in the agenda packet from the MEL announcing the Annual MEL, MRHIF & NJHIF Educational Seminar which will be held virtually on May 14 and May 21, 2021. Mr. Forlenza noted the seminars are eligible for CEU credits, and there is no cost to attend, so this is a good time to acquire extra CEU's if you need them, and the flyer lists those that are eligible. Mr. Forlenza noted you may register by contacting PERMA and that information is included on the flyer.

Next Mr. Forlenza noted also included in the agenda was a MEL Bulletin which was an FAQ on the Model Policies Procedure Manual and Employee Handbook. He noted as there are such differences in the new format of the Handbook, the MEL has been releasing Bulletins on the most frequently asked questions, so please read through this information and hopefully it will

provide additional guidance. Mr. Forlenza also noted there is a video recording on the MEL website of a webinar where attorneys responded to questions regarding the updated policies.

### ***MISCELLANEOUS BUSINESS***

Mr. Forlenza noted with the uncertainty of the social distancing guidelines over the next few months, after reaching out to both the Fund Chair and Secretary, it was recommended to continue to meet virtually via Zoom through July. This will allow, hopefully, most people to receive the vaccine and feel more comfortable meeting as a group in September. Once we see how things are moving along with the pandemic, and what the social distancing guidelines are come July, we will make a decision on the format of the September meeting. With that said, Mr. Forlenza asked for a Motion to authorize the Executive Directors office to re-advertise the April, May, June, and July 2021 Executive Committee Meetings to a Zoom meeting format.

Motion by Mr. Ingling, seconded by Mr. Mascia to re-advertise the meetings as discussed. All in favor. Motion carried.

### ***Next Meeting***

Chair McMahon noted that the next meeting of the BURLCO JIF will take place on **Tuesday, April 20, 2021 at 3:30 PM** via Zoom Conferencing.

### ***PUBLIC COMMENT***

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

Chair McMahon opened the meeting to the public for comment.

Chair McMahon entertained a motion to close the public portion of the meeting.

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

### ***EXECUTIVE SESSION MEETING – Resolution #2021-19***

Chair McMahon 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. Kosko, seconded by Mr. Gural to Adopt ***Resolution #2021-19***

<b>ROLL CALL</b>	<b>Yeas</b>	Doug Cramer, <b>Tabernacle Twp.</b> James Ingling, <b>Wrightstown Boro.</b> Paula Kosko, <b>Hainesport Twp.</b> Jerry Mascia, <b>Mt. Laurel Twp.</b> Rich Wolbert, <b>Beverly City</b> John Gural, <i>Secretary</i> , <b>Palmyra Boro.</b> Glenn McMahon, <i>Chair</i> , <b>Chesterfield Twp.</b>
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***Nays:*** None

***Abstain:*** None

All in favor. Motion carried by unanimous vote.

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 McMahon entertained a motion to reopen the public portion of the meeting.

Motion by Mr. Ingling seconded by Mr. Mascia to reopen the public portion of the meeting. All in favor. Motion carried.

***APPROVAL OF CLAIMS PAYMENTS***

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

<b><i>Workers' Compensation</i></b>	<b><i>Property</i></b>
<i>MLT-2021229556</i>	<i>2019163048</i>
<i>2021222201</i>	<i>2020207625</i>
<i>2020208362</i>	<i>2021230242</i>

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

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

**ROLL CALL**    ***Yeas***    Doug Cramer, **Tabernacle Twp.**  
James Ingling, **Wrightstown Boro.**  
Paula Kosko, **Hainesport Twp.**  
Jerry Mascia, **Mt. Laurel Twp.**  
Rich Wolbert, **Beverly City**  
John Gural, *Secretary*, **Palmyra Boro.**  
Glenn McMahon, *Chair*, **Chesterfield Twp.**

***Nays:***                None  
***Abstain:***           None

Motion carried by unanimous vote.

***AUTHORIZATION TO ABANDON SUBROGATION – APPROVAL***

There was one (1) claim(s) presented for abandon subrogation:

*2020194285*

Chair McMahon asked for a motion to abandon subrogation on the following claims as presented in Closed Session.

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

**ROLL CALL**    ***Yeas***    Doug Cramer, **Tabernacle Twp.**  
James Ingling, **Wrightstown Boro.**  
Paula Kosko, **Hainesport Twp.**  
Jerry Mascia, **Mt. Laurel Twp.**  
Rich Wolbert, **Beverly City**  
John Gural, *Secretary*, **Palmyra Boro.**  
Glenn McMahon, *Chair*, **Chesterfield Twp.**

***Nays:***                None

***Abstain:*** None

Motion carried by unanimous vote.

As presented and discussed in Closed Session by Mr. DeWeese, Chair McMahon asked for a Motion to authorize the settlement offer on Qual-Lynx file # 2019175858

Motion by Mr. Cramer, Seconded by Mr. Wolbert to authorize the settlement offer on file # 2019175858 as presented. All in Favor. Motion carried.

***MOTION TO ADJOURN***

Chair McMahon entertained a motion to adjourn the March 16, 2021 meeting of the BURLCO JIF.

Motion by Mr. Mascia, seconded by Ms. Kosko to adjourn the March 16, 2021 meeting of the BURLCO JIF. All in favor. Motion carried.

The meeting was adjourned at 4:49 PM.

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Kris Kristie,  
*Recording Secretary for*

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***John Gural, SECRETARY***



To: Fund Commissioners  
From: Paul A. Forlenza, MGA, RMC, Executive Director  
Date: April 20, 2021  
Re: Executive Director's Report

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**A. Lost Time Accident Frequency Report – (pgs. 19-20)**

The February 2021 Lost Time Accident Frequency Summary and the Statewide Recap for February 2021 are attached for your review.

**B. Certificates of Insurance (pgs. 21-22)**

A summary of the Certificates of Insurance issued during March 2021 is attached for your review.

**C. Financial Fast Track Report (pg. 23)**

The Financial Fast Track Report as of February 28, 2021 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 February 28, 2021 was **\$10,246,201**

**D. Regulatory Filing Checklists (pgs. 24-25)**

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.

**E. 2020 Safety Incentive Program Awards (pg. 26)**

A report detailing available balances for each member is included in the agenda. A letter from our office describing on how to collect your 2020 Safety Award Money was sent to all members on or about March 3, 2021. If you have any questions on how to collect your 2020 Safety Incentive Program Awards, please contact our office. **Please note that the deadline to claim or encumber these funds is November 30, 2021. All encumbered funds have to be claimed by February 1, 2022.**

**F. 2021 Optional Safety Budget (pg. 27)**

A consolidated announcement letter including instructions on how to collect your 2021 Optional Safety Budget allowance was emailed to all members the week of February 22, 2021. A report detailing available balances for each member is included in the agenda. If you have any questions on how to collect your 2021 Optional Safety Budget allowance, please contact our office. **Please note that the deadline to claim or encumber these funds is November 30, 2021. All encumbered funds have to be claimed by February 1, 2022.**

**G. 2021 Wellness Incentive Program Allowance (pg. 28)**

A consolidated announcement letter including instructions on how to collect your 2021 Wellness Incentive funds was emailed to all members the week of February 22, 2021. A report detailing available balances for each member is included in the agenda. If you have any questions on how to collect your 2021

Wellness Incentive Program Budget allowance, please contact our office. **Please note that the deadline to claim or encumber these funds is November 30, 2021. All encumbered funds have to be claimed by February 1, 2022.**

**H. 2021 EPL/Cyber Risk Management Budget (pg. 29)**

A consolidated announcement letter including instructions on how to collect your 2021 EPL/Cyber Risk Management funds was emailed to all members the week of February 22, 2021. A report detailing available balances for each member is included in the agenda. If you have any questions on how to collect your 2021 EPL/Cyber Risk Management Budget allowance, please contact our office. **Please note that the deadline to claim or encumber these funds is November 30, 2021. All encumbered funds have to be claimed by February 1, 2022.**

**I. Employment Practices Liability Compliance – (pg. 30)**

A report regarding each member's compliance status with the MEL EPL/POL Risk Management Plan 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.

**J. Statutory Bond Status (pg. 31)**

The latest listing of Statutory Bonds issued by the MEL for JIF members is included for your review. This list should be reviewed for accuracy. Any questions on the status of an application or a bond listed on the report should be directed to Ed Cooney, Fund Underwriter at 973-659-6424 or [ecooney@connerstrong.com](mailto:ecooney@connerstrong.com).

**K. Skateboard Park Approval Status (pg. 32)**

The MEL has established a process, outlined in MEL Coverage Bulletin **2021-06**, which must be followed by all members who wish to construct a skateboard park and have the BURLCO JIF and MEL provide the 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.

**L. Capehart Scatchard Updates (pgs. 33-39)**

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.

**M. 2022-2023 MEL EPL Risk Management Plan Update**

In July 2020, the revised Model Employment Practice Policies and Employee Handbook were placed on the NJ MEL's website (NJMEL.org). Adopting the revised policies and handbook are one of steps required by all members to become/remain in compliance with the MEL EPL Risk Management Plan. The date for completing the necessary steps for compliance with the MEL EPL Risk Management Plan is November 1, 2021.

**N. Police Command Staff Training Save the Date (pg. 40)**

On or about April 13, 2021 a Save the Dates was emailed to all Fund Commissioners and Risk Management Consultants for the upcoming Police Command Staff Training. Due to the COVID-19 pandemic, and the required social distancing guidelines, the Police Command Staff training will be completed this coming summer using a hybrid model. All Chiefs will be asked to attend in person training while other command staff will be asked to attend the same training via webinar. Additional information will be forthcoming.

**O. Managerial & Supervisory Training Invitation (pg. 41)**

During the week of March 8, 2021, an invitation was emailed to all members for the Managers & Supervisor's Employment Liability Training. This training is being held via webinar and will be

presented by Armando Riccio, Esq. Participation in this training is required for compliance with the 2022-2023 MEL EPL Plan of Risk Management. Please note that participation in each session is limited to 100 participants. Please contact the Executive Director's office if you have any questions.

**P. Non-Supervisory EPL Employee Training (pgs. 42-47)**

On November 23, 2020, a memorandum was sent to all members notifying them of the availability of non-supervisory employee training through the MEL Safety Institute (MSI). A required element of compliance with the MEL's 2022-2023 Employment Practices Liability (EPL) Risk Management Plan, all members are required to notify their non-supervisory employees of the availability of this training. The training module is entitled *Building a Safe Workplace: Anti-Harassment and Discrimination* and is approximately 20 minutes in length. The memorandum provides specific directions on how to access the training module in the MSI. All members should document the notification of the availability of this training to their employees. The notification should go out as soon as possible. The deadline to comply with this aspect of the EPL Risk Management plan is November 1, 2021.

**Q. 2020-2021 Elected Officials Training (pgs. 48-53)**

Again, this year, the Fund will be sponsoring Elected Officials training. The 2020-2021 training program is only available online this year through the MEL Safety Institute (MSI) due to social distancing requirements. The MEL will reduce each member's 2021 MEL Assessment by \$250 for each municipal elected official who completes the training session by May 1, 2021. This credit will also be extended to the member's CEO (i.e. Municipal Manager or Administrator) again this year. The total credit is limited to 5% of a member's 2021 MEL Assessment. On November 23, 2020 a memorandum including detailed directions on how to access this training through the MSI was emailed to Municipal Clerks, Fund Commissioners, and Risk Management Consultants. Please contact the Executive Director's office if you have any questions regarding this Program.

**R. Protection & Safe Treatment of Minors – Additional Dates (pg. 54)**

On or about March 1, 2021, a notice was sent to all Fund Commissioners and Municipal Clerks announcing the availability of additional training dates for the *Protection & Safe Treatment of Minors* webinars. It is strongly recommended that all Managers & Supervisors complete this training as soon as possible if not already completed. Completion of this training will assist in defending the municipality and their employees should they be named in a SAM claim. Please remember that this training is separate and distinct from the Managers & Supervisors employment training that must be completed for compliance with the MEL EPL Risk Management Plan.

**S. Summary of JIF Trainings & Reimbursement Programs (pgs. 55-62 )**

On or about March 31, 2021, Paul Miola emailed all Fund Commissioners and Risk Management Consultants a memorandum and spreadsheet that summarizes the various training, reimbursement programs, and the due dates for programs offered by your Joint Insurance Fund. The memorandum contains links to the various announcements and registration sites. This information is also conveniently posted to the top of the JIF homepage. We ask that you please share these documents with anyone who may have need of this information. Please direct any questions or comments to the Executive Director's Office.

**T. Land Use Training Certification (pg. 63)**

Attached for your review is a list of members that have provided a certification to the Fund Underwriter indicating that they have completed the Land Use Training process for at least some of their Board Members. Land Use Board members that complete the training process will be eligible for enhanced coverage should they be personally named in a Land Use claim. Please note that only these Board

members that have completed the training are eligible for the enhanced coverage. If you would like additional copies of the Land Use Liability Training Booklets, please contact the Executive Director's office. If you have any questions regarding the individuals that have completed the training, please do not hesitate to contact Ed Cooney, Fund Underwriter at 973-659-6424 or [ecooney@connerstrong.com](mailto:ecooney@connerstrong.com).

#### **U. Annual Planning Retreat**

The Annual Planning Retreat has been tentatively scheduled for Tuesday May 4<sup>th</sup> & Thursday, May 6<sup>th</sup>. The Retreat will be held via webinar and will include approximately two (2) hours of presentations each day beginning at 10:00 AM. Each day's presentations will be different. Additional information regarding the Retreat Agenda and registration will be forthcoming

#### **V. New Fund Commissioner Orientation**

An email inquiring about interest in attending the New Fund Commissioner Orientation was emailed to all Fund Commissioners, Alternate Fund Commissioners and Risk Management Consultants on or about February 12, 2021. We received quite a few responses from all three JIF's, and a confirmation email was sent to all those that expressed interest on March 11, 2021 and was held on Monday, April 12, 2021 at 2:00 pm via Zoom. If you missed the BURLCO Fund Commissioner Orientation, and would still like to participate, please contact Kris Kristie at [Kristi.kristie@riskprogramadministrations.com](mailto:Kristi.kristie@riskprogramadministrations.com) in regards to attending another JIF's training date.

#### **W. Financial Disclosure Statement Filing**

In 2014, the Division of Local Government Services implemented a new "on line" process for completion and submission of Financial Disclosure Statements (FDS). Each Fund Commissioner has a unique PIN # for which to file for their position of Fund Commissioner with the JIF. Newly assigned Fund Commissioners receive their Filing PIN # from the Executive Director's office once we are notified of their assignment. Once we are notified that the online portal is open, Kris Kristie will notify all Fund Commissioners, and Fund Professionals required to complete the FDS process, via email of their responsibility to include their role with the JIF on their FDS. All FDS must be submitted by April 30, 2021. Any newly appointed Fund Commissioner that has not yet received their PIN# from the Executive Director's office should contact Kris Kristie at 856-446-9136.

#### **X. Quarterly Attendance (pg. 64)**

A report detailing attendance records through the first quarter of the 2021 Fund Year is attached for your review.

#### **Y. Website ([WWW.BURLCOJIF.ORG](http://WWW.BURLCOJIF.ORG))**

In 2019, the new BURLCO JIF website was launched. Please take a moment to explore the new site, which contains a plethora of information in an easy to read and navigate format. If you have any questions, comments, or feedback, please contact Megan Matro at 856-446-9141 or [Megan.Matro@riskprogramadministrators.com](mailto:Megan.Matro@riskprogramadministrators.com).

#### **Z. New Member Activity**

Nothing to Report

**Burlington County Municipal Joint Insurance Fund  
2020 Safety Incentive Program**

Member Municipality	Size	Opening Balance	Jan 2021	Feb 2021	March 2021	April 2021	May 2021	June 2021	July 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Paid in 2022	Total Paid	Remaining Balance	Date Encumber	Lunch \$10PP
Bass River	S	2,100.00				2,100.00										2,100.00	0.00		NA
Beverly	M	2,900.00														0.00	2,900.00		NA
Bordentown City	M	3,150.00														0.00	3,150.00		NA
Bordentown Twp	L	3,200.00														0.00	3,200.00		NA
Chesterfield	S	2,600.00														0.00	2,600.00		NA
Delanco	S	2,850.00														0.00	2,850.00		NA
Delran	L	3,450.00														0.00	3,450.00		NA
Edgewater	M	2,400.00														0.00	2,400.00		NA
Fieldsboro Boro	S	2,850.00														0.00	2,850.00		NA
Florence	L	3,450.00				3,450.00										3,450.00	0.00		NA
Hainesport	S	2,850.00				2,850.00										2,850.00	0.00		NA
Lumberton	M	3,450.00														0.00	3,450.00		NA
Mansfield	M	3,150.00				3,150.00										3,150.00	0.00		NA
Medford	XL	3,750.00														0.00	3,750.00		NA
Mount Laurel	XL	3,750.00				3,750.00										3,750.00	0.00		NA
New Hanover	S	2,350.00														0.00	2,350.00		NA
North Hanover	M	2,900.00														0.00	2,900.00		NA
Palmyra	M	2,400.00														0.00	2,400.00		NA
Pemberton Boro.	S	2,100.00				2,100.00										2,100.00	0.00		NA
Pemberton Twp.	XL	3,750.00														0.00	3,750.00		NA
Riverside	M	3,150.00														0.00	3,150.00		NA
Shamong	S	2,850.00				2,850.00										2,850.00	0.00		NA
Southampton	M	2,900.00				2,900.00										2,900.00	0.00		NA
Springfield	S	2,600.00														0.00	2,600.00		NA
Tabernacle	S	2,850.00				2,850.00										2,850.00	0.00		NA
Westampton	M	3,150.00														0.00	3,150.00		NA
Woodland	S	2,100.00														0.00	2,100.00		NA
Wrightstown	S	2,850.00														0.00	2,850.00		NA
Total By Line		\$81,850.00	\$0.00	\$0.00	\$0.00	\$26,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$26,000.00	\$55,850.00		NA

**Must be Claimed or Encumbered by November 30, 2021. All Encumbered Claims Must be Claimed by February 1, 2022**

**Burlington County Municipal Joint Insurance Fund  
2021 Optional Safety Budget**

Member Municipality	Opening Balance	January 2021	February 2021	March 2021	April 2021	May 2021	June 2021	July 2021	August 2021	September 2021	October 2021	November 2021	December 2021	Paid 2022	Total Paid	Remaining Balance	Date Encumbered
Bass River	995.00														0.00	995.00	
Beverly Ctiy	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														0.00	4,645.00	
New Hanover	750.00														0.00	750.00	
North Hanover	1,595.00														0.00	1,595.00	
Palmyra	1,595.00														0.00	1,595.00	
Pemberton Boro	995.00				559.38										559.38	435.62	
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	52,045	\$0.00	\$0.00	\$0.00	\$559.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	559.38	51,485.62	

**Must be Claimed or Encumbered by November 30, 2021. All Encumbered Claims Must be Claimed by February 1, 2022**



**Burlington County Municipal Joint Insurance Fund  
2021 Wellness Incentive Program**

Member Municipality	Opening Balance	January 2021	February 2021	March 2021	April 2021	May 2021	June 2021	July 2021	August 2021	September 2021	October 2021	November 2021	December 2021	Paid 2022	Total Paid	Remaining Balance	Date of Encumber
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				203.36										203.36	796.64	
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														0.00	750.00	
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	
New Hanover	500.00														0.00	500.00	
North Hanover	750.00														0.00	750.00	
Palmyra	750.00				750.00										750.00	0.00	
Pemberton Boro	500.00														0.00	500.00	
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	\$21,750.00	\$0.00	\$0.00	\$0.00	\$953.36	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	953.36	20,796.64	

**Must be Claimed or Encumbered by November 30, 2021. All Encumbered Claims Must be Claimed by February 1, 2022**

**Burlington County Municipal Joint Insurance Fund  
2021 EPL/CYBER Risk Management Budget**

Member Municipality	Opening Balance	January 2021	Feb 2021	March 2021	April 2021	May 2021	June 2021	July 2021	August 2021	September 2021	October 2021	November 2021	December 2021	Paid in 2022	Total Paid	Remaining Balance	Date Encumbered
Bass River	500.00														0.00	500.00	
Beverly	500.00														0.00	500.00	
Bordentown City	500.00														0.00	500.00	
Bordentown Twp.	500.00														0.00	500.00	
Chesterfield	500.00														0.00	500.00	
Delanco	500.00														0.00	500.00	
Delran	500.00														0.00	500.00	
Edgewater Park	500.00														0.00	500.00	
Fieldsboro	500.00														0.00	500.00	
Florence	500.00														0.00	500.00	
Hainesport	500.00														0.00	500.00	
Lumberton	500.00														0.00	500.00	
Mansfield	500.00														0.00	500.00	
Medford	500.00														0.00	500.00	
Mt. Laurel	500.00														0.00	500.00	
New Hanover	500.00														0.00	500.00	
North Hanover	500.00														0.00	500.00	
Palmyra	500.00														0.00	500.00	
Pemberton Boro	500.00														0.00	500.00	
Pemberton Twp.	500.00														0.00	500.00	
Riverside	500.00														0.00	500.00	
Shamong	500.00														0.00	500.00	
Southampton	500.00														0.00	500.00	
Springfield	500.00														0.00	500.00	
Tabernacle	500.00														0.00	500.00	
Westampton	500.00														0.00	500.00	
Woodland	500.00														0.00	500.00	
Wrightstown	500.00														0.00	500.00	
<b>Total By Line</b>	<b>14,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$14,000.00</b>	

**Must be Claimed or Encumbered by November 30, 2021. All Encumbered Claims Must be Claimed by February 1, 2022**

# Police Command Staff Training Notification

## **2022-2023 MEL Employment Practices Liability Risk Management Program Police Command Staff Training**

The Courts have determined that training of Police Command Staff is an essential part of an affirmative defense in an employment related claim.

### **Training Dates & Locations:**

**Wednesday, June 3, 2021 – Indian Springs CC, Marlton NJ**

**Tuesday, June 8, 2021 – Merighi's Savoy Inn, Vineland, NJ**

**Wednesday, June 23, 2021 – Auletto's Catering, Deptford, NJ**

- **Two (2) Identical Sessions are being offered on each date – AM & PM**
- **Instructors - Chief Keith Hummel (Ret.) & Chief Harry Earle (ret.)**
- **Advanced registration is required for these in-person sessions**
- **Each session is limited to 80 participants to remain in compliance with CDC Guidelines**
- **Formal invitations including instructions on how to register will be sent to all members in the next few weeks.**

### **Purpose**

Among a myriad of topics of importance to police personnel, this year's training will touch upon recently enacted legislation regarding Sexual Abuse & Molestation and police personnel's responsibility in this regard. Also, common employee/employer issues including discipline and discharge, promotion procedures, hostile work environment, 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.

### **Who Should Attend?**

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 2022-2023 Employment Practices Liability (EPL) Plan of Risk Management.





**To:** Fund Commissioners, Municipal Clerks, & Risk Management Consultants

**From:** Paul A. Forlenza, MGA, RMC, Executive Director

**Date:** March 9, 2021

**Subject:** Managers & Supervisors – Employment Practices Liability Training

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Beginning in April, the Atlantic County, Burlington County, and Gloucester, Salem Cumberland Counties Municipal Joint Insurance Funds are sponsoring Employment Practices Liability Training for all member Managers & Supervisors. The Courts have determined that training of Managers & Supervisors is an essential part of an affirmative defense in an employment related claim. Completion of this training is mandatory for a member municipality to be in compliance with the MEL's Employment Practices Liability Risk Management Program. Member municipalities in compliance with the Risk Management Plan are eligible for lower claim deductibles and coinsurance.

Due to the ongoing social distancing requirements brought about by the pandemic, this training is being conducted virtually using the Zoom conferencing platform and the MEL Safety Institute. The training will be conducted by Armando Riccio, Esq. and will focus on, among other subjects: harassment and discrimination, implicit bias, addressing employee complaints, your role and obligations as a manager, and the enforcement of municipal policies and procedures.

Attached, please find a listing of the available training dates and times with a hyperlink that can be used to register for the session you wish to attend as well as instructions on how to register. Please note that each session will be the same in the materials covered and each session is limited to 100 participants. An application will be made to the Department of Community Affairs for Continuing Education Units.

**Please note that this training is in addition to the *Protection & Safe Treatment of Minors Program* that all Managers & Supervisors were strongly urged to complete this past Fall/Winter.**

**About Zoom Training:**

- A Zoom account is not needed to attend a class. Attendees can log-in and view the presentations from a laptop, smartphone, or tablet.
- Registration is required. Once registered you will receive the webinar link for your class, be sure to save the link on your calendar to access the day of training.
- Should you have any problems enrolling in this training, please contact Andrea Felip at 866-661-5120 or via email at [AFelip@jamontgomery.com](mailto:AFelip@jamontgomery.com).

Thank you for your attention to this important matter.

File: ACM/BURLCO/TRICO/GEN/EPL Plan of Risk Management Tab: 2021-2022

Date	Course Topic - Registration Link	Time
4/15/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:00 am
4/15/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:00 pm
4/22/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:00 am
4/22/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:00 pm
4/27/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:00 am
4/27/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:00 pm
4/29/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:00 am
4/29/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:00 pm
5/5/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:00 am
5/5/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:00 pm
5/12/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:00 am
5/12/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:00 pm
5/20/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:00 am
5/20/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:00 pm
5/27/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:00 am
5/27/2021	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:00 pm

## Webinar Registration

Topic	MEL EPL Risk Management Program - Managers & Supervisors Training - ACM, BURLCO, TRICO JIF's	J.A. Montgomery CONSULTING
Description	<p>2 Hours - This training is required to be completed by all Managers &amp; Supervisors working for members of the Atlantic, Burlington, &amp; Gloucester, Salem Cumberland Counties Municipal Joint Insurance Funds.</p> <p>The training focuses on your responsibilities as a manager &amp; supervisor of other employees in following and enforcing municipal policies and procedures regarding anti-harassment, discrimination, and other employee policies.</p> <p>This training is being moderated by Armando Riccio, Esq. and will also include updates on recent court decisions and legislative changes that might impact your role as a manager/supervisor.</p> <p>Completion of this training by all managers and supervisors of a member town is REQUIRED for the town to be in compliance with the MEL Employment Practices Liability Risk Management Plan.</p> <p>**To maintain the integrity of the MSI classes and our ability to offer CEUs, we must abide by the rules of the State agency who issued the designation. Chief among those rules is the attendee of the class must attend the whole session. Attendees who enter the class more than 5 minutes late or leave early will not be awarded CEUs for the class or receive a certificate of completion.</p>	
Time	Apr 15, 2021 09:00 AM in Eastern Time (US and Canada)	

\* Required information

First Name \*

Last Name \*

Email Address \*

Confirm Email Address \*

Phone \*

Job Title \*

Member Name/Agency/Town \*

By registering, I agree to the [Privacy Statement](#) and [Terms of Service](#).

Register

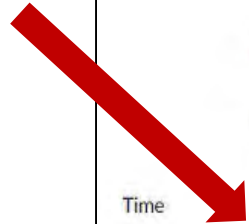
NOTE:

All fields must be completed to register

Once all fields are completed,  
Click "Register"

**NOTE:**

**Click on “Add to Calendar” and the invitation will be added to your calendar.**



**Webinar Registration Approved**

**Topic** MEL EPL Risk Management Program - Managers & Supervisors Training - ACM, BURLCO, TRICO JIF's

**Description** 2 Hours - This training is required to be completed by all Managers & Supervisors working for members of the Atlantic, Burlington, & Gloucester, Salem Cumberland Counties Municipal Joint Insurance Funds.

The training focuses on your responsibilities as a manager & supervisor of other employees in following and enforcing municipal policies and procedures regarding anti-harassment, discrimination, and other employee policies.


This training is being moderated by Armando Riccio, Esq. and will also include updates on recent court decisions and legislative changes that might impact your role as a manager/supervisor.

Completion of this training by all managers and supervisors of a member town is **REQUIRED** for the town to be in compliance with the MEL Employment Practices Liability Risk Management Plan.

\*\*To maintain the integrity of the MSI classes and our ability to offer CEUs, we must abide by the rules of the State agency who issued the designation. Chief among those rules is the attendee of the class must attend the whole session. Attendees who enter the class more than 5 minutes late or leave early will not be awarded CEUs for the class or receive a certificate of completion.



**Time** Apr 15, 2021 09:00 AM in Eastern Time (US and Canada)

 [Add to calendar](#)

**Webinar ID** 936 7296 2070

**To Join the Webinar**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. [https://jamontgomery.zoom.us/j/93672962070?](https://jamontgomery.zoom.us/j/93672962070?tk=00S8Sa0Fgbtcv4uiSHLebRq_lXQw3pHlnNQ871STsQ.DQIAAAVz1f4FhZPVC1pNVdialNGZWdOTy0yMlhWX0pBAAAAAAAAAAAAAAAAAAAA&uud=WN_PvbXCti1Q5yYBhJnyKKJsg)

[tk=00S8Sa0Fgbtcv4uiSHLebRq\\_lXQw3pHlnNQ871STsQ.DQIAAAVz1f4FhZPVC1pNVdialNGZWdOTy0yMlhWX0pBAAAAAAAAAAAAAAAAAAAA&uud=WN\\_PvbXCti1Q5yYBhJnyKKJsg](https://jamontgomery.zoom.us/j/93672962070?tk=00S8Sa0Fgbtcv4uiSHLebRq_lXQw3pHlnNQ871STsQ.DQIAAAVz1f4FhZPVC1pNVdialNGZWdOTy0yMlhWX0pBAAAAAAAAAAAAAAAAAAAA&uud=WN_PvbXCti1Q5yYBhJnyKKJsg)

**To Cancel This Registration**

You can [cancel your registration](#) at any time.

**Once you register, you should receive the “Webinar Registration Approved” Screen**



**NOTE:**

**You will also receive a confirming email once registered**

**If you do not receive an email, then you are not properly registered for the seminar**

Thu 3/4/2021 11:44 AM

J.A. Montgomery <no-reply@zoom.us>  
MEL EPL Risk Management Program - Managers & Supervisors Training - ACM, BURLCO, TRICO JIF's Confirmation

To: Paul Forlenza

If there are problems with how this message is displayed, click here to view it in a web browser.  
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

**EXTERNAL**

**Join 10-15 min before start time to ensure your video & audio are working properly**

Hi Paul Forlenza,

Thank you for registering for "MEL EPL Risk Management Program - Managers & Supervisors Training - ACM, BURLCO, TRICO JIF's".

Please submit any questions to: [jamtrain@jamontgomery.com](mailto:jamtrain@jamontgomery.com)

Date Time: Apr 15, 2021 09:00 AM Eastern Time (US and Canada)

Join from a PC, Mac, iPad, iPhone or Android device:  
[Click Here to Join](#)

Note: This link should not be shared with others; it is unique to you.  
[Add to Calendar](#) [Add to Google Calendar](#) [Add to Yahoo Calendar](#)

**You can also add to your calendar from here**

Description: 2 Hours - This training is required to be completed by all Managers & Supervisors working for members of the Atlantic, Burlington, & Gloucester, Salem Cumberland Counties Municipal Joint Insurance Funds

The training focuses on your responsibilities as a manager & supervisor of other employees in following and enforcing municipal policies and procedures regarding anti-harassment, discrimination, and other employee pol

This training is being moderated by Armando Riccio, Esq. and will also include updates on recent court decisions and legislative changes that might impact your role as a manager/supervisor.

Completion of this training by all managers and supervisors of a member town is REQUIRED for the town to be in compliance with the MEL Employment Practices Liability Risk Management Plan.

\*\*To maintain the integrity of the MSI classes and our ability to offer CEUs, we must abide by the rules of the State agency who issued the designation. Chief among those rules is the attendee of the class must attend the whole session. Attendees who enter the class more than 5 minutes late or leave early will not be awarded CEUs for the class or receive a certificate of completion.

You can [cancel](#) your registration at any time.

**Should you have any problems enrolling in this training, please contact Andrea Felip at 866-661-5120 or via email at [AFelip@jamontgomery.com](mailto:AFelip@jamontgomery.com)**





To: Municipal Clerks  
Fund Commissioners

From: Kris Kristie, Sr. Account Representative

Date: November 23, 2020

Re: 2022-2023 MEL EPL Risk Management Program  
Non-Supervisory Employee Training Announcement

\*\*\*\*\*

As you are aware, every two years, the New Jersey Municipal Excess Liability Joint Insurance Fund (MEL) requires its members to update their compliance with the MEL's Employment Practices Liability Risk Management Program. One element of the compliance process requires that each member offer anti-harassment training to all non-supervisory personnel. While it is recommended that all non-supervisory employees take this training, employers are only required to make the training available to their employees.

The 2022-2023 non-supervisory training is being completed using the MEL Safety Institute (MSI). The training course is entitled *Building a Safe Workplace: Anti-Harassment and Discrimination*. This online 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.

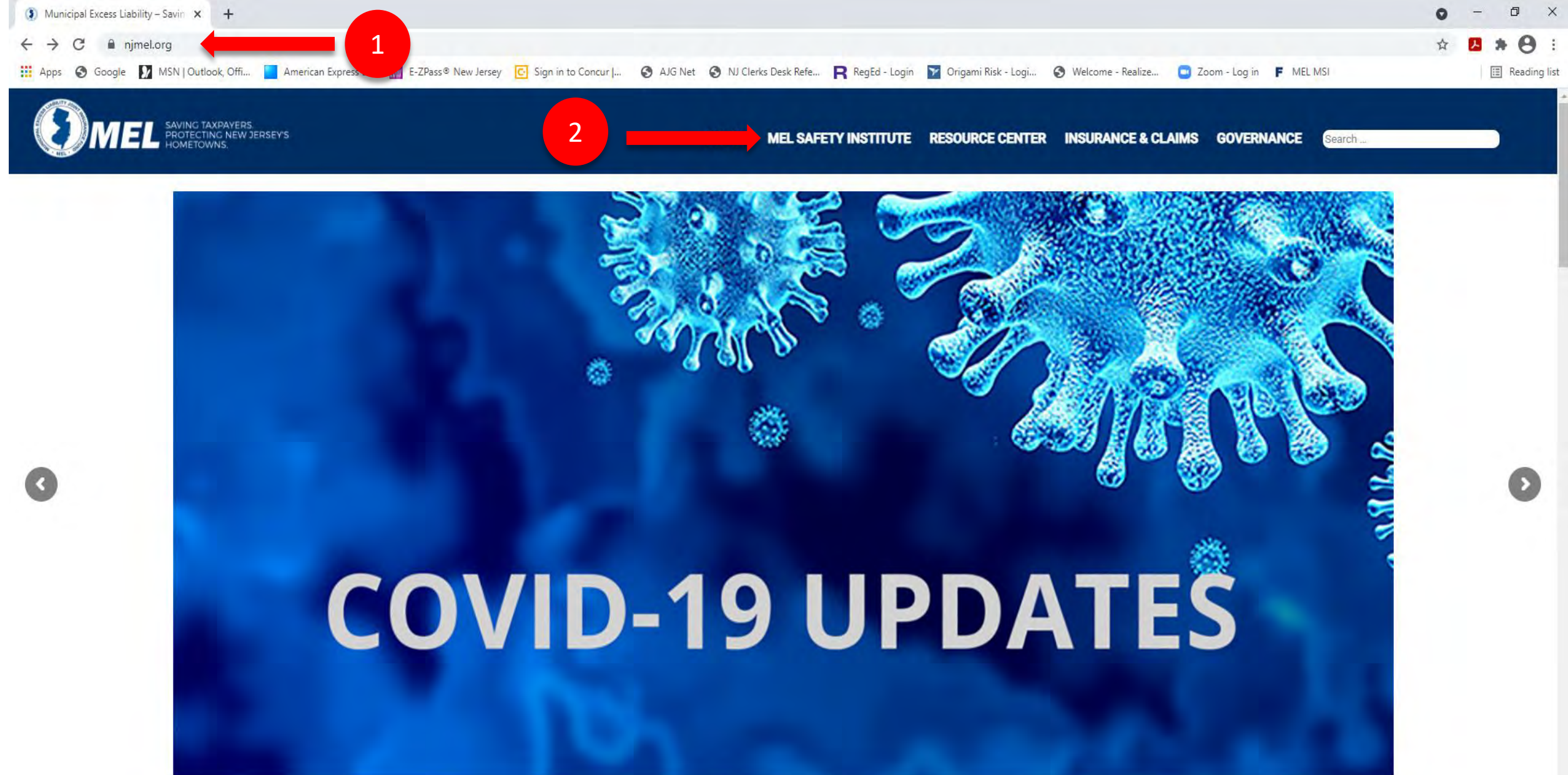
Again, this year's program is being offered exclusively online through the NJ MEL's Safety Institute (MSI). Instructions on how to access the MSI and complete the course are attached to this memorandum. The course runs approximately fifteen (15) minutes in length and completion of the course will be tracked automatically by the MSI; however, employees who want a certificate showing completion of the course can navigate to the "Student Center" tab to print your Certificate of Completion. All training should be completed by June 1, 2021.

Please feel free to contact my office if you have any questions regarding this program.

Questions regarding accessing the MSI can be directed to the MSI Helpline during normal business hours at 866-661-5120.

Thank you for your attention to this matter.

cc: Risk Management Consultants



1. Go the NJ MEL website: [www.njmel.org](http://www.njmel.org)
2. Click on the “MEL Safety Institute” Tab


MEL Safety Institute – Saving Tax

MEL Safety Institute Learning Ma


melsafetyinstitute.org

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Reading list





Education & TrainingMSI ToolkitMEL Resource CenterNJ MEL Website



# MSI Local Officials Training

- Click on the “LMS Login”





## MSI Search

MSI search uses artificial intelligence (AI) based on keyword matches to maximize your results





# New Jersey

In-person classes currently suspended. See MSI NOW & Online Training College for Streaming Videos, Online classes and Live Webinar Training!

I am a  
returning user

Please enter your user name:

Please enter your password:

Forgot your password or user name? [Click here](#)

☐ Remember my user name on this computer  
(Please leave this box unchecked if this computer is shared with others.)

I am a new  
user

Sign in and check out our  
featured courses on the  
**What's New** Page



Crossing Guard Training


If you have an MSI Login, enter your user name and password and sign into your account

If you have never registered in the MSI, Click the “**New User Registration**” button and create your account

MEL Safety Institute Learning Management System

firstnetcampus.com/MELJIF2/campus/courses.asp?F=home.asp

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PAUL FORLENZA

HOME | MY TRAINING | MY CALENDAR | STUDENT CENTER | RESOURCES | WHAT'S NEW | HELP | MEDIA LIBRARY | ADMINISTRATION

**Welcome PAUL FORLENZA to MEL Safety Institute Learning Management System!**

The MEL Safety Institute is committed to providing its members with the highest quality education experience. Our safety institute features instructor led and online learning suites, carefully selected and tailored to address the needs of municipal employees in various roles. Simply click a link below appropriate to your municipal department to view the courses available to you. Pre-registration for all instructor-led classes is required.

PUBLIC WORKS

PARKS & RECREATION

SCHOOLS & HOUSING AUTHORITIES

UTILITY AUTHORITIES

ADMINISTRATION & OFFICE

POLICE, FIRE & EMS

SAFETY LEADERSHIP

MSI NOW

Click on the “MSI Now” button

4



Click on titles for descriptions or to enroll.

## RECOMMENDED TRAINING

• Title

### ONLINE COURSES

- Seminar: Employment Practices Liability
- 8 Tips for Working From Home
- Avoid Back Pain
- Bloodborne Pathogens
- Building a Safe Workplace: Anti-Harassment and Discrimination
- Camp Counselors - Aquatic Safety
- Camp Counselors - Bullying Prevention at Camp
- Camp Counselors - Child Sexual Abuse Prevention at Camp
- Camp Counselors - Playground Safety
- Camp Counselors - The Professional Lifeguard
- Camp Counselors - Trip and Transportation Safety

### CLASSROOM COURSES/WORKSHOPS

No course assignments.

Search Training

## MSI NOW



Click on the “**Building a Safe Workplace: Anti-Harassment and Discrimination**” course and view the video.



Click on titles for descriptions or to enroll.

## TRAINING SUPPORT

• Title

### RESOURCES

- Streaming Videos - Employee Conduct
- Streaming Videos - Fire Safety/Extinguishers
- Streaming Videos - General Safety
- Streaming Videos - HazCom & Chemical Safety
- Streaming Videos - Lifting/Material Handling
- Streaming Videos - LOTO & Electrical Safety
- Streaming Videos - Personal Protective Equip
- Streaming Videos - Shop & Tool Safety
- Streaming Videos - Specific Job Safety
- Streaming Videos - Stormwater
- Streaming Videos - Vehicle & Driving Safety
- Adobe Flash Player Download
- Classroom Management
- LIVE Webinar Training Schedules and Registration



To: Municipal Clerks  
Fund Commissioners

From: Kris Kristie, Sr. Account Representative

Date: November 23, 2020

Re: 2020-2021 Elected Officials Seminar

\*\*\*\*\*

Please accept this memorandum as an invitation for your Elected Officials to participate in the 2020-2021 JIF Elected Officials Training Program.

This year's program focuses on Employment Practices Liability and how to avoid an employment related claim from occurring in your municipality. The goal of this training is to make your Elected Officials aware of the potential impact of their actions on their municipality, and potential personal exposure, while acting in their official capacity.

As in the past, the New Jersey Municipal Excess Liability Joint Insurance Fund (MEL) will reduce each member's 2021 MEL Assessment by \$250 for each municipal Elected Official who completes the course by May 1, 2021. This credit is also extended to the member's CEO (i.e. municipal manager/administrator). The maximum credit for each member is 5% of the member's 2021 MEL Assessment.

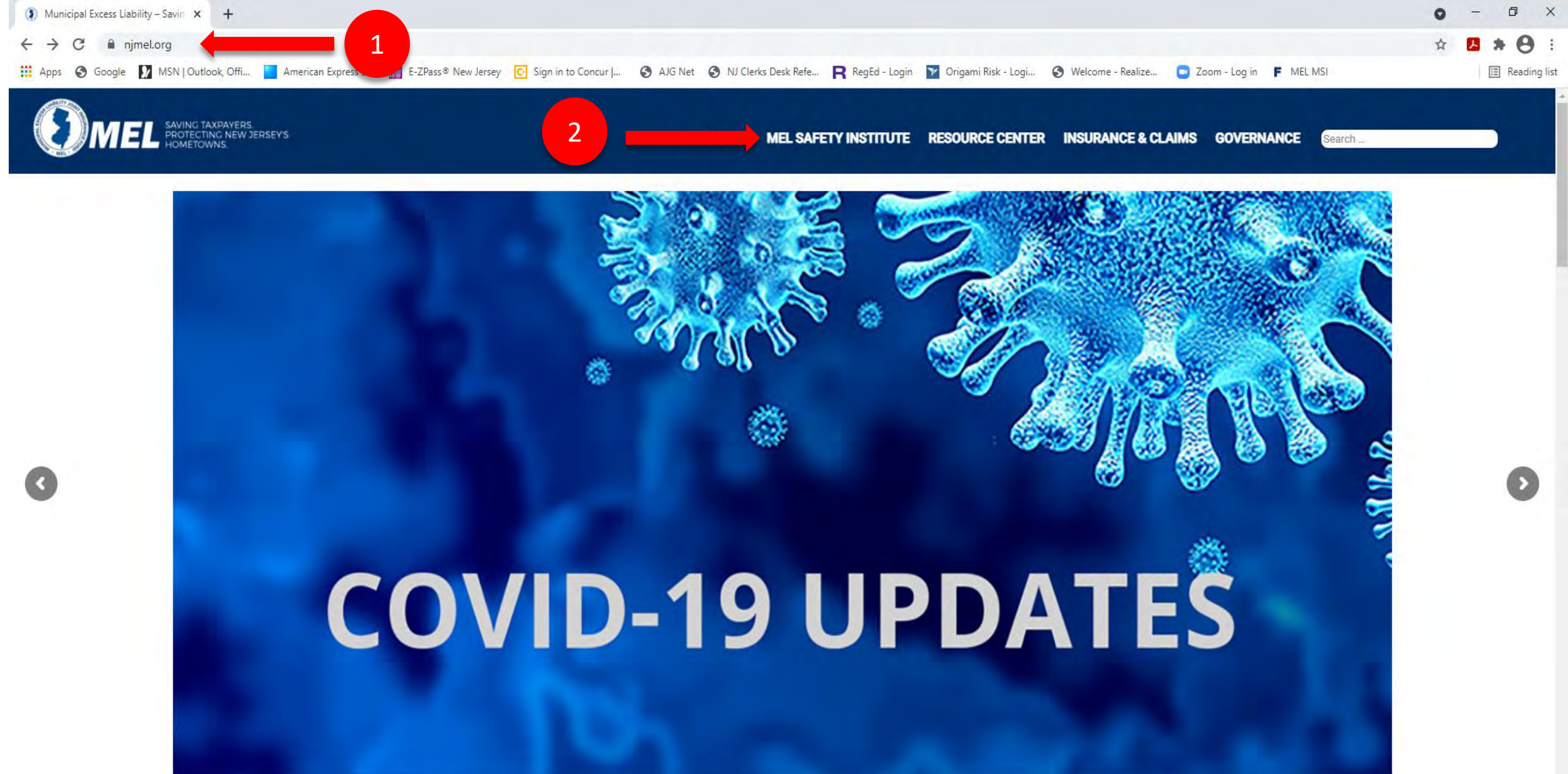
This year's program is being offered exclusively online through the NJ MEL's Safety Institute (MSI). Instructions on how to access the MSI and complete the course are attached to this memorandum. The course runs approximately one hour in length and completion of the course will be tracked by the MSI.

Please feel free to contact my office if you have any questions regarding this program.

Questions regarding accessing the MSI can be directed to the MSI Helpline during normal business hours at 866-661-5120.

Thank you for your attention to this matter.

cc: Risk Management Consultants



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2. Click on the “**MEL Safety Institute**” Tab




MEL Safety Institute – Saving Tax

MEL Safety Institute Learning Ma


melsafetyinstitute.org

AppsGoogleMSN | Outlook, Offi...American Express LE-ZPass® New JerseySign in to Concur |...AJG NetNJ Clerks Desk Refe...RegEd - LoginOrigami Risk - Logi...Welcome - Realize...Zoom - Log inMEL MSI

Reading list





Education & TrainingMSI ToolkitMEL Resource CenterNJ MEL Website



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- Click on the “LMS Login”



 LMS Login

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MSI search uses artificial intelligence (AI) based on keyword matches to maximize your results



# New Jersey

In-person classes currently suspended. See MSI NOW & Online Training College for Streaming Videos, Online classes and Live Webinar Training!

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Please enter your password:

Forgot your password or user name? [Click here](#)

☐ Remember my user name on this computer  
(Please leave this box unchecked if this computer is shared with others.)

I am a  
new user

Sign in and check out our  
featured courses on the  
**What's New** Page



Crossing Guard Training

If you have an MSI Login, enter your user name and password and sign into your account

If you have never registered in the MSI, Click the “**New User Registration**” button and create your account



The MEL Safety Institute is committed to providing its members with the highest quality education experience. Our safety institute features instructor led and online learning suites, carefully selected and tailored to address the needs of municipal employees in various roles. Simply click a link below appropriate to your municipal department to view the courses available to you. Pre-registration for all instructor-led classes is required.



4

Click on titles for descriptions or to enroll.

Search Training

Click on titles for descriptions or to enroll.

## RECOMMENDED TRAINING

• Title

### ONLINE COURSES

- 2019-2020 Elected Officials Protecting Children from Abuse Seminar
- 2020-2021 Elected Officials Risk Management Seminar: Employment Practices Liability
- 8 Tips for Working From Home
- Avoid Back Pain
- Bloodborne Pathogens
- Building a Safe Workplace: Anti-Harassment and Discrimination
- Camp Counselors - Aquatic Safety
- Camp Counselors - Bullying Prevention at Camp
- Camp Counselors - Child Sexual Abuse Prevention at Camp
- Camp Counselors - Playground Safety

### CLASSROOM COURSES/WORKSHOPS

No course assignments.

## MSI NOW



Click on the “2020-2021 Elected Officials Risk Management Seminar: Employment Practices Liability” course to view the video



## TRAINING SUPPORT

• Title

### RESOURCES

- Streaming Videos - Employee Conduct
- Streaming Videos - Fire Safety/Extinguishers
- Streaming Videos - General Safety
- Streaming Videos - HazCom & Chemical Safety
- Streaming Videos - Lifting/Material Handling
- Streaming Videos - LOTO & Electrical Safety
- Streaming Videos - Personal Protective Equip
- Streaming Videos - Shop & Tool Safety
- Streaming Videos - Specific Job Safety
- Streaming Videos - Stormwater
- Streaming Videos - Vehicle & Driving Safety
- Adobe Flash Player Download
- Classroom Management
- LIVE Webinar Training Schedules and Registration



**To:** Fund Commissioners, Municipal Clerks, & Risk Management Consultants

**From:** Paul A. Forlenza, MGA, RMC, Executive Director

**Date:** March 1, 2021

**Subject:** Protection & Safe Treatment of Minors Webinar – Additional Training Opportunities

As you may recall, in the Fall and Winter of 2020, the JIF and MEL held more than a dozen webinars pertaining to the recently amended child sexual abuse and molestation statute and corresponding *Protection and Safe Treatment of Minors Program*. Participation in this training by Municipal Managers & Supervisors was **strongly recommended** as it could assist member municipalities and their employees from potential liability resulting from a future claim of sexual abuse or molestation. Over the past several weeks, it has been brought to our attention that some Managers & Supervisors might not have had an opportunity to participate in these webinars. As a result, nine (9) additional webinars have been scheduled as follows:

Date	Webinar Topic	Time
3/23/2021	<a href="#">Register Here</a>	9:00 - 11:00 am
4/12/2021	<a href="#">Register Here</a>	9:00 - 11:00 am
4/19/2021	<a href="#">Register Here</a>	9:00 - 11:00 am
4/27/2021	<a href="#">Register Here</a>	6:00 – 8:00 pm
5/11/2021	<a href="#">Register Here</a>	9:00 - 11:00 am
6/8/2021	<a href="#">Register Here</a>	1:00 - 3:00 pm
7/13/2021	<a href="#">Register Here</a>	9:00 - 11:00 am
8/12/2021	<a href="#">Register Here</a>	1:00 - 3:00 pm
9/21/2021	<a href="#">Register Here</a>	9:00 - 11:00 am

**About Zoom Training:**

- A Zoom account is not needed to attend a class. Attendees can log-in and view the presentations from a laptop, smartphone, or tablet.
- Registration is required. Once registered you will receive the webinar link for your class, be sure to save the link on your calendar to access the day of training.
- Should you have any problems enrolling in this training, please contact Andrea Felip at 866-661-5120 or via email at [AFelip@jamontgomery.com](mailto:AFelip@jamontgomery.com).

**Please note that this training is in addition to Employment Practices Liability training that the JIF & MEL sponsor every two years for Managers & Supervisors, which is a component of the MEL's Employment Practices Liability Risk Management Program. An invitation for this training webinar will be released in mid-March, 2021.**

Thank you for your attention to this important matter.

File: ACM/BURLCO/TRICO/GEN/EPL Plan of Risk Management Tab: 2021-2022  
ACM/BURLCO/TRICO/GEN/SAM Plan of Risk Management Tab: 2021-2022



## Joint Insurance Fund Training and Reimbursement Deadlines

In response to questions raised by members regarding dates and deadlines of upcoming seminars and programs, we have prepared the following synopsis. While the JIF cannot require attendance at these sessions or participation in these programs, they are designed to help you comply with statutes and court decisions that place obligations on municipal officials and employees.

As an added enticement to participate, the JIF has built in incentives to encourage participation. For example, attendance in the Managerial & Supervisory and the Police Command Staff training is an essential element to qualify for lower deductibles and co-pays under the Employment Practices Liability policy. Completion of the Elected Officials program will entitle your municipality to a premium discount. Below are the current offerings.

### Table of Contents:

Training to Attend (Virtually or in Person)	Pages 2-3-4
Risk Management Programs with Required Elements	Page 5
Reimbursement Programs/Budgets	Pages 6-7



# Training to Attend

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## Elected Officials Seminar: May 3, 2021 Deadline

[Click here for details re: Elected Officials 2020-21 Training](#)

This year's program focuses on Employment Practices Liability and how to avoid an employment related claim from occurring in your municipality. The goal of this training is to make your Elected Officials aware of the potential impact of their actions on their municipality, and potential personal exposure, while acting in their official capacity.

As in the past, the New Jersey Municipal Excess Liability Joint Insurance Fund (MEL) will reduce each member's 2021 MEL Assessment by \$250 for each municipal Elected Official who completes the course by May 1, 2021. This credit is also extended to the member's CEO (i.e. municipal manager/administrator). The maximum credit for each member is 5% of the member's 2021 MEL Assessment.

This year's program is being offered exclusively online through the NJ MEL's Safety Institute (MSI). Instructions on how to access the MSI and complete the course are available at the above link. The course runs approximately one hour in length and completion of the course will be tracked by the MSI.

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## Managerial & Supervisory Training: November 1, 2021 Deadline

[Click here for details re: Managers & Supervisors – EPL Training \(DAY SESSIONS\)](#)

[Click here for details re: Managers & Supervisors – EPL Training \(EVENING SESSIONS\)](#)

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 do not need to attend this Training as there is separate training for them.**

**NOTE: The Courts have determined that training of Managers & Supervisors is an essential part of an affirmative defense in an employment related claim.**

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## Police Command Staff Training: November 1, 2021 Deadline

Link to Details to Follow Soon

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.

**NOTE: The Courts have determined that training of Command Staff Officers is an essential part of an affirmative defense in an employment related claim.**

## **Non-Supervisory Employee and Volunteer EPL Training: November 1, 2021**

### **Deadline**

[Click here for details re: Non-Supervisory Employee and Volunteer EPL Training](#)

(Other than Managers, Supervisors and Police Command Officers) Part of an effective anti-harassment program is to make training **AVAILABLE** to all non-supervisory employees and volunteers. An on-line program is available in the MEL Learning Management System. Click on the above link to access instructions.

**All non-supervisory employees and volunteers including police (other than Command Officers) must be offered this training.**

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## **Protecting Children - Sexual Abuse and Molestation (SAM): No Deadline**

[Click Here for details re: SAM training](#)

Municipal officials, employees, and volunteers have obligations under the law should they witness or suspect the abuse of a child. Failure to provide training could place your municipality, your elected officials, your employees, and your volunteers in legal jeopardy without a defense should they fail to enact policies, be accused of the abuse of a minor, or have a minor abused while participating in programs conducted by your municipality or held on your property. The training announcement can be found by clicking the above link. Sample policies for an effective program can be found here. [Protecting Children – Municipal Excess Liability \(njmel.org\)](#)

**Members need to adopt policies and procedures to effectuate this program.**

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## **On-Line Protecting Children Training for Employees and Volunteers: No Deadline**

[Click here for details re: On-Line Protecting Children Training for Employees and Volunteers](#)

This on-line course discusses child abuse and the responsibilities of local government employees and volunteers to protect children. All non-supervisory employees and volunteers are strongly recommended to complete this 15 minute on-line course to protect your municipality, your employees, and your volunteers from potential litigation.

Video can be accessed here: [Protecting Children Videos – Municipal Excess Liability \(njmel.org\)](#)



## **Land Use Training: No Deadline.**

[Click here for details re: Land Use Training](#)

In response to a growing number of Public Official Liability claims being brought against member municipalities due to the actions of their Land Use Board(s), your Municipal Joint Insurance Fund has developed a Land Use Liability Training Booklet that outlines some of the most common causes of Land Use litigation. Successful completion of this training for existing and newly appointed board members will prevent potential costly litigation against your municipality and individual board members. In addition, board members who complete the training will receive enhanced coverage in the event they are named personally in civil suits.

To complete the training process the Land Use Board attorney should distribute a copy of the Training Booklet to the Board members present, review each section of the training booklet, and respond to any questions that the members might have regarding the materials covered. Once the training process is complete, each Board member present should print their name and sign the training affidavit indicating that they have completed the prescribed training process. The Affidavit should then be certified by the Land Use Board Attorney that completed the training.

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# Risk Management Programs With Required Elements

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## **EPL Risk Management Program: Members Need to Adopt Policies and Procedures by November 1, 2021.**

Details can be found here: [Risk Management Program – Municipal Excess Liability \(njmel.org\)](http://njmel.org)

The MEL has produced a Model Employment Practices Risk Control Program with the help of attorneys that specialize in employment matters. Members that adopt this program are eligible for lower deductibles and co-pays on employment related claims. A completely updated Employee Handbook is available by clicking on the above link and scrolling to the bottom of the page. Attendance at employment practices training listed under the “**Training**” section above is also a requirement for lower deductibles and co-pays.

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## **Cyber Risk Management Plan: No Deadline**

Details can be found here: [Cyber Risk Management Program](#)

Cyber-attacks on municipal government are becoming more commonplace and your JIF has worked with IOT professionals to create the MEL Cyber Risk Management Plan. When implemented by your municipality the Plan will go a long way toward protecting your municipality from cyber related incidents. In addition, compliance with the Plan will make your municipality eligible for partial reimbursement of your municipality’s \$25,000 deductible for cyber related claims.

**Have questions? Need more information? Contact your JIF Technology Risk Management Director:**  
**Lou Romero**  
**(732) 690-4057 | [Lromero@SecureDataCS.com](mailto:Lromero@SecureDataCS.com)**  
**PO Box 6023 Somerset, NJ 08875**

# Reimbursement Programs

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## Safety Incentive Program Awards

- **Deadline to Claim or Encumber Funds is November 30, 2021**
- **All Encumbered Funds Must Be Claimed By February 1, 2022**

Details can be found here: [Safety Incentive Program Award Letter](#)

The purpose of this award is to recognize your employees for their contribution to your safety efforts. Some ways that these Funds can be used to reward your employees include the purchase of special employee recognition items or to pay for employee morale building events. Employee recognition items that have been purchased in the past include windbreaker jackets or other attire with the JIF Safety Logo. Morale building events include an employee Safety Luncheon, Bar-B-Que or Dinner, Safety Carnivals, etc. The JIF Safety Director's office can help you if you need additional ideas.

In addition, the Executive Safety Committee is allowing these award monies to be used to offset costs associated with local Wellness Programs. Over the past several years, many municipalities have implemented wellness programs with their employees. These programs include walking clubs, health coaches, and weight reduction clubs. Employers recognize that these programs can have a positive impact on employee morale, physical fitness, and health benefit costs. The JIF believes that improved employee morale and physical fitness will have a positive impact on preventing employee injuries and the incidence of workers' compensation claims.

You can elect to claim your awards either by check or through a reimbursement process. If you choose **to claim the full amount of your safety awards by check**, please complete the voucher found on the website and return it to us **by Friday, April 30, 2021**. If you do not seek reimbursement via check it will be done via a reimbursement process as explained in the SIP Award Letter link above with the listed deadline.

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## Optional Safety Budget: November 30, 2021 Deadline

Details can be found here: [Combined Reimbursement Letter](#)

The JIF recognizes that implementation of safety programs may incur expenses not contemplated in your municipal budget. The cost of safety training, equipment, and supplies may be reimbursed through this program. This information is included in the monthly Agenda Packet.

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## EPL/Cyber Budget

- **Deadline to Claim or Encumber Funds is November 30, 2021**
- **All Encumbered Funds Must Be Claimed By February 1, 2022**

Details can be found here: [Combined Reimbursement Letter](#)

The JIF recognizes that compliance with Employment Practices Policies and Cyber Risk Management Programs can involve unanticipated expenditures such as attorney review/training fees and defensive IT equipment or software. Your EPL/Cyber Budget allotment is designed to help offset the costs associated with these items. This information is included in the monthly Agenda Packet.

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## Wellness Incentive Budget

- **Deadline to Claim or Encumber Funds is November 30, 2021**
- **All Encumbered Funds Must Be Claimed By February 1, 2022**

Details can be found here: [Combined Reimbursement Letter](#)

Healthy employees are less likely to get injured on the job and are seen to recover more quickly following an accident. Delayed surgeries and prolonged rehabilitation is evident when co-morbidities such as smoking, obesity, diabetes, or high blood pressure are present. To help members introduce wellness activities and programs into their workplace the JIF has provided each member with an allowance to promote this program. This information is included in the monthly Agenda Packet.

[Click Here to View JIF Approved Wellness Items](#)

**Have questions? Need more information? Contact your JIF Wellness Director:**

**Debby Schiffer**

**Email: [debby\\_schiffer@targetingwellness.com](mailto:debby_schiffer@targetingwellness.com)**

**Office: 856-322-1220 | Cell: 856-520-9908**



## BURLCO JIF TRAINING AND PROGRAM DEADLINES

TRAINING WITH DEADLINE	April	May	June	July	August	September	October	November	December
Elected Officials		3rd							
EPL Risk Management Program								1st	
EPL Managerial & Supv. Training								1st	
EPL Police Command Staff								1st	
EPL Employee Non-Supervisory (including Police) and Volunteer Training								1st	
REIMBURSEMENT PROGRAM									
Safety Incentive Awards Reimbursement	15th - Via Check								
Optional Safety Budget Reimbursement								30th	
EPL /Cyber Budget Reimbursement								30th	
Wellness Incentive Budget Reimbursement								30th	
TRAINING/PROGRAM WITH NO DEADLINE									
Protecting Children Officials & Managers Training (SAM)	No Deadline								
Protecting Children Volunteers Training (SAM)	No Deadline								
Land Use Training	No Deadline								
Cyber Risk Management Plan	No Deadline								

2021 BURLCO Meeting Attendance																			
Municipality	Name	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	# FC Attended	#ALT Attended	# Meetings	% FC Attended	%ALT Attended	Combined Attendance
(Mtg Occurred=Y)		Y	Y	Y												3			
Bass River	Ireton	N/A	N/A	N/A										0	0	3	0%	0%	0%
Beverly City	Wolbert/Midgette	FC	FC	FC										3	0	3	100%	0%	100%
Bordentown City	Archer/Peak	FC	FC	FC										3	0	3	100%	0%	100%
Bordentown Twp.	Theokas/Carrington	FC	FC	FC										3	0	3	100%	0%	100%
Chesterfield Township	McMahon/Sahol	FC	FC	FC										3	0	3	100%	0%	100%
Delanco Township	Provanzano/Browne	FC	FC	FC										3	0	3	100%	0%	100%
Delran Township	Hatcher/Eggers	FC	FC	FC										3	0	3	100%	0%	100%
Edgewater Park Twp.	Pullion/Cahall	N/A	N/A	N/A										0	0	3	0%	0%	0%
Fieldsboro	Hansell, P./Lewis.C	FC	FC	FC										3	0	3	100%	0%	100%
Florence Township	Fazekas/Elrton	FC	FC	FC										3	0	3	100%	0%	100%
Hainesport Township	Kosko/Kilburn	FC	FC	FC										3	0	3	100%	0%	100%
Lumberton Township	Umba/Dellorco	FC	FC	FC										3	0	3	100%	0%	100%
Mansfield Township	Fitzpatrick/Magee	FC	FC	FC										3	0	3	100%	0%	100%
Medford Township	Burger/Meder	FC	FC	FC										3	0	3	100%	0%	100%
Mt. Laurel	Mascia/Ridings	FC	FC	FC										3	0	3	100%	0%	100%
New Hanover	Tuliano/Gianaris	FC	FC	FC										3	0	3	100%	0%	100%
North Hanover	Picariello/Wells	FC	FC		FC										3	0	3	100%	0%
Palmyra Borough	Gural/Jackson	FC	FC	FC										3	0	3	100%	0%	100%
Pemberton Borough	Mull/Vallari	Alt	FC	FC										2	1	3	67%	33%	100%
Pemberton Twp.	Hornickel/Brown	FC	FC	FC										3	0	3	100%	0%	100%
Riverside Township	Mansdoerfer/Jack	FC	FC	FC										3	0	3	100%	0%	100%
Shamong Township	Matchett	FC	FC	FC										3	0	3	100%	0%	100%
Southampton Township	Hoffman	FC	FC	N/A										2	0	3	67%	0%	67%
Springfield Township	Keller/Sobotka	FC	FC	FC										3	0	3	100%	0%	100%
Tabernacle Township	Cramer/Sunbury	FC	FC	FC										3	0	3	100%	0%	100%
Westampton Township	Ent/Farnsworth	FC	FC	FC										3	0	3	100%	0%	100%
Woodland Township	Brown/Seeland	N/A	N/A	N/A										0	0	3	0%	0%	0%
Wrightstown	Ingling/Gorman	FC	FC	FC										3	0	3	100%	0%	100%
28		25	25	24	28	28	28	28	28	28	28	28	28	73	1	84	87%	1%	88%
		89%	89%	86%	100%	100%	100%	100%	100%	100%	100%	100%	100%						

N/A	No representation for this municipality
FC	Fund Commissioner in attendance
ALT	Alt. Fund Commissioner in attendance

**BURLINGTON COUNTY MUNICIPAL**  
**JOINT INSURANCE FUND**

**APRIL 2021**  
**CLOSED CASES**

**THERE HAVE BEEN NO CASES CLOSED**  
**SINCE THE MARCH 16, 2021 MEETING.**

# SAFETY DIRECTOR REPORT

## Burlington County Municipal Joint Insurance Fund

TO: Fund Commissioners, Safety Coordinators, and Risk Managers

FROM: Robert Garish, JIF Safety Director

DATE: April 1, 2021

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### J. A. MONTGOMERY CONSULTING SERVICE TEAM & LOSS CONTROL ACTIVITIES

Keith Hummel Associate Director Public Sector Risk Control <a href="mailto:khummel@jamontgomery.com">khummel@jamontgomery.com</a> Office: 856-552-6862 Fax: 856-552-6863	Mailing Address:  TRIAD 1828 CENTRE Cooper Street, 18 <sup>th</sup> Floor Camden, NJ 08102  P.O. Box 99106 Camden NJ 08101	John Saville Senior Consultant <a href="mailto:jsaville@jamontgomery.com">jsaville@jamontgomery.com</a> Office: 732-736-5009 Cell: 609-330-4092
Robert Garish Senior Consultant <a href="mailto:rgarish@jamontgomery.com">rgarish@jamontgomery.com</a> Office: 856-552-4650 Cell: 609-947-9719		Jonathan Czarnecki Risk Control Consultant <a href="mailto:jczarnecki@jamontgomery.com">jczarnecki@jamontgomery.com</a> Office: 856-446-9205
Lauren Gershman Administrative Assistant <a href="mailto:lgershman@jamontgomery.com">lgershman@jamontgomery.com</a> Office: 856-446-9279		

### *LOSS CONTROL SURVEYS*

- § Township of Southampton on March 12, 2021
- § Borough of Fieldsboro on March 16, 2021
- § Township of Pemberton on March 29, 2021

### *LAW ENFORCEMENT LOSS CONTROL SURVEYS*

- § There were no Law Enforcement visits conducted in March

### *MEETING ATTENDED*

- § Safety & Wellness Coordinators Roundtable on March 2, 2021
- § Executive Safety Committee Meeting on March 16, 2021
- § Executive Fund Committee Meeting on March 16, 2021
- § Claims Committee Meeting on March 16, 2021



### *UPCOMING MEETING SCHEDULE*

DATE	TOPIC	LOCATION
April 20, 2021	Executive Fund Commissioner Meeting	Zoom
April 20, 2021	Claims Committee Meeting	Zoom
April 27, 2021	Police Ad Hoc Committee Meeting	Zoom

### *MSI SAFETY DIRECTOR'S BULLETINS AND MESSAGES*

MSI Safety Director Bulletins and Messages are distributed by email to Fund Commissioners, Safety Coordinators, and Risk Consultants. They can be viewed at <https://njmel.org/mel-safety-institute/bulletins/> or NJ MEL App.

If you are not receiving updates or would like to add other names to the distribution list, please let us know.

- March 1 - REMINDER - Safety & Wellness Coordinators Roundtable - March 2, 2021
- March 3 - S.D. Message - Safety Alert – Scott SCBA AV-3000 HT facepiece
- March 4 - MEL Safety Institute (MSI) Website – New and Improved!
- March 8 - New MSI Bulletin: OSHA Guidance for Returning to Work
- March 16 - NEW BULLETIN – Best Housekeeping Practices
- March 22 - Did You Know? – BUFRLCO JIF
- March 31 - REMINDER - Safety Incentive Program Contract

### *MSI NOW & MSI DVD*

MSI NOW provides on-demand streaming videos and online classes that can be viewed 24/7 by our members. Topics pertain to many aspects of safety, risk control, employment practices, and supervision, and most can be viewed in under 20 minutes.

MSI NOW	
Municipality	Number of Videos
-0-	-0-

MSI DVD includes a vast library of DVDs topics on many aspects of safety, risk control, employment practices, and supervision, and most can be viewed in under 20 minutes. The DVDs can be requested free of charge for MEL members and held for up to 2 weeks so that you can view them at your convenience. A prepaid self-addressed envelope is included to return the DVD. Please visit [www.njmel.org](http://www.njmel.org) or email the video library at [melvideolibrary@jamontgomery.com](mailto:melvideolibrary@jamontgomery.com).

MSI DVD	
Municipality	Number of Videos
-0-	-0-

## *MSI LIVE*

MSI LIVE features real-time, instructor-led classes and virtual classes. Experienced instructors provide an interactive experience for the attendee on a broad spectrum of safety and risk control topics. Most MSI LIVE offerings have been awarded continuing education credits for municipal designations and certifications. The MSI LIVE catalog provides a description of the course, the intended audience, and available credits.

The MSI LIVE schedule is available for registration through the MEL website at [www.NJMEL.org](http://www.NJMEL.org) by clicking **MSI LIVE**. Please register early, under-attended classes will be canceled.

To maintain the integrity of the MSI classes and our ability to offer CEUs, we must abide by the rules of the State agency that issued the designation. Chief among those rules is the attendee of the class must attend the whole session. Attendees who enter the class more than 5 minutes late or leave early will not be awarded CEUs for the class or receive a certificate of completion.

For webinars, the MSI utilizes the Zoom platform to track the time each attendee logs in and logs out. Also, we can track participation, to demonstrate to the State agency that the student also participated in polls, quizzes, and question & answer activities during the live, instructor-led webinar. The MSI maintains these records to document our compliance with the State agency.

If you need assistance using the MSI Learning Management System, please call the MSI helpline at 866-661-5120.

**NOTE:** We need to keep our list of MSI Training Administrators up-to-date. If there are any changes, deletions, or you need to appoint a new Training Administrator, please advise Andrea Felipe [afelip@jamontgomery.com](mailto:afelip@jamontgomery.com).

# LESSONS LEARNED FROM LOSSES

## MONTHLY NEWSLETTER – APRIL 2021

# INSPECTION PROGRAMS



In order to ensure that observations are reported, corrected and documented, please consider the following suggestions:

- A system of regular inspections and observations
- Training for employees to identify potential hazards
- Procedures for employees and citizens to report potential hazards
- Procedures to log all reports and record corrective actions
- Procedures to notify other entities/authorities of conditions and/or incidents that require attention
- Procedures to investigate incidents and accidents
- **Document Document Document . If it is not documented, it did not happen!**

Example: Claimant tripped and fell on boardwalk. The claim is that he was caused to fall due to a raised nail. He underwent 2 surgeries to repair the injured knee. The demand was \$900,000. Due to this member's very active maintenance and inspections program, which included the extremely important action to document every aspect of the process, the suit was decided in favor of the insured. This town's employees carry everything with them on their trucks to make repairs or place warnings until repairs can be made. They document an exact location or an exact description if the location is not easy to state. These actions show a protocol is in place that proves that someone is looking, tracking and repairing. This is an excellent example of the fact that the defense of these claims is heavily dependent on the information provided by the member municipalities.



# 2019-2020 Annual Report

Presented by:

Chris Roselli – Account Manager  
Karen Beatty – Client Services Manager

# Table of Contents

Executive Summary..... Section 1

2019 & 2020 In General..... Section 2

Claims Analysis ..... Section 3

Managed Care ..... Section 4

Conclusion..... Section 5



## Section 1

# Executive Summary



## Executive Summary

Qual-Lynx is pleased to have the opportunity to present this Annual Report to the Burlington County Municipal Joint Insurance Fund("BURLCO JIF"). The purpose of this report is to discuss the trends and results of 2019 and 2020 that are affecting the JIF from a claims and managed care perspective and also to provide a general recap of both of these years.

This report will discuss the relatively quiet, or normal year of 2019 and the complete opposite of that being the year of 2020. 2020 will certainly garner most of the attention of this report as it has garnered most of the world's attention as well. We have seen claims that have resulted from the most infamous aspects that 2020 brought. We have handled many COVID-19 pandemic claims in our Workers' Compensation Unit and we have handled many of the weather related claims from the multiple weather events from 2020. We also had some claims from civil unrest that occurred over the summer of 2020.

We will discuss these claims and how they were handled as well the fact that we had to interpret new laws that changed the way we assessed some of these claims. This all had to be done while the entire claims staff transitioned to a work at home atmosphere. These complexities all took place while staff, like the rest of the world, had to deal with the insecurities that 2020 brought to us all.

We will provide statistics to show the impact on the claims counts and loss dollars spent in an effort to bring these claims to a conclusion at the exact point where they should settled, not a dollar more, not a dollar less. The stewardship of the public's money through careful and effective claims management remains our guiding principle as we handle claims for the BURLCO JIF.

We will then discuss each line of coverage, Liability, Property, and Workers' Compensation in more detail and with numbers to where the claims are coming from and what types of claims cost the most money to bring to a conclusion.

Our Managed Care Program serving the BURLCO JIF will be the next topic of this report. We will discuss the program, case management, the provider network, network recruitment, provider education, savings, transitional duty, other managed care initiatives and many other aspects of the program.



## Section 2

# 2019 & 2020 in General





## 2019 & 2020 in General

This report is the tale of two entirely different years. 2019 was a traditional year from a claims standpoint. A “business as usual” sort of year. Nothing really out of the ordinary. Many claims to handle, but weather related catastrophes were minimal and we had zero pandemics.

We expected some additional Workers’ Compensation and General Liability claims would be submitted in 2020 due to a few changes in the law. On December 1, 2019 a statutory amendment came into effect in New Jersey significantly expanding the limitation period for claims by adults who were sexually abused while minors. Adult victims are permitted to file civil claims within seven years of the date of discovery of their injury. The prior law was much more limiting and now permits minor victims to file civil claims until the age of fifty-five, or seven years from the time they become aware of their injury, whatever is later.

Another law enacted in 2019 that we expected would cause a rise in claims volume was the firefighter’s cancer presumption bill. This bill creates a presumption that certain firefighters who develop cancer are eligible for Workers’ Compensation and accidental disability pensions.

Our claims system and staff are tracking claims related to both of these laws and an expectation of an increase in claims volume from both of these was expected but not realized in any substantial numbers. We will continue to track these claims and continue to report on them quarterly.

In any given year, Qual-Lynx provides reports to members and their Risk Management Consultants. We prepare monthly reports detailing unit pendings for the Property, Liability and Workers’ Compensation units. We also prepare Lessons Learned from Losses on a monthly basis to educate Fund members on claims that are being experienced and what they can do to mitigate or prevent them from occurring. Qual-Lynx staff attends many meetings including Safety Breakfasts, Claims Committee Meetings, Executive Meetings, Claims Coordinator Training, JIF Retreats and Defense Panel Meetings. We present PARs (payment authorization requests) at Executive Meetings and Claims Review Committees as needed and frequently present at the Retreats. We also conduct Claims Coordinator Training.

But, without question, 2020 was as challenging a year as can be imagined as we continued to enjoy being your Claims Administrator and taking part in the above activities. 2020 and the COVID-19 pandemic is news to no one, but what isn’t always considered when thinking of the year that was 2020, is the number of weather events that occurred. The first event occurred in early February, and there were three catastrophic weather events in April, two in June, two in July, Tropical Storm Isaias in early August and three in November and December. 2019 only brought a few weather events. These weather events have created many additional claims for the Property unit to handle.

Under normal circumstances Joe Lisciandri’s Property unit would have been the focus of our claims department in a year with so many weather events, however, COVID-19 was thrust into the national spotlight. Hundreds of claims being handled by the Workers’ Compensation unit at any given moment



in addition to the normal workload of claims have kept the Workers' Compensation unit exceedingly busy.

With Tammy Langsdorf's leadership the Workers' Compensation unit is efficiently handling the large influx of COVID-19 claims, while continuing to handle the normal expected workload with the same efficiency. With this influx of COVID-19 claims comes changes in handling protocols due to changes in the Workers' Compensation Law and Executive Orders from Governor Murphy's Administration. The volume of the additional COVID-19 claims alone would pose a real problem for any group of Workers' Compensation adjusters. The complexity added by these specific COVID-19 changes to the way Workers' Compensation claims are normally handled cannot be understated.

The Liability claims unit headed by Susan Mooney also had to deal with several Open Public Records Act (OPRA) Requests in 2020. These requests must be responded to very timely and accurately. One of them in 2020 was particularly voluminous requiring weeks of securing reports to find the information and searching the claims system to gather the records that would satisfy the request. Sue and her staff worked diligently to provide this information to meet the needs of the membership. Overall, they received over 80 OPRA Requests in 2020

Also of importance when considering claims handling in 2020 is that from the middle of March through the end of the year and currently into March of 2021, almost all Qual-Lynx staff is working remotely from their homes. Only essential staff is in place in the office to assist with sending out claims related checks and taking in and scanning mail.

The effort to get everyone the equipment they need in a short period of time to be able to work from home was a difficult task, which we could not have easily accomplished without the assistance of our parent company, Cigna. Supplying monitors, laptops and phones to staff in a short period of time was integral to avoid any potential lapses in service.

A great deal of the credit for the success we had in converting everyone from the office atmosphere to their own, work-at-home atmosphere goes to the adjusting and supervisory staff themselves. The claims staff had to be very disciplined to accomplish handling high volumes of claims while working at home and dealing with family and home schooling children while also dealing with the insecurities that 2020 brought to all of us.

Here are some numbers from 2019 and 2020. Take note of the effect that COVID-19 has had on the Workers' Compensation numbers in 2020 with nearly 4 times as many claims in 2020 as in 2019.



**TOTAL 2019 CLAIMS RECEIVED AND CLOSED AS OF 12/31/20**

LINE OF COVERAGE	RECEIVED	CLOSED	% CLOSED	REMAINING OPEN
AUTO LIABILITY	22	19	86.4%	3
WORKERS' COMP	223	188	84.3%	35
GENERAL LIABILITY	145	131	90.3%	14
PROPERTY	106	92	86.7%	14
<b>TOTALS</b>	<b>496</b>	<b>430</b>	<b>86.7%</b>	<b>66</b>

**TOTAL 2020 CLAIMS RECEIVED AND CLOSED AS OF 12/31/20**

LINE OF COVERAGE	RECEIVED	CLOSED	% CLOSED	REMAINING OPEN
AUTO LIABILITY	24	13	54.2%	11
WORKERS' COMP	903	773	85.6%	130
GENERAL LIABILITY	105	61	58.1%	44
PROPERTY	87	59	67.8%	28
<b>TOTALS</b>	<b>1119</b>	<b>906</b>	<b>81.0%</b>	<b>213</b>

**Please take note of the change in Workers' Compensation claims counts due to the COVID-19 Pandemic.**

**TOTAL 2019 PAID AND RECOVERED BY LINE OF COVERAGE AS OF 12/31/20**

LINE OF COVERAGE	TOTAL PAID	RECOVERIES	AVG/CLAIM	# OF CLAIMS
AUTO LIABILITY	\$19,744	\$0	\$897	22
WORKERS' COMP	\$1,108,863	\$10,588	\$4,972	223
GENERAL LIABILITY	\$42,997	\$0	\$297	145
PROPERTY	\$288,463	\$105,840	\$6,313	106
<b>TOTALS</b>	<b>\$1,840,740</b>	<b>\$116,428</b>	<b>\$3,711</b>	<b>496</b>

**TOTAL 2020 PAID AND RECOVERED BY LINE OF COVERAGE AS OF 12/31/20**

LINE OF COVERAGE	TOTAL PAID	RECOVERIES	AVG/CLAIM	# OF CLAIMS
AUTO LIABILITY	\$12,293	\$0	\$512	24
WORKERS' COMP	\$581,890	\$160	\$644	903
GENERAL LIABILITY	\$43,245	\$0	\$412	105
PROPERTY	\$288,463	\$23,029	\$3,316	87
<b>TOTALS</b>	<b>\$925,891</b>	<b>\$23,189</b>	<b>\$827</b>	<b>1119</b>



## Section 3

# Claims Analysis



## Claims Analysis – Liability

The Liability unit handles 3<sup>rd</sup> party claims against a member municipality. When a 3<sup>rd</sup> party claims bodily injury or property damage resulting from the actions or inactions of a public entity that is a liability claim. Specifically, this includes 3<sup>rd</sup> party property, bodily injury and personal injury possibly stemming from auto liability, general liability or police professional actions. Sue and her staff also act to set up and assess coverage and report EPL/POL claims to the excess carrier.

In general, Sue must review all claims handled by her staff every 90 days. Some claims must be reviewed more frequently or can be reviewed less frequently depending on many factors. Like all of our claims supervisors and managers, she must be available to her staff to answer questions that arise related to claims that they are handling. She also reviews every claim prior to its closure to confirm that everything has been done in accordance with our best practices.

The Liability unit works closely with the JIF Solicitor and assigned Defense Counsel to discuss claims strategies and settlements. Sue and her unit of experienced adjusters have an excellent rapport with Solicitor DeWeese and the assigned defense panel. Early and thorough investigation by her staff coupled with the knowledge and experience of the Solicitor and defense panel means that the attention your 3<sup>rd</sup> party liability claims get is second to none.

The unit also conducts a monthly large loss committee where each adjuster brings a claim to present and discuss and have their peers provide feedback on claims handling, claims values, strategies, and other important aspects by giving opinions based on their experience, similar cases and possible outcomes.

### TOP 5 DEPARTMENTS REPORTING LIABILITY CLAIMS IN 2019

DEPARTMENT	# OF CLAIMS	TOTAL PAID	INCURRED	AVG PAID/CLAIM
STREET MAINTENANCE	37	\$2,772	\$62,850	\$74.93
POLICE	25	\$22,408	\$115,331	\$896.33
BUILDINGS/GROUNDS	19	\$172	\$2,760	\$9.04
FIRE/EMS	14	\$10,962	\$10,962	\$782.97
PUBLIC WORKS	13	\$3,534	\$59,123	\$271.84
<b>TOTALS</b>	<b>108</b>	<b>\$39,848</b>	<b>\$251,025</b>	<b>\$368.96</b>

### TOP 5 DEPARTMENTS REPORTING LIABILITY CLAIMS IN 2020

DEPARTMENT	# OF CLAIMS	TOTAL PAID	INCURRED	AVG PAID/CLAIM
STREET MAINTENANCE	40	\$3,931	\$32,930	\$98.28
POLICE	21	\$2,024	\$147,700	\$96.36
PARKS DEPARTMENT	11	\$11.75	\$6,412	\$1.07
FIRE/EMS	8	\$11.75	\$15,612	\$1.47
CLERICAL	7	\$1,500	\$1,500	\$214.29
<b>TOTALS</b>	<b>87</b>	<b>\$7,478</b>	<b>\$204,153</b>	<b>\$85.96</b>



## Claims Analysis - Property

The property unit handles 1<sup>st</sup> party claims. This means claims for damage to member municipality buildings, vehicles and equipment. In addition, they handle cyber and crime claims as well. As mentioned earlier in the report, the Property unit was hit hard with a large volume of incoming claims due to the bad weather in 2020. These weather related claims are always reported to our office first and the handling of the claim begins, usually, with an assignment to one of our field adjusters. If a catastrophic event is declared, the claims are then reported to the MEL's Property Claims TPA for handling. The claim is paid by the MEL Property TPA. Our file remains open until reimbursement is sought by the MEL Property TPA to reimburse the MEL file the pro rata amount of the specific loss.

In 2020, the JIF began to develop the JIF Preferred Repair Facility Program in an effort to combat rising costs associated with the repair of municipal vehicles. This program will ensure that all repairs are completed promptly and in accordance with manufacturer recommendations. It allows the JIF to continue the stewardship of taxpayer dollars and offers enhanced service to the member municipalities while continuing to allow the municipality to select the shop of their choice.

### TOP 5 DEPARTMENTS REPORTING PROPERTY CLAIMS IN 2019

DEPARTMENT	# OF CLAIMS	TOTAL PAID	INCURRED	AVG PAID/CLAIM
POLICE	36	\$231,320	\$239,086	\$6,425.57
STREET MAINTENANCE	18	\$129,558	\$131,385	\$7,197.66
BUILDINGS/GROUNDS	11	\$89,935	\$91,491	\$8,175.89
FIRE/EMS	9	\$129,774	\$129,783	\$14,419.30
PUBLIC WORKS	4	\$33,851	\$33,851	\$8,462.62
<b>TOTALS</b>	<b>82</b>	<b>\$619,941</b>	<b>\$631,099</b>	<b>\$7,560.26</b>

### TOP 5 DEPARTMENTS REPORTING PROPERTY CLAIMS IN 2020

DEPARTMENT	# OF CLAIMS	TOTAL PAID	INCURRED	AVG PAID/CLAIM
STREET MAINTENANCE	25	\$47,907	\$206,060	\$1,916.28
POLICE	14	\$41,767	\$55,209	\$2,983.38
PAID FIRE DEPARTMENT	12	\$152,259	\$159,571	\$12,688.21
VOLUNTEER FIRE	5	\$14,620	\$31,041	\$2,923.60
PUBLIC WORKS	4	\$27,427	\$127,427	\$6,856.64
<b>TOTALS</b>	<b>60</b>	<b>\$283,979</b>	<b>\$579,306</b>	<b>\$4,732.98</b>



## Claims Analysis – Workers' Compensation

The Workers' Compensation Unit had an addition in 2019. Alexandra McMurren was added to the unit and has been a great addition. She came to Tammy's unit from another Workers' Compensation unit at Qual-Lynx as we saw a staffing need due to increasing numbers of claims. Thankfully, the unit has remained fully staffed in 2020 and has spent the last 12 months dealing with an influx of COVID-19 claims. During the fall of 2020 the volume of incoming COVID-19 claims hit its peak. We have seen a slight lessening of incoming COVID-19 claims as we progress early into 2021. From the end of Summer 2020 through the first few months of 2021, an average of about 30% of the claims in this unit are COVID-19 claims.

In a normal year, this unit sees an increase in the volume of claims over the summer months due to the number of employees needed in shore towns. These towns need to account for the increase in population and visitors by hiring additional Public Works staff, additional First Responders and Lifeguards. Conversely, we have Workers' Compensation units that are involved in handling Workers' Compensation claims for school districts. Starting in 2020, we utilized an adjuster from this other unit to assist in Tammy's unit during the summer months. We expect to continue this going forward to help her staff of adjusters during these busy months.

Transitional duty has been a focus in of the JIF for many years. Over the years, we expect to see an ebb and flow to the percentage of transitional duty days accommodated and unaccommodated. In 2017 and 2018 we started to see the number of days accommodated start to dip below what we and the Fund Administrator's office consider reasonable. Efforts to bring these numbers down began with discussions at Claims Review Committees, Executive meetings, Retreats and Claims Coordinator Training. The Workers' Compensation Unit also played a part in increasing these numbers with the Second Efforts Program. When an employee is injured and the municipality cannot accommodate the restrictions, the adjusting staff will attempt a second time to see if the member can in some way accommodate the restrictions set by the treating doctor(s).

### **TOP 5 DEPARTMENTS REPORTING WORKERS' COMPENSATION CLAIMS IN 2019**

DEPARTMENT	# OF CLAIMS	TOTAL PAID	INCURRED	AVG PAID/CLAIM
POLICE	53	\$361,059	\$588,876	\$6,812.44
STREET MAINTENANCE	37	\$178,518	\$415,300	\$4,824.81
PAID FIRST AID	14	\$45,363	\$61,155	\$3,240.24
VOLUNTEER FIRE	11	\$26,384	\$26,991	\$2,398.58
PAID FIRE DEPARTMENT	10	\$71,089	\$199,921	\$7,108.87
<b>TOTALS</b>	<b>125</b>	<b>\$682,414</b>	<b>\$1,292,243</b>	<b>\$5,459.31</b>





**TOP 5 DEPARTMENTS REPORTING WORKERS' COMPENSATION CLAIMS IN 2020**

DEPARTMENT	# OF CLAIMS	TOTAL PAID	INCURRED	AVG PAID/CLAIM
POLICE	58	\$204,923	\$500,465	\$3,533.16
STREET MAINTENANCE	34	\$85,994	\$164,296	\$2,529.23
PAID FIRE DEPARTMENT	33	\$25,842	\$51,217	\$783.10
PAID FIRST AID	25	\$40,181	\$69,221	\$1,607.23
VOLUNTEER FIRE	22	\$103,209	\$129,124	\$4,691.32
<b>TOTALS</b>	<b>172</b>	<b>\$460,149</b>	<b>\$914,322</b>	<b>\$2,675.29</b>

**TOP 5 BODY PARTS INJURED IN 2019 LISTED BY TOTAL INCURRED**

BODY PART	# OF CLAIMS	TOTAL PAID	INCURRED	AVG PAID/CLAIM
SHOULDER	13	\$298,977	\$803,284	\$22,998.25
LOWER BACK/LUMBAR	10	\$86,770	\$310,920	\$8,677.04
ELBOW - UPPER EXTR.	7	\$164,450	\$265,419	\$23,492.79
MULTIPLE SPINE	1	\$107,710	\$145,000	\$101,709.75
PELVIS - TRUNK	1	\$1,200	\$109,400	\$1,199.85
<b>TOTALS</b>	<b>32</b>	<b>\$2,969,606</b>	<b>\$1,634,023</b>	<b>\$20,409.58</b>

**TOP 5 BODY PARTS INJURED IN 2020 LISTED BY TOTAL INCURRED**

BODY PART	# OF CLAIMS	TOTAL PAID	INCURRED	AVG PAID/CLAIM
SHOULDER	8	\$115,008	\$289,657	\$14,376.06
VARIOUS/PANDEMIC	91	\$109,287	\$231,222	\$1,200.96
KNEE/LOWER LEG	2	\$60,175	\$111,172	\$3,087.72
UPPER BACK/NECK	11	\$42,033	\$71,595	\$3,821.21
LOWER BACK/LUMBAR	4	\$49,425	\$61,578	\$12,356.35
<b>TOTALS</b>	<b>116</b>	<b>\$375,930</b>	<b>\$765,224</b>	<b>\$3,240.77</b>



**TOP 5 CLAIM CAUSES IN 2019 LISTED BY TOTAL INCURRED**

CLAIM CAUSE	# OF CLAIMS	TOTAL PAID	INCURRED	AVG PAID/CLAIM
FALL/SLIP/TRIP	7	\$140,291	\$315,328	\$20,041.55
VARIOUS/MULTI CAUSE	10	\$110,799	\$305,091	\$11,079.93
STRAIN/INJ LIFTING	14	\$233,229	\$671,982	\$16,659.22
STRAIN/INJ PUSH/PULL	6	\$145,487	\$241,131	\$24,247.91
STRUCK BY PERSON	3	\$39,451	\$117,283	\$13,150.43
<b>TOTALS</b>	<b>40</b>	<b>\$669,258</b>	<b>\$1,650,816</b>	<b>\$16,731.45</b>

**TOP 5 CLAIM CAUSES IN 2020 LISTED BY TOTAL INCURRED**

CLAIM CAUSE	# OF CLAIMS	TOTAL PAID	INCURRED	AVG PAID/CLAIM
PANDEMIC	102	\$118,262	\$263,009	\$2,164.68
STRAIN INJ/REACHING	2	\$73,939	\$157,090	\$7,500.60
VARIOUS/MULTI CAUSE	7	\$67,846	\$123,397	\$9,692.23
FALL/TRIP/SLIP LIQUID	2	\$4,329	\$96,250	\$36,969.60
FALL/TRIP/SLIP	8	\$60,005	\$77,495	\$1,159.43
<b>TOTALS</b>	<b>121</b>	<b>\$324,381</b>	<b>\$717,241</b>	<b>\$2,680.84</b>

Please take note of the change in claims causes in Workers' Compensation due to the COVID-19 Pandemic. The impact is clearly seen.



## Section 4

# Managed Care

Submitted by Karen Beatty, Client Services Manager



## **MANAGED CARE PROGRAM**

Qual-Lynx provides the BURLCO JIF with a Managed Care program which incorporates the following core components: Intake and Triage, Provider Network Access, Telephonic and Field Case Management, Return to Work Management, Medical Bill Review and Repricing, Out-of-Network Bill Negotiation and Pharmacy Benefit Management. Our dedicated team of Nurse Case Managers and Intake/Medical Care Coordinators work closely with the Adjusters, Providers, Employers and Claimants to review treatment plans, schedule and authorize treatment, and communicate information to all parties.

## **WORKERS' COMPENSATION PROVIDER NETWORK**

QualCare maintains the strongest Workers' Compensation Network in the state of New Jersey. QualCare believes it is of critical importance to work with providers who not only provide quality services but who also are readily accessible to see claimants; work closely with QualCare to establish treatment plans with an overall objective of getting injured workers back to work expeditiously; and effectively communicate with QualCare in a timely manner. We collaborate with our adjusters and provider relations team and seek feedback from our defense panel to select the "best of the best" providers for the BURLCO JIF Exclusive Provider panel.

## **Network Recruitment and Growth**

QualCare is consistently evaluating the network to ensure focused and specific growth. As the healthcare landscape continues to evolve and independent providers join larger hospital-based healthcare systems, our Client Services Managers regularly analyze savings, In-Network penetration and proper billing patterns as part of their commitment to cost-containment. Client Services Managers also identify gaps in their client's geographic regions and key specialties which are then shared with QualCare's recruitment team. QualCare launched a contracting initiative in 2019 to specifically focus on workers' compensation recruitment based on the research and feedback from the Client Services Managers.

As a result, we recruited 219 new providers into the QualCare Workers' Compensation Network including:

- 9 Ambulatory Surgery Centers
- 9 Orthopedic Surgery Groups
- 5 Pain Management Groups
- 9 Physical & Occupational Therapy



## **Provider Education**

Our Workers' Compensation Provider Relations team partners with the Client Services Managers to ensure they are well versed in the unique needs of our workers' compensation clients. The Workers' Compensation Dedicated Provider Relations team meets with key providers ensuring they have a solid understanding of what it takes to be "Preferred Providers" for our workers' compensation clients.

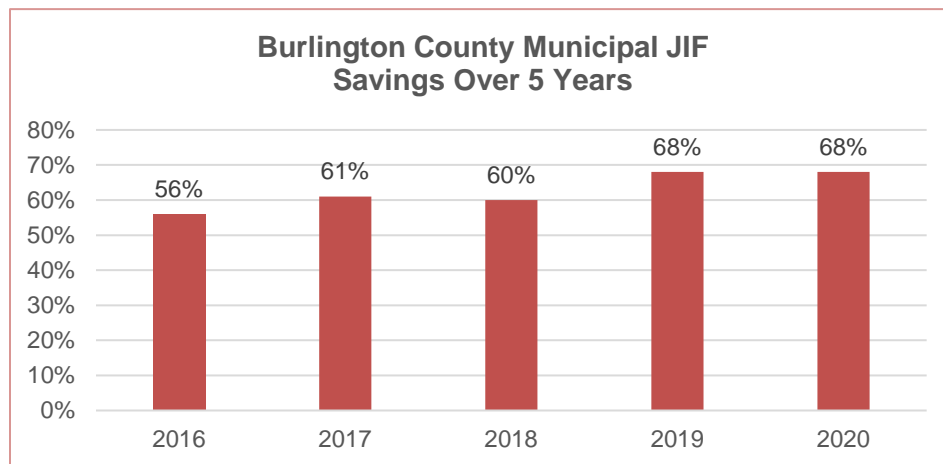
We recognize the keystone of a strong relationship is communication; therefore we have expanded our In-Service program to include workers' compensation-focused webinars. Using a video conference forum for ongoing educational purposes has proven valuable and has broadened the reach and effectiveness of the QualCare Provider Network.

Maintaining a high level of provider satisfaction is extremely important. The strength of our product offering is heavily dependent on the quality of care and cost savings delivered by our providers. By building effective communication channels between clients, providers, claims and nurse case managers and dedicated client services teams, we are able to offer a superior Provider Network, proven to reduce costs in workers' compensation programs.

## **NETWORK SAVINGS**

Qual-Lynx has saved the BURLCO JIF \$7,326,372 over the last five years after applying the QualCare Provider Network discounts.

	2016	2017	2018	2019	2020
% Savings	56%	61%	60%	68%	68%
Amount Saved	\$962,027	\$793,844	\$1,643,531	\$1,963,485	\$1,963,485

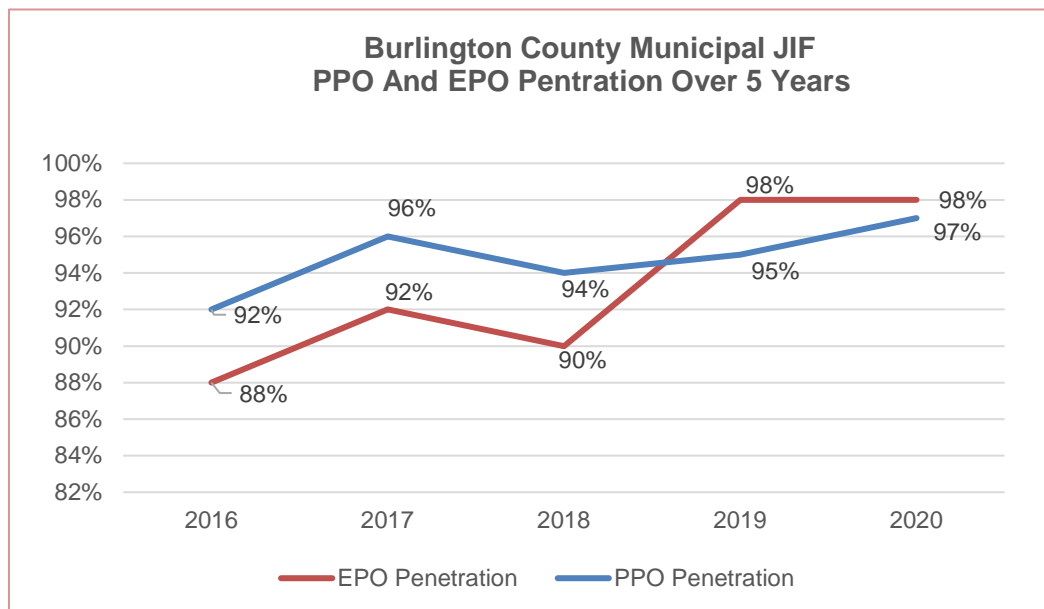


## **NETWORK PENETRATION**

Direction of care to quality providers in the QualCare Provider Network helped to maximize the overall cost savings. We achieved an average Participating Provider Penetration rate of 93% for the BURLCO JIF over the last five years.

The managed care and claims team collaborated to direct care to the providers selected for the Exclusive Provider Panel (EPO). These providers have been identified by input based on experience from client services, nurse case management, TPA supervisors and adjusters and defense panel. Our experience with these providers results in consistent quality of care. In the last five years the EPO Penetration rates have averaged 95%.

	2016	2017	2018	2019	2020
<b>Participating Provider Penetration</b>	88%	92%	90%	98%	98%
<b>EPO Provider Penetration</b>	92%	96%	94%	95%	97%



Selection of these providers is based on our collective experience with:

- Initial and Follow-up Appointment Scheduling
- Timely receipt of accurate Duty Determination Instruction forms and Office Notes
- Communication with the treating doctor
- Transitional Duty being appropriately addressed
- Treatment within MDA Guidelines
- Identification of permanent restrictions when Maximum Medical Improvement is attained
- Quality of Care and Outcomes





Qual-Lynx's Nurse Case Managers and Adjusters communicate regularly with the EPO providers and bring any potential issues to their attention. The EPO provider panel is reviewed and updated as needed or on a quarterly basis. Any provider not meeting standards is replaced.

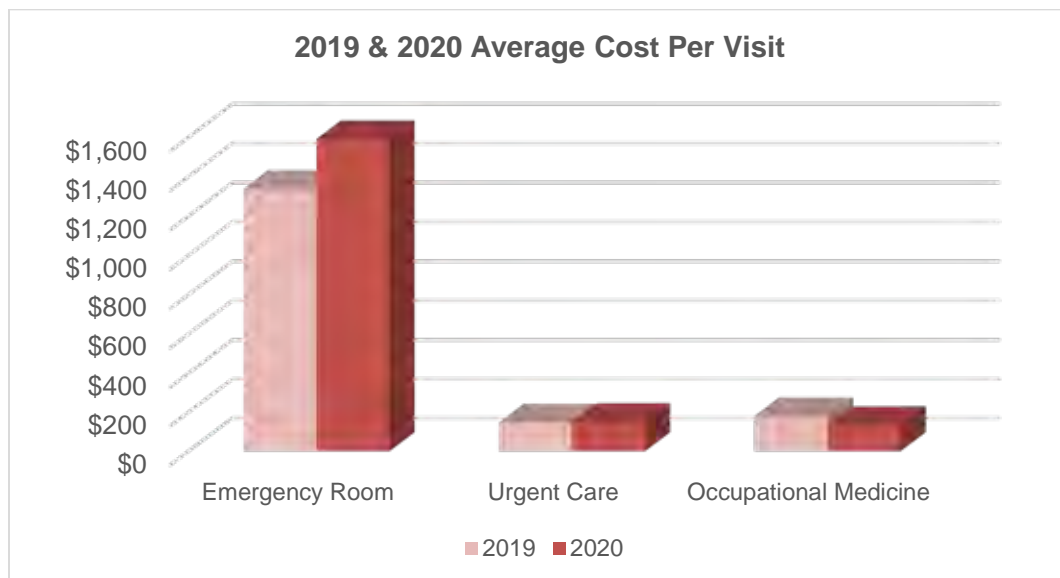
## **URGENT CARE**

Urgent Care Centers offer services after business hours and on weekends and holidays. They provide treatment for minor burns or injuries, sprains and strains, allergic reactions (not life threatening), rashes or skin irritations, animal bites and broken bones. A listing of Urgent Care providers is available on the JIF website and is updated regularly.

The BURLCO JIF utilized occupational medicine and urgent care for 76% of initial treatment visits in 2019 and 77% in 2020. Initial direction of care to occupational medicine or urgent care resulted in savings to the BURLCO JIF of \$260,251 in 2019 and \$265,997 in 2020 based on the average cost per visit.

### **BURLCO JIF Emergency Room/Occupational Medicine/Urgent Care Cost Comparison**

<b>Provider Type</b>	<b>Average Cost Per Visit</b>		<b># Of Visits</b>	
	<b>2019</b>	<b>2020</b>	<b>2019</b>	<b>2020</b>
<b>Emergency Room</b>	\$1,335	\$1,589	130	82
<b>Urgent Care</b>	\$145	\$149	138	123
<b>Occupational Medicine</b>	\$178	\$132	83	61
<b>\$ Saved Per Visit By Using Occupational Medicine</b>	<b>\$1,841</b>	<b>\$1,888</b>		
<b>\$ Saved Per Visit By Using Urgent Care</b>	<b>\$1,157</b>	<b>\$1,457</b>		



## **PRESCRIPTION BENEFIT MANAGEMENT PROGRAM – myMatrixx**

Qual-Lynx partnered with myMatrixx in January 2020 to provide seamless Pharmacy Benefit Management Services. Headquartered in Tampa, FL, myMatrixx is a division of ExpressScripts, a Cigna family company. MyMatrixx offers a state of the art, Workers' Compensation-focused PBM program which includes:

- Customized drug formularies
- Opioid and compound drug controls
- Pharmacist and clinical oversight
- 24/7/365 phone and online support
- Utilization and savings reports

The myMatrixx prescription benefit management program resulted in a 32% savings to the BURLCO JIF in 2020. A significant cost control feature is Generic Drug Utilization which was 84% in 2020.

### **Prescription Benefit Program Summary - 2020**

Total	
Script Count	123
Utilizing Patients Count	18
Pharmacy Billed Amount	\$21,195
myMatrixx Approved Amount	\$14,377
Total Savings Amount	\$6,818

Total	
Generic Utilization %	84%

## **CASE MANAGEMENT**

Qual-Lynx's Workers' Compensation Medical Case Management (MCM) Program is designed to assure that injured workers receive quality medical care, occupational health, rehabilitative services and behavioral health care in a cost effective environment. We accomplish this by maintaining low caseloads allowing the Nurse Case Managers to focus on the cases that bring heightened exposure to the BURLCO JIF.

New claims seeking treatment are reviewed by a nurse case manager and care is directed to the most medically appropriate provider. Questionable claims or claims that may be more complicated or severe are brought to the claims manager/supervisor's attention immediately. This early collaboration allows our claims and managed care teams to establish treatment plans which eliminate delays in treatment.

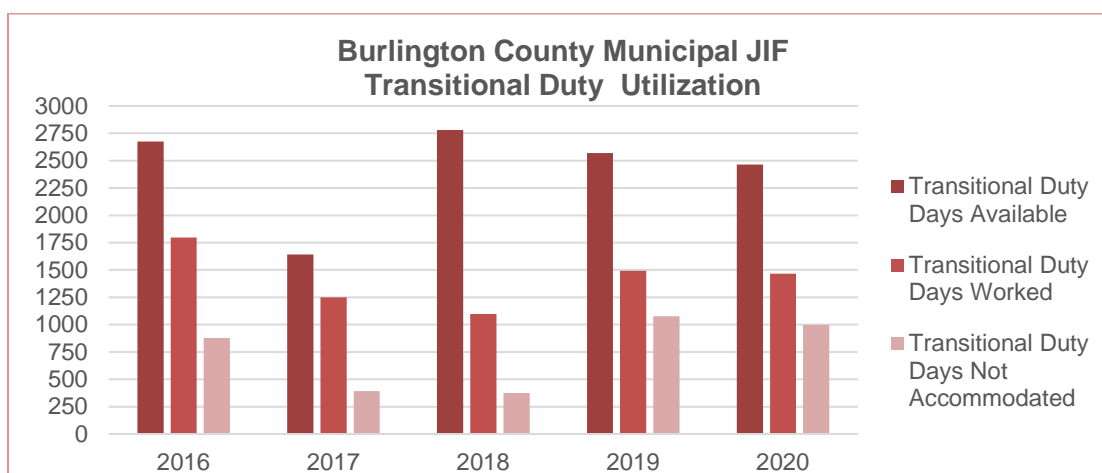


### Nurse Case Management Caseloads

	2016	2017	2018	2019	2020
<b>Monthly Average # Of Cases Followed</b>	<b>19</b>	<b>16</b>	<b>19</b>	<b>16</b>	<b>18</b>
<b>Average # Of Cases Followed &gt;90 Days</b>	<b>14</b>	<b>14</b>	<b>13</b>	<b>12</b>	<b>15</b>

### TRANSITIONAL DUTY

Our Nurse Case Managers notify treating providers that transitional duty is available. Providers are instructed to complete a duty determination instruction (DDI) form which identifies the employee's physical capabilities. The DDI form is sent to the Claims Coordinator so that they can identify opportunities for the injured worker to safely return to work while continuing treatment. Qual-Lynx Nurses and Adjusters work closely together to identify missed opportunities. A second effort to reach out to the Fund Commissioner occurs when transitional duty is not accommodated.



Over the past five years BURLCO JIF members have accommodated 59% of the available transitional duty days. Use of transitional duty contributes to quicker full duty return to work, increases employee morale, and reduces the cost of Workers' Compensation claims. Cost reductions include total temporary disability (TTD), cost of replacing an employee or training other employees, and reduced claim petitions awards.

	2019	2020
<b>\$ Saved By Accommodating Transitional Duty</b>	<b>\$151,838</b>	<b>\$158,131</b>
<b>Cost Of Days Not Accommodated</b>	<b>\$120,441</b>	<b>\$102,080</b>



## **MANAGED CARE INITIATIVES**

### **COVID-19 PANDEMIC RESPONSE**

In 2020, our response to the unprecedented disruption caused by the COVID-19 pandemic was swift and seamless. Qual-Lynx and QualCare effectively pivoted from a majority onsite office culture to function as a 95% work-at-home company within a matter of days. Our staff handled all claims without disruption during this challenging time at the same level of quality that our clients have come to expect.

### **VIRTUAL CARE**

QualCare, in cooperation with Qual-Lynx, was able to partner with our vast network of medical providers to establish Virtual Care treatment panels with providers who were willing and able to provide telemedicine and tele-rehab in lieu of in-person office visits. Minimal interruption of care was experienced by our claimants; in most cases any disruption was related to the state mandated postponement of surgeries. We developed treatment protocols and workflows designed to keep people safe and limit the spread of the virus while still receiving necessary medical treatment. Our ability to offer Virtual Care continues as an enhancement of the network offerings and increases provider accessibility beyond geographic boundaries.



## Section 5

# 2019 & 2020 Conclusion



## **2019 – 2020 QUAL-LYNX HIGHLIGHTS**

In 2019 - 2020, Qual-Lynx continued to handle the JIF's claims, provide training to the members and provide feedback to the Administrator, Solicitor and Safety Professionals. This feedback is important. It highlights claims trends that help identify claims causes, which lead to awareness and training to prevent reoccurrence in the future.

Though 2020 proved difficult for all involved, we are proud to be part of a team, with the other Fund Professionals, that is dedicated to provide the best possible services to the JIF. Qual-Lynx is happy to continue this partnership with BURLCO JIF and the other Professionals.

Additionally, Qual-Lynx's activities in 2019 and 2020 include the following:

- Provided Claims Coordinator training for all lines of coverage in 2019 and 2020.
- Attended all JIF Retreats in 2019
- Attended all JIF Safety Breakfasts in 2019
- Attended all Police Chief Ad Hoc Committee Meetings in 2019
- Attended all Defense Panel Meetings in Marlton in 2019
- Attended all Claims Review and Executive Committee Meetings, 2019 and 2020.
- Attended PRIMA Convention, Orlando, FL - June 2019
- Attended Multiple League of Municipality Functions, Atlantic City – November, 2019
- Shifted to an entirely work at home platform in March and April of 2020 for all employees other than essential personnel that are required to be onsite.
- Established a Virtual Care Network.
- Instituted Web-Based training for our Provider Network.



## **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:** April 20, 2021 Virtual Meeting on Zoom  
**Contact Info:** [debby\\_schiffer@targetingwellness.com](mailto:debby_schiffer@targetingwellness.com) 856-322-1220

### **APRIL ACTIVITY & PLANNED EVENTS**

**I realize that the first quarter is a very busy time with budgeting, taxes and continued restrictions and guidelines that have to be followed due to the pandemic. Let's focus on planning some wellness initiative before we get too far into the second quarter so we avoid being pressured at the end of the year to spend the money.**

#### **Here are a few ideas to consider:**

- Fun challenges – bingo (theme oriented, check out the sample in your agenda packet), weight loss/maintenance, sports themed wellness challenges (Spring Training, Baseball Homerun)
- Virtual or on-site cooking demos (purchase all the ingredients for participants so they can try the recipe at home)
- Offer a craft activity (purchase the materials for participants to try)
- Start a club - walking, book, recipe, garden/herbs, food drive, stretching etc. (identify employees with similar interests)
- A 10 – 15 minute Reset Break once a week (time for mindfulness – someone different leads the group each week)
- Produce – CSA or delivery/pick up from local grocery
- Have a theme day where employees can dress to represent that theme (silly hat day, Hawaiian shirt day) – have employees vote on a winner for a small prize
- Once a week ask a trivia question relative to wellness
- Wellness information display rack
- Chair massages

*Please remind your Municipal Wellness Coordinator that wellness activities will never generate interest with all employees, but their hard work and dedication in trying to bring ideas to them is appreciated and valued! Even if it brings happiness to a few, the efforts are well worth!*

#### **Municipality Activity Thus Far:**

No new activities scheduled as of when this report is submitted. Any updates will be presented during the Executive Committee Meeting.

**If you are planning or have held a wellness initiative that I am not aware of, please let me know. I like to share all ideas so other towns can benefit should they be looking for something different to do.**

#### **New Resource:**

**Food Bank of South Jersey** offers free educational classes and cooking demos for the following counties: Burlington, Camden, Gloucester, and Salem. I sent out a flyer with more information to those towns that would be eligible.



**Wellness Director April Offerings:**

**Mindfulness Practice** – Another mindful practice is scheduled for **April 22th – Earth Day**. Notification will go out prior to the event.

**New program started April 5 – May 11<sup>th</sup>: *Powered Through Plants***  
**Attending the Police Ad Hoc Meeting April 27th**

**Targeting Wellness Newsletter:**

**The Newsletter contained in your agenda packet covers the following topics:**

- Managing your stress is possible
- Consider meditation (let's plan to do another mindfulness practice later this month...stay tuned) :-)
- Why walking is beneficial
- Laughter- do you have a sense of humor?
- Tips to spring clean your mind
- Nutritional Bites - growing your own broccoli sprouts
- Recipe - Pea Pesto Pasta with sun-dried tomatoes & arugula

**Bonuses Items:**

Since **bingo** has been a fun and popular "challenge" to offer employees, I have created one with the theme of "coping with stress" which you will find attached.

In addition, since puzzles are both good for the brain AND helps reduce stress, I have included a **Word Search Puzzle** all based around ways to manage daily stress.





**Burlington County Municipal JIF  
Managed Care Summary Report  
2021**

<b>Intake</b>	<b>March-21</b>	<b>March-20</b>	<b>2021 March YTD</b>	<b>2020 March YTD</b>
# of New Claims Reported	40	62	140	103
# of Report Only	20	54	85	67
% Report Only	50%	87%	61%	65%
# of Medical Only	12	5	33	28
# of Lost Time	8	3	22	7
Medical Only to Lost Time Ratio	60:40	63:37	60:40	80:20
Occupational, Claim Petition, Cancer Presumption	0	0		1
COVID-19	28		98	
Average # of Days to Report a Claim	5.3	3.8	5.0	4.5

<b>Nurse Case Management</b>	<b>March-21</b>	<b>March-20</b>
# of Cases Assigned to Case Management	21	20
# of Cases >90 days	20	16

<b>Savings</b>	<b>March-21</b>	<b>March-20</b>	<b>2021 March YTD</b>	<b>2020 March YTD</b>
Bill Count	218	144	474	407
Provider Charges	\$400,014	\$402,206	\$990,760	\$969,634
Repriced Amount	\$192,933	\$95,080	\$361,418	\$233,670
Savings \$	\$207,081	\$307,127	\$629,341	\$735,964
% Savings	52%	76%	64%	76%

<b>Participating Provider Penetration Rate</b>	<b>March-21</b>	<b>March-20</b>	<b>2021 March YTD</b>	<b>2020 March YTD</b>
Bill Count	95%	96%	95%	96%
Provider Charges	96%	99%	95%	99%

<b>Exclusive Provider Panel Penetration Rate</b>	<b>March-21</b>	<b>March-20</b>	<b>2021 March YTD</b>	<b>2020 March YTD</b>
Bill Count	96%	94%	95%	95%
Provider Charges	93%	99%	86%	98%

<b>Transitional Duty Summary</b>		<b>2021 March YTD</b>	<b>2020 March YTD</b>
% of Transitional Duty Days Worked		69%	67%
\$ Saved By Accommodating		\$41,197	\$48,347
% of Transitional Duty Days Not Accommodated		31%	33%
Cost Of Days Not Accommodated		\$21,245	\$21,106

# Cyber Risk Management

## Monthly Executive Report

April 5, 2021

Training – New material and content is being evaluated stay tune.

Training – New material and content is being evaluated stay tune.

### Security Tip of the Month - What is Credential Stuffing?

**Credential stuffing** is a type of cyberattack in which threat actors attempt to access online accounts using compromised user credentials exposed in a data breach. Lists of compromised credentials are often found on dark web forums or for sale on dark web marketplaces. Once these lists are obtained, threat actors can use scripts to automate the process of attempting to access online accounts using these credentials. These attempts can be successful when a user reuses a password across multiple accounts; therefore, exposed user credentials for account A can result in the compromise of account B. Account compromises can lead to identity theft, financial theft, and further cyberattacks, including network compromises and data breaches.

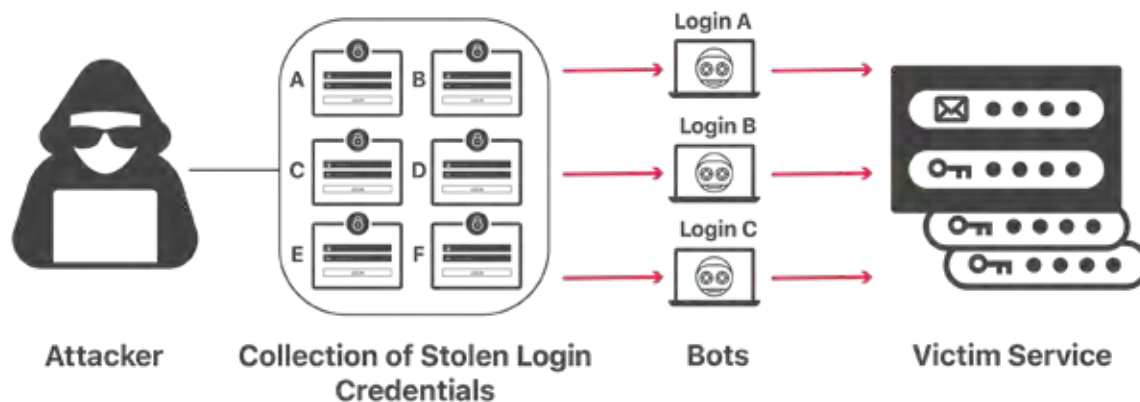


Image Source: Cloudflare

### User Recommendations

While cyberattacks using credential stuffing are increasingly common, they succeed when users reuse credentials across multiple accounts and do not enable multi-factor authentication. Therefore, users are advised to **use unique and complex passwords for each online account**. This can be more easily accomplished with the use of a password manager; users are encouraged to thoroughly research providers prior to use. Additionally, **enable multi-factor authentication (MFA) for every account** that offers this feature. MFA is one of the best defenses against password-enabled account compromises. MFA is the use of two out of three possible factors - something you know, something you have, and something you are. Enabling MFA prevents account compromises resulting in password exposure or guessing, including credential stuffing attacks. While a user may use the same password across multiple accounts, the threat actor will be unable to access the targeted online account unless they have the second factor. Some methods of MFA are preferred over others; however, any method of MFA is better than none at all. The NJCCIC recommends the use of an authentication app or hardware token as a second factor over the use of SMS text or email codes.

**\*\*This security tip was provided by the New Jersey Cybersecurity & Communications Integration Cell (NJCCIC)\*\***

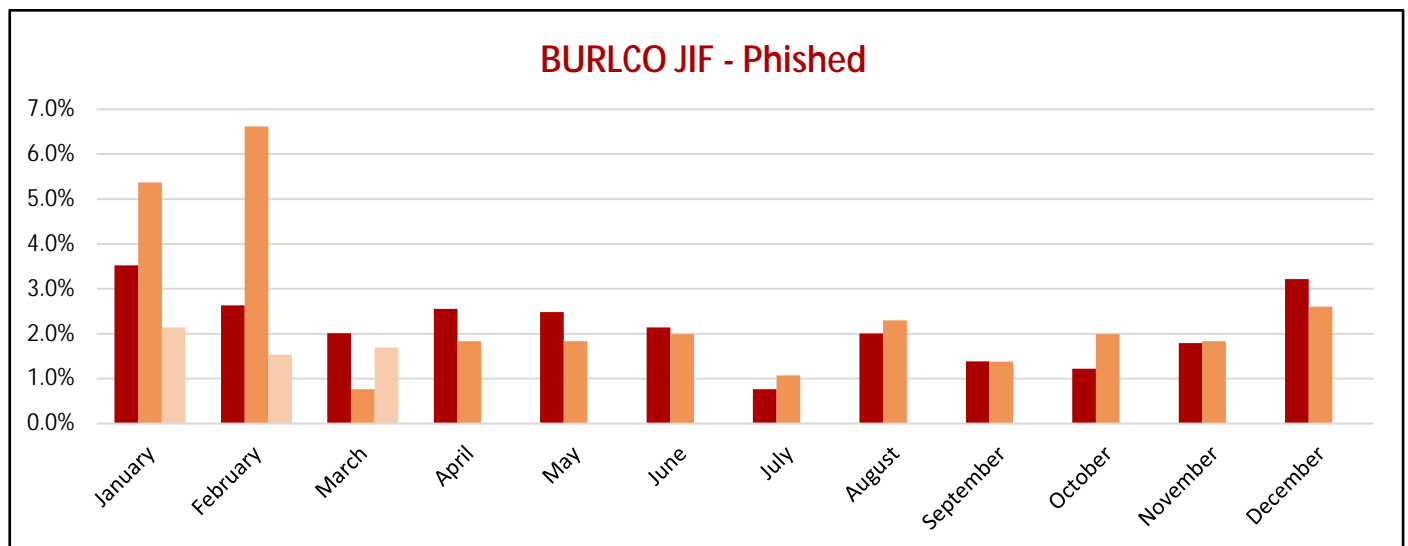
# Phishing Report & Trend

Month	2019			2020			2021		
	# Emails	# Clicked	%	# Emails	# Clicked	%	# Emails	# Clicked	%
January	454	16	3.5%	633	34	5.4%	653	14	2.1%
February	494	13	2.6%	650	43	6.6%	652	10	1.5%
March	546	11	2.0%	653	5	0.8%	650	11	1.7%
April	665	17	2.6%	653	12	1.8%			
May	765	19	2.5%	653	12	1.8%			
June	653	14	2.1%	1306	26	2.0%			
July	653	5	0.8%	653	7	1.1%			
August	648	13	2.0%	653	15	2.3%			
September	577	8	1.4%	653	9	1.4%			
October	654	8	1.2%	653	13	2.0%			
November	614	11	1.8%	653	12	1.8%			
December	653	21	3.2%	653	17	2.6%			

Year to Date Avg 2.1%

Year to Date Avg 2.5%

Year to Date Avg 1.8%



2019 2020 2021

# Phishing by Municipality

Municipality	Total Emails	# Clicks	% of Clicks
Bass River Twp	3	1	33%
Beverly City	13	0	0%
Bordentown City	4	0	0%
Bordentown Twp	13	0	0%
Chesterfield Twp	6	0	0%
Delanco Twp	17	0	0%
Delran Twp	47	0	0%
Edgewater Park Twp.	17	1	6%
Egg Harbor City	1	0	0%
Fieldsboro Borough	4	0	0%
Florence Twp	33	0	0%
Hainesport Twp	7	1	14%
Lumberton Twp	17	0	0%
Mansfield Twp	51	1	2%
Medford Twp	140	1	1%
Mount Laurel Twp	70	1	1%
North Hanover Twp	7	0	0%
Palmyra Borough	44	4	9%
Pemberton Twp	43	0	0%
Pumberton Borough	4	0	0%
Riverside Twp	2	0	0%
Shamong Twp	6	0	0%
Southampton Twp	16	0	0%
Springfield Twp	7	0	0%
Tabernacle Twp	12	0	0%
Westampton Twp	55	1	2%
Woodland Twp	7	0	0%
Wrightstown Borough	4	0	0%

**Grand Total                      650                      11                      2%**

# Phishing Template Utilization

Phishing Templates	Count of Phishing Template	% of Templates Used	Count of Date Clicked	% of Click
Amex_Income_Verification	25	4%	0	0%
BackgroundReport_Text	36	6%	0	0%
Continual_Municipal_Training	33	5%	0	0%
Facebook Reactivation	35	5%	0	0%
facebook_page_insights	99	15%	1	1%
Microsoft_Office365_Password_Change	59	9%	0	0%
Municipal_Course_Catalog	46	7%	4	9%
Netflix_Account	66	10%	0	0%
Office_File_Deletion_Alert	82	13%	3	4%
UPS Package Redirect	33	5%	2	6%
workstation_updates	75	12%	1	1%
Zendesk_Password_Change	28	4%	0	0%
Zendesk_Ticket_Update	33	5%	0	0%

Grand Total

650

11



## MEL's Cyber Risk Management 4/5/2021

Hello everyone,

The MEL has launched the revised Cyber Risk Management Program and we are planning two training webinar for you to become familiar with the requirements and the rollout of the program.

Brief overview.

Tier 1		Tier 2		Tier 3	
Information Backups		Server Security	New	Network Segmentation	
Security Patches and Updates		Access Privilege Controls	New	Remote Access Policy - MFA	
Defensive Software		Technology Support	New	Password Integrity	
Security Awareness Training	New	System and Event Logging	New	System and Event Logging - Review	
New Password Management		Protected Information	New	Third-Party Risk Management	
New Email Warning Label	New	Remote Access - VPN			
Cyber Incident Response Plan		Leadership Expertise			
New Technology Practice Policy	New	IT Business Continuity Planning			
New Government Cyber Membership	New	Banking Controls			

### Webinar Dates & Time

Ø April 13th at 10:00 AM

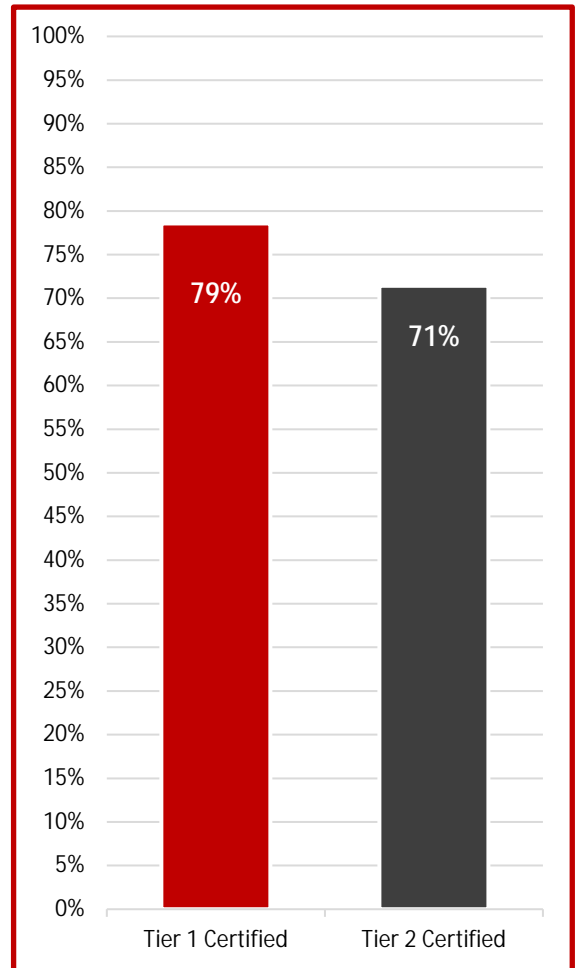
Ø April 21st at 10:00 AM

Webinar information to follow shortly.



# Current MEL Cyber Risk Management Program Compliance Status

Municipality +B2:D30	Tier 1 Certification Approved	Tier 2 Certification Approved
Bass River Township	8/27/2019	8/27/2019
Beverly City		
Bordentown City		
Bordentown Township	6/3/2020	6/18/2020
Chesterfield Township		
Delanco Township	11/22/2019	11/22/2019
Delran Township	10/14/2019	11/26/2019
Edgewater Park Township	10/4/2019	10/4/2019
Fieldsboro Borough		
Florence Township	10/14/2019	
New Hanover Township		
Hainesport Township	2/21/2020	8/12/2020
Lumberton Township	11/12/2019	11/12/2019
Mansfield Township	11/15/2019	12/5/2019
Medford Township	12/10/2019	12/27/2019
Mount Laurel Township	10/16/2019	10/16/2019
North Hanover Township	10/23/2019	10/23/2019
Palmyra Borough - Municipal	3/6/2020	3/6/2020
Pemberton Borough	12/24/2019	12/12/2019
Pemberton Township	11/1/209	11/1/2019
Riverside Township	12/18/2019	12/18/2019
Shamong Township	10/21/2019	10/21/2019
Southampton Township	1/6/2020	1/6/2020
Springfield Township	11/22/2019	11/22/2019
Tabernacle Township	11/8/2019	11/8/2019
Westampton Township		
Woodland Township	11/26/2019	11/26/2019
Wrightstown Borough	12/3/2020	







Total # of Municipalities	28	
Tier 1 Certified	22	79%
Tier 2 Certified	20	71%

# Vulnerability Scanning

## Understanding the vulnerability report

The CVSS Score (**Common Vulnerability Scoring System**) is an industry standard for assessing the severity of computer system security vulnerabilities. CVSS attempts to assign severity scores to vulnerabilities, allowing responders to prioritize responses and resources according to threat. Scores are calculated based on a formula that depends on several metrics that approximate ease of exploit and the impact of exploit. Scores range from 0 to 10, with 10 being the most severe. Below is a table for reference.

Rating	CVSS Score	Color Code
Low	0.1 – 3.9	White 
Medium	4.0 – 6.9	Yellow 
High	7.0 – 8.9	Orange 
Critical	9.0 – 10.0	Red 

# Vulnerability Score by Municipality

## AJG-Burlington - Monthly Summary Report

JIF	Municipality	Severity	Contact Name	Contact Email	Last Scan/Email
Burlington	Bass River Township	0.0	Amanda Somes	<a href="mailto:bassriverclerk@comcast.net">bassriverclerk@comcast.net</a>	2021-03-23 18:13:39
Burlington	Bordentown City	2.6	Grace Archer	<a href="mailto:btownch@cityofbordentown.com">btownch@cityofbordentown.com</a>	2021-03-22 01:43:48
Burlington	Bordentown Township	2.6	Michael Theokas	<a href="mailto:m.theokas@bordentowntwp.org">m.theokas@bordentowntwp.org</a>	2021-03-22 12:11:16
Burlington	Chesterfield Township	5.0	Glenn McMahon	<a href="mailto:glenn@chesterfieldtwp.com">glenn@chesterfieldtwp.com</a>	2021-03-22 01:43:48
Burlington	Delanco Township	2.6	Mike Templeton	<a href="mailto:42mtempy55@gmail.com">42mtempy55@gmail.com</a>	2021-03-22 20:58:36
Burlington	Delran Township	2.6	Jeffrey Hatcher	<a href="mailto:jhatcher@delrantownship.org">jhatcher@delrantownship.org</a>	2021-03-23 07:44:29
Burlington	Edgewater Park Township	2.6	Tom Pullion	<a href="mailto:tpullion@edgewaterpark-nj.com">tpullion@edgewaterpark-nj.com</a>	2021-03-22 06:41:43
Burlington	Florence Township	4.0	Steve Fazekas	<a href="mailto:sfazekas@florence-nj.gov">sfazekas@florence-nj.gov</a>	2021-03-21 18:00:06
Burlington	Hainesport Township	0.0	Paula Kosko	<a href="mailto:pkosko@hainesporttownship.com">pkosko@hainesporttownship.com</a>	2021-03-23 01:50:30
Burlington	Lumberton Township	0.0	Brandon Umba	<a href="mailto:bumba@lumbertontwp.com">bumba@lumbertontwp.com</a>	2021-03-22 12:11:16
Burlington	Mansfield Township	0.0	Michael Fitzpatrick	<a href="mailto:administrator@mansfieldtwp-nj.com">administrator@mansfieldtwp-nj.com</a>	2021-03-22 01:43:48
Burlington	Medford Township	4.3	Kathy Burger	<a href="mailto:kburger@medfordtownship.com">kburger@medfordtownship.com</a>	2021-03-22 01:43:48
Burlington	Mount Laurel Township	10.0	Jerry Mascia	<a href="mailto:jmascia@mountlaurel.com">jmascia@mountlaurel.com</a>	2021-03-23 13:27:31
Burlington	North Hanover Township	0.0	Mary Picaniello	<a href="mailto:clerk@northhanovertwp.com">clerk@northhanovertwp.com</a>	2021-03-22 12:11:16
Burlington	Palmyra Borough	4.3	John Gural	<a href="mailto:jgural@boroughofpalmyra.com">jgural@boroughofpalmyra.com</a>	2021-03-22 20:58:36
Burlington	Pemberton Borough	0.0	Donna Mull	<a href="mailto:dmull@pemberton.comcastbiz.net">dmull@pemberton.comcastbiz.net</a>	2021-03-22 01:43:48
Burlington	Pemberton Township	0.0	Daniel Hornickel	<a href="mailto:DHornickel@pemberton-twp.com">DHornickel@pemberton-twp.com</a>	2021-03-22 20:58:36
Burlington	Riverside Township	0.0	Meghan Jack	<a href="mailto:mjack@riversidetwp.org">mjack@riversidetwp.org</a>	2021-03-23 18:13:39
Burlington	Shamong Township	5.0	David Matchett	<a href="mailto:dmatchett@aol.com">dmatchett@aol.com</a>	2021-03-22 06:41:43
Burlington	Southampton Township	4.8	Kathleen Hoffman	<a href="mailto:khoffman@southamptonnj.org">khoffman@southamptonnj.org</a>	2021-03-23 07:44:29
Burlington	Springfield Township	0.0	Paul Keller	<a href="mailto:mgr@springfieldtownshipnj.org">mgr@springfieldtownshipnj.org</a>	2021-03-21 18:00:06
Burlington	Tabernacle Township	0.0	Douglas Cramer	<a href="mailto:dcramer@townshipoftabernacle-nj.gov">dcramer@townshipoftabernacle-nj.gov</a>	2021-03-23 01:50:30
Burlington	Westampton Township	6.8	Steve Ent	<a href="mailto:ent@wtpd.us">ent@wtpd.us</a>	2021-03-23 13:27:32
Burlington	Wrightstown Borough	0.0	James Ingling	<a href="mailto:wrightstownfirebureau@comcast.net">wrightstownfirebureau@comcast.net</a>	2021-03-22 06:41:43



# Sample of Monthly Detail Report

## Sample Report

Issue	CVSS	Risk	Hosts
<a href="#">GNU Bash Environment Variable Handling Shell Remote Command Execution Vulnerability</a>	10.0	High	50.239.106.115:443/tcp
<a href="#">OpenSSH Denial of Service And User Enumeration Vulnerabilities (Windows)</a>	7.8	High	73.198.60.103:222/tcp
<a href="#">OpenSSH Multiple Vulnerabilities Jan17 (Windows)</a>	7.5	High	73.198.60.103:222/tcp
<a href="#">Deprecated SSH-1 Protocol Detection</a>	7.5	High	73.198.60.103:222/tcp
<a href="#">OpenSSH X11 Forwarding Security Bypass Vulnerability (Windows)</a>	7.5	High	73.198.60.103:222/tcp
<a href="#">SSL/TLS: OpenSSL CCS Man in the Middle Security Bypass Vulnerability</a>	6.8	Medium	50.239.106.115:443/tcp 73.198.60.103:8080/tcp
<a href="#">SSL/TLS: Report Vulnerable Cipher Suites for HTTPS</a>	5.0	Medium	50.239.106.115:8080/tcp 50.239.106.115:443/tcp 73.198.60.103:8080/tcp
<a href="#">OpenSSH 'sftp-server' Security Bypass Vulnerability (Windows)</a>	5.0	Medium	73.198.60.103:222/tcp
<a href="#">OpenSSH User Enumeration Vulnerability-Aug18 (Windows)</a>	5.0	Medium	73.198.60.103:222/tcp
<a href="#">SSL/TLS: Report Weak Cipher Suites</a>	4.3	Medium	173.161.251.118:3389/tcp 50.239.106.115:9000/tcp 50.239.106.115:5389/tcp 50.239.106.115:4006/tcp 50.239.106.115:3389/tcp 73.198.60.103:8080/tcp 73.198.60.103:3389/tcp
<a href="#">jQuery &lt; 1.9.0 XSS Vulnerability</a>	4.3	Medium	50.239.106.115:15672/tcp
<a href="#">SSL/TLS: SSLv3 Protocol CBC Cipher Suites Information Disclosure Vulnerability (POODLE)</a>	4.3	Medium	50.239.106.115:443/tcp 73.198.60.103:8080/tcp
<a href="#">SSL/TLS: Deprecated SSLv2 and SSLv3 Protocol Detection</a>	4.3	Medium	50.239.106.115:443/tcp 73.198.60.103:8080/tcp
<a href="#">SSH Weak Encryption Algorithms Supported</a>	4.3	Medium	50.239.106.115:5022/tcp 73.198.60.103:222/tcp
<a href="#">Apache HTTP Server 'httpOnly' Cookie Information Disclosure Vulnerability</a>	4.3	Medium	50.239.106.115:443/tcp
<a href="#">SSL/TLS: Certificate Signed Using A Weak Signature Algorithm</a>	4.0	Medium	173.161.251.118:3389/tcp 50.239.106.115:9000/tcp 50.239.106.115:5389/tcp 50.239.106.115:4006/tcp 50.239.106.115:3389/tcp 50.239.106.115:443/tcp

# *Tax season is upon us*



## **Beware of Tax Season Scams**

Cyber criminals are certainly aware that tax season is around the corner, and you should be too. Cyber criminals are trying to dupe you into believing you are sending them a legitimate tax document, or they are calling you to convince you they are tax examiners and need your personal information. **BE CAUTIOUS!**

- **Is the emailer's address really what it looks like?**  
*Right-click to see full email address.*
- **Is that link really going where it says it's going?**  
*Right-click to see full web address.*
- **Is that caller really from the IRS?**  
*Hang up and call the IRS yourself with the phone number you find online.*

**IRS-IMPERSONATION PHONE SCAMS** - Callers claiming to be IRS employees – using fake names and phony IRS ID numbers – may ring you and insist that you owe money, and it must be paid as soon as possible through a gift card or wire service. If the call is not picked up, the scammers often leave an emergency callback request message. The real IRS will not call you and demand immediate payment; in general, it will mail you a bill if you owe money.

April 12, 2021

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 March 31, 2021 for Closed Fund Years 1991 to 2016, and Fund Years 2017, 2018, 2019, 2020 and 2021. 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 \$ 17,989.44. This generated an average annual yield of .86%. However, after including an unrealized net loss of \$ 38,378.24 in the asset portfolio, the yield is adjusted to -1.25% for this period. The total overview of the asset portfolio for the fund shows an overall unrealized gain of \$44,704.45 as it relates to current market value of \$ 3,751,446.36 vs. the amount we have invested. This current market value, however, when considering the total accrued income at month end is \$4,763,071.25.

Our asset portfolio with Wilmington/Trust consists of 4 obligations with maturities less than one year.

#### RECEIPT ACTIVITY FOR THE PERIOD

Subrogation Receipts \$ 12,340.02 w/YTD Total \$ 13,109.83 (detailed in my report)  
Salvage Receipts \$ 0.00  
Overpayment Reimbursements \$ 0.00  
MEL Excess Property Reimbursements \$ 12,253.96  
FY 2021 Premium Receipts \$ 257,162.00

LOSS RUN PAYMENT REGISTER ACTIVITY FOR THE PERIOD: (Action Item)

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 \$ 527,375.24. The claims detail shows 415 claim payments issued.

A.E.L.C.F. PARTICIPANT BALANCES AT PERIOD END: (\$101. Interest Allocated)

Delran Township	\$ 16,210.00
Chesterfield Township	\$ 1,115.00
Bordentown City	\$ 70,484.00
Bordentown Township	\$ 63,883.00
Westampton Township	\$ 10,436.00

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 \$ 19,709,007.04 to a closing balance of \$ 19,344,614.69 showing a decrease in the fund of \$ 364,392.35. A detailed reconciliation of this change, including its affect on our banking instruments, is included in my report.

BILL LIST FOR THE PERIOD: (Action Item)

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





Asset and Accrual Detail - By Asset type

03/31/2021

Shares/Par	Security ID Description	Price	Cost	Net Income	Market Value	Percent Of	Net Unrealized
Link Ref		Local/Base	Local/Base	Local/Base	Local/Base	Total	Gain/Loss
							Local/Base
UNIT OF PARTICIPATION							
U.S. DOLLAR							
UNITED STATES							
	1,196,001.527 MEL JCMi ACCOUNT	10.0144	11,977,192.24	0.00	11,977,192.24		0.00
	99VVB5Y75	10.0144	11,977,192.24	0.00	11,977,192.24	100.00	0.00

	Current Period		Fiscal Year to Date	
	03/01/2021	03/31/2021	01/01/2021	03/31/2021
NET ASSETS - BEGINNING OF PERIOD		0.00		0.00
RECEIPTS:				
RECEIVED FROM PLAN ADMINISTRATOR	12,000,000.00		12,000,000.00	
		12,000,000.00		12,000,000.00
INVESTMENT INCOME:				
INTEREST	12,469.88		12,469.88	
UNREALIZED GAIN/LOSS-INVESTMENT	-34,572.97		-34,572.97	
ACCRETION/AMORTIZATION	592.99		592.99	
		-21,510.10		-21,510.10
TOTAL RECEIPTS:		11,978,489.90		11,978,489.90
DISBURSEMENTS:				
ADMINISTRATIVE EXPENSES:				
TRUSTEE/CUSTODIAN	299.46		299.46	
INVESTMENT ADVISORY FEES	698.74		698.74	
CONSULTING	299.46		299.46	
		1,297.66		1,297.66
TOTAL DISBURSEMENTS:		1,297.66		1,297.66
NET ASSETS - END OF PERIOD		11,977,192.24		11,977,192.24



BURLINGTON CNTY JIF - MX6F96590902

Transaction Detail  
Reported By Transaction Category

03/01/2021 - 03/31/2021

Report ID : IACS0008  
Base Currency : USD  
Status : FINAL

Trans Code	Shares/Par	Description	Trade Date	Price	Cost	Amount	Net Gain/Loss
Link Ref	Security ID	Broker	C. Settle Date	Local/Base	Local/Base	Local/Base	Local/Base
		Transaction No./Client Ref No.	Reported Date				

RECEIPTS AND DISBURSEMENT TRANSACTIONS

AMORTIZATION/ACCRETION

U.S. DOLLAR

BVA	0.000	MEL JCMI ACCOUNT	03/31/2021	0.000000	592.99	0.00	0.00
	99VVB5Y75	AMORIZATION/ACCRETION INCOME	03/01/2021	0.000000	592.99	0.00	0.00
		20210407O000030	03/31/2021				

CASH/SECURITIES RECEIVED FROM PLAN

U.S. DOLLAR

CD	0.000	BURLINGTON CNTY JIF	03/01/2021	0.000000	12,000,000.00	12,000,000.00	0.00
	NA9123459	20210406A000010		0.000000	12,000,000.00	12,000,000.00	0.00
			03/01/2021				

FUND ALLOCATED EARNINGS

U.S. DOLLAR

BVA	0.000	MEL JCMI ACCOUNT	03/31/2021	0.000000	-34,572.92	0.00	0.00
	99VVB5Y75	UNREALIZED GAIN/LOSS	03/01/2021	0.000000	-34,572.92	0.00	0.00
		20210407O000010	03/31/2021				

BVA	0.000	MEL JCMI ACCOUNT	03/31/2021	0.000000	12,469.88	0.00	0.00
	99VVB5Y75	INTEREST INCOME	03/01/2021	0.000000	12,469.88	0.00	0.00
		20210407O000020	03/31/2021				

BVA	0.000	MEL JCMI ACCOUNT	03/31/2021	0.000000	-299.46	0.00	0.00
	99VVB5Y75	TRUSTEE/CUSTODN FEES	03/01/2021	0.000000	-299.46	0.00	0.00
		20210407O000040	03/31/2021				



BURLINGTON CNTY JIF - MX6F96590902

Transaction Detail  
Reported By Transaction Category

03/01/2021 - 03/31/2021

Report ID : IACS0008  
Base Currency : USD  
Status : FINAL

Trans Code Link Ref	Shares/Par Security ID	Description Broker Transaction No./Client Ref No.	Trade Date C. Settle Date Reported Date	Price Local/Base	Cost Local/Base	Amount Local/Base	Net Gain/Loss Local/Base
BVA	0.000	MEL JCM I ACCOUNT	03/31/2021	0.000000	-698.74	0.00	0.00
	99VVB5Y75	INVEST MANAGER FEES	03/01/2021	0.000000	-698.74	0.00	0.00
		20210407O000050	03/31/2021				
BVA	0.000	MEL JCM I ACCOUNT	03/31/2021	0.000000	-299.46	0.00	0.00
	99VVB5Y75	CONSULTING FEES	03/01/2021	0.000000	-299.46	0.00	0.00
		20210407O000060	03/31/2021				
BVA	0.000	MEL JCM I ACCOUNT	03/31/2021	0.000000	-0.05	0.00	0.00
	99VVB5Y75	UNREALIZED GAIN/LOSS	03/01/2021	0.000000	-0.05	0.00	0.00
		20210408A000010	03/31/2021				
TOTAL U.S. DOLLAR FUND ALLOCATED EARNINGS:					-23,400.75	0.00	0.00
					-23,400.75	0.00	0.00
TOTAL FUND ALLOCATED EARNINGS RECEIPTS AND DISBURSEMENT					-23,400.75	0.00	0.00
TOTAL RECEIPTS AND DISBURSEMENT TRANSACTIONS:					11,977,192.24	12,000,000.00	0.00
PURCHASES							
UNIT OF PARTICIPATION							
U.S. DOLLAR							
B	1,196,001.527	MEL JCM I ACCOUNT	03/01/2021	10.033432	12,000,000.00	-12,000,000.00	0.00
	99VVB5Y75	20210406A000020	03/01/2021	10.033432	12,000,000.00	-12,000,000.00	0.00
			03/01/2021				
TOTAL TRANSACTIONS BASE:					23,977,192.24	0.00	0.00

**BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND**

**BILL LIST - April 2021**

	<b>Payee</b>	<b>FY2021</b>	<b>FY 2020</b>	<b>FY 2019</b>	<b>JIF Appropriation</b>	<b>Description</b>
1	Arthur J. Gallagher Risk Management Services, Inc.	<b>31,255.00</b>			Prof Services/Administration	April 2021 Fee
2	Arthur J. Gallagher Risk Management Services, Inc.	<b>25.84</b>			Misc/Postage/Copies/Faxes	March fees postage/copies expenses
3	The DeWeese Law Firm, P.C.	<b>6,164.00</b>			Prof Services/Attorney	April 2021 Fees
4	Bowman & Company LLP		<b>5,000.00</b>		Prof Services/Auditor	#94555 progress bill for 12/31/2020 audit
5	Bowman & Company LLP	<b>5,940.50</b>			Prof Services/Payroll Auditor	#94556 1st half bill for WC payroll audit
6	Qual-Lynx	<b>17,957.00</b>			Prof Services/Claims Admin.	April 2021 Fees
7	Joyce Media	<b>386.00</b>			Misc/JIF Website	April 2021 Fees plus JIF forum domain fee
8	Kris Kristie	<b>375.00</b>			Misc/Recording Secretary	April 2021 Fees
9	J. A. Montgomery Risk Control Services	<b>11,486.00</b>			Prof Services/Safety Director	April 2021 Fees
10	J. A. Montgomery Risk Control Services		<b>31,797.00</b>		Training/Right to Know	RTK services for 2020 including new hanover
11	Pivot Point Security		<b>732.00</b>		EPL/CYBER/Technology Risk Managemen	Contract Fees 9/1-8/31/2021; April fee
12	Secure Data Consulting Services, LLC	<b>5,544.00</b>			Prof Services/Technology Risk Serv Dir	April 2021 Fees
13	Tom Tontarski	<b>968.00</b>			Prof Services/Treasurer	April 2021 Fees
14	Tom Tontarski	<b>13.17</b>			Misc/Postage/Copies/Faxes	Priority mail fees-March fee (split)
15	Conner Strong & Buckelew	<b>697.00</b>			Prof Services/Underwriting Mgr	April 2021 Fees
16	Debby Schiffer	<b>2,533.00</b>			Wellness Program	April 2021 Fees
17	Apex Insurance Services c/o QBE Insurance	<b>5,678.50</b>			EPL/POL Policy - Excess Insurance	inv#6208407; VDO Coverage; P#QVC01005-05; 1/1/20-1/1/21; 2nd installment
18	Apex Insurance Services c/o QBE Insurance	<b>363,993.00</b>			EPL/POL Policy - Excess Insurance	Inv#6235941; EPL/POL /LU Coverage; P#QJC01005-05; 1/1/20-1/1/21; 2nd installment
19	Apex Insurance Services c/o XL Insurance	<b>20,916.00</b>			EPL/POL Policy - Excess Insurance	Inv#6182044' Cyber Coverage; P#MTP0039483-08; 1/1/20-1/1/21; 2nd installment
20	Agrip	<b>1,429.39</b>			Misc/AGRIP/PRIMA	Inv#65820; Cust#1216; pro-rated 5/1-12/31/21 fee

21	Courier Post	2.34			Misc/Legal Notices	Misc shortage from Ad#4539568 Jan mtg; #4569412 Mtg dates; #4569421 contract awards
22	Iron Mountain	75.75			Misc/Record Retention Service	"Inv#DMLD142 Storage 4/1-31/2021; Service 2/24/21-3/23/21
23	Office Depot	107.99			Misc/Office Supplies	Order#166602415 binders; #164672868 file boxes
24	Bass River Township		2,100.00		Safety Incentive Program	Full check for SIP
25	Bordentown Township	203.36			Wellness Program	baseball challenge
26	Florence Township		3,450.00		Safety Incentive Program	Full check for SIP
27	Hainesport Township		2,850.00		Safety Incentive Program	Full check for SIP
28	Mansfield Township		3,150.00		Safety Incentive Program	Full check for SIP
29	Medford Township			175.23	Safety Incentive Program	Final pymt for special recognition award
30	Medford Township		2,500.00		Contingency	Police re-accreditation Oct 2020
31	Mt Laurel Township		3,750.00		Safety Incentive Program	Full check for SIP
32	Borough of Palmyra	750.00			Wellness Program	Heart month items
33	Pemberton Borough		2,100.00		Safety Incentive Program	Full check for SIP
34	Pemberton Borough	559.38			Optional Safety Budget	Covid fogger
35	Shamong Township		2,850.00		Safety Incentive Program	Full check for SIP
36	Southampton Township		2,900.00		Safety Incentive Program	Full check for SIP
37	Tabernacle Township		2,850.00		Safety Incentive Program	Full check for SIP
38	Hardenbergh Insurance	9,655.00			Risk Management Consultants	Medford Twp (Feb-June) payment
	<b>TOTAL</b>	<b>\$486,715.22</b>	<b>\$66,029.00</b>	<b>\$175.23</b>		

**JIF Bill List Total \$552,919.45**



## **EXECUTIVE SAFETY COMMITTEE MEETING**

***Tuesday, March 16, 2021 at 1:30pm***

***Via Conference Call***

An Executive Safety Committee meeting of the Burlington County Municipal Joint Insurance Fund ("BURLCO JIF") was held via conference call on Tuesday, March 16, 2021 at 1:30pm. The meeting was called to order at 1:31pm.

Those in attendance were:

Doug Cramer, *Chair*, **Tabernacle Township**  
Richard Wolbert, *Co-Chair*, **Beverly City**  
Grace Archer, **Bordentown City**  
Erin Provenzano, **Delanco Township**  
Patrice Hansell, **Fieldsboro Borough**  
Stephen Fazekas, **Florence Township**  
Mike Fitzpatrick, **Mansfield Township**  
Mary Picariello, **North Hanover Township**  
Steve Ent, **Westampton Township**  
Maryalice Brown, **Woodland Township**  
Mike Avalone, **Conner Strong and Buckelew**  
Steve Walsh, **EJA/Capacity Insurance**  
Joe Henry, **Hardenbergh Insurance**  
Rob Garish, Consultant, **J. A. Montgomery Risk Control**  
John Saville, Lead Consultant, **J. A. Montgomery Risk Control**  
Paul A. Forlenza, Executive Director, **Arthur J. Gallagher**  
Paul J. Miola, Deputy Executive Director, **Arthur J. Gallagher**  
Sheila Ortiz, Account Representative, **Arthur J. Gallagher**  
Debby Schiffer, **Wellness Director**

Those not in attendance were:

Tom Pullion, **Edgewater Park Township**  
Kyle Tuliano, **New Hanover Township**  
Brian Monaghan, **Insurance Agency Management**  
Keith Hummel, Public Entity Assistant Director, **J. A. Montgomery Risk Control**

*These minutes may not represent the order in which some items were discussed.*

### ***I. MINUTES OF NOVEMBER 24, 2020 SAFETY MEETING – (E-mailed 03/03/2021)***

Mr. Miola indicated that a copy of the November 24, 2020, Executive Committee Meeting Minutes were e-mailed to all Committee members along with the notice for today's meeting.

Mr. Miola asked if there were any questions. No questions were entertained.



**II. SAFETY COMMITTEE CHARTER – (E-mailed 03/03/2021)**

Mr. Miola referred the Committee members to a copy of the Safety Committee Charter included in the agenda packet. The Charter was adopted at the January Re-Org meeting. He then noted that his office places the Committee Charter on the first agenda of the year for review to ensure that the roles and responsibilities of the Committee as outlined are accurate.

He then asked the members if they had any suggested changes to the Charter. The Committee had no suggested changes.

**III. ANNUAL SAFETY DIRECTOR'S LOSS CONTROL REPORT**

Mr. Garish referred the Committee to a copy of the Annual Safety Director's Loss Control Report that was e-mailed yesterday for the Committee's review. He then briefly reviewed the report with the Committee.

Mr. Garish noted that the Safety Contract calls for a minimum of 127 loss control visits to the 41 members of the ACM JIF. As of December 31, 2020, 72 service visits were completed, including (9) law enforcement surveys, (9) boardwalk surveys and (15) renewal surveys. The remaining service visits included but were not limited to virtual/teleconference surveys and physical facility surveys during the pandemic.

Mr. Garish reported that there are over 130 Safety Bulletins available to the members on both the NJMEL and ACM JIF Websites. He noted that 30 of these bulletins are specifically geared toward COVID-19 that were issued in 2020. Mr. Garish stated that his office will continue to monitor the current COVID-19 information at the Federal and State level.

Mr. Garish briefly covered the various safety programs as follows:

- Safety Incentive Program
- Road, Sign & Walkway Program
- Law Enforcement Services
- S:ERVE & Attention and Distracted Driving
- Facility Checklist, Job Safety Observations, Tool-Box Safety Talks

Mr. Garish highlighted that these Regional Trainings were held during the pandemic; those were:

- Safety Coordinator, Claims and Wellness Roundtables (held immediately following the Safety Breakfast)
- Lifeguard Symposium (held virtually)
- First Amendment Audit / Building Security
  - Mr. Hummel conducted eight (8) training sessions virtually (training was very well attended)

Mr. Garish announced that the ACM JIF members participated in 1687 total "Live" Virtual Instructor-led learning events through the MSI in 2020. This was a slight decrease of 554 learning events from 2019. The following ACM JIF members had more than 50 Instructor-led classroom uses in 2020:

- Waterford Township– (50)
- Sea Isle City– (51)
- Northfield Township– (61)
- Lower Township – (66)
- Upper Deerfield Township– (68)
- Middle Township – (77)
- Avalon Borough (89)
- Wildwood City (86)

- Wildwood Crest – (118)
- Galloway Township – (122)
- Millville City (147)
- Cape May (343)

In addition to traditional Instructor-led training, 2,854 online training programs were taken through the MSI by our membership. This was a significant increase from 2019 (1,338) online learning events. Leaders in the online Learning Management System with more than 50 uses in 2020:

- Absecon – (55)
- Avalon – (63)
- Dennis – (65)
- Egg Harbor (68)
- Galloway (74)
- Longport – (87)
- Margate – (91)
- Middle – (104)
- Millville (105)
- Mullica (109)
- North Wildwood – (102)
- Northfield – (150)
- Pleasantville – (170)
- Sea Isle – (197)
- Somers Point (265)
- Upper Township – (272)
- Waterford – (323)
- Wildwood Crest – (332)

Mr. Garish then noted that there were 13 video rentals from the MEL Media Library in 2020. This represents usage by six (6) member towns. Members watched 29 streaming videos in the new platform. In 2018, we added 130 DVDs, and the library now consists of over 1000 distinct titles that represent 47 categories. The catalog can be found on both the NJ MEL and BURLCO JIF websites. Mr. Garish requested that members that conduct group sessions to advise our office of these group trainings and provide the sign-in sheet so attendance numbers can be updated accordingly in the MSI.

Mr. Garish asked if there were any questions. No questions were entertained.

*(The Annual Safety Director's Loss Control Report is attached to the minutes of today's meeting.)*

#### **IV. SAFETY INTERVENTION / MONITORING**

Mr. Miola asked J. A. Montgomery if there were any candidates for Safety Intervention or Monitoring. Mr. Garish responded that there are no candidates at this time. He then noted that he would have liked to visit more towns in 2020; however, due to the pandemic, it was not possible.

Mr. Garish stated that his office will continue to evaluate each member and advise the Committee if a town is of concern.

#### **V. MEMBERSHIP RENEWALS**

Mr. Miola announced that eight (8) member municipalities are up for renewal effective January 1, 2022. He noted that the Safety Director's office is responsible of the completion of the Renewal

Surveys for each of these members. The Safety Director will provide a report at the next Executive Safety Committee on all of the renewing members.

Mr. Forlenza stated that he will have the six-year results for the renewing members valued as of June 30, 2020, which will be presented at our July Safety Committee Meeting.

**VI. *BURLCO JIF LOSS RATIO REPORTS – December 31, 2020***

Mr. Miola referred the Committee to a copy of the JIF's Six-Year Average Loss Ratio Reports valued as of December 31, 2020. The report reflects a six-year period for Fund Years 2014-2019. He noted that the six-year average loss ratio for the BURLCO JIF is 82.7%. These ratios represent incurred losses, which consists of paid claims and money set aside in reserve to pay on known claims versus loss funding in each assessment to pay claims within the JIF's self-insured retention. Mr. Miola briefly reviewed the reports included in the agenda packet with the Committee.

Mr. Miola asked if there were any questions.

**VII. *MEL LOSS RATIO REPORTS – December 31, 2020***

Mr. Miola then directed the Committee to a copy of the MEL's Six-Year Average Loss Ratio reports that were included in the agenda packet. The report reflects a six-year period for Fund Years 2014-2019 valued as of December 31, 2020. Mr. Miola mentioned that the six-year average loss is 72.1%. He stated that the MEL picks up the cost after the local JIF's exhaust its retention of claims. Mr. Miola then briefly reviewed the reports with the Committee in further detail.

Mr. Miola mentioned that several years ago the MEL began to experience rate the local JIFs that had high loss ratios. Those members would then receive surcharge in their premium. He is pleased to report that as of right now this JIF has not been in this category.

Mr. Miola asked the Committee if they had any questions. No questions were entertained.

**VIII. *REGIONAL TRAINING SCHEDULE***

Mr. Miola referred the Committee to the 2021 Regional Training Schedule on page 19 of the agenda. He noted that the Safety & Claims Coordinator Roundtable was held on March 2, 2021. Evaluation Summaries are pending. With that being said, the Roundtable was very well attended and Mr. Garish noted that he has received good feedback during the session. Mr. Garish stated that a formal survey will be emailed to all the Safety Coordinators for their feedback.

Mr. Miola stated that the following Regional Trainings are remaining:

- **Designated Employee Representative Training:** The remaining dates are April 22, 2021 and September 23, 2021 from 9:00am - 4:00pm and will be held virtually. This training pertains to Supervisory Personnel responsible for CDL Operations & Drug and Alcohol Testing.
  - NJ DOT regulations require employers even with one Commercial Driver's License holder to identify a Designated Employer Representative or DER. The DER is the critical intermediary between the employer, the drug & alcohol regulations, testing procedures, and agency policies.
- **Health & Wellness / Stress Management:** This training will be scheduled in the Fall of 2021. The target audience is for all interested personnel.

Mr. Miola asked if there were any questions. Mr. Wolbert asked if Beverly would be required to complete the DER training, as the City does not have employees that hold a CDL license. Mr. Miola replied that if a member does not have employees with a CDL license the DER training would not apply to your municipality. He indicated that the Safety Incentive Program states that members are only required to attend training that applies to their municipality. Mr. Wolbert asked

how would the JIF know what applies to each municipality. Mr. Saville stated when he conducts his visits, he is aware of all trainings that apply to each municipality to ensure they are compliant with the Safety Incentive Program.

Ms. Provenzano asked if representatives are required to attend the DER Training each year. Mr. Miola replied that the remaining training sessions for this year are for new representatives or makeup sessions allowing those representatives that did not have a chance to attend in 2020.

**X. SAFETY DIRECTOR'S BULLETIN**

Mr. Garish mentioned a series of emails pertaining to Safety have been sent out, with most of them focusing on COVID-19.

- Best Practices for Preparing for Cold Weather
- Reminder for Check the Driving Histories of Your Drivers
- Best Practices for Snow Emergencies
- Managing Slip & Fall Risks During Winter Months
- New COVID-19 Resources Published by NJEHS and OSHA
- NJPEOSH Recordkeeping – Annual Reminder
- Guidance for Reporting and Recording COVID-related Illnesses

Mr. Garish stated that his office will continue to release Safety Bulletins as needed. In addition to the annual bulletins that are emailed to the members.

**XI. SAFETY DIRECTOR'S MESSAGE**

Mr. Garish reviewed the Safety Director's messages that have been sent out:

- TORO Recalls Power Max Snow Throwers due to Amputation Hazard
- Safety Alert – Scott SCBA AV-3000 HT Face Piece

Mr. Garish asked that the members share these two (2) Safety Director's Messages with their Public Works, Police, Fire and EMS Departments.

**XII. MEL SAFETY INSTITUTE**

Mr. Garish referred the Committee to pages 34-37 to member usage for the MSI, MSI NOW/Online classes, MEL in Person Training via Zoom, and MSI DVD through 12/31/2020. The reports are broken down by each member town. He briefly reviewed each report with the Committee.

Mr. Garish mentioned that in 2021 there are four (4) main platforms under the MSI Program:

- MSI NOW – provides on demand streaming videos that are available to members 24/7.
- MSI LIVE – real-time Instructor-led training held virtually via Zoom. All instructors are experienced, and they cover a broad spectrum of the Safety Program. CEU credits are offered for most of the MSI classes.
- MSI DVD – extensive library of over 1000 DVDs where members can log onto the MSI and rent for up to two (2) weeks. If videos are needed for a longer period, members can request an extension.

On a final note, Mr. Garish indicated that the MSI website received a "facelift" that went live on 3/4/2020. Changes were made to the MSI to make it easier to navigate. Mr. Garish asked the members to provide feedback if any once they log on. Mr. Cramer mentioned that the new MSI website is a lot more user-friendly.

Currently, his office is in the process of developing the "Leadership Academy" program that will be conducted over a two (2) year period. The program will consist of eight (8) training classes that are required and four (4) specific classes that will be mandatory elements. A list of the four (4) mandatory elements will be released that members can choose from to complete the training. Mr.

Garish mentioned that a certificate will be given upon completion of the "Leadership Academy" program. This will be a voluntary program for members.

### ***XIII. S:ERVE***

Mr. Garish discussed the S:ERVE program which is geared towards Police, Fire, Public Works, and EMS personnel. He noted that the current usage is between 60-70%. Mr. Garish mentioned that some members have not taken this course.

Mr. Garish mentioned that Safety National rolled out the program, which includes Attentive & Distracted Driving. This course is designated for drivers of all municipal agencies including CDL and non-CDL drivers and includes interactive graphics that will engage the adult learner. Mr. Garish has been made aware that some of the information is conflicting with the Fire Departments. He indicated that his office would never ask a member to take training that would conflict with their policies and procedures.

Mr. Garish stated that S: ERVE, was an added element of the Safety Incentive Program (SIP) because of the number of injuries that result from vehicle accidents. He noted that they will continue to promote this training with our members.

Mr. Garish indicated that the four (4) hour "Defensive Driving" course was also added to the MSI.

### ***XIV. POLICE TOPICS***

#### **Accreditation & Re-Accreditation Update**

Mr. Miola referred the Committee to page 38 of the agenda packet. An email was sent on February 8, 2021, outlining the JIF reimbursement program for the 2021 Police Accreditation Program. The BURLCO JIF recognizes the value that a formal Police Accreditation program have in reducing claims against members.

#### **Police One Academy**

Mr. Miola reported that 19 out of 20 Agencies are enrolled in the Police One Academy. 16 out of 20 Agencies are actively taking training courses; with 1,205 courses completed as of 02/12/2021. Mr. Garish mentioned that we have to make a push on those towns that have not registered. He opined that police agencies are being asked by the NJ Attorney General to participate in much more training and this could be part of the reason for the drop off in Police One Academy usage.

#### **SLEO Training and Police Supervisory Refresher Course**

Mr. Forlenza mentioned that retired Police Chief Denis Connell annually conducts SLEO and Supervisory Training sessions in Southern New Jersey. He referred the Committee to a copy of the flyer. Mr. Forlenza asked the Committee for authorization to continue to provide a \$100 stipend per attendee to offset the cost of this program to JIF members. The Committee authorized the Executive Director's office to offer this incentive.

#### **Police One Contract Renewal**

Mr. Forlenza informed the committee that the Police One contract is expiring on September 1, 2021. He noted that we have requested authorization to extend our existing contract with Police One for another four (4) months to expire on December 31st. This will allow the JIF to conduct an RFP process in the fall and award contracts effective January 1st, bringing all JIF contracts to a common anniversary date. He added that this was approved at the BURLCO Strategic Planning Committee last month.

#### **SLEO Training**

Mr. Forlenza mentioned that retired Police Chief Denis Connell annually conducts SLEO Training sessions in Southern New Jersey. He then referred the Committee to a copy of the flyer. The topics include: Use of Force guidelines/ Review of Wildwood case

- Use of force reporting requirements/public record
- Ordinance violations: limited arrest options St. v. Hutrado ; St v. Camillo St. v. Macuk
- Defiant trespass- notice to actor
- Service animals: places of public accommodation
- Nursing mothers: NJSA 26:4B-4
- Public intoxication: Title 26 Underage possession/use of alcohol, 18-21 yoa Juvenile possession/use of alcohol
- \*\* NEW RULES \*\* Medical Marijuana NJSA 24:6-I et. seq. Recreational Marijuana use/possession

Mr. Forlenza then asked the Committee for authorization to provide a \$900 stipend per session at a minimum of two (2) locally to offset the cost of this program to JIF members. The cost will split amongst the ACM, BURLCO, TRICO, Ocean, and Monmouth JIFs.

Mr. Avalone stated that the Ocean and Monmouth JIFs are not participating in Mr. Connell's SLEO Program. Mr. Forlenza thanked Mr. Avalone for the clarification. As a result, the cost will be split amongst 3-JIFs vs. 5-JIFs. He then asked the Committee if they are comfortable with this expenditure. The Committee authorized the Executive Director's office to provide a \$900 stipend per session. Mr. Forlenza stated that he will follow-up with Mr. Connell in this regard.

#### **Law Enforcement Bulletins**

Mr. Garish reviewed the Law Enforcement Bulletins:

- LE Bulletin 2020-10 | School Online Learning Presents Challenges to Reporting Emergencies that Occur in the Virtual Classroom
- LE Bulletin 2020-11 | Recent Ambush Attacks Reinforce the Need for Training and Mitigation Measures

#### **Police Ad Hoc Committee**

Mr. Miola mentioned that the minutes of the September 23, 2020, Police Ad Hoc Committee meeting were included in the agenda packet for your review.

The next Police Ad Hoc Committee Meeting is scheduled for April 27, 2021.

#### **XV. MEL SAFETY & EDUCATION MEETING**

Mr. Miola referred the Committee to page 55 to the MEL Safety & Education minutes from November 10, 2020. He noted that the minutes are self-explanatory. He noted that the minutes from January 22, 2021 were emailed this morning along with a copy of the Safety Director's Report. The next meeting is scheduled for April 30, 2021.

#### **XVI. PEOSHA ADVISORY COMMITTEE UPDATES**

Mr. Saville reported that the last PEOSHA Advisory Committee meeting was held on January 28, 2021 and next meeting is scheduled for April 22, 2021 in person or virtually. He briefly reviewed the Advisory Committee Meeting notes with the members.

Mr. Saville mentioned that the *three most frequently cited violations* during this period during location inspections were:

- Portable Fire Extinguishers Inspection and Training
- Machine Guarding – Grinder work rest
- Electric Outlet Ampere Capacity exceeded

Due to COVID-19 pandemic restrictions, the compliance officers' are contacting towns to set-up appointments. Mr. Saville mentioned that in the event of a complaint, PEOSH is allowing the town to answer complaints over the phone, if possible. If the complaint is extensive, PEOSH will schedule an in-person visit to the town.

Mr. Saville stated that if PEOSH visits your town contact him directly and he will help in any way he can.

Lastly, Mr. Saville mentioned that PEOSH has suspended their entire in-person trainings due to COVID-19; however, they are holding virtual trainings. He noted that PEOSH has developed a filing system to keep complaints on file to hand them electronically.

Mr. Saville asked if there are any questions. No questions were entertained.

### **Right To Know Survey Submission Instructions**

Mr. Garish reported that the 2020 *Right to Know Surveys* were completed for all of the 28 member towns. Members should have received a drop-box link via email to gain access to their information. The deadline for the RTK submissions are due to the state by July 15, 2021. If you have not received your drop-box link, contact the Safety Director's office.

## **XVII. WELLNESS INITIATIVE**

Ms. Schiffer mentioned that she and her colleague hosted two (2) focus groups. She sent out invitations to all municipalities and the following agreed to participate: Bordentown Township, Delanco Township and Florence Township.

Ms. Schiffer briefed the Committee on her recent activities:

### **Hosted a Mindfulness Workshop**

- Benefits and practice
- Followed by 10- day challenge with a daily email offering a new mindfulness practice
- Offering to follow-up practice on March 11, 2021

### **Launching a New Program "Powered Through Plants"**

- Hosting several virtual introductions to let folks know what to expect should they want to sign up for the workshops.
- Six (6) weekly workshops with a specific topic to address
- The program also highlights the benefits of going plant-strong and will burst some of the myths about food. How it can help us handle cravings; can prevent or reverse insulin dependence and so much more. The goal is to bring awareness, education, and help to set folks up for success.
  - Offering (3) personalized coaching sessions for those who complete the program and assignments.

### **Municipality Activity**

- **Bordentown Twp.** – held a bingo challenge focusing on fitness, plan to do a Baseball Homerun challenge-starting end of this month.
- **Florence** – offered a bingo challenge in Feb with 12 participants (each received a reusable lunch sack, freezer insert, and reusable containers. Had fun! Planning on at least one challenge a quarter.
- **Mount Laurel** – offering a 12-week weight loss challenge to raise money for the Mt. Laurel Police Unity Tour Team. This tour is to raise awareness of those LE officers who have died in the line of duty. The buy in collected will go towards this. Participants are encouraged to check their BP and measure their waist circumference at the start not necessary for the challenge just for them to see any changes. There is a 1<sup>st</sup> place winner



from each department (Ninja blender) and department with highest percentage of weight loss will get an Air Fryer.

Ms. Schiffer mentioned that she reached out to all members of the BURLCO JIF. She has begun to set-up appointments to visit municipalities to plan for their Wellness Activities for 2021; however, some members have not responded to her.

Ms. Schiffer reminded the Committee that at the last meeting the *Proposed Pilot Program for Law* Ms. Schiffer that Beverly City, Bordentown Township, Lumberton Township, and Mt. Laurel agreed to participate in the Pilot Program for Law Enforcement & Career Firefighters.

Ms. Picariello asked how the municipalities were chosen. Mr. Miola replied that Mr. Hummel reached out to several Police Chiefs and he was able to identify those members that were willing to participate in the pilot program. Enforcement & Career Firefighters were authorized by this Committee. The cost to the BURLCO JIF is \$4500 for four (4) member municipalities. Mr. Miola mentioned that only \$1500 was authorized at our last meeting. As result, we are asking if the Committee if they would authorize the additional funding for this pilot program. The Committee approved the additional \$3000 to cover the total cost for the pilot program of \$4500.

Ms. Schiffer that Beverly City, Bordentown Township, Lumberton Township, and Mt. Laurel agreed to participate in the Pilot Program for Law Enforcement & Career Firefighters.

Ms. Picariello asked how the municipalities were chosen. Mr. Miola replied that Mr. Hummel reached out to several Police Chiefs and he was able to identify those members that were willing to participate in the pilot program.

### **Wellness Budget**

Mr. Miola referred the Committee to the Wellness Incentive Budget Program. The combined Wellness, OSB & EPL Cyber Fund Program letters were emailed on February 25, 2021. The deadline to claim or encumber Funds is November 30, 2021, and the final date to claim encumbered Funds is February 1, 2022.

Mr. Forlenza noted that in 2020 we allowed Wellness Funds for reimbursements of COVID-19 related expenses. This included hand sanitizers, masks, etc. However, this year we will not be allowing reimbursement of COVID-19 related expenses. Mr. Forlenza indicated that these types of expenses could be submitted under other programs such as the Optional Safety Incentive Program and the Safety Incentive Program. He then asked the Committee if they were comfortable with his recommendation. The Committee agreed not to allow COVID-related expenses to be reimbursed with Wellness Incentive Funds.

## ***XVIII. OPTIONAL SAFETY BUDGET***

Mr. Miola referred the Committee to page 65 of the agenda packet to the Optional Safety Budget Program. The combined Wellness, OSB & EPL Cyber Fund Program letters were emailed on February 25, 2021. The deadline to claim or encumber Funds is November 30, 2021, and the final date to claim to encumbered Funds is February 1, 2022

## ***XIX. SAFETY INCENTIVE PROGRAM***

### **2020 Program**

Mr. Miola directed the Committee to a spreadsheet on page 66 of the agenda packet depicting available balances in the 2020 SIP that includes the Optional Incentive amounts. The purpose of this award is to recognize your employees for their contribution to your safety efforts. Mr. Forlenza stated that Ms. Ortiz is working on these letters and will be emailing them out this week. The deadline to claim as a check will be April 30, 2021.

Mr. Forlenza noted that in the past two (2) separate letters were being sent out, one to the Safety Coordinator and the other to the Governing Body. He explained that it has become an unnecessary administrative task to undertake. As a result, the letter format has been consolidated. The letter will be sent to the Safety Coordinator, copying the Fund Commissioner, Municipal Clerk, CFO, and RMC. Mr. Forlenza indicated that in the letter we will ask the Municipal Clerk to provide a copy of the correspondence directly to members of the Governing Body. In the body of the letter, we ask that the Governing Body recognize employees and their safety efforts from the prior year. He then asked the Committee if they are comfortable moving forward with this process. The Committee agreed with Mr. Forlenza's recommendation.

Mr. Garish reminded the Committee that the Retreat Attendance was removed from the SIP for 2020 due to the pandemic and cancellation of the Retreat.

**XX. 2021 SAFETY KICKOFF BREAKFAST**

Mr. Miola indicated that due to the pandemic and strict social distance guidelines we are unable to hold the 2021 Safety Kickoff Breakfast in person. As a result, we are preparing a pre-recorded presentation for our members.

The presentation will be approximately 7-8 minutes in length and will cover the accomplishments, performance of overall members and highlight awards. Once the presentation is complete, our office will e-mail members a link to the presentation that will be placed on the BURLCO JIF website.

**XXI. 2021 SAFETY & CLAIMS COORDINATOR ROUNDTABLE**

Mr. Miola noted that the Safety & Claims Coordinators Roundtable was held on March 2, 2021. He noted that Mr. Garish is working on the evaluation summaries for the Safety Coordinator's Roundtable.

Mr. Miola reported that 46 responses were received in response to the Claims Coordinator survey that was released last Friday. Overall, the feedback was all positive. He noted that these results will be shared at our next Safety Committee Meeting.

**XXII. 2021 PLANNING RETREAT TOPICS**

Mr. Forlenza announced that our office sent out a "Save the Date" regarding the virtual 2021 Planning Retreat. This event is scheduled for Tuesday, May 4th, and Thursday, May 6th. He noted that each day will be approximately 2-hours in length with 3-4 sessions on both days. Mr. Forlenza briefly reviewed the agenda for each day.

Mr. Forlenza stated that the formal invitation will go out in the next few weeks.

**XXIII. LEGALIZATION OF CANNABIS**

Mr. Miola explained that many issues are arising because of the legalization of cannabis. Recently the MEL has executed a contract with an Attorney who specializes in this area. He will be able to provide our members with guidance on how to handle the issues associated with the legalization of cannabis. He noted that the EJIF released a memo that discusses environmental issues associated with the production and distribution of cannabis. Mr. Miola indicated that as more information is released he will ensure the members are kept up to date.

Mr. Wolbert mentioned that Police Officers can be charged with a civil rights violation if they do not comply with the new state laws regarding adult juveniles ages 18-21. He then asked would

these types of violations be covered by the JIF. Mr. Miola replied that civil rights violations would be covered by the JIF.

Mr. Wolbert asked how we should address employees that were involved in traffic accidents while driving a municipal vehicle. Mr. Miola responded that these are all issues that are being ironed out at the MEL level. He indicated that if there are any other concerns related to the legalization of cannabis to email him and he will address them with the MEL Attorney.

#### **XXIV. BACKGROUND CHECKS**

Mr. Miola told the Committee that the Sexual and Molestation Policy requires background checks for those who work with/and around minors. Several questions were raised over the past few months in regards to background checks. Some background checks are taking too long to be returned or the information is not thorough. As a result, the MEL has developed an RFQ for firms that can perform background checks at a competitive price and can be conducted online with a quick turnaround time. Once the results of the RFP are in he will inform the members. He asked the members if they have any questions they can address them via email to him or Mr. Forlenza.

#### **XXV. NEXT MEETING**

Mr. Miola stated that the next Executive Committee meeting will be held on July 20, 2021, at 1:30 pm. The remaining meeting will be held on November 23, 2021. All meetings will be held via Zoom or in person. The Committee agreed.

There being no further business, the meeting adjourned at 2:34 PM.

File: BURLCO/2021/Safety Committee  
BURLCO/GEN/Safety Committee

Tab: 03/16/2021  
Tab: 03/16/2021



# ANNUAL SAFETY DIRECTOR'S REPORT

**BURLINGTON COUNTY  
MUNICIPAL JOINT INSURANCE FUND  
2020**

**PREPARED BY**

J. A. Montgomery Consulting

P.O. Box 99106  
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## Table of Contents

A. GENERAL DUTIES – EXECUTIVE SUMMARY .....	2
1. Executive Safety Committee .....	3
2. Participation in Claims Process / Accident Investigation .....	3
3. Written Compliance Programs / Bulletin Updates .....	3
B. PROGRAMS .....	3
1. Safety Incentive Program .....	3
2. Road, Sign, and Walkway Program.....	5
3. Law Enforcement Services.....	5
4. S:ERVE / Attention and Distracted Driving .....	7
5. Facility Checklist, Job Safety Observations, Tool-Box Talks .....	7
C. TRAINING .....	8
1. Regional Training Plan / Safety Breakfast / Additional Training.....	8
2. MSI Training and Participation / MEL Medial Library .....	9
D. REPORTS .....	11
1. Attendance at Meetings of the Fund.....	11
2. Monthly and Quarterly Reports.....	11
3. Planned Service Activites for Fourth Quarter.....	11

## BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

### 2020 ANNUAL SAFETY DIRECTOR REPORT

#### A. GENERAL DUTIES – EXECUTIVE SUMMARY

The 2020 Safety Director's contract calls for a minimum of 67 loss control visits to the 28 members of the Burlington County Municipal Joint Insurance Fund. Through December 21, 2020, 71 service visits were completed, including (8) law enforcement surveys and (10) renewal surveys.

The remaining service visits will include but are not limited to physical facility surveys, playground inspections, seasonal operations, job safety observations, Safety Committee meetings, special training requests, PEOSH violation remediation assistance, and other services requested by the membership.

The Renewal Surveys included the following members; Bass River, Beverly, Florence, Hainesport, Mount Laurel, North Hanover, Palmyra, Shamong, Springfield, and Woodland. During the surveys, all municipal operations are reviewed. Buildings more than 50 + years old or of significant value are visited, and the following elements are reviewed: SIP participation, progress on Suggestions for Improvement, any unusual exposures, and comments on their loss metrics.

A summary of findings was presented at the July Executive Safety Committee Meeting. None of the current conditions found presented concerns with the desirability of these members for renewal.

Right to Know Inventory and Labeling Surveys for 2020 have continued throughout the year. The electronic distribution to all Central File DropBox members has been completed for the surveys conducted in 2020. All members should have submitted their 2020 RTK surveys by July 15, 2021.

The J. A. Montgomery Consulting Team consists of our Safety Director, Chief Keith Hummel (Ret.), and Loss Control Consultants, John Saville, Robert Garish, Liam Callahan, and Jonathan Czarnecki. We will be your primary contacts for all onsite visits, Safety Committees, and safety-related resources. Keith is also available to provide law enforcement risk control consultation services as requested by the Joint Insurance Fund. The team is administratively supported by Danielle Sanders and Lauren Gershman. Training support is administered by the MSI Learning Management System staff, Susan Kopec, Andrea Felip, and Natalie Dougherty.



### 1. Executive Safety Committee

The Safety Committee will meet three (3) times in 2020. The Safety Director and staff will continue to attend Safety Committee meetings to help establish local safety programs and assist in the overall safety program's effectiveness. The Safety Director reviews loss metrics (LTAF Rate, Loss Ratio Reports), training participation, and SIP involvement on a quarterly basis.

Any member who shows deterioration in their results is brought to the attention of the Executive Safety Committee. We are happy to report that no members of the BURLCO JIF are on Safety Monitoring or Intervention at this time.

### 2. Participation in Claims Process / Accident Investigation

Personnel from the Safety Director's Office attend the monthly Fund and Claims Committee meetings and are available to offer technical and safety-related insight into claims under review. The Safety Director's Office is also available to conduct accident investigations related to claims against the Fund. The Safety Director's Office will work with the Third Party Administrator to help identify loss trends from claims to better focus on certain areas when needed.

### 3. Written Compliance Programs / Bulletin Updates

The Safety Director's Office has produced model safety plans to address regulatory compliance issues. These programs are available on the following website: <https://njmel.org/mel-safety-institute/resource-center/> along with the BURLCO JIF website <https://burlcojif.org>. Bulletins and notices are produced each month and are distributed to the membership. Bulletins are also available through the MEL Mobile App. A listing of all Notices and Bulletins distributed during the prior month are listed in the Safety Director's Report of the monthly agenda packet. There are over 130 available Safety Director's Bulletins covering various topics under Administration, Public Works / Public Authorities, Law Enforcement, Fire/Rescue, and Recreation. In 2020, the Safety Director's Office sent out over 30 bulletins related to COVID-19.

## B. PROGRAMS

### 1. Safety Incentive Program

The theme for the Safety Incentive Program is a "ZERO-HARM WORKPLACE." The presence of safety versus the absence of safety. By changing the way we approach safety, we focus on the avoidance of Risk rather than relying on the absence of injury to determine how well our safety programs are working.

When we describe Zero Harm vs. Zero Incident, we have to start by identifying Risk and avoiding the hazards through the use of controls.

We avoid Risk when we *Plan* to reduce or eliminate hazards wherever we can. We Do what is necessary to eliminate hazards each time. We Check to ensure it is being done and Act by following through with our plan.



Elements of the 2020 Safety Incentive Program include but not limited to:

- Base Safety Program & Enhanced Safety Program. See the 2020 Safety Incentive Program (SIP) for additional details.
- Submit 2020 Safety Committee meeting dates (1/31/2020) and return the 2020 Safety Contract (3/31/2020)
- Each member is required to send a delegate to the Safety Breakfast, which was held on March 5, 2020.
- Each member is required to send a delegate to the Safety Coordinators/Claims Coordinator Roundtable, which was held on March 5, 2020, immediately following the Safety Breakfast.
- Each member is required to send a delegate to at least one half-day session of the Annual Planning Retreat (POSTPONED)
- Members will hold at a minimum quarterly Safety Committee meetings.
- Members will complete the S:ERVE (Police, Fire, and EMS) / Attention & Distracted Driving (all other municipal drivers) online training for employees who operate municipal vehicles by November 1, 2020. Participation will be verified by the Safety Director's Office.
- Member towns are expected to actively participate in all aspects of the program. Safety records are kept at the workplace and maintained by the Safety Coordinator. Once or twice a year, the safety records will be reviewed onsite by the safety consultants.
- Activities in the safety program are grouped into the "six (6) C's", Commitment, Controlling Hazards, Continuing Education, Communication, Coaching, and Claims Management. See *Best Practices of 2020 SIP*
- JIF Safety Consultants are required to review program records. Safety Coordinators are encouraged to maintain these program records in a centrally located file. The file should contain the member's Safety Committee Minutes, Hazard Inspections, Training Records, Job Safety Observations, and any other documentation that would assist with an objective evaluation of the member's program efforts. Maintenance of this file will ensure that the member receives full credit for their efforts.
- During onsite record checks, all elements of the program will be reviewed. We will work with members to secure a commitment of participation for areas that are found to be lacking during the review. It is expected that written documentation will be available for review (Safety Committee Minutes, hazard

inspections, training records, job safety observations, roadway signs, and walkway logs, etc.).

- All safety elements are scored equally, and full participation requires that there be activity and significant demonstration of commitment in all aspects of the program to qualify for a Safety Incentive Award.
- Members will either qualify or not qualify (Pass or Fail) for a Safety Incentive Award. There are no qualification tiers.

## 2. Road, Sign, and Walkway Program

The Road, Sign, and Walkway program is posted to the JIF website and includes written guidelines to help minimize incidents and reduce litigation costs. It's important to emphasize the need for this program as one of the key components in protecting Title 59 Immunities. Good inspection reports are often successfully used to help defend liability cases.

## 3. Law Enforcement Services

**Police Ad Hoc Committee meetings** are held regularly throughout the year, depending on the need. Joint meetings with Atlantic, BURLCO, and TRICO JIFs allow for representation by agencies of various sizes to present and discuss risk management issues of interest to the members. Our first meeting for 2020 (April 22) was canceled due to the COVID -19 Pandemic. . A Police Ad Hoc virtual meeting via ZOOM was held on September 23, 2020.

**Chief Hummel (Ret.) will provide Law Enforcement Consultative Visits** to eight (8) agencies. The goal of these meetings was to provide an in-depth review of services and to identify members' needs and requests. Special attention is directed to members with changes to their Command Staff. The Safety Director's Office will continue to build strong relationships with the Law Enforcement community.

**Law Enforcement Training and Memorandums** are distributed electronically and are listed in the monthly Fund Agenda packet and posted to the JIF website. The following memorandums were sent out in 2020 as of this report:

- COVID 19 Update (LE 2020-01)
- L.E. Exposure to COVID 19 Guidance (L.E. 2020-02)
- SLEO II Guidance (L.E. 2020-03)
- FORD Motor Vehicles (L.E. 2020-04)
- Identifying the Unseen Victims of the Pandemic (L.E. 2020-05)
- Firearms Training and Hearing Protection (LEO 2020-06)
- Strengths, Weaknesses, and Opportunities (LEO 2020-07)
- Outdoor Dining Considerations (LEO 2020-08)
- Strategic Partnerships (LEO 2020-09)
- Remote Learning Challenges for Police Leaders (LEO 2020-10)

**Police One Training Academy** is offered to the members to help reduce the skyrocketing costs associated with police-related injuries and lawsuits. Police One offers training in many different areas of importance to law enforcement personnel. All JIF Member Police Agencies are eligible to participate in this web-based training program. Courses will be reviewed by the Safety Director and the Police Ad-Hoc Committee representatives, along with identifying additional courses on an annual basis. Courses include but not limited to:

- Sexual Harassment
- Ethics
- De-Escalation / Minimizing Use of Force
- Officer Well Being
- Fitness & Nutrition
- Cultural Diversity
- Handling Robbery Calls
- Interviews and Interrogations
- Cyber Security Threats
- Protection from Ransomware and Phishing Attacks
- Anti-Bias Training for Law Enforcement
- The Risk o Social Media in the Workplace
- COVID 19

Two additional courses were added in September of 2020:

- Interacting With the Mentally Ill as a First Responder
- Guide to Temporary Traffic Control in Work Zones

User Activity:

- 19 of 20 Police Agencies enrolled as of 1/15/2021
- 16 of 20 Agencies actively taking courses
  - 1,203 total uses as of 1/15/2021

**Additional Police Services available to members in 2020 included but were not limited to:**

- Model Polices
- Police Risk Management Training
- Below 100 Training
- Career Survival
- S:ERVE & Distracted Driving (Updated 2019)
- Coaching the Emergency Operator (CEVO)
- Defensive Driving
- MEL Safety Institute and MEL Media Library

#### 4. S:ERVE & Attention and Distracted Driving

**S:ERVE-Safety:** Emergency Responder Vehicle Education (S:ERVE) is an online driver simulation and curriculum that focuses on code three intersection negotiation scenarios created to educate law enforcement, firefighters, EMS, and other emergency responders. Courses are SCORM compliant and designed to stand alone with minimal instructor participation. Each course is divided into six short lessons of 20-30 minutes, presenting techniques, concepts, rules, and procedural knowledge necessary for emergency responders to drive safely and effectively in emergency response situations. The following modules make up the S:ERVE program:

- Intersection Approach
- Intersection Assessment
- Clearing the Intersection (Basic)
- Clearing the Intersection (Advanced)
- Intersection Departure
- Distracted Driving

**Attention and Distracted Driving** - Distracted driving is emerging as a major cause of work-related vehicle accidents. This online driver simulation program provides targeted and convenient safe driving training for all fleet drivers, regardless of vehicle type. The course is SCORM compliant and designed to function independently with basic instructor participation in a brief 20-30-minute lesson. This course includes:

- The negative effects of looking away from the road for more than two seconds
- Strategies for eliminating controllable distractions
- How to make necessary adjustments for distractions that the driver cannot control

#### 5. Facility Checklist, Job Safety Observations, Tool-Box Safety Talks

**Facility Checklist-** Routine inspections help you: Make sure that safety and health policies and procedures are being followed. Identify and correct safety and health hazards before they cause injuries or illnesses. Determine the need for safety training while promoting compliance and showing employees we care about their safety and everyone else's.

**Job Safety Observations** – Helps identify Safe or At-Risk Actions. Reaffirms safe actions through positive reinforcement while helping identify skill sets, knowledge, and potentially unsafe actions. Through coaching and corrective actions, these observations can be used as a helpful resource for increasing employee safety.

**Toolbox Safety Talks** – Quick, effective, and easy-to-use tool that front-line staff can use to share information about potential safety problems and concerns on a daily basis. They help promote and reiterate important information and best practices for the task at hand.

## C. TRAINING

### 1. Regional Training Plan / Safety Breakfast / Additional Training

Training programs to be held in 2020 are listed below.

- **The Safety Breakfast** was held on March 5, 2020.
- **The Safety Coordinators/Claims/Wellness Coordinator Roundtable** was held on March 5, 2020, immediately following the Safety Breakfast
- **DER Regional Training** was to be held on March 16, 2020  
(Postponed-Moved to 2021).
- **Health & Wellness – Stress Management – 3<sup>rd</sup> / 4<sup>th</sup> QTR 2020**  
(Postponed - Moved to 2021)
- **First Amendment Audit / Building Security** was to be held on May 11, 2020  
(Canceled In-Person– Moved to Virtual Sessions (8) via Zoom)
  - October 21 (10 AM & 1PM)
  - October 28 (10 AM & 1PM)
  - November 11 (10 AM & 1PM)
  - November 17 (10 AM & 1PM)
- **Annual Retreat - (Cancelled COVID 19)**

### 2. MSI Training and Participation / MEL Media Library / MSI NOW

Due to the ongoing COVID-19 crisis in New Jersey, the indefinite suspension of in-person MEL Safety Institute (MSI) classroom training has occurred. With the utmost concern for our public employers and employees, MSI announced an online safety training platform that began on June 2, 2020. Instruction will be conducted with a live instructor using the Zoom webinar platform. The members are being offered the same training content, with the same experienced crew of instructors, and with the same continuing education credits as our in-person classes, but with the flexibility and safety of online delivery.

- You, as an individual attendee, or your organization for group training, do not need a Zoom account to attend a webinar. Webinars can be viewed from a desktop, laptop, tablet, or smartphone.
- When registering, please indicate the number of students that will be attending with you if in a group setting for an accurate count to avoid cancellations due to low attendance. Once registered, you will receive an email with the webinar link. Be sure to save the link on your calendar to access on the day of training.
- Zoom recently updated its app. After registering for a webinar, the confirmation email contains a link at the bottom to test your system. We strongly recommend testing your system and updating it if needed at that time.

- It is suggested you log in to the webinar about 15 minutes early, so if there is an issue, there is time to address it. Entrance into the webinar is locked after 10 minutes. We cannot offer credit or CEUs to attendees who log in excessively late or leave early.
- A group sign-in sheet is also attached. Please assign someone to submit the completed sign-in sheets within 24 hours of the webinars, so updated learning histories and Certificates of Participation can be made available in a timely manner.

Traditionally there are 53 Instructor-led training courses available to the membership and 24 online training programs. Various safety topics from Accident Investigation to Snow Removal, Safety Orientation for New Employees, and a series on Camp Counselor Safety are available to the membership.

Additionally, "Fast Track" training programs, which feature up to four (4) courses in a one-day session, are offered several times a year. The Fast Track program is designed to meet specific yearly mandated OSHA/PEOSH training. The Course Catalog and Class Request forms were made available on both the NJ MEL website and the BURLCO JIF website. Available instructor-led training courses for upcoming months are routinely provided to the membership in the monthly Safety Director's Report.

Training Administrators are an essential link for members to access the MSI Learning Management System. Administrators can run reports, register users, and update training records. All members are encouraged to check the accuracy of the Training Administrator list via the Mel Safety Institute.

**Kwik Courses / Video Briefings** – These video briefings are designed to focus on one limited topic, in a short time (5 Minutes). These video briefings are a great resource to be used as Tool-Box Talks for employees.

- Asbestos Safety Overview (5 Minutes)
- Fire Extinguisher Monthly Inspections (5 Minutes)
- GHS Pictogram Review (5 Minutes)
- Investigating Slip and Trip Injuries (5 Minutes)
- OSHA Record Keeping (5 Minutes)
- Safely Backing Work Vehicles (5 Minutes)
- Voluntary Use of Respirators (5 Minutes)
- Responsibilities of an RTK Coordinator (5 Minutes)
- Confined Space Awareness (5 Minutes)

**MEL Media Library** - The MEL DVD Media Library remains unavailable during the COVID outbreak while MSI staff is working from home. However, when operations return to normal, the Library's list of more than 600 titles will be available again.

**MSI NOW** – The MEL Media Library now has a new video streaming service called MSI NOW. The new service has approximately 130 titles available for streaming right to your workplace! We encourage leaders to view the videos with members of their team

and then discuss how the video's information can best be used specifically in your operations.

To access the streaming videos, log-in to the Learning Management System (LMS), and select the MSI NOW and Online Training College on the bottom right side of the page. When the College is opened, the steaming videos are on the right side of the page, listed by ten categories. When a category is selected, a drop-down menu of the available titles is shown. Online classes are still listed on the left side of the College. Individuals who log into the LMS and take an online class or view a video in the MSI NOW library will have the session added into their learning histories. Group learning can be added to students' learning histories by the Training Administrator of the member.

BURLCO JIF members participated in 992 total "LIVE" virtual Instructor-led learning events through the MSI in 2020. This was a decrease from 2019 (1118) by 126 online learning events. The following BURLCO JIF members had more than 50 Instructor-led classroom uses in 2020:

- Pemberton Township – 343
- Medford Township – 123
- Florence – 94
- Delran - 55
- Chesterfield – 54

In addition to traditional Instructor-led training, 515 online training programs were taken through the MSI by our membership. This was a significant increase from 2019 (296) by 219 online learning events. Leaders in the online Learning Management System with more than 50 uses in 2020:

- Pemberton Township – 181
- Mount Laurel – 61

There were 29 streaming videos accessed through the new MSI NOW platform.

There were 13 video rentals from the MEL Media Library in 2020. This represents usage by (6) member towns. In 2018, we added 130 DVDs, and the library now consists of over 1000 distinct titles that represent 47 categories. The catalog can be found on both the NJ MEL and BURLCO JIF websites.



## **D. ATTENDANCE / REPORTS**

### **1. Attendance at Meetings of the Fund**

J. A. Montgomery Consulting has representation at all JIF events, including Fund Commissioner Meetings, Claims Committee Meetings, and Annual Planning Retreats. J. A. Montgomery Consulting attends the MEL Safety and Education Committee meetings. Information presented at the MEL level is shared with the Executive Safety Committee. Additionally, J. A. Montgomery Staff attends quarterly PEOSH Meetings, Rutgers Crossing Guard Forum, and Safety / Risk Management related events.

### **2. Monthly and Quarterly Reports Semi-Annual Loss Analysis**

J. A. Montgomery Consulting provides monthly reports to the Fund on Risk Control activities completed during the prior month. Quarterly reports on MSI Attendance are distributed to the membership. Safety Director Reports are presented in detail at the Executive Safety meetings.

## **PLANNED SERVICES ACTIVITIES FOR 1<sup>ST</sup> QTR 2021**

- Distribute 2021 Safety Incentive Program
- Host virtual Safety / Wellness Coordinator Roundtable for members
- Continue member Loss Control Visits
  - Begin Renewal Survey
  - Designated Law Enforcement Surveys
  - Standard Loss Control Objectives
- Continue Promotion of Police One training platform
- Continue Promotion of S:ERVE & ADD Programs
- Continue Promotion of various Learning Platforms (MSI LIVE, MSI NOW, MSI DVD)
- Distribution of Safety Director Messages/Bulletins
- Promote the use of the Supervisor's Incident Report as a tool to encourage better accident investigations
- Participation in Claims Process/ Accident Investigation
- Review of Outstanding Suggestions for Improvement (OSFI)
- COVID 19 – Assistance



## Municipal Excess Liability Joint Insurance Fund

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

**To:** Burlington County Municipal Joint Insurance Fund

**From:** Commissioner Jack

**Subject:** March 26, 2021 MEL Report

- **Management Committee:** Board of Fund Commissioners approved and memorialized the actions of the Management Committee during their March 9<sup>th</sup> ; minutes of the meeting were distributed to the board.
- § **Employment Practices Program:** Extend the deadline for EPL Compliance from June 1<sup>st</sup> to November 1<sup>st</sup> to provide MEL members' additional time to complete the program requirements.
- § **York (Sedgwick):** York is the third party administrator managing the MEL's property claims and made requests for contract language changes as part of their RFP response for the current contract period. Fund Attorney reviewed the requested changes but did not recommend all. Board of Commissioners accepted recommendation included in confidential memorandum and authorized the release of an Competitive Contract RFP for Property Claims Administrator.
- § **Legislative Issues:** A Professional Services contract was awarded to Princeton Public Affairs Group (PPAG) to work on a bill introduced by Senator Troy Singleton that would significantly impact the costs of workers' compensation. Fees are \$5,000 a month not to exceed \$40,000.
- § **Legalization of Cannabis:** Resolution 17-21 was adopted to appoint Matthew Giacobbe, Esquire, as a professional service to provide support in addresses question raised by member concerning personnel matters and cannabis. Fees are hourly rate of \$190 not to exceed \$7,500.
- § **Background Checks:** The "Protecting Children from Absue" model policy calls for expanded background checks for employees and volunteers. Committee authorized the MEL to issue an RFQ for Background Checks; the bid specification was drafted by the Fund Attorney and the QPA.
- **RCF:** The RCF met at 9:20AM. In addition, the RCF held its 2021 reorganization meeting on January 6, 2021; a copy of Commissioner Clarke's report of the meeting was submitted to the board.
- **2020/2021 Elected Officials Seminar:** The MEL's Annual Elected Officials Seminar was held as part of the League of Municipalities Virtual Conference. The program has now been uploaded and can be accessed through the MEL Safety Institute.
- **2021 MEL, MR HIF & NJCE JIF Educational Seminar:** The 10<sup>th</sup> annual seminar will be conducted virtually on 2 half-day sessions: Friday, May 14<sup>th</sup> and Friday, May 21 from 9 am to 12 noon. The seminar qualifies for Continuing Educational Credits including CFO/CMFO, Public Works, Clerks, Insurance Producers and Purchasing Agents. There is no fee for employees, insurance producers, as well as personnel

who work for services companies associated with the Municipal Excess Liability Joint Insurance Fund (MEL JIF), Municipal Reinsurance Health Insurance Fund (MR HIF) and New Jersey Counties Excess Joint Insurance Fund (NJCE JIF).

Agenda was submitted. It was noted that this was also the topic of the MEL's "Power of Collaboration" Ad in the League of Municipalities magazine. A Zoom invite with registration instructions has been emailed; please contact the Fund office for more information.

- Q **Cyber Claims:** Effective January 1, 2021 the MEL will participate in the \$175,000 excess of a local JIF's retention of \$25,000 for cyber liability. A memo outlining the claims handling procedure to manage the new structure for cyber liability coverage was submitted. Although bills will be issued to members, the MEL (liability claims adjuster) will pay the deductible and MEL retention & bill back the deductible to members.
- Q **June meeting:** Currently, the June meeting has been scheduled as an "in person" meeting at the Forsgate Country Club. The Board voted to change meeting to virtual.
- Q **2021-2022 Insurance Crisis and Accidental Disability Pensions:** Executive Director distributed two memorandums concerning emerging issues that would increase insurance costs. The MEL has begun working with various professionals in an effort to control the impact of these matters. This will be discussed at the MEL Retreat by the Management Committee in greater detail.
- Q **Legislative Committee:** Committee met on March 18, 2021; enclosed are the minutes for information.
- Q **Marketing Committee:** Committee met on March 18, 2021; enclosed are the minutes for information.
- Q **Safety & Education Committee:** Committee met on January 22, 2021; enclosed are the minutes for information.
- Q **Coverage Committee:** Committee is in the process of scheduling a meeting for April.
- Q **Cyber Task Force:** The MEL's Cyber Task Force completed the modifications to the MEL's Cyber Risk Management Program and released the second version on Monday, March 8<sup>th</sup>. Included with the Underwriting Manager's report was a memorandum summarizing the new program.
- Q **Claims Committee:** The Claims Review Committee met on January 6<sup>th</sup> and March 3<sup>rd</sup>; minutes of these meetings were sent to the full MEL Board separately from the agenda. The Claims Review Committee is scheduled to meet next on May 5<sup>th</sup>.



## **LEGAL BULLETIN – URGENT**

**TO: Fund Commissioners of the Atlantic County, Burlington County, & Gloucester Salem Cumberland Counties Municipal Joint Insurance Funds**

**FROM: David S. DeWeese, Fund Solicitor**

**DATED: January 19, 2021**

**RE: Mandatory Vaccination of Employees**

Based upon several inquiries that we have recently received regarding the voluntary or mandatory requirement for employees to receive the COVID-19 vaccine, the Executive Director's Office and I, in consultation with the MEL Safety Director, Executive Directors of other MEL affiliated Funds, and MEL Labor Law Attorneys, have determined that it is appropriate to provide guidance to our Member Municipalities on this matter as we anticipate Members may be required to make policy decisions as to whether or not employee vaccinations should be mandatory or voluntary.

Attached, is a Legal Memorandum which provides an analysis and important legal considerations for Member Municipalities to consider in making any policy determinations regarding the COVID-19 vaccine. This Memorandum was originally prepared by Matthew Giacobbe, Esq. & Nicholas DelGaudio, Esq. of the law firm of Clearly, Giacobbe, Alfieri, Jacobs, LLC.; however, was revised and augmented with additional information, by my office, for your use.

**After you have thoroughly reviewed this Bulletin and the attached Legal Memorandum, each Member Municipality is encouraged to provide a copy of the Bulletin and Legal Memorandum to their Solicitor and/or Labor Counsel for their review and guidance prior to taking any action regarding this issue.**

It is my understanding that the MEL Solicitor will be scheduling a webinar to provide further guidance and an opportunity for questions and discussion regarding the COVID-19 vaccine policy considerations and the legal ramifications for our Member Municipalities. Once this webinar has been scheduled, a notification will be sent to all members.

As a reminder, the attorneys for the MEL ELP Helpline are available to assist with any of your inquiries regarding these issues and any other Employment issues. The MEL Helpline Attorneys & their contact information is as follows:

**David S. DeWeese, The DeWeese Law Firm, P.C., 609-522-5599**  
**Jodi Howlett, Cleary Giacobbe Alfieri Jacobs LLC 732-583-7474**  
**Fred Semrau, Dorsey & Semrau 973-334-1900**

Finally, as a reminder, there is funding available through each JIF's EPL/Cyber Risk Management Budget that can be used to offset legal expenses incurred obtaining legal advice regarding this issue. Each members' balance is included in the monthly agenda packet.

Thank you for your attention to this important matter, please do not hesitate to contact me if you have any questions.

CC: Risk Management Consultants & Municipal Clerks  
File: ACM/BURLCO/TRICO/GEN/COVID 19 Tab: Vaccinations

## **Introduction**

The purpose of this Legal Memorandum is to provide guidance to our Member Municipalities regarding the issue of whether a public employer should be mandating that their employees receive a COVID-19 vaccine when such vaccines become available.

It has been recommended that the most prudent course of action for Member Municipalities is to defer to the action by the State and/or Federal government on the topic of mandatory vaccinations in order to avoid potential legal claims from employees. Member Municipalities are strongly encouraged to share and review this Legal Memorandum with their Solicitors and/or Labor Counsel and obtain their guidance prior to taking any action regarding this issue. Prior to adopting any vaccination policy and prior to instituting any employment action against any employee with regard to the issues discussed in this Legal Memorandum, it is imperative that each Member Municipality consult with their Solicitor and/or Labor Counsel, and review all applicable Ordinances, Collective Bargaining Agreements, and Policies that may impact this policy determination.

To date, there have not been any State or Federal laws or Regulations passed and/or adopted which specifically address and govern the issue of employer-mandated COVID-19 vaccinations. There is an existing New Jersey State Law which empowers the New Jersey Commissioner of Health to require vaccinations against infectious disease during a public health emergency (N.J.S.A. 26:13-14). At this time, the Commissioner of Health has not exercised her power under this statute.

If you are considering mandating that your employees receive the COVID-19 vaccine, the following are some significant legal issues which must be carefully considered and reviewed with your Solicitor and/or Labor Counsel.

## **Legal and Constitutional Issues Concerning Mandatory Vaccinations**

Guidance was recently issued by the Equal Employment Opportunity Commission (“EEOC”) on its website<sup>1</sup> regarding COVID-19 vaccinations. In addition, prior guidance had also been issued by the EEOC on their website<sup>2</sup> regarding mandatory vaccinations, which indicates that employer-mandated vaccinations are generally permissible, subject to exceptions for disability and religious purposes. The EEOC explained that if an employer can establish that unvaccinated employees would pose a direct threat to the health or safety of individuals in the workplace, then a vaccine may be mandated for attendance at the workplace and unvaccinated employees may be excluded from the workplace.

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<sup>1</sup> <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

<sup>2</sup> <https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>

## **Medical Exceptions to Mandatory Vaccinations**

It is anticipated that many employees will indicate that they cannot receive the COVID-19 vaccine based upon a medical disability. Pursuant to the Americans with Disabilities Act (“ADA”) and the New Jersey Law Against Discrimination (“LAD”), an employee with a medical condition preventing them from safely receiving the COVID-19 vaccine may qualify for a reasonable accommodation.

Pursuant to the ADA, LAD and EEOC guidance, the employer may deny an accommodation request and exclude an employee with a disability from the workplace if granting the accommodation would cause an undue hardship on the employer or if the unvaccinated employee would pose a direct threat based upon a “significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.” (29 C.F.R. 1630.2(r)).

The EEOC advises employers to make an assessment of four factors in determining whether a direct threat exists: 1) the duration of the risk; 2) the nature and severity of the potential harm; 3) the likelihood that the potential harm will occur; and 4) the imminence of the potential harm. The EEOC guidance explains that:

A conclusion that there is a direct threat would include a determination that an unvaccinated individual will expose others to the virus at the worksite. If an employer determines that an individual who cannot be vaccinated due to disability poses a direct threat at the worksite, the employer cannot exclude the employee from the workplace—or take any other action—unless there is no way to provide a reasonable accommodation (absent undue hardship) that would eliminate or reduce this risk so the unvaccinated employee does not pose a direct threat.

If there is a direct threat that cannot be reduced to an acceptable level through a reasonable accommodation, then the employer can exclude the employee from entering the workplace. As the EEOC notes, this does not mean the employer can automatically terminate the worker, as the worker may be protected under other laws, including leave laws. In addition, even if the employee is excluded from the physical workplace due to an inability to accommodate a request to be exempt from a vaccination requirement, the employee may still be entitled to accommodations such as performing their work remotely.

The EEOC explains that employers and employees should engage in an interactive process to identify any reasonable accommodations:

Employers and employees should engage in a flexible, interactive process to identify workplace accommodation options that do not constitute an undue hardship (significant difficulty or expense). This process should include determining whether it is necessary to obtain supporting documentation about the employee’s disability and considering the possible options for accommodation given the nature of the workforce and the employee’s position. The prevalence in the workplace of employees who already have received a COVID-19 vaccination

and the amount of contact with others, whose vaccination status could be unknown, may impact the undue hardship consideration... Employers may rely on CDC recommendations when deciding whether an effective accommodation that would not pose an undue hardship is available.

There are additional concerns under the ADA when an employer decided to administer the vaccine to its employees itself or through a third-party contracted by the employer. EEOC's recent guidance indicates that such employers are not considered to be conducting a medical examination within the meaning of the ADA. The guidance specifically states that "[i]f a vaccine is administered to an employee by an employer for protection against contracting COVID-19, the employer is not seeking information about an individual's impairments or current health status and, therefore, it is not a medical examination." However, the pre-vaccination screening questions may elicit information about a disability. As the EEOC explains:

This means that such questions, if asked by the employer or a contractor on the employer's behalf, are 'disability-related' under the ADA. Thus, if the employer requires an employee to receive the vaccination, administered by the employer, the employer must show that these disability-related screening inquiries are "job-related and consistent with business necessity." To meet this standard, an employer would need to have a reasonable belief, based on objective evidence, that an employee, who does not answer the questions and, therefore, does not receive a vaccination, will pose a direct threat to the health or safety of her or himself or others."

Simply requesting proof of receipt of a COVID-19 vaccination is not likely to elicit information about a disability, and therefore, it is not a disability-related inquiry. The EEOC advised that "[i]f an employer requires employees to provide proof that they have received a COVID-19 vaccination from a pharmacy or their own health care provider, the employer may want to warn the employee not to provide any medical information as part of the proof in order to avoid implicating the ADA." Similarly, if the employer requires employees to provide proof of receiving the vaccination from their own health care provider, the employer should warn the employees not to provide genetic information as part of the proof, in order to avoid violation of the Genetic Information Nondiscrimination Act (GINA), which prohibits employers and other entities from requesting or requiring genetic information of an individual or family member of the individual.

### **Religious Exceptions to Mandatory Vaccinations**

Similarly, pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"), an employee who has a sincerely-held religious belief or practice that prevents them from receiving the vaccine may also qualify for a reasonable accommodation, subject to certain restrictions which shall require a similar analysis as set forth above for employees with disabilities. The EEOC has advised that employers must determine whether there is a reasonable accommodation that will allow the employee to continue to perform the essential functions of their position despite their



inability or unwillingness to be vaccinated based upon their religious beliefs, unless it would pose an undue hardship under Title VII (which is more than “de minimis cost” to the operation of the employer’s business, a lower standard than the ADA’s undue hardship standard).

It is important to note that each employee’s accommodation request is fact-specific and employers need to work with the employees regarding potential exemptions for disability or religious reasons. As discussed above, some of the factors that the employer needs to consider when deciding whether to grant an accommodation and whether or not to allow an unvaccinated employee into the workplace include the nature of the workforce and the employee’s position, the prevalence in the workplace of employees who have already received a COVID-19 vaccination, and the amount of contact with others whose vaccination status could be unknown.

The employer should generally assume that an employee’s request for religious accommodation is based on a sincerely-held religious belief. If the employer has an objective basis for questioning either the religious nature or the sincerity of a particular belief, practice, or observance, the employer may request additional supporting information from the employee. However, public employers should use caution and not delve too far into an employee’s stated religious beliefs or require that the beliefs be from a particular religious organization in order to avoid violations of the Establishment Clause.

As it relates to religious accommodation for vaccinations in New Jersey, the State’s Appellate Division dismissed at least one case in which an employee challenged an employer’s mandatory vaccination policy that allowed religious exemptions as discriminatory against non-religious individuals under the New Jersey Law Against Discrimination. Brown v. Our Lady of Lourdes Med. Ctr., Inc., No. A-4594-14T2, 2016 WL 5759654 (App. Div. 2016) (finding that a non-religious employee who was challenging the policy as discriminatory was not subject to LAD’s protections).

Similarly, the Third Circuit has held that to state a claim under Title VII in employment-related vaccination cases, the employee’s belief in opposition to a vaccination must be based on a religious belief, and a non-religious opposition does not suffice. Fallon v. Mercy Catholic Med. Ctr. of Se. Pa., 877 F.3d 487, 490-491 (3d Cir. 2017) (it is not sufficient merely to hold a “sincere opposition to vaccination” as the individual must show that the “opposition to vaccination is a religious belief”). In assessing whether beliefs are religious, we consider whether they “address fundamental and ultimate questions having to do with deep and imponderable matters, are comprehensive in nature, and are accompanied by certain formal and external signs.” Id. at 491.

While public employers may have additional Constitutional concerns to consider when deciding whether to institute mandatory vaccinations, allowing religious accommodations in accordance with the above guidance should satisfy one of the predominant Constitutional concerns raised by mandatory vaccinations, that of the First Amendment freedom of religion. Further, courts have upheld laws and policies mandating vaccinations for students for attendance at public schools against Constitutional challenge. See, e.g. Board of Ed. of Mountain Lakes v. Maas, 56 N.J. Super. 245 (App. Div. 1959) (holding that requirement that child be immunized before attending public school did not violate due process).

## **Workers' Compensation Issues Related to Mandatory Vaccinations**

As to the issue of whether an employee that develops an adverse reaction from the vaccine after receiving it due to an employer mandate is then eligible for unemployment compensation, New Jersey Courts have typically found that employees that are injured while taking action that would normally not be considered arising out of or in the course of their employment due to an employer mandate are covered for purposes of Workers' Compensation.

For public safety workers, New Jersey passed a specific Workers' Compensation statute that applies to injuries arising from the administration of a vaccine. This statute at N.J.S.A. 34:15-31.6 provides:

Any injury, illness or death of any public safety worker, resulting from the administration to the worker of a vaccine including, but not limited to, smallpox vaccine, to prepare for, or respond to, any actual, threatened, or potential bioterrorism or epidemic, as part of an inoculation program in connection with the worker's employment or in connection with any governmental program or recommendation for the inoculation of workers in the worker's occupation, geographical area, or other category that includes the worker, or resulting from the transmission of disease from another employee or member of the public inoculated under the program, is presumed to arise out of and in the course of the employment and all care or treatment of the worker, including testing, diagnosis, surveillance and monitoring of the worker's condition, and all time during which the worker is unable to work while receiving the care or treatment, is compensable under the provisions of R.S.34:15-1 et seq....This prima facie presumption may be rebutted by a preponderance of the evidence showing that the administration of the vaccine is not linked to the injury, illness or death.

For purposes of this statute, a "public safety worker" includes a "member, employee, or officer of a paid, partially-paid, or volunteer fire or police department, force, company or district, including the State Police, a Community Emergency Response Team approved by the New Jersey Office of Emergency Management, or a correctional facility, or a basic or advanced medical technician of a first aid or rescue squad, or any other nurse, basic or advanced medical technician responding to a catastrophic incident and directly involved and in contact with the public during such an incident, either as a volunteer, member of a Community Emergency Response Team or employed or directed by a health care facility." (N.J.S.A. 34:15-31.4). It does not cover "Essential Employees" under the Essential Employees Act (except for Public Safety Workers who are covered under both Acts). The statutory language provides for coverage irrespective of whether the program is voluntary or mandatory. The rebuttable presumption for this particular coverage is medically-based only. The only way that the employer could rebut the presumption would be with expert testimony that the vaccine is not linked to the injury, illness or death alleged. It is likely to be almost impossible to obtain such evidence, unless the allegations being made by the employee are so ludicrous that even common sense dictates that such allegation could not be related.

### **Other Potential Legal Consequences when Considering Mandating the Vaccine**

If the Member Municipality is considering making the determination to mandate that employees receive the vaccine, there are many potential issues that should be reviewed and considered prior to making that determination. The first situation to be considered is if an employee does not claim a medical disability or religious exception for not receiving the vaccine, but the employee still refuses to receive the vaccine. Obviously, this circumstance will create many potential legal consequences associated with the employer's determination as to how they will handle the employee's determination not to receive the vaccine. As indicated previously, should the employer face this circumstance, they should immediately consult with their Solicitor and/or Labor Counsel, and they should review all of their Ordinances, Collective Bargaining Agreements and Policies that may impact the determination as to how to proceed. If and when this circumstance occurs, and the employer determines that the employee is to be excluded from the workplace based upon their refusal to receive the vaccine, the reasonable accommodation analysis detailed the Medical Exceptions section above must be followed. If no reasonable accommodation can be made, there is the potential that the employee's exclusion from the workplace will effectively be considered a suspension without pay. Obviously, if that occurs, that action will likely result in the employee taking legal action (Employment Practices Liability claims and Civil Rights claims) against the employer. There is the potential that these claims would be covered under the Employment Practices Liability policy and/or the General Liability policy; however, there is also the potential that some of these claims may be uncovered (i.e. back and future wage claims). If the Member Municipality mandates that employees receive the vaccine, there is also the potential that a reduction in the workforce or staffing issues will result from that determination based upon the number of employees who will assert that they should not receive the vaccine based upon a medical disability or religious exception and those who simply refuse to receive the vaccine. Again, these are all important considerations that each Member Municipality should review with their Solicitor and/or Labor Counsel prior to adopting any mandatory vaccine policy.

It is anticipated that there may be further guidance issued and/or legislation passed on the State and/or Federal level on these topics as the State proceeds with COVID-19 vaccination distributions.

For specific legal guidance on mandatory vaccination policies and how to address individual employee's issues concerning vaccinations, all Member Municipalities are encouraged to seek legal guidance from their Solicitor and/or Labor Counsel.



## **Municipal Excess Liability Joint Insurance Fund**

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### **BULLETIN**

**TO:** All Members

**FROM:** Fred Semrau, Fund Attorney  
Dave Grubb, Executive Director  
Joseph Hrubash, Executive Director

**DATED:** March 24, 2021

**RE:** New Jersey Cannabis Legislation – Legal Update

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Some of our members have inquired about the recently enacted New Jersey legislation pertaining to recreational cannabis, as it relates to local licensing and zoning. Municipalities have until August 21, 2021 to make critical zoning decisions as to the six different cannabis licenses that have been established by our Legislature. While recreational cannabis use is now legal throughout the State, certain aspects regarding its cultivation, manufacturing, wholesaling, distribution, retail sales and delivery involve decisions that may be made on the local level.

Unless a community formally opts out of some or all of the above types of recreational cannabis businesses by adopting an “opt out” ordinance by the August 21, 2021 deadline, it will be deemed to have opted in for same and is locked in for a period of five years. During the five-year period, the community cannot reverse its opt-in status and if a recreational cannabis business opens, it cannot be legislated out after the five years. On the other hand, communities that opt-out of certain cannabis business activity may reverse that decision at any time by adopting a revised ordinance.

If your community wishes to consider opting-out of certain business type before August 21, 2021, we encourage you to share this draft ordinance with your Municipal Attorney and Planner as a starting point. It is critical that your Governing Body discusses these important policy considerations and acts prior to August 21, 2021 on cannabis licenses and local zoning.

As to employment concerns, the MEL recommends an update on employment practices policy considerations regarding cannabis. With respect to commercial driver's license (CDL) and non-CDL driver policies, we encourage you to visit the MEL website at <https://njmel.org/mel-safety-institute/model-policies/driver-policies/> for additional suggested policy information.

The MEL will continue to monitor recreational cannabis legislation and provide information as to its impact on our members.

## ORDINANCE NO. \_\_-2021

### **AN ORDINANCE OF THE [GOVERNING BODY] OF [MUNICIPALITY] PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER [NUMBER] OF THE [MUNICIPALITY] CODE**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, consisting of:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, Section 3 of the Act defines a “cannabis establishment” as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”); and

**WHEREAS**, Section 31a of the Act authorizes municipalities to adopt by ordinance regulations governing the number of (1) cannabis establishments, (2) cannabis distributors and (3) cannabis delivery services, except for the delivery of cannabis items and related supplies by a cannabis delivery service based and initiated from outside of the municipality; and

**WHEREAS**, Section 31a of the Act also authorizes municipalities to adopt by ordinance regulations governing the local licensing endorsement, location, manner and times of operation of cannabis establishments and cannabis distributors, and the location and manner of cannabis delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, Section 31b of the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

**WHEREAS**, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 21, 2021); and

**WHEREAS**, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again, in 2026, have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating with appropriate approvals within the municipality; and

**WHEREAS**, the [GOVERNING BODY] of [MUNICIPALITY] has determined that, due to the detrimental impacts that permitting one or more classes of cannabis business might have on New Jersey municipalities in general, and on our community in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the [MUNICIPALITY]'s residents and members of the public who visit, travel, or conduct business in the [MUNICIPALITY], to amend the [MUNICIPALITY]'s regulations to prohibit all manner of cannabis/marijuana-related within the geographic boundaries of the [MUNICIPALITY].

**NOW THEREFORE, BE IT ORDAINED**, by the [GOVERNING BODY] of the [MUNICIPALITY] in the County of Morris and State of New Jersey, as follows:

**SECTION 1.** Article \_\_\_\_\_ of Chapter \_\_\_\_\_, of the [MUNICIPALITY] Code is hereby amended to read as follows:

## **§\_\_\_\_\_ Definitions.**

For purposes of this Chapter, the following definitions shall apply:

“Cannabis” means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:61-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“Cannabis cultivator” means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“Cannabis delivery service” means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

“Cannabis distributor” means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

“Cannabis establishment” means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

“Cannabis manufacturer” means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“Cannabis retailer” means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis



manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

“Cannabis wholesaler” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

**§ \_\_\_\_\_ Cannabis establishments, distributors and delivery services prohibited.**

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the [MUNICIPALITY], except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the [MUNICIPALITY].

**SECTION 2.** Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

**SECTION 3.** In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**SECTION 4.** This Ordinance shall take effect in accordance with the law.

ATTEST:

APPROVED:

\_\_\_\_\_  
CLERK, Clerk

\_\_\_\_\_  
[MUNICIPALITY], [TITLE]

I hereby certify the foregoing to be a true copy of an ordinance adopted by the [GOVERNING BODY] of the [MUNICIPALITY] at its meeting held on \_\_\_\_\_, 2021.

\_\_\_\_\_  
\_\_\_\_\_, Clerk

## DORSEY & SEMRAU

FRED SEMRAU  
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OF COUNSEL:  
JOHN H. DORSEY (1937-2018)  
JOHN P. JANSEN

### MEMORANDUM – PRIVILEGED AND CONFIDENTIAL

TO:

FROM: Fred Semrau, Esq.

DATED: February 24, 2021

RE: **LEGAL UPDATE – ADOPTED NEW JERSEY CANNABIS LEGISLATION**

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In response to the legalization of cannabis and the legislation signed by the Governor on February 22, 2021, we are providing you with an immediate overview of some of the issues and decisions that the governing body will need to consider over the next few months.

**1. Deadline for recreational cannabis “opt-out” zoning ordinances:**

The law provides that municipalities will have until August 21, 2021 to adopt ordinances to opt out of certain recreational cannabis business operations at the municipal level. This time period will provide ample opportunity to take the appropriate and legal steps to effectuate local policy.

**2. Areas of consideration to be addressed as a result of this legislation:**

**A. Enforcement & Public Safety:** The Attorney General is currently in the process of communicating with Chiefs of Police throughout the State. Police departments will have a host of legal and enforcement considerations. We will certainly be available for any questions the Chief may have.

**B. Zoning:** In the coming months, an important decision will need to be made as to whether the municipality wishes to prohibit or permit recreational cannabis businesses, including cultivation and retail (but not delivery) from operating within its boundaries. If the municipality does not enact an ordinance by August 21, 2021 prohibiting operation, it will automatically lose the ability to restrict cultivation and wholesale in any industrial zones. Additional, retail sale will be considered a conditional use in business/commercial zones. If the municipality adopts ordinances to allow these types of uses, it will also be authorized to adopt ordinances requiring local licensure, limiting the number and type of businesses, and restricting the time, location and manner of operations. However, if a municipality does nothing at all by August 21, 2021, it will lose the ability to zone and/or restrict these types of businesses for the next five (5)

years. If a municipality does nothing and a business becomes operational, the municipality cannot then prohibit that business from operating after the five-year period runs.

**C. Employment Practices:** There will be areas of concern and potential changes to your Employment Policies and Procedures regarding the use or impact on cannabis in the workplace, as well as its effect on all aspects of municipal operations. Importantly, nothing within this legislation prevents a municipality from enforcing its rules regarding a “drug-and-alcohol-free” work place. Moreover, while recreational cannabis is now legal in New Jersey, municipal employees found to be under the influence of alcohol or drugs during work hours will not be tolerated. Municipal employees still remain subject to all other local, State and federal laws that may apply to their position (i.e., Commercial Driver’s License law, which preclude anyone from driving a commercial vehicle and using cannabis). To that end, Personnel Policy Manuals should be reviewed and updated, especially as to drug testing, to convey the municipal employer’s expectations in consideration of this new legislation.

**D. Taxation:** Depending on the types of licenses the municipality decides to permit, the law provides that a municipal tax may be imposed upon 1) the transfer of cannabis items from one cannabis establishment to another, 2) receipts of retail sales of cannabis items to individual customers, or 3) the transfer by a concurrent license holder of cannabis items from the license holder's establishment that is located in the municipality to any of the other license holder's establishments. The municipality is free to set its own tax rates, so long as these rates do not exceed two (2) percent of receipts or, in the case of sales by a cannabis wholesaler, one (1) percent of receipts.

### 3. Next Steps:

At this time, we strongly urge you to take the temperature of the governing body and determine what general direction you want to take with respect to local decisions:

1. Prohibit the sale of cannabis for recreational use to the fullest extent available by law in the form of licensing (this will not prohibit personal recreational use within the municipality); or
2. Permit licensing and sale of recreational cannabis to the fullest extent as permitted by law, or with local restrictions; or
3. Take a hybrid approach by permitting certain licenses, i.e., cultivation, but precluding others, such as retail sale.

In the meantime, we will use our expertise in all of these areas to provide you with appropriate legal guidance based on your direction in the coming weeks. As always, we are available to answer any questions or concerns.

FCS:sdj

cc: ?????????????????



## **Municipal Excess Liability Residual Claims Fund**

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

March 26, 2021

Memo to: Burlington County Municipal Joint Insurance Fund

From: Commissioner Matchett

Re: RCF March 2021 Meeting

**2021 Fiscal Management Plan Amendment:** The Fund Office has been notified that Ms. Lauren Jensen is no longer with Lenape Claims Management. Ms. Jensen is an authorized signer on the Lenape claims accounts therefore she should be removed. The Board of Fund Commissioners accepted the recommendation to amend the Fiscal Management Plan to remove Ms. Jensen from the signatory list.

**2021 MEL, MRHIF and NJCE Educational Seminar:** The 2021 10<sup>th</sup> Annual Educational Seminar sponsored by the MEL Joint Insurance Fund (MEL), the Municipal Reinsurance Health Insurance Fund (MRHIF) and the New Jersey Counties Excess Joint Insurance Fund (NJCE JIF) seminar will be held virtually on the mornings of Friday, May 14<sup>th</sup> and Friday, May 21. The agenda includes two ethics courses, and presentations on implicit bias, insurance market conditions, proposals to change the Workers' Compensation law and a discussion of proposed changes to the Affordable Care Act. The seminar qualifies for Continuing Educational Credits including CFO/CMFO, Public Works, Clerks, Insurance Producers and Purchasing Agents. There is no fee for employees and insurance producers associated with MEL and Municipal Reinsurance Health Insurance Fund (MR HIF) members as well as personnel who work for service companies that are engaged by MEL member JIFs and MR HIF member HIFs. Attached is the agenda; this will also be the topic of the MEL's "Power of Collaboration" Ad in the League of Municipalities magazine. A Zoom Invite with registration instructions will be emailed to members shortly.

**2021-2022 Insurance Crisis and Accidental Disability Pensions:** Two memorandums prepared by David Grubb, MEL Executive Director, concerning emerging issues that will increase insurance costs were distributed. The MEL has begun working with various professionals in an effort to control the impact.

**Cannabis Legalization:** As a result of the recent adoption of the cannabis legislation in New Jersey, a number of critical issues and questions have, and will continue to, arise. The MEL Fund Attorney prepared a bulletin that was distributed for review.

**EJIF Environmental Alert:** The EJIF Environmental Alert released this month addresses the environmental impacts of New Jersey's Legalized Cannabis bill.

**RCF Professionals Contracts:** The professional contracts were reviewed and cosmetic updates and clarifications were made. None of the changes modified the intent. Contracts are currently being distributed for signatures.

**Financial Disclosures:** JIF Commissioners should anticipate the online filing of the Financial Disclosure forms inclusive of any other municipal related positions that require filing. It is anticipated the Division of Local Government Services will distribute a notice with filing instruction in March with a deadline to file by April 30<sup>th</sup>.

**Claims Committee:** The Claims Review Committee met on January 6, 2021 and March 3, 2021; minutes of the January meeting were distributed under separate cover.

**June Meeting:** As a reminder this meeting is scheduled for June 2, 2021 at 10:30AM. The meeting was originally scheduled to be held in person at the Forsgate Country Club, however in an abundance of caution, this meeting will be held telephonically via Zoom.



**New Jersey Municipal Environmental  
Risk Management Fund**

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

DATE: March 26, 2021  
TO: Burlington County Municipal Joint Insurance Fund  
FROM: Commissioner Jack  
SUBJECT: Summary of Topics Discussed at E-JIF Meeting

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**REVISED 2021 BUDGET AND PROFESSIONAL FEE AMENDMENT RESOLUTION-** The revised 2021 budget and Resolution #16-21 were included in the agenda. The revisions reflect new members added to the local JIFs for 2021 and associated professional fee contract increases. A motion was passed approving the revisions to the 2021 budget. In addition, Resolution #16-21 was adopted amending the contracted amounts of certain professionals and service organizations.

**NEWARK BAY II (FEDERAL LITIGATION)** - A Federal litigation has now been filed in regards to this case. The Third-Party Plaintiffs group filed a complaint against the Passaic Valley Sewerage Commission and the associated municipalities. The EJIF will respond on behalf of their insureds, as the Fund did in the State litigation. Letters have been sent to our insureds, and the Fund Professionals are in the process of scheduling zoom virtual meetings with all involved.

**STORMWATER VIDEO PRODUCTION** – Resolution #17-21 was adopted authorizing the award of a Required Disclosure Contract with Kurt Voltmann, for Municipal Stormwater Training Video Procurement RFQ 1-2021 in an amount not to exceed \$17,620. In addition, the Executive Board approved a fee not to exceed \$30,000 to First Environment for the re-write of the stormwater training videos and production.

**ACTUARIAL IBNR REPORT-** Mr. Kullman of Aon was present at the meeting and gave a report on the actuarial IBNR estimates for the E-JIF valued as of December 31, 2020.

**NEXT MEETING-** The next meeting of the EJIF is scheduled for Wednesday, June 2, 2021  
- *Location to be Determined.*

	NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND				
	2021 PROPOSED BUDGET BASED ON 2010 CENSUS				
	3/16/2021 18:18	2021 Adopted	South Brunswick - New Member	Haddon Heights - Returning Member	2021 Revised
		TOTAL	CNTRL JIF	CAM JIF	TOTAL
	I. Claims and Excess Insurance				
	Claims				
1	Third Party (Non-Site Specific)	413,645	4,034	694	418,373
2	On Site Cleanup (Site Specific)	234,179	2,285	393	236,857
3	PO Pollution Liability	157,579	1,536	264	159,379
4	Tank Systems	212,294	2,069	356	214,719
5	DMA Waste Sites (Superfund Buyout)	1,170,898	11,418	1,965	1,184,281
6	LFC	29,002			29,002
7	<b>Total Loss Fund</b>	<b>2,217,597</b>	<b>21,342</b>	<b>3,672</b>	<b>2,242,611</b>
8					
9	II. Expenses, Fees & Contingency				
10	Professional Services				
11	Actuary	62,500			62,500
12	Attorney	86,979	849	146	87,974
13	Auditor	16,936			16,936
14	Executive Director	321,143	3,130	539	324,812
15	Treasurer	20,887			20,887
16	Legislative Agent	45,000			45,000
17	Underwriting Managers	254,357	2,481	427	257,265
18	Environmental Services	454,897	4,437	764	460,098
19	Claims Administration	30,066	291	50	30,407
20					
21	<b>Subtotal - Contracted Prof Svcs</b>	<b>1,292,765</b>	<b>11,188</b>	<b>1,926</b>	<b>1,305,879</b>
22					
23	Non-Contracted Services				
24	Postage	5,617	54	9	5,680
25	Printing	4,361	42	7	4,410
26	Telephone	2,491	25	4	2,520
27	Expenses contingency	15,203	150	26	15,379
28	Member Testing	8,233	79	14	8,326
29					
30	<b>Subtotal - Non-contracted svcs</b>	<b>35,905</b>	<b>350</b>	<b>60</b>	<b>36,315</b>
31					
32	<b>Subtotal-Contracted/Non-contracted svcs</b>	<b>1,328,670</b>	<b>11,538</b>	<b>1,986</b>	<b>1,342,194</b>
33					
34	Excess Aggregate Insurance	508,143.00			508,143
35					
36	General Contingency	214,884.00	8,746	1,507	225,137
37					
38	<b>Total Exp, Fees &amp; Contingency</b>	<b>2,051,697</b>	<b>20,284</b>	<b>3,493</b>	<b>2,075,474</b>
39					
40	<b>TOTAL JIF APPROPRIATIONS</b>	<b>4,269,294</b>	<b>41,626</b>	<b>7,165</b>	<b>4,318,085</b>

# Environmental Alert

## Environmental Impacts of New Jersey's Legalized Cannabis

On January 18, 2010, the former Governor of New Jersey Jon Corzine signed into law bill S.119. This was the Compassionate Use of Medical Marijuana Act, which permitted the use of medical cannabis for persons suffering from debilitating medical conditions and patients authorized to use for medical purposes. There were many legal and ethical debates in New Jersey regarding the use of cannabis. In November of 2020, a referendum was placed on the election ballot regarding the recreational use of marijuana. New Jersey voters approved the referendum, which approved allowing an amendment to the State constitution to legalize the recreational use of marijuana by people 21 years of age and older. Sixty-seven percent (67%) of New Jersey voters voted to approve, against thirty-three percent (33%) that voted against legalization. The intent of this article is not to weigh in on the medical, moral, ethical, or legal issues of this initiative, but instead on what happens next – specifically, the potential environmental impacts of this new business to New Jersey communities.



### Background

With recreational marijuana being estimated by various industry sources as a one-to-two billion dollar per year industry, many lawmakers in Trenton are seeing a potential for additional tax revenue to help cover various shortfalls in the State budget. After some contentious debates regarding the details, on February 22, 2021 Governor Murphy signed the three bills that would allow New Jersey to create a legal marijuana industry. One of these bills (Assembly Bill A 21) allows a host municipality to charge an optional "Local Cannabis Transfer Tax and User Tax" of up to 2% of the receipts from each sale by

a cannabis grower or retail sales. With a good-sized farm able to produce an expected \$150-300 million of gross sales per year, there is an obvious incentive for many municipalities to look around for vacant facilities that might be able to fit one of the expected 37 growing facilities expected to be licensed in New Jersey. Many municipalities have experienced a drop in tax revenue and higher than expected expenses due to COVID-19. The additional tax revenue will be remunerative, but it does have its potential environmental issues; the following discloses only some of the environmental issues. Large issues such as the ethical acceptance of cannabis in a community, costs, and potential legal challenges are not discussed here.

### Potential Environmental Impacts

**Water Use** –Cannabis is a water hungry crop, with the average plant needing up to 22 liters of water per day. A single greenhouse of approximately 1,000 plants would require 700,000 liters of water per month (approximately 185,000 gallons) for the warmer months of May through September. Since the greenhouses are likely to be retrofitted to run 12 months per year, water use would continue through the colder months as well, but perhaps at a slower rate. For municipalities that rely on well water for their domestic supply, this can be a significant draw on a local aquifer, especially in areas that are already working to conserve available water for residents.

☒ Significant water usage should be anticipated. Appropriate planning for municipal wells and connection fees.

**Stormwater** –For outdoor farms growing cannabis, there are the typical stormwater runoff issues that are common in most types of farming. Areas that are cultivated for a mono crop no longer have the typical plant/ground cover to prevent soil erosion and runoff, often carrying with that runoff some of the fertilizers and pesticides that are



used to control pests and boost plant growth. The adjacent waterways that receive this runoff can be damaged by excessive algae growth, reduced dissolved oxygen, and other impacts commonly ascribed to farmland runoff. Interestingly, in areas of disturbed soils, marijuana can sometimes be used to stabilize the soil due to its fairly extensive root systems, but that is not typically the case in the usual farming situation.

- ☑ Stormwater runoff should be addressed as ground cover will not be present. Engineering review is critical.

**Wastewater** –Water used in an irrigation system or to rinse off plants may need to be discharged to a local sanitary wastewater treatment authority. In this case, an industrial user discharge permit may need to be developed to set limits on various chemicals, especially if pesticides are used. For discharge to a receiving stream or other water body, the New Jersey Department of Environmental Protection (NJDEP) would require a New Jersey Pollutant Discharge Elimination System (NJPDES) permit for industrial users, and the water discharged may need to be treated first.

- ☑ NJDEP Discharge Permits may be required. This consideration should be required as part of the approval process.

**Solid Waste** –Large sections of the cannabis plant are not utilized when harvested for medical marijuana, where the focus is on harvesting the flowers and surrounding parts. The rest of the plant is then disposed of in a process monitored by the New Jersey Department of Health. For obvious reasons, the waste plant material is watched closely through the disposal, as much of the disposed of plant material could be used for recreational purposes. Growing recreational marijuana would require additional licensing and result in more product being produced, with less plant waste being disposed. For cannabis dispensaries, the solid waste is potentially less in volume, but more complex in nature. Stale or unused marijuana waste is still a controlled substance and will likely require specifically licensed waste haulers and disposal facilities that will transport the waste only to facilities designated to accept it.

- ☑ The unused product is a controlled substance and will likely require specific licensed waste haulers.

**Lighting** –Cannabis grown in a greenhouse is usually grown under artificial grow lighting, often fluorescent or high intensity discharge (HID) lights, with LED grow lights starting to make an appearance due to their much lower energy costs. Regardless of the lighting type, it would be reasonable to expect a grower to keep their plants growing throughout all 12 months of the year to maximize profits. With grow light periods reaching 18 hours of light per day, this means a fairly bright neighbor in a residential neighborhood – especially in winter months with short daylight hours. Light pollution is seldom considered as seriously as other pollutants, but it can be a concern.

- ☑ Cannabis requires artificial grow lighting for up to 18 hours/day. Lighting considerations and impact on residential neighborhoods should be considered.



**Traffic** –One of the benefits of any new business of this size is the number of jobs that can be created. But with those jobs comes the related traffic – not just the added employees that will work at a facility, but the trucks that will be coming back and forth to manage supplies, deliver products to their dispensaries, and remove solid waste.

☑ Trucks will be transporting supplies, products and solid waste. Plan for appropriate hours and routes.

**Odor** –Cannabis plants emit a number of volatile chemicals during their growth cycle, especially when the flowers of the plant are budding and during harvest. Several of those chemicals (a group known as terpenes) have been known to produce an odor described as “skunky.” Since greenhouses can heat up inside (especially in warmer months) and considering added heat from internal grow lamps, the air inside the greenhouse must be exhausted almost continuously to control the internal temperature. If the inside of the greenhouse gets too warm the plants will die. The odor from exhaust is the most common complaint from people living in and around commercial cannabis growing facilities, and a potential huge source of complaints from residents to officials in Town Hall. There are various filters and treatment devices for controlling odors in the exhaust stream, but these need to be chosen and sized correctly to be effective.

☑ This is the most common off-site complaint. Review of filters, air quality and monitoring should be required.

**Ozone formation** - The terpenes emitted by the growing and harvesting of cannabis are volatile organic compounds (VOCs) that can interact with sunlight, heat, and nitrogen oxides (from vehicle exhaust or other combustion sources) to form ground level ozone, specifically during the summer months. Ozone is a lung irritant and criteria pollutant under the U.S. Environmental Protection Agency’s Clean Air Act. This means these facilities would contribute additional ozone in a State that already has multiple days during the summer where air quality is listed as “unhealthy,” according to the NJDEP.

**Energy Use** –The lighting alone in a year-round cannabis greenhouse is energy intensive, especially when using high intensity lighting for the best production rates. This type of lighting not only uses a lot of energy, but also requires additional ventilation to cool the facility, equipment to manage humidity inside the greenhouse, and other associated equipment for protecting the plants. With this additional energy use arguably comes an increase in greenhouse gas (GHG) emissions. And although the growing of green plants can absorb carbon dioxide and assist in GHG reduction, the management, shipment, handling and potentially burning (for personal consumption) of the plant material are likely to outweigh this positive contribution.

## Conclusion

Although these issues do not necessarily represent insurmountable environmental challenges, it is still worth addressing the potential environmental issues before considering the possibility of permitting a cannabis growing facility to set up in your municipality. On the following page, is our Cultivation of Cannabis environmental consideration checklist for municipal officials. There will also be the inevitable land use planning issues, ethical challenges, and the ultimate consideration of whether the additional tax revenue is worth the effort. It is likely that as the industry matures, these issues will become better managed and may in fact be reduced to commonplace. However, that is likely still a few years off.

This newsletter is for information purposes only and does not represent legal or technical advice.

If you need a more detailed explanation of this topic or need assistance in interpreting how it may impact your municipality, the EJIF suggests that you contact the EJIF environmental consultants for further information.

All EJIF members please feel free to contact Richard Erickson at [rerickson@firstenvironment.com](mailto:rerickson@firstenvironment.com) or Sunita Dhar at [sdhar@firstenvironment.com](mailto:sdhar@firstenvironment.com) of First Environment, respectively or 973.334.0003.

*This Alert does not intend to convey, imply, or promise in any way, EJIF insurance coverage for the matters contained herein.*

# Cultivation Of Cannabis

## Environmental Consideration Checklist

### For Municipal Officials

These considerations should be part of the legislative process and drafting of local land use ordinances, applications for land use or when considering the location of cultivation sites.

	Water Usage	Significant water usage should be anticipated. Appropriate planning for municipal wells and connection fees.
	Stormwater	Stormwater runoff should be addressed as ground cover will not be present. Engineering review is critical.
	Wastewater	NJDEP Discharge Permits may be required. This consideration should be required as part of the approval process.
	Solid Waste	The unused product is a controlled substance and will likely require specific licensed waste haulers.
	Lighting	Cannabis requires artificial grow lighting for up to 18 hours/day. Lighting considerations and impact on residential neighborhoods should be considered.
	Traffic	Trucks will be transporting supplies, products and solid waste. Plan for appropriate hours and routes.
	Odor	This is the most common off-site complaint. Review of filters, air quality and monitoring should be required.

**BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND  
RESOLUTION #2021-\_\_\_**

**RESOLUTION AUTHORIZING THE PAYMENT OF \$15,840.00 IN ALLOCATED FILE  
EXPENSES FOR 2020 COVID RELATED WORKERS' COMPENSATION EXPENSES FROM  
THE 2020 LOSS FUNDING BUDGET AND FURTHER AUTHORIZING THE ONGOING  
PAYMENT OF 2021 COVID RELATED EXPENSES IN ACCORDANCE WITH THE  
PROFESSIONAL SERVICES CONTRACTS BETWEEN QUAL LYNX AND THE BURLINGTON  
COUNTY MUNICIPAL JOINT INSURANCE FUND**

**WHEREAS**, the Burlington County Municipal Joint Insurance Fund (hereafter referred to as the 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**, the FUND provides Workers Compensation benefits to its members in accordance with Title 34 of the New Jersey Statutes; and

**WHEREAS**, beginning in March 2020, employees and volunteers of FUND members began to file Workers' Compensation claims after being diagnosed with COVID 19 and/or coming into contact with someone who tested positive for COVID 19; and

**WHEREAS**, the FUND has a Professional Services contract with Qual Lynx to provide administration of Workers' Compensation claims on behalf of members of the FUND; and

**WHEREAS**, through the end of 2020, more than 700 COVID related claims had been reported to Qual Lynx by FUND members; and

**WHEREAS**, pursuant to the Professional Services Contracts between the FUND and Qual Lynx, Qual Lynx is authorized to charge a rate of \$65 per hour for time spent on a single occurrence claim resulting in more than 10 claimants; and

**WHEREAS**, the FUND is a member of the New Jersey Municipal Excess Liability Joint Insurance Fund from which it purchases Excess Workers Compensation coverage for its members; and

**WHEREAS**, the New Jersey Municipal Excess Liability Joint Insurance Fund has determined that all COVID related claims are to be considered one occurrence under the Excess Workers Compensation policy; and

**WHEREAS**, as a result of this determination by the New Jersey Municipal Excess Liability Joint Insurance Fund, it is appropriate to authorize payment to Qual Lynx for the documented hours spent on COVID 19 claims during 2020 and to further authorize the ongoing payment to Qual Lynx for COVID 19 expenses incurred in 2021 pursuant to the Professional Services Contracts between Qual Lynx and the FUND; and

**WHEREAS**, Qual Lynx has provided extensive documentation to the Executive Director's office indicating that Qual Lynx personnel spent in excess of 243 hours on COVID 19 related claims as of December 31, 2020 equating to \$15,840.

**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Burlington County Municipal Joint Insurance Fund that Qual Lynx is hereby authorized to charge the FUND's 2020 Loss Funding Budget an allocated file expense of \$15,840; and

**BE IT FURTHER RESOLVED** the FUND does hereby authorize the payment of 2021 COVID 19 expenses incurred in 2021 pursuant to the Professional Services Contracts between Qual Lynx and the FUND; and

**BE IT FURTHER RESOLVED** that all payments shall be charged to the appropriate Workers Compensation claimant file from which the expense was generated and shall be placed on the next appropriate check register following the adoption of this Resolution for approval by the FUND; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be made available to the Executive Director's office, FUND Treasurer, FUND Administrative Consultant, FUND Actuary, FUND Auditor, and FUND Treasurer for their knowledge and action.

This Resolution was duly adopted by the Burlington County Municipal Joint Insurance Fund at a public meeting held on April 20, 2021.

**BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND**

Attest: \_\_\_\_\_  
John Gural, Secretary

By: \_\_\_\_\_  
Glenn McMahon, Chairperson

Date: \_\_\_\_\_