

EMPLOYMENT RISK MANAGEMENT AUTHORITY (ERMA)

**MINUTES OF THE BOARD OF DIRECTORS MEETING
OF NOVEMBER 1, 2021**

A regular meeting of the Board of Directors of ERMA was held on November 1, 2021. All portions of this meeting were conducted via Zoom in accordance with Government Code Section 54953.

- BOARD MEMBERS PRESENT:** John Gillison, President, CIRA
Truc Dever, Vice President, VCJPA
Stuart Schillinger, Treasurer, BCJPIA
Robert Thompson, CalTIP
Sean Scully, CSJVRMA
Melissa Guerrero, ERMAC
Brett Miller, MBASIA
Linda Cox, MPA
Kevin Bryant, PLAN
Roger Carroll, SCORE
Charlene Calica, CCCHA (*left at 12:19 p.m.*)
Artesia Dupree, OHA
- BOARD MEMBERS ABSENT:** Beth Lyons, PERMA
- ALTERNATE MEMBERS PRESENT:** Kin Ong, CIRA
Jamie Scott, VCJPA
Yumi Augustus, PERMA
Wendy Howard, SCORE
Nataline Jindoaian, CCCHA (*arrived at 11:03 a.m.*)
- ALTERNATE MEMBERS ABSENT:** Heather Rowden, BCJPIA
George Fink, CalTIP
Becky Ramirez, CSJVRMA
Reina Schwartz, MPA
George Rodericks, PLAN
Drew Felder, OHA
- OTHERS PRESENT:** Jennifer Jobe, Executive Director
Danielle Davis, Analyst
Stacey Sullivan, Litigation Manager
Mona Nicolae, Litigation Analyst
Jim Elledge, Interim Finance Manager
Chee Xiong, Senior Accountant
Doug Alliston, General Counsel
Geoffrey Sheldon, Liebert Cassidy Whitmore
Elizabeth Arce, Liebert Cassidy Whitmore
Michael Christian, Jackson Lewis
Allison Gregg, Sampson, Sampson, & Patterson, LLP
Anne Ambrose, City of California City (*arrived at 11:17a.m., left at 11:46 a.m.*)
Chrissy Mack, CalTIP/VCJPA

Amy Northam, CIRA
Conor Boughey, MBASIA (*left at 10:12 a.m.*)
Jeanette Workman, CSJVRMA
Marcus Beverly, SCORE/ERMAL (*left at 1:00 p.m.*)

1. CALL TO ORDER/ROLL CALL

The November 1, 2021, Board of Directors Meeting was called to order at 10:01 a.m. by President John Gillison.

2. AUTHORIZATION TO MEET VIA TELECONFERENCE

Jennifer Jobe, Executive Director, advised the Board of California AB 361, signed into law on September 16, 2021, which suspends certain requirements imposed by the Brown Act and sets forth procedures for legislative bodies conducting teleconference meetings as a result of the COVID-19 state of emergency. Ms. Jobe drew focus to section 54953, subdivision (e)(1)(C), which requires the Board find meeting in person would present imminent risks to the health or safety of attendees, as indicated by a majority vote, in order to conduct a teleconference meeting. Ms. Jobe advised that authorization must be sought at future meetings every 30 days where teleconferencing occurs until such time as it is no longer required by legislation, and failure to obtain a majority vote would result in immediate adjournment of the meeting to be reconvened at a later date in person. Ms. Jobe stated staff's recommendation to authorize a teleconference meeting.

Brett Miller moved, seconded by Artesia Dupree, to find, as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees and the meeting should be held by teleconference as authorized by subdivision (e)(1)(C) of section 54953 of the Government Code. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

3. APPROVAL OF AGENDA AS POSTED (OR AMENDED)

Truc Dever moved, seconded by Linda Cox, to approve the Agenda as posted. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

4. PUBLIC COMMENTS

None

5. CLAIMS MATTERS

A. Closed Session Pursuant to Government Code Section 54956.95(a) to Discuss Claims

Pursuant to Government Code Section 54956.95(a), the Board recessed to Closed Session at 10:10 a.m. to discuss the following claims:

- McCarthy, John v. City of Novato
- Boston, John; Rodarte, Leo; Duque, Adrian v. California City
- Fisher, Robert v. City of Banning

B. Report from Closed Session

The Board reconvened to Open Session at 10:40 a.m. Doug Alliston, Board Counsel, advised no reportable action was taken in Closed Session.

6. STAFFING UPDATE

A. Appointment of Danielle Davis as Board Secretary

Ms. Jobe introduced Danielle Davis, Analyst & Training Coordinator, who has provided administrative support for the past several months as a member of the ERMA staff team. Ms. Jobe recommended the Board formally appoint Ms. Davis as Board Secretary effective November 1, 2021.

Truc Dever moved, seconded by Brett Miller, to appoint Danielle Davis as Board Secretary, effective November 1, 2021. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

7. ELECTION OF OFFICERS FOR 2021/22 AND 2022/23 PROGRAM YEARS

Due to the impending departure of Truc Dever, Vice President, from her position as General Manager of the Greater Los Angeles Vector Control District, elections were held for Board Officer positions to serve the remainder of the 2021/22 and 2022/23 program years, as follows:

A. Nomination and Election of Vice President

John Gillison moved, seconded by Truc Dever, to nominate and elect Stuart Schillinger to serve as Vice President through June 30, 2023. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

B. Nomination and Election of Treasurer

Truc Dever moved, seconded by Artesia Dupree, to nominate and elect Brett Miller to serve as Treasurer through June 30, 2023. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

8. CONSENT CALENDAR

Brett Miller moved, seconded by Truc Dever, to approve the Consent Calendar as follows: A) Minutes of June 8, 2021, Board of Directors Meeting; B) Minutes of June 29, 2021, Special Board of Directors Meeting; C) General Warrants from May 1, 2021, through September 30, 2021; D) Claims Payments from May 1, 2021, through September 30, 2021; E) Treasurer's Report as of June 30, 2021; F) Financial Report for the Fiscal Year Ended June 30, 2021; G) PFM Quarterly Ended June 30, 2021, Review of Investment Portfolio; H) Resolution No. 2021-6, Establishing Meeting Dates for the 2021/22 Fiscal Year; I) EPL Excess Policy & Invoice; J) Conflict of Interest Code Biennial Notice to FPPC; and K) ERMA Board Document Review Schedule. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

9. FINANCIAL MATTERS

A. Draft Audited Financial Statements for the Fiscal Year Ended June 30, 2021

Allison Gregg, Sampson, Sampson & Patterson, LLP, reviewed the draft audited financial statements for the fiscal year ended June 30, 2021.

The audited statements indicated the following:

1. Assets increased by \$1.2 million
2. Liabilities decreased by \$653,000
3. Net position increased by \$1.9 million

The net position was slightly over \$12.1 million for the fiscal year ended June 30, 2021.

Ms. Gregg directed the Board's attention to the Independent Auditor's Report, which contained the following: the auditor's opinion; the Management's Discussion and Analysis, which provided detailed analysis of the financial statements; the comparative information prepared by the auditors; and the Claims Development Information.

Ms. Gregg stated no deficiencies or difficulties were noted in conducting the audit. She concluded her report by stating that ERMA was provided an unmodified opinion, meaning the

financial statements are presented fairly and in accordance with generally accepted accounting principles.

Brett Miller moved, seconded by Linda Cox, to accept and file the ERMA Audited Financial Statements for the Fiscal Year Ended June 30, 2021. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

10. ADMINISTRATIVE MATTERS

A. Approval of Amendment Three to the Agreement for Administrative, Litigation Management, and Financial Services

Ms. Jobe reminded the Board of the June 8, 2021, approval of Amendment Two, which assigned York Risk Services' contractual obligations to Sedgwick. She further stated that Amendment Two contained the adjusted base contract price (ABCP) for the addition of two new Joint Powers Authority (JPA) projected to join ERMA in the 2021/22 Program Year; however, the late withdrawal of one JPA necessitated the revision of the ABCP to accurately reflect the administrative fee, as reflected in Amendment Three.

Artesia Dupree moved, seconded by Stuart Schillinger, to approve Amendment Three to the Agreement for Administrative, Litigation Management, and Financial Services, effective November 1, 2021. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

B. Approval of Service Agreement between ERMA and in2vate

Ms. Jobe commenced her report noting the long-standing relationship between ERMA and its strategic partner, in2vate. Ms. Jobe stated the present contract has been in place since 2010.

Ms. Jobe stated in2vate recently proposed modifications to the contract structure, noting that the new agreement was not brought forth to the Board in June due to administrative delays. Ms. Jobe recommended the Board consider approval retroactively with an effective date of September 1, 2021, to keep the contract term aligned.

Ms. Jobe provided an outline of the expiring contract, which included (1) maintaining the learning management system, ERMANet, at an annual cost of \$24,000, and (2) maintaining the employee protection line, a service that allows employees to anonymously report workplace wrongdoing via telephone or website submission at a cost of \$0.27 per employee, as well as a report transcription fee, as required.

Ms. Jobe directed the Board's attention to a graph of the total number of member agencies

over the course of the most recent 10-year period. Ms. Jobe noted that from 2010 to 2021, membership increased from 163 agencies to 219. With changes to in2vate's compensation structure, she provided a cost of \$12,000 annually, as well as a \$70 per-member licensing fee, and slight increases to employee reporting line costs. Ms. Jobe summarized by stating the change in the pricing structure resulted in a total cost of approximately \$27,000 relative to \$24,000 in the expiring term, equating to a 1% annual increase since 2010.

Ms. Jobe stated the proposed agreement was reviewed by Mr. Alliston, Board Counsel, and would be effective for a three-year initial term, renewing annually thereafter.

Linda Cox moved, seconded by Brett Miller, to retroactively approve the proposed Service Agreement between ERMA and in2vate, effective September 1, 2021. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

C. Proposed Amendments to Resolution Establishing Criteria for Approval of Investigators

Ms. Jobe reported hourly rates paid to ERMA investigators are established via Resolution No. 2018-3 and were most recently reviewed in 2019 when the Board approved a \$40 per hour increase for attorney investigators and a \$30 per hour decrease for non-attorney investigators. Ms. Jobe stated the current rates are no longer competitive and are likely affecting ERMA's ability to retain high-quality investigators in a timely fashion.

Ms. Jobe reviewed the proposed increases for both attorney and non-attorney investigators by \$40 per hour, resulting in an increase from \$250 to \$290 for attorney investigators and \$160 to \$200 for non-attorney investigators.

Stacey Sullivan, Litigation Manager, reported receiving feedback from members of the defense panel who commented on the present rates as a prohibiting factor for retaining high-quality investigators. Ms. Sullivan also expressed concern that the current rates may lead to failure to retain quality investigators and perhaps de-incentivize prioritization of ERMA matters.

Michael Christian, Jackson Lewis, noted high demand for investigators in employment cases, high rates across the state regardless of geographic location, and the potential for investigator bias should ERMA continue to use the same small group of investigators repeatedly across cases.

Discussion ensued regarding investigations that are typically assigned to attorneys as opposed to non-attorneys. Geoffrey Sheldon of Liebert Cassidy Whitmore (LCW), Mr. Christian, and Ms. Sullivan concurred on the preference to employ attorney investigators for fact finding when possible due to their typically enhanced legal expertise as compared to non-attorneys, a preference that is hindered due to high attorney demand and less-than-competitive rates.

Artesia Dupree moved, seconded by Charlene Calica, to approve Resolution No. 2021-7, Establishing Criteria for Approval of Investigators, effective November 1, 2021. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

D. 2021/22 Goals and Objectives Update

Ms. Jobe reviewed with the Board each of the five goals established at the annual workshop in February 2021, and provided a progress update, as follows:

Goal 1: Review of claim type categories. Ms. Jobe stated staff will look to expand the gender/sex discrimination and harassment and retaliation/whistleblower claim categories by further reviewing underlying commonalities for presentation at the February 2022 workshop.

Goal 2: Review financial position and opportunities. Ms. Jobe specified two primary sub-goals: (1) the development of a net position stress test, and (2) a collaboration between staff and investment advisors to identify expanded long-term investment options. Ms. Jobe stated the progress of this goal will be discussed at the February 2022 workshop.

Goal 3: Review investigator panel. Ms. Jobe stated the review of the investigator panel involved an analysis of current rates and review of investigatory processes and procedures. Ms. Jobe reported completion of this goal, as evidenced by the Board's approval of Resolution No. 2021-7.

Goal 4: Review expansion of coverage. Ms. Jobe reported staff will continue working with the Coverage Committee to discuss the potential inclusion of defense costs of wage and hour claims and with an update to be presented at the February 2022 workshop.

Goal 5: Develop Certificate Program. Due to continually evolving COVID regulations and the changing workplace environment, Ms. Jobe recommended this goal be placed on hold and revisited at the February 2022 workshop.

No action was taken on this item.

E. Review of the 22nd Annual Workshop Agenda

Ms. Jobe reported the 22nd Annual Workshop will be held on February 10 and 11, 2022, at the Dream Inn in Santa Cruz, California. Ms. Jobe reviewed the proposed workshop agenda, which includes an overview of the 2021/22 Goals and Objectives, a "year in review" for ERMA in strategic planning, and defense panel presentations. The workshop will conclude with a review of service providers and the defense panel evaluations.

No action was taken on this item.

11. MEMBERSHIP MATTERS

A. Discussion Regarding the City of California City's (CIRA) Termination of Participation as a Member of ERMA

Ms. Jobe stated that at the June 2020 meeting, the Board approved staff's recommendation the City of California City (CIRA) undergo a risk assessment. The assessment was conducted, and staff worked with the former City Manager to provide training for staff, management, and council members.

Ms. Jobe went on to state the City underwent significant staffing changes over the course of the risk assessment, including the appointment of Anne Ambrose, Interim City Manager. Ms. Jobe reported the City continues to incur significant losses primarily related to staffing and other changes within the City's organizational structure. In September, staff met with Ms. Ambrose and Baron Bettenhausen, City Attorney, to discuss ongoing personnel concerns and the need for additional corrective action. Ms. Jobe stated the City was presented with a proposed Performance Improvement Plan (Plan) that included stipulations such as an agreement to retain a member of ERMA's defense panel for on-going advice and counsel relative to all personnel and human resource-related matters, as well as additional targeted management training. Ms. Jobe advised the City has retained Tom O'Connell, Best, Best, & Krieger, and has scheduled targeted management training with Gerry Preciado, 34th Street Consulting.

Ms. Jobe stated staff recommends the Board issue formal notice of termination of participation effective June 30, 2022, in accordance with ERMA's six-month notice requirement, with consideration that staff will continue to work with Ms. Ambrose and provide a follow up report to the Board at the February 2022 meeting. Ms. Jobe concluded her report stating the City Council approved the proposed Plan via resolution on September 23, 2021.

Ms. Ambrose then addressed the Board, acknowledging the City's challenges and discussing various steps recently taken to assess the causes of and solutions for these challenges. Ms. Ambrose reiterated support from City Council to adhere to the Plan and reduce the City's future exposure and risk of claims.

Linda Cox moved, seconded by Artesia Dupree, to approve issuance of a notice of termination to the City of California City, effective June 30, 2022, and the Performance Improvement Plan, effective November 1, 2021. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

B. Review of Prospective New Member Application – City of Lindsay (CSJVRMA)

Ms. Jobe advised the City of Lindsay applied for participation in ERMA effective July 1, 2021, at a \$25,000 self-insured retention (SIR), but time constraints impeded staff from completing the underwriting process prior to the beginning of the 2021/22 Program Year.

Ms. Jobe reported a recommendation from the Underwriting Committee to approve the City for participation retroactive to July 1, 2021, with the condition the City function with the duties and responsibilities of an active ERMA member until formal Board approval for participation could be obtained. The Committee further conditioned their recommendation to the Board, upon the City's agreement, to utilize legal counsel with expertise in public sector employment law to update personnel policies and procedures by July 1, 2023.

Ms. Jobe stated the City is an underlying member of the Central San Joaquin Valley Risk Management Authority (CSJVRMA) and summarized the application as follows:

The City reported payroll of \$3 million for the 2020 calendar year, 40 full-time employees, and 17 part-time employees. The City has written personnel policies and procedures in place that have been adopted by City Council but have not been formally reviewed since 2011. The City obtains AB 1825 and SB 1343-compliant training through their participation in the LCW Consortium.

Stuart Schillinger moved, seconded by Yumi Augustus, to approve the City of Lindsay (CSJVRMA) at a \$25,000 SIR, retroactive to July 1, 2021, with the condition the City's personnel policies and procedures are updated, reviewed by legal counsel with expertise in public sector employment law, and approved by City Council, no later than July 1, 2023. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

12. COVERAGE MATTERS

A. City of Banning (PERMA) Appeal of Denial of Coverage

Ms. Sullivan presented the City of Banning's appeal of denial of coverage and provided background information relating to the coverage denial based upon untimely reporting.

Ms. Sullivan concluded her report stating she did not believe the untimely report of the claim would result in financial or other prejudice to ERMA.

Brett Miller moved, seconded by Artesia Dupree, to grant the City of Banning's appeal of denial of coverage with a 25% increase to the SIR from \$25,000 to \$31,250. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Nataline Jindoian, Artesia Dupree, and John Gillison with no nays or abstentions.

B. Proposed Revisions to the Memorandum of Coverage, effective November 1, 2021

Ms. Jobe advised that a number of member agencies have recently sought guidance from staff regarding implementation of mandatory COVID-19 vaccination and testing policies in the workplace. On September 28th, staff and Mr. Alliston met with the Coverage Committee to discuss a proposed exclusion to the MOC related to claims resulting from either requiring or failing to require COVID-19 vaccination. Ms. Jobe conveyed the recommendation from the Coverage Committee to approve the proposed revisions to the MOC, effective November 1, 2021.

Mr. Alliston confirmed the proposed exclusion refers to claims related to all vaccinations and testing for any disease, including COVID-19.

Linda Cox moved, seconded by Truc Dever, to approve the proposed revisions to the Memorandum of Coverage, effective November 1, 2021. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Charlene Calica, Artesia Dupree, and John Gillison with no nays or abstentions.

13. TRAINING/LOSS PREVENTION MATTERS

A. 2021 Target Risk Appraisal Recommendations

Ms. Jobe reviewed with the Board the annual member loss performance compared to the target ratios established via Resolution No. 2018-4. The purpose of the review is to identify members whose loss ratio and/or claim frequency or severity may indicate the need for a risk assessment.

Ms. Sullivan provided a recommendation that Sunline Transit Authority undergo a risk assessment, citing high loss frequency with 11 open claims, seven of which were reported in the previous program year quarter.

Ms. Jobe added staff has informed PERMA staff of the risk assessment recommendation, and a report will be provided to the Board at the June 2022 meeting.

Artesia Dupree moved, seconded by Brett Miller, to approve Sunline Transit Authority undergo a risk assessment. A roll call was conducted. The motion passed unanimously with affirmative votes by Truc Dever, Stuart Schillinger, Robert Thompson, Sean Scully, Melissa Guerrero, Brett Miller, Linda Cox, Yumi Augustus, Kevin Bryant, Roger Carroll, Nataline Jindoian, Artesia Dupree, and John Gillison with no nays or abstentions.

B. Training Update

Ms. Davis provided an update on training activities for the 2021/22 Program Year.

Ms. Davis noted that despite COVID restrictions limiting in-person gatherings, member interest and participation in live, ERMA-sponsored trainings have increased. She reported 15 trainings with a total of 726 attendees have been scheduled for the current program year, compared to only five trainings with 100 attendees for the preceding year.

Ms. Davis then discussed the Training and Risk Management Program implemented on July 1, 2020, which provides member agencies with reimbursement of up to \$2,500 per program year for employment-related training and loss control activities. She stated 14 agencies have submitted requests for reimbursement since the Program's inception, many of whom have submitted multiple requests to exhaust available funds.

Ms. Davis concluded her report by stating the training self-certification survey, originally launched in January 2021, will be issued again in January 2022 to allow member agencies to self-certify compliance with mandated training requirements. She also advised of the continued distribution of the weekly training bulletin utilized to promote training opportunities.

No action was taken on this item.

14. LITIGATION MANAGEMENT

A. Report from Stacey Sullivan, Litigation Manager

Ms. Sullivan reported 37 new claims this quarter compared to 14 in the previous quarter, a substantial 61% increase. Ms. Sullivan noted common components of the newer claims, including increased workplace hostility, union activity, and heightened demands to continue remote work in occupations whose essential jobs functions are incompatible with such requests.

Ms. Sullivan expressed two areas of note:

- (1) Significant defense panel tardiness in reporting of initial case analyses, claim status reports, and budget reporting on non-litigated matters. Staff continues to face challenges in appropriately mitigating risk due to untimely reporting by defense panel firms.
 - a. Strategic partners are exclusively responsible for untimely reporting. Staff is often required to conduct extensive follow up to ensure adherence to deadlines and proper reporting as established via Resolution No. 2020-3, Establishing a Litigation Management Program.

- (2) Substantial rise in claims related to elected officials.

Discussion ensued regarding Ms. Sullivan's report, and Ms. Jobe stated staff will work with the Coverage Committee and the Board to review options regarding the issues raised.

No action was taken on this item.

15. CLOSING COMMENTS

A. Board of Directors

The Board recognized Ms. Dever's last Board meeting and extended thanks for her service as an Officer and Board Member.

B. Staff

None.

16. ADJOURNMENT

The November 1, 2021, ERMA Board of Directors Meeting adjourned at 1:13 p.m. by general consent.

A handwritten signature in black ink that reads "Danielle Davis". The signature is written in a cursive style with a horizontal line underneath the name.

Danielle Davis, Board Secretary