



**EMPLOYMENT RISK MANAGEMENT AUTHORITY (ERMA)
UNDERWRITING COMMITTEE MEETING
AGENDA**

**Thursday, March 30, 2023
1:00 p.m.**

Zoom

Dial-in Number: (669) 900-6833

Meeting ID: 863 5645 3703

No Passcode Required

Meeting [Link](#)

All portions of this meeting will be conducted via teleconference in accordance with Government Code Section 54953. The teleconference locations are as follows: *Sedgwick, 1750 Creekside Oaks Drive, Suite 200, Sacramento, CA 95833; City of Rancho Cucamonga, 10500 Civic Center Drive, Rancho Cucamonga, CA 91730; and City of Oakdale, 280 N. 3rd Ave., Oakdale, CA 95361.*

Each location is accessible to the public, and members of the public may address the Committee from any teleconference location.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation to participate in this meeting, please contact Danielle Davis (danielle.davis3@sedgwick.com or 916-244-1116) as early as possible, and preferably at least one full business day before the start of the meeting.

Documents and materials relating to an open session agenda item that are provided to the Committee will be available for public inspection. Please contact Ms. Davis via phone or [email](#).

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1. CALL TO ORDER; ROLL CALL

2. APPROVAL OF AGENDA AS POSTED (OR AMENDED)

3. PUBLIC COMMENTS - The Public may submit any questions by contacting Danielle Davis at danielle.davis3@sedgwick.com. This time is reserved for members of the public to address the Committee relative to matters of ERMA not on the agenda. No action may be taken on non-agenda items unless authorized by law.

4. CONSENT CALENDAR

- 4 *A. Minutes of the December 6, 2022, Underwriting Committee Meeting
 Recommendation: Approval of the Consent Calendar.

5. MEMBERSHIP MATTERS

- 8 *A. Review of Prospective Member Application, City of Norco (PERMA)
 Recommendation: Staff recommends the Underwriting Committee approve the City of Norco (PERMA) at a \$100,000 SIR, effective July 1, 2023, 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, 2025.

6. CLOSING COMMENTS

This time is reserved for comments by the Committee members and staff and to identify matters for future Committee business.

- A. Committee
- B. Staff

7. ADJOURNMENT

Agenda Item 4.A.

CONSENT CALENDAR

SUBJECT: Consent Calendar

RECOMMENDATION: *Approval of the Consent Calendar.*

BACKGROUND AND STATUS:

The Consent Calendar consists of items that require approval or acceptance but are self-explanatory and typically require no discussion. Should the Committee wish to discuss any item listed, it may be pulled from the Consent Calendar.

REFERENCE MATERIALS ATTACHED:

- A. Minutes of the December 6, 2022, Underwriting Committee Meeting

EMPLOYMENT RISK MANAGEMENT AUTHORITY (ERMA)

**MINUTES OF THE UNDERWRITING COMMITTEE MEETING
OF DECEMBER 6, 2022**

An ERMA Underwriting Committee Meeting was held on December 6, 2022. All portions of this meeting were conducted via Zoom in accordance with Government Code Section 54953.

COMMITTEE MEMBERS PRESENT: John Gillison, President, CIRA
Stuart Schillinger, Vice President, BCJPIA
Brett Miller, Treasurer, MBASIA (*arrived during agenda item 5.A.*)

COMMITTEE MEMBERS ABSENT: None

OTHERS PRESENT: Jennifer Jobe, Executive Director
Danielle Davis, Board Secretary

1. CALL TO ORDER/ROLL CALL

The December 6, 2022, ERMA Underwriting Committee Meeting was called to order at 10:00 a.m. A roll call was taken, and it was determined a quorum was present.

2. APPROVAL OF AGENDA AS POSTED (OR AMENDED)

John Gillison moved, seconded by Stuart Schillinger, to approve the agenda as posted. A roll call vote was taken. The motion passed unanimously.

3. PUBLIC COMMENTS

None

4. CONSENT CALENDAR

John Gillison moved, seconded by Stuart Schillinger, to approve the following item on the Consent Calendar: A) Minutes of the October 20, 2022, Underwriting Committee Meeting. A roll call vote was taken. The motion passed unanimously.

5. MEMBERSHIP MATTERS

Jennifer Jobe, Executive Director, reported three applications were received from the following members of the California Intergovernmental Risk Authority (CIRA) for participation in ERMA: Foresthill Fire Protection District (Foresthill FPD), Mosquito Fire Protection District (Mosquito FPD), and Wheatland Fire Authority (Wheatland). She noted each agency is seeking participation at a \$250,000 self-insured retention (SIR) and have been approved for participation in CIRA effective November 1, 2022.

A. Review of Prospective Member Application, Foresthill Fire Protection District (CIRA)

Ms. Jobe provided a summary of the Foresthill FPD's application, as follows:

- The district reported payroll of \$1.2M for the 2021 calendar year and has 12 full-time employees and six part-time employees.
- The district has written personnel policies and procedures in place that were reviewed and approved by the district's Board in 2016 but are not regularly reviewed by legal counsel.
- The district is compliant with AB 1825 and SB 1343 training requirements and utilizes Vector Solutions to conduct online training.
- The district provided an attestation of no known losses in the most recent seven completed fiscal years.

Ms. Jobe noted staff's additional recommendation that the Committee extend approval of the district's participation in ERMA retroactively effective November 1, 2022, with the condition the district's personnel policies and procedures are reviewed and updated by legal counsel with public sector employment law expertise and formally approved by the district's governing board no later than July 1, 2024.

B. Review of Prospective Member Application, Mosquito Fire Protection District (CIRA)

Ms. Jobe provided the following summary with respect to Mosquito FPD's application, as follows:

- The district reports payroll of \$334k for the 2021 calendar year and has two full-time employees and one part-time employee.
- The district has written personnel policies and procedures in place that are regularly reviewed by legal counsel. The policies were last revised in September 2022 and have been adopted by the district's Board.
- The district is compliant with AB 1825 and SB 1343 training requirements and utilizes Vector Solutions to conduct online training.

She stated staff recommended the Committee approve the district's participation in ERMA with a coverage effective date of January 1, 2023. She noted this deferred effective date for ERMA coverage was proposed to and approved by the CIRA Board of Directors due to initial concerns of delays receiving application materials.

C. Review of Prospective Member Application, Wheatland Fire Authority (CIRA)

Ms. Jobe summarized the details from Wheatland's application of participation as follows:

- The district reports payroll of \$600k for the 2021 calendar year and has three full-time employees and 18 part-time (volunteer) employees.
- The district has written personnel policies and procedures in place that are regularly reviewed by legal counsel. The policies were last revised in August 2018 and adopted by the district's Board.
- The district is compliant with AB 1825 and SB 1343 training requirements and utilizes Vector Solutions to conduct online training.
- The district has provided an attestation of no known losses in the most recent seven completed fiscal years.

As with Foresthill FPD, Ms. Jobe confirmed staff's recommendation for Wheatland included a retroactive approval to November 1, 2022, in addition to the condition the authority's personnel policies and procedures are reviewed and updated by legal counsel with public sector employment law expertise and formally approved by the authority's Board of Directors no later than July 1, 2024.

Brett Miller moved, seconded by John Gillison, to approve: 1) the Foresthill Fire Protection District (CIRA) at a \$250,000 SIR, effective November 1, 2022, with the condition the district's personnel policies and procedures are updated, reviewed by legal counsel with expertise in public sector employment law, and approved by the district's governing body, no later than July 1, 2024; 2) the Mosquito Fire Protection District (CIRA) at a \$250,000 SIR, effective January 1, 2023; and 3) the Wheatland Fire Authority (CIRA) at a \$250,000 SIR, effective November 1, 2022, with the condition the authority's personnel policies and procedures are updated, reviewed by legal counsel with expertise in public sector employment law, and approved by the authority's governing body, no later than July 1, 2024. A roll call vote was taken. The motion passed unanimously.

6. CLOSING COMMENTS

A. Committee Members

None

B. Staff

None

7. ADJOURNMENT

The December 6, 2022, ERMA Underwriting Committee meeting adjourned at 10:21 a.m. by general consent.

A handwritten signature in cursive script that reads "Danielle Davis". The signature is written in black ink and is positioned above a horizontal line.

Danielle Davis, Board Secretary

MEMBERSHIP MATTERS

SUBJECT: Review of Prospective Member Application, City of Norco (PERMA)

RECOMMENDATION: *Staff recommends the Underwriting Committee approve the City of Norco (PERMA) at a \$100,000 SIR, effective July 1, 2023, 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, 2025.*

BACKGROUND AND STATUS:

The City of Norco, an underlying member of the Public Entity Risk Management Authority (PERMA), provided an application and supporting documentation for participation in ERMA at a \$100,000 self-insured retention (SIR). The application materials have been reviewed by staff and are summarized as follows:

- The city reports payroll of approximately \$5.6M for the 2022 calendar year and has 79 full-time employees and 47 part-time employees.
- The city is in the process of updating written personnel policies and procedures, which were last reviewed by legal counsel and approved by city council in 1991.
- The city is working toward compliance with AB 1825 and SB 1343 training requirements by conducting both in-house training as well as online training via Vector Solutions, a third-party provider (formerly known as Target Solutions).
- The city provided an attestation of no known losses in the most recent seven completed fiscal years.

REFERENCE MATERIALS ATTACHED:

- City of Norco Application for Participation

**EMPLOYMENT RISK MANAGEMENT AUTHORITY (ERMA)
LIABILITY COVERAGE APPLICATION FOR PROSPECTIVE MEMBERS
OF A PARTICIPATING JOINT POWERS AUTHORITY**

If completed electronically, this application will adjust to allow space for any answers. If not completed electronically, then additional sheets may be needed.

PROGRAM YEAR: 2022/23

ENTITY NAME: City of Norco		Date: 02/02/2023
EMPLOYMENT PRACTICES INFORMATION		
A. Policies and Procedures		
1.	Does the Entity have written personnel policies and procedures?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.	Does the Entity distribute the manual/rules to all employees?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3.	Does the Entity have employees sign an acknowledgement form indicating they have read and understood the above-referenced policies?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4.	Are the following policies or procedures included in the manual? Check all that apply:	
	<input checked="" type="checkbox"/> Hiring	<input checked="" type="checkbox"/> Termination
	<input type="checkbox"/> Medical Leave	<input type="checkbox"/> Unpaid Leave
	<input type="checkbox"/> Drug & Alcohol Testing	<input checked="" type="checkbox"/> Discipline
	<input type="checkbox"/> Family Medical Leave Act	<input type="checkbox"/> Attendance
	<input type="checkbox"/> Written Job Description for all Positions	<input type="checkbox"/> Workplace Violence Policies
	<input checked="" type="checkbox"/> Annual Written Performance Evaluations for all Employees	
	<input type="checkbox"/> Employee Hotline/Complaint Procedure	
5.	Do the policies/rules include all protected categories under the Fair Employment and Housing Act (FEHA), Ca. Gov't. Code section 12940)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6.	Does the Entity have legal counsel regularly review the manual/rules?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7.	Have the above-referenced policies been updated within the past five years?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If no, when was the manual or rules last reviewed? 1991	
8.	Were the above-referenced policies formally approved and adopted by council/governing board?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9.	Does the Entity have legal counsel to provide advice regarding disciplinary matters?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
10.	Does the entity have an orientation program for all employees that addresses workplace conduct, EPL policies and practices, and grievance procedures?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>If you answered no to any of the above, please use this space to provide more information:</i>		
City has legal counsel that reviews policies when requested. Some of the policies not included in the current Personnel Manual are separate Administrative Statements. Policy and Compliant Procedure Against Harassment, Discrimination & Retaliation was updated December 19, 2022.		

B. Employee Information		
1.	Number of Full Time Employees: 79	
2.	Number of Part time Employees: 47	
3.	For each of the past five years, what has been your annual percentage turnover rate of employees?	
	2022 46%	2021 40%
	2020 32%	2019 36%
	2018 36%	
4.	How many involuntary employment terminations have occurred in the past three years?	
	2022 Terminations: 11	2021 Terminations: 5
	2020 Terminations: 0	

	<i>Involuntary employment termination with respect to this questionnaire means notification to an employee that such employee will no longer be employed whether such notification is effective immediately or in the future. Involuntary employment termination shall also include actual or alleged constructive discharge.</i>	
5.	Percentage of Employees with salaries less than \$100,000 89 %	Should = 100%
6.	Percentage of Employees with salaries greater than \$100,000 11 %	

C. Employment Practices Claims Handling		
1.	Who in the Entity has been designated to handle claims? Human Resources Manager	
2.	(a) With respect to oral or written claims, do you have a written procedure for obtaining information and conducting required follow up on the claim? (b) Do you require written claims for EEO-related complaints?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If yes to 2(a), describe the policy and procedure for receiving, reviewing, and responding to claims: <small>A covered individual who believes they have been subjected to discrimination, harassment or retaliation may make a complaint, either orally or in writing, to any supervisor, manager, their Department Head or to the City Manager, without regard to any chain of command. Any supervisory or management employee who receives a harassment complaint should immediately notify the City Manager. Upon receiving notification of a complaint regarding discrimination, harassment or retaliation, the City Manager or their designee will complete and/or delegate the following steps listed in policy.</small>	
3.	Does the Employment Claims handler coordinate with the Workers' Compensation Administrator on all claims involving actual or potential industrial injuries? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4.	Has your entity received any claim in the previous 7 completed fiscal years, including the partial current fiscal year, (including but not limited to Tort Claim, any and all claims filed with the DFEH, EEOC, Department of Labor or Federal Department of Justice, any civil lawsuit or other written claim) alleging the following?	
	(a) Allegations of discrimination or harassment under FEHA, Title VII or any other federal or state law relating to discrimination based on race, sex, religion, disability, national origin, marital status, age, sexual orientation, retaliation or any other protected legal status;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	(b) Allegations of retaliation relating to an Employee engaging in protected activity involving any EEO-related complaint, protected leave status, worker's compensation claim, or any other protected activity or status;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	(c) Actual or alleged constructive termination of an employment relationship in a manner which is alleged to have been against the law or wrongful, or in breach of an implied employment contract or breach of the covenant of good faith and fair dealing in the employment contract;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	(d) Allegations of negligent or wrongful evaluation, wrongful demotion, wrongful discipline, failure to promote, failure to grant tenure, or wrongful deprivation of career opportunity;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	(e) Allegations of misrepresentation or defamation made by an <i>Employee</i> which arise from an employment decision to hire, fire, promote, demote or discipline;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	(f) Allegations of infliction of emotional distress, mental injury, mental anguish, shock, sickness, disease or disability made by an <i>Employee</i> which arise from an employment decision to hire, fire, promote, demote or discipline;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	(g) Allegations of false imprisonment, detention, or malicious prosecution made by an <i>Employee</i> which arise from an employment decision to hire, fire, promote, demote or discipline;	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

	(h) Allegations of libel, slander, defamation of character, invasion of privacy made by an <i>Employee</i> which arise from an employment decision to hire, fire, promote, demote or discipline; and	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	(i) Other personal injury allegations made by an <i>Employee</i> which arise from an employment decision to hire, fire, promote, demote or discipline.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If the answer is yes to any of the above, please attach a listing of the loss(es) showing a full description of each claim, including the date filed, the substance of the allegations, the disposition of the claim, and any monetary amounts paid in connection with the claim.		

D. Employment Practices Risk Management		
1.	Does the applicant have a Human Resources or Personnel Department?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	If no, please describe handling of this function:	
2.	Do you have any established set of grievance or complaint procedures as an effective means of resolving disputes prior to litigation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3.	Do you anticipate any "layoffs" during the next 24 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If yes, please provide details.	
4.	Have you had any "layoffs" in the past 36 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If yes, please provide details.	
5.	Is your entity in full compliance with the training requirements set forth in AB 1825, SB 1343 and SB 778?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If no, please explain. Majority of staff has been trained. We are scheduling training for staff that were unable to attend to reach full compliance. Training is scheduled for staff at hire.	
6.	Briefly describe the procedure for maintaining AB 1825 and SB 1343 training records: Certificates of completion in Personnel file. Also an Excel spreadsheet with list of employees and training dates.	
7.	Does your entity provide SB 1343 training?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8.	Are elected or appointed officials trained on the entity's policy regarding harassment, discrimination, and retaliation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

E. DESIRED SELF-INSURED RETENTION						
<input type="checkbox"/> \$25K	<input type="checkbox"/> \$50K	<input type="checkbox"/> \$75K	<input checked="" type="checkbox"/> \$100K	<input type="checkbox"/> \$250K	<input type="checkbox"/> \$350K	<input type="checkbox"/> \$500K
<i>Please attach the following:</i>						
<ul style="list-style-type: none"> • <i>EPL individual loss information (including Date of Loss and total incurred) for the previous 7 completed fiscal years, including the partial current fiscal year;</i> • <i>Payroll information for the previous 7 completed calendar years;</i> • <i>Completed resolution authorizing participation in ERMA;</i> • <i>Completed intent to participate; and</i> • <i>Most Recent Financial Audit.</i> 						

The undersigned declares that no fact, circumstance, or situation indicating the probability of a claim or action is now known to any person proposed for this coverage; and it is agreed by all concerned that if there be knowledge of any such fact, circumstance or situation, any claim or action subsequently emanating therefrom shall be excluded from coverage under the coverage for herewith being applied. The undersigned being authorized by, and acting on behalf of, the applicant and all persons or concerns seeking coverage, has read and understands this application, and declares all statements set forth herein are true, complete, and accurate, and include all material information.

The undersigned further declares and represents that any occurrence taking place prior to the inception of the coverage for which is being applied, which may render inaccurate, untrue or incomplete any statement made herein will immediately be reported in writing to ERMA. The undersigned acknowledges and agrees that the submission and ERMA's receipt of such report, prior to the inception of the coverage for which being applied, is a condition precedent to coverage.

The undersigned acknowledges:

- (1) ERMA does not require the submittal of the aforementioned policies and procedures. ERMA does, however, rely on the information provided by the applicant in review of the application and the undersigned, therefore, declares and represents that the policies and procedures as represented above are the current policies and procedures of the entity.
- (2) ERMA's Board of Directors may recommend a risk assessment of any new member within 60 days of joining ERMA and/or a higher self-insured retention from what was requested, if an application for membership is approved.


The undersigned further acknowledges and agrees this application contains requests for information and requests for data on a range of exposures, but such requests do not imply that coverage is afforded in the program for which is being applied.

City of Norco

Agency or Entity Name

Lori Sassoon

Applicant's Name (please print)



Applicant's Signature

Date

2/2/23

City Manager

Title