

EMPLOYMENT RISK MANAGEMENT AUTHORITY (ERMA) UNDERWRITING COMMITTEE MEETING AGENDA

Tuesday, May 21, 2024 10:00 a.m.

<u>Zoom</u>

Zoom Link: https://us02web.zoom.us/j/82486092977 Dial-in Number: (669) 900-6833 Meeting ID: 824 8609 2977 No Passcode Required

All portions of this meeting will be conducted via teleconference in accordance with Government Code Section 54953. The teleconference locations are as follows: *City of Rancho Cucamonga, 10500 Civic Center Drive, Rancho Cucamonga, CA 91730; City of Oakdale, 280 N. 3rd Ave., Oakdale, CA 95361; and 43-420 Trader Place Indio, CA 92201.*

Each location is accessible to the public, and members of the public may address the Committee from any teleconference location. Alternatively, you may attend the meeting and address the Committee via the Zoom link or dial-in number shown above.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation to participate in this meeting, please contact Yvette Flama (<u>yvette.flama@sedgwick.com</u> or 916.290.4629) 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 provided to the Committee will be available for public inspection. Please contact Ms. Flama via phone or email for copies.

Page 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 Yvette Flama at <u>vvette.flama@sedgwick.com</u>. 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

*A. Minutes of the April 12, 2024, Underwriting Committee Meeting *Recommendation: Approval of the Consent Calendar.*

5. MEMBERSHIP MATTERS

- *A. Review of Prospective Member Application, City of Suisun City (PLAN JPA) Recommendation: Staff recommends the Underwriting Committee unconditionally approve the City of Suisun City (PLAN JPA) at a SIR of no less than \$50,000, effective July 1, 2024.
- *B. Review of Prospective Member Application, City of San Carlos (PLAN JPA) Recommendation: Staff recommends the Underwriting Committee unconditionally approve the City of San Carlos (PLAN JPA) at a SIR of no less than \$50,000, effective July 1, 2024.
- *C. Review of Prospective Member Application, Consolidated Fire Agencies (CONFIRE) (CIRA JPA)

Recommendation: Staff recommends the Underwriting Committee unconditionally approve CONFIRE (CIRA JPA) at a SIR of no less than \$50,000, effective July 1, 2024. Please note that the agency requested an SIR of \$25,000.

*D. Review of Prospective Member Application, Pajaro Regional Flood Management Agency (PRFMA) (CIRA JPA)

> Recommendation: Staff recommends the Underwriting Committee conditionally approve PRFMA (CIRA JPA) at a SIR of no less than \$50,000, effective July 1, 2024, and that the condition of having the personnel policies and procedures be required to be created and reviewed by legal counsel with expertise in public sector employment law within 24 months of joining ERMA.

*E. Review of Prospective Member Application, City of Mountain House, (MPA JPA)

Recommendation: Staff recommends the Underwriting Committee conditionally approve the City of Mountain House (MPA JPA) at a SIR of no less than \$50,000, effective July 1, 2024, and that the condition of having the personnel policies and procedures be required to be created and reviewed by legal counsel with expertise in public sector employment law within 24 months of joining ERMA.

* Reference materials enclosed with staff report.

- *F. Review of Prospective Member Application, City of Upland (CIRA JPA) Recommendation: Staff recommends the Underwriting Committee conditionally approve the City of Upland (CIRA JPA) at a SIR of no less than \$250,000, effective July 1, 2024, and that the condition of having the personnel policies and procedures be required to be created and reviewed by legal counsel with expertise in public sector employment law within 24 months of joining ERMA.
- *G. Update of Incomplete Member Applications Recommendation: Staff will provide a recommendation following discussion at the meeting.

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

* Reference materials enclosed with staff report.

ERMA UNDERWRITING COMMITTEE MEETING May 21, 2024

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 selfexplanatory 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 April 12, 2024, Underwriting Committee Meeting

EMPLOYMENT RISK MANAGEMENT AUTHORITY (ERMA)

MINUTES OF THE UNDERWRITING COMMITTEE MEETING OF APRIL 12, 2024

An ERMA Underwriting Committee Meeting was held on April 12, 2024. All portions of this meeting were conducted via Zoom in accordance with Government Code Section 54953.

| COMMITTEE MEMBERS PRESENT: | John Gillison, President, CIRA Bryan Whitemyer, Vice President, CSJVRMA Jeremy Wittie, Treasurer, VCJPA |
|----------------------------|---|
| COMMITTEE MEMBERS ABSENT: | None. |
| OTHERS PRESENT: | Rob Kramer, Executive Director Yvette Flama, Board Secretary |

1. CALL TO ORDER/ROLL CALL

The April 12, 2024, ERMA Underwriting Committee Meeting was called to order at 12:03 p.m. A roll call was taken, and a quorum was determined to be present.

2. APPROVAL OF AGENDA AS POSTED (OR AMENDED)

Bryan Whitemyer moved, seconded by Jeremy Wittie, to approve the agenda as posted. A roll call vote was taken. The motion passed unanimously.

3. PUBLIC COMMENTS

None.

4. <u>CONSENT CALENDAR</u>

John Gillison moved, seconded by Bryan Whitemyer, to approve the following item on the Consent Calendar: A) Minutes of the October 11, 2023 Underwriting Committee Meeting. A roll call vote was taken. The motion passed unanimously.

5. <u>MEMBERSHIP MATTERS</u>

A. <u>Review of Prospective Member Application, Town of Los Gatos (PLAN JPA)</u>

Rob Kramer, Executive Director, reported an application was received from the Town of Los Gatos, an underlying member of the Pooled Liability Assurances Network (PLAN), for participation in ERMA at a \$250,000 self-insured retention (SIR), effective July 1, 2024. Mr. Kramer provided a summary of the application as follows:

ERMA Underwriting Committee Meeting April 12, 2024 Page 2

- The Town reports payroll of \$20M for the 2023 calendar year and has 153 full-time employees and 56 part-time employees.
- The Town fairly recently had its written personnel policies and procedures reviewed with a few noted exceptions.
- The Town is compliant with AB 1825 and SB 1343 training requirements.

The Town provided an attestation of no known losses in the past seven fiscal years.

Mr. Kramer noted staff's additional recommendation that the Committee unconditionally extend approval of the Town's participation in ERMA with a SIR of no less than \$75K.

Jeremy Wittie moved, seconded by Bryan Whitemyer, to recommend the Board approve the Town of Los Gatos (PLAN JPA) at a SIR of no less than \$75K, effective July 1, 2024, with no condition.

B. <u>Consideration of Newly Formed Underling Members of ERMA JPA Members</u>

Rob Kramer, Executive Director, reported that The City of Mountain House, a newly formed City that has applied to the Municipal Pooling Authority (MPA), and the Pajaro Regional Flood Management Agency (PRFMA), a newly formed Joint Powers Authority that has applied to the California Intergovernmental Risk Authority (CIRA), are both seeking participation in the Employment Risk Management Authority.

Mr. Kramer recommended that newly formed underlying members of current ERMA JPA members be approved at no less than a \$50,000 SIR and that the condition of having all 8 of the identified most critical EPL policies be required to be created and reviewed by legal counsel with expertise in public sector employment law within 24 months of joining ERMA.

John Gillison moved, seconded by Bryan Whitemyer, to recommend the Board approve the City of Mountain House (MPA JPA) and PRFMA (CIRA JPA) at a \$50,000 SIR and the condition of having all 8 of the identified most critical EPL policies be created and reviewed by legal counsel with expertise in public sector employment law within 24 months of joining ERMA, effective July 1, 2024. A roll call vote was taken. The motion passed unanimously.

6. <u>CLOSING COMMENTS</u>

A. <u>Committee Members</u>

None.

B. <u>Staff</u>

ERMA Underwriting Committee Meeting April 12, 2024 Page 3

None.

7. **ADJOURNMENT**

The April 12, 2024, ERMA Underwriting Committee meeting adjourned at 12:53 p.m. by general consent.

Yvette Flama, Board Secretary

Agenda Item 5.A.

MEMBERSHIP MATTERS

SUBJECT: Review of Prospective Member Application, City of Suisun City (PLAN JPA) (PLAN JPA)

RECOMMENDATION: Staff recommends the Underwriting Committee unconditionally approve the City of Suisun City (PLAN JPA) at a SIR of no less than \$50,000, effective July 1, 2024.

BACKGROUND AND STATUS:

The City of Suisun City, an underlying member of the Pooled Liability Assurance Network (PLAN JPA), provided an application and supporting documentation for participation in ERMA effective July 1, 2024, at a self-insured retention (SIR) of \$50,000. The application materials have been reviewed by staff and are summarized as follows:

- The City reports payroll of approximately \$11,421,478.73 for the 2023 calendar year and has 96 full-time and 79 part-time employees.
- The City had its written personnel policies and procedures reviewed and updated within the past five years; however, legal counsel has not reviewed them.
- The City has no current reportable losses.
- The City is compliant with AB 1825 and SB 1343 training requirements.

REFERENCE MATERIALS ATTACHED:

- The City of Suisun City Indication
- The City of Suisun City Application for Participation



CONTRIBUTION INDICATION PLAN JPA

| Name of Entity | | City of Suis | un | |
|---|-----------|---------------------|------------|-----------|
| 2023 Calendar Year Payroll | | \$11,421,47 | 79 | |
| Coverage Period | | July 1, 2024 to Jun | e 30, 2025 | |
| CALCULATION | | | | |
| Self-Insured Retention Option | | \$50,000 | \$75,000 | \$100,000 |
| Funding Rate | | 0.552 | 0.500 | 0.455 |
| Funding for Losses | | \$63,047 | \$57,057 | \$52,013 |
| Loss Prevention & Training | 0.0094 | 1,076 | 1,076 | 1,076 |
| Administration | 0.0543 | 6,204 | 6,204 | 6,204 |
| Deposit Contribution | | \$70,327 | \$64,337 | \$59,293 |
| JPA Participation Credit | 1.74% | (1,226) | (1,122) | (1,034) |
| Net Contribution | | \$69,101 | \$63,216 | \$58,260 |
| | | | | |
| JPA Experience Mod Factor | | 1.232 | | |
| JPA Off-Balance Factor ⁽¹⁾ | | 1.002 | | |
| | | | | |
| Contribution Adjusted for Off-Balan | ce Factor | \$85,284 | \$78,021 | \$71,904 |
| Individual Experience Mod Factor ⁽²⁾ | | 1.000 | | |
| | | 1.000 | | |
| Individual Off-Balance Factor ⁽¹⁾ | | 1.243 | | |
| | | | | |
| Contribution Adjusted for Off-Balan | ce Factor | \$85,868 | \$78,555 | \$72,397 |
| Excess Insurance \$3M x \$1M | 0.0604 | \$6,896 | \$6,896 | \$6,896 |
| ERMA CONTRIBUTION (3) | | \$92,764 | \$85,451 | \$79,293 |

Notes:

(1) Off-Balance Factor: To ensure that ERMA collects the required total contribution from a member, which is determined by ERMA's consulting actuary, an off-balance factor is applied to the net contribution after the experience modification factor is applied to the net contribution. All underlying members within the same primary JPA receive the same off-balance factor.

(2) New members are assigned an experience modification factor of 1.000 their first year in ERMA.

(3) Contribution calculated using rates and factors per the 2024/25 preliminary budget.

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: 2024/25

| EN | TITY | CINAME: City of Suisun City | Date:5/ | 1/2024 |
|------------|------------|--|----------------------------|--|
| EM | PLO | OYMENT PRACTICES INFORMATION | | |
| A . | | icies and Procedures | | |
| | 1. | Does the Entity have written personnel policies | and procedures? | Yes No |
| | 2. | Does the Entity distribute the manual/rules to all | l employees? | Yes No |
| | 3. | Does the Entity have employees sign an | acknowledgemen | nt form 🔳 Yes 🗌 No |
| | | indicating they have read and understood the ab | ove-referenced pol | icies? |
| | 4. | Are the following policies or procedures include | ed in the manual? | Check all that apply: |
| | | 1 mmg | Termination | Suspension |
| | | Infedieur Beure | Unpaid Leave | Grievance Procedures |
| | | Drug & Alcohol Testing | Discipline | Attendance |
| | | Family Medical Leave Act | | scrimination, & Retaliation |
| | | Written Job Description for all Positions | Workplace Viol | ence Policies |
| | | Annual Written Performance Evaluations for | r all Employees | |
| | | Employee Hotline/Complaint Procedure | | |
| | 5. | Do the policies/rules include all protected c | ategories under t | he Fair Yes No |
| | | Employment and Housing Act (FEHA), Ca. Gov | v't. Code section 1 | 2940)? |
| | 6. | Does the Entity have legal counsel regularly rev | iew the manual/ru | les? Yes No |
| | 7. | Have the above-referenced policies been update | ated within the p | ast five 🗌 Yes 🔳 No |
| | | years? | 10 | |
| | | If no, when was the manual or rules last reviewe | 2011 | pted by Yes No |
| | 8. | Were the above-referenced policies formally a | approved and ado | pted by res room |
| | | council/governing board? | unite atrice re | garding Ves No |
| | 9. | Does the Entity have legal counsel to participation of the disciplinary matters? | | |
| | | Does the entity have an orientation program | n for all employe | ees that 🔳 Yes 🗌 No |
| | 10. | addresses workplace conduct, EPL policies and | l practices, and gr | rievance |
| | | procedures? | | |
| | | If you answered no to any of the above, please | use this space to p | provide more information: |
| | Currer | ntly developing a Workplace Violence Prevention Policy. All other City | policies are planned for u | pdate w/in the next three to five years. |
| | Ganor | ·····,······························ | | |

| B. | Em | ployee Information | | | | | | | | | |
|----|----|--|---|--|--|--|--|--|---|---------------------|--|
| | | Number of Full Time | | | | | | | | | |
| | 2. | Number of Part time H | Number of Part time Employees: 79 (includes volunteer firefighters) | | | | | | | | |
| | 3. | For each of the past five years, what has been your annual percentage turnover rate of | | | | | | | | | |
| | | employees? | | | | | | | | | |
| | | 20 2 14 % 20 | | | | | | | - | 20 <u>16</u> 20 | |
| | 4. | How many involuntary employment terminations have occurred in the past three years? | | | | | | | | | |
| | | 20 27 Terminations 1 | | | | | | | | | |

| | | 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. |
|------------|----|---|
| | 5. | Percentage of Employees with salaries less than \$100,000 % 68 Should = 100% |
| | 6. | Percentage of Employees with salaries greater than \$100,000 Should 10070 |
| C . | Em | ployment Practices Claims Handling |
| | 1. | Who in the Entity has been designated to handle claims? Human Resources Administrator |
| | 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? |
| | | If yes to 2(a), describe the policy and procedure for receiving, reviewing, and |
| | 1 | responding to claims: |
| | | No history of EPL Claims, however they would be handled consistent with the established process for handling GL claims through Sedgwick. |
| | 3. | Does the Employment Claims handler coordinate with the Workers' Compensation Administrator on all claims involving actual or potential industrial injuries? |
| | 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; |
| | | (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; |
| | | (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; |
| | | (d) Allegations of negligent or wrongful evaluation, wrongful demotion, wrongful discipline, failure to promote, failure to grant tenure, or wrongful deprivation of career opportunity; |
| | | (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; |
| | | (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; |
| | | (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; |

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

| D . | Em | ployment Practices Risk Management |
|------------|----|--|
| | 1. | Does the applicant have a Human Resources or Personnel Department? |
| | | If no, please describe handling of this function: |
| | | |
| | | |
| | 2. | Do you have any established set of grievance or complaint procedures as Yes No |
| | | an effective means of resolving disputes prior to litigation? |
| | 3. | Do you anticipate any "layoffs" during the next 24 months? |
| | | If yes, please provide details. |
| | | |
| | | |
| | 4. | Have you had any "layoffs" in the past 36 months? |
| | | If yes, please provide details. |
| | | |
| | - | Is your entity in full compliance with the training requirements set forth in Yes No |
| | 5. | Is your churry in run compnance whith the training requirements see to the main and the second secon |
| | | AB 1825, SB 1343 and SB 778? |
| | | If no, please explain. |
| | | |
| | | Briefly describe the procedure for maintaining AB 1825 and SB 1343 training records: |
| | 6. | Vector online training program, maintains status of completion and certificates |
| | | |
| | 7. | Does your childy provide BB is is training. |
| | 8. | Are created of appointed officials durined on the entry's point, and a line of the |
| | | harassment, discrimination, and retaliation? |

| | TRADED DETENTION |
|---------------|--|
| | Self-insured retention \$50K \$75K \$100K \$250K \$350K \$500K |
| \$25K | ■ \$JOK □ \$/JK □ \$100K □ \$250K □ \$550K |
| Please attach | the following: |
| ٠ | EPL individual loss information (including Date of Loss and total incurred) for the previou |
| | 7 completed fiscal years, including the partial current fiscal year; |
| ٠ | Payroll information for the previous 7 completed calendar years; |
| | Completed resolution authorizing participation in ERMA: |

- Completed resolution authorizing participation in ERMA;
- Completed intent to participate; and
- Most Recent Financial Audit.

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 Suisun City

Agency or Entity Name

Bret Prebula

Applicant's Name (please print)

Applicant's Signature

5/1/2024

Date

City Manager

Applicant's Title

ERMA UNDERWRITING COMMITTEE MEETING May 21, 2024

Agenda Item 5.B.

MEMBERSHIP MATTERS

SUBJECT: Review of Prospective Member Application, City of San Carlos (PLAN JPA)

RECOMMENDATION: Staff recommends the Underwriting Committee unconditionally approve the City of San Carlos (PLAN JPA) at a SIR of no less than \$50,000, effective July 1, 2024.

BACKGROUND AND STATUS:

The City of San Carlos, an underlying member of the Pooled Liability Assurance Network (PLAN JPA), provided an application and supporting documentation for participation in ERMA effective July 1, 2024, at a self-insured retention (SIR) of \$50,000. The application materials have been reviewed by staff and are summarized as follows:

- The City reports payroll of approximately \$12,920.231 for the 2023 calendar year and has 96 full-time and 79 part-time employees.
- The City had its written personnel policies and procedures reviewed and updated within the past five years; however, legal counsel has not reviewed them.
- The City has no current reportable losses.
- The City is compliant with AB 1825 and SB 1343 training requirements.

REFERENCE MATERIALS ATTACHED:

- The City of San Carlos Indication
- The City of San Carlos Application for Participation

EMPLOYMENT RISK MANAGEMENT AUTHORITY CONTRIBUTION INDICATION

| PLAN JPA | | | | | | |
|--|-------------------------------|--|--|--|--|--|
| Name of Entity | | City of San C | arlos | | | |
| 2023 Calendar Year Payroll | | \$12,920,23 | 31 | | | |
| Coverage Period | July 1, 2024 to June 30, 2025 | | | | | |
| CALCULATION | | | | | | |
| Retained Limit Options Retained Limit Factor | F | \$50,000 1.000 | \$75,000 0.905 | \$100,000 0.825 | | |
| Retained Limit Rate | | 0.552 | 0.500 | 0.455 | | |
| Funding for Losses Loss Prevention & Training Administration Subtotal | 0.0095 0.0549 | \$71,320 1,227 7,099 \$79,646 | \$64,544 1,227 7,099 \$72,870 | \$58,839 1,227 7,099 \$67,165 | | |
| JPA Participation Credit | 1.28% | (\$1,017) | (\$931) | (\$858) | | |
| Individual Experience Mod Factor * | | 1.000 | | | | |
| Off-Balance Factor | | 1.246 | | | | |
| Excess Insurance \$3M x \$1M | 0.0604 | 7,801 | 7,801 | 7,801 | | |
| ERMA CONTRIBUTION ** | | \$105,763 | \$97,429 | \$90,412 | | |

* New members are assigned an experience modification factor of 1.000 their first year in ERMA.

** Contribution calculated using rates and factors per the 2024/25 preliminary budget.

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: 2023/24

| EN | TITY | NAME: The City of San Carlos | D ate: 3 / | 26/20 | 24 |
|----|---------|---|---------------------------------------|------------------|--------------------------------|
| EM | IPLO | YMENT PRACTICES INFORMATION | | | |
| A. | | cies and Procedures | | | |
| | 1. | Does the Entity have written personnel policie | es and procedures? | | Yes No |
| | 2. | Does the Entity distribute the manual/rules to | all employees? | | Yes No |
| | 3. | Does the Entity have employees sign a | n acknowledgemer | nt form | Yes No |
| | | indicating they have read and understood the a | above-referenced pol | licies? | |
| | 4. | Are the following policies or procedures inclu | ded in the manual? | Check al | l that apply: |
| | | Hiring | Termination | Susp | pension |
| | | Medical Leave | Unpaid Leave | Grie Grie | vance Procedures |
| | | Drug & Alcohol Testing | Discipline | | ndance |
| | | Family Medical Leave Act | Harassment, Dis | | |
| | | Written Job Description for all Positions | Workplace Viol | ence Poli | icies |
| | | Annual Written Performance Evaluations f | for all Employees | | |
| | | Employee Hotline/Complaint Procedure | | | |
| | 5. | Do the policies/rules include all protected | U | | Yes No |
| | _ | Employment and Housing Act (FEHA), Ca. G | | | |
| | 6. | Does the Entity have legal counsel regularly re | | | Yes No |
| | 7. | Have the above-referenced policies been up | odated within the p | ast five | Yes No |
| | | years? | 10 | | |
| | 0 | If no, when was the manual or rules last review | | . 1 1 | |
| | 8. | Were the above-referenced policies formally | approved and ado | pted by | Yes No |
| | 9. | council/governing board? | unarrida adarias na | a a u d'in a | Yes No |
| | 9. | Does the Entity have legal counsel to disciplinary matters? | - | | |
| | | Does the entity have an orientation progra | | | Yes No |
| | 10. | addresses workplace conduct, EPL policies a | nd practices, and gr | rievance | |
| | | procedures? | | | |
| | | If you answered no to any of the above, pleas | se use this space to p | provide m | ore information: |
| | Personn | el Rules and Regulations are approved by City Council. It was last updated Novemb | per 27, 1995. City policies are appro | oved by City Mar | nager and reviewed with Unions |
| | | | | | |

| B. | Em | ployee Information | | | | | | |
|-----------|----|--|-----------------------------------|--------------|---------------|--|---------------------|---------------------|
| | 1. | Number of Full Time Employees: 98 | | | | | | |
| | 2. | Number of Part time E | Number of Part time Employees: 71 | | | | | |
| | 3. | For each of the past five years, what has been your annual percentage turnover rate of | | | | | | |
| | | employees? | | | | | | |
| | | 2023 11.5% 2022 10.7 % 2021 11.5% 2020 6.4 % 2019 16.5% | | | | | | 20 <u>19</u> 16.5 % |
| | 4. | How many involuntary employment terminations have occurred in the past three years? | | | | | | |
| | | 20 <u>23</u> Terminations 10 | | 20 <u>22</u> | Terminations9 | | 20 <u>21</u> Termin | ations:9 |

| | 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. | | | | | |
|----|---|---------------|--|--|--|--|
| 5. | Percentage of Employees with salaries less than \$100,000 % 64.3 | h = 1000/ | | | | |
| 6. | Percentage of Employees with salaries greater than \$100,000 % 35.7 | Should = 100% | | | | |

| С. | Em | ployment Practices Claims Handling | |
|----|----|---|---------------------|
| | 1. | Who in the Entity has been designated to handle claims? Human Resources Mana | ager |
| | 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? | Yes No |
| | | (b) Do you require written claims for EEO-related complaints? | Yes X No |
| | | If yes to 2(a), describe the policy and procedure for receiving, responding to claims: | reviewing, and |
| | 3. | Does the Employment Claims handler coordinate with the Worker Administrator on all claims involving actual or potential industrial injuries? | |
| | 4. | Has your entity received any claim in the previous 7 completed fiscal ye partial current fiscal year, (including but not limited to Tort Claim, any any with the DFEH, EEOC, Department of Labor or Federal Department of lawsuit or other written claim) alleging the following? | nd all claims filed |
| | | (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; | Yes 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; | ☐ Yes ■ 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; | ☐ Yes ■ 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; | 🗌 Yes 🔳 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; | Yes 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; | Yes 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; | Yes No |

| | (h) Allegations of libel, slander, defamation of character, invasion of Yes INO | | | | |
|--|--|--|--|--|--|
| | privacy made by an <i>Employee</i> which arise from an employment | | | | |
| | decision to hire, fire, promote, demote or discipline; and | | | | |
| | (i) Other personal injury allegations made by an <i>Employee</i> which arise Yes No | | | | |
| | from an employment decision to hire, fire, promote, demote or | | | | |
| | discipline. | | | | |
| If the second se | he 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 tl | he claim, and any monetary amounts paid in connection with the claim. | | | | |

| D. | Em | ployment Practices Risk Management |
|----|----|--|
| | 1. | Does the applicant have a Human Resources or Personnel Department? |
| | | If no, please describe handling of this function: |
| | | |
| | | |
| | 2. | Do you have any established set of grievance or complaint procedures as Yes No |
| | | an effective means of resolving disputes prior to litigation? |
| | 3. | Do you anticipate any "layoffs" during the next 24 months? |
| | | If yes, please provide details. |
| | | |
| | 4 | Use we had one "low ffe" in the next 26 menths? |
| | 4. | Have you had any "layoffs" in the past 36 months? |
| | | If yes, please provide details. |
| | | |
| | 5. | Is your entity in full compliance with the training requirements set forth in Yes No |
| | | AB 1825, SB 1343 and SB 778? |
| | | If no, please explain. |
| | | |
| | | |
| | 6. | Briefly describe the procedure for maintaining AB 1825 and SB 1343 training records: |
| | | |
| | 7. | Does your entity provide SB 1343 training? |
| | 8. | Are elected or appointed officials trained on the entity's policy regarding Yes No |
| | | harassment, discrimination, and retaliation? |

| E. DESI | RED SELF-IN | SURED RET | ENTION | | | |
|---------|---------------|--------------|--------------|---------------|---------------|--------|
| \$25K | \$ 50K | \$75K | \$100 | \$250K | \$350K | \$500K |
| | | | | | | |

Please attach the following:

- EPL individual loss information (including Date of Loss and total incurred) for the previous 7 completed fiscal years, including the partial current fiscal year;
- Payroll information for the previous 7 completed calendar years;
- Completed resolution authorizing participation in ERMA;
- Completed intent to participate; and
- Most Recent Financial Audit.

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.

RM

City of San Carlos

Agency or Entity Name

Jeff Maltbie

Applicant's Name (please print)

City Manager

Applicant's Title

Applicant's Signature

April 24, 2024 Date

ERMA UNDERWRITING COMMITTEE MEETING May 21, 2024

Agenda Item 5.C.

MEMBERSHIP MATTERS

SUBJECT: Review of Prospective Member Application, Consolidated Fire Agencies (CONFIRE) (CIRA JPA)

RECOMMENDATION: Staff recommends the Underwriting Committee unconditionally approve CONFIRE (CIRA JPA) at a SIR of no less than \$50,000, effective July 1, 2024. Please note that the agency requested an SIR of \$25,000.

BACKGROUND AND STATUS:

CONFIRE, an underlying member of the California Intergovernmental Risk Authority (CIRA JPA), provided an application and supporting documentation for participation in ERMA effective July 1, 2024, at a self-insured retention (SIR) of \$25,000. The application materials have been reviewed by staff and are summarized as follows:

- The Agency reports payroll of approximately \$6,608,770 for the 2023 calendar year and has 104 full-time and 7 part-time employees.
- The Agency had its written personnel policies and procedures reviewed and updated within the past five years; however, legal counsel has not reviewed them.
- The Agency has no current reportable losses.
- The Agency is compliant with AB 1825 and SB 1343 training requirements.

REFERENCE MATERIALS ATTACHED:

- CONFIRE Indication
- CONFIRE Application for Participation

EMPLOYMENT RISK MANAGEMENT AUTHORITY CONTRIBUTION INDICATION

| CIRA | | | | | | |
|--|------------------|-------------------------------------|--|--|--|--|
| Name of Entity | [| CONFIRE | | | | |
| 2023 Payroll | [| \$6,608,770 | | | | |
| Coverage Period | [| July 1, 2024 to June 30, 2025 | | | | |
| CALCULATION | | | | | | |
| Retained Limit Options Retained Limit Factor Retained Limit Rate | | \$250,000 0.51 0.28 | | | | |
| Funding for Losses Loss Prevention & Training Administration Subtotal | 0.0095 0.0550 | \$18,423 630 3637 \$22,690 | | | | |
| JPA Participation Credit | 9.98% | (\$2,264) | | | | |
| Individual Experience Mod Factor * | [| 1.000 | | | | |
| Off-Balance Factor | [| 1.131 | | | | |
| ERMA CONTRIBUTION ** | | \$23,104 | | | | |

* New members are assigned an experience modification factor of 1.000 their first year in ERMA.

** Contribution calculated using rates and factors per the 2024/25 preliminary budget.

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: 2023/24

| ENTI | ITY NAME: | Date: | | | | | |
|----------------------------------|--|---|--|--|--|--|--|
| EMPLOYMENT PRACTICES INFORMATION | | | | | | | |
| A. F | A. Policies and Procedures | | | | | | |
| 1 | 1. Does the Entity have written personnel | policies and procedures? | | | | | |
| 2 | 2. Does the Entity distribute the manual/r | ules to all employees? | | | | | |
| 3 | 3. Does the Entity have employees | sign an acknowledgement form Yes No | | | | | |
| | indicating they have read and understoo | od the above-referenced policies? | | | | | |
| 4 | 4. Are the following policies or procedure | es included in the manual? Check all that apply: | | | | | |
| | Hiring | Termination Suspension | | | | | |
| | Medical Leave | Unpaid Leave Grievance Procedures | | | | | |
| | Drug & Alcohol Testing | Discipline Attendance | | | | | |
| | Family Medical Leave Act | Harassment, Discrimination, & Retaliation | | | | | |
| | Written Job Description for all Posi | | | | | | |
| | Annual Written Performance Evalu | | | | | | |
| | Employee Hotline/Complaint Proce | | | | | | |
| 5 | 5. Do the policies/rules include all pro | | | | | | |
| | Employment and Housing Act (FEHA) | | | | | | |
| | 6. Does the Entity have legal counsel regu | | | | | | |
| 7 | 7. Have the above-referenced policies b | been updated within the past five Yes No | | | | | |
| | years? | | | | | | |
| | If no, when was the manual or rules las | | | | | | |
| 8 | 8. Were the above-referenced policies for | ormally approved and adopted by Yes No | | | | | |
| | council/governing board? | | | | | | |
| 9 | 9. Does the Entity have legal couns | el to provide advice regarding Yes No | | | | | |
| | disciplinary matters? | | | | | | |
| | Does the entity have an orientation program for all employees that Yes No. 10. addresses workplace conduct, EPL policies and practices, and grievance | | | | | | |
| 1 | | | | | | | |
| | procedures? | | | | | | |
| | ij you answerea no to any of the above | e, please use this space to provide more information: | | | | | |
| | | | | | | | |

| B. | Em | ployee Information | | | | | | |
|-----------|----|---|--|--|--|--|--|--|
| | 1. | Number of Full Time Employees: 104 | | | | | | |
| | 2. | Number of Part time Employees: | | | | | | |
| | 3. | For each of the past five years, what has been your annual percentage turnover rate of | | | | | | |
| | | employees? | | | | | | |
| | | $20_{-10.50}$ $20_{-14.10}$ $20_{-23.70}$ $20_{-22.30}$ $20_{-48.90}$ | | | | | | |
| | 4. | How many involuntary employment terminations have occurred in the past three years? | | | | | | |
| | | $20\underline{21}$ Terminations 0 $20\underline{22}$ Terminations: 0 $20\underline{23}$ Terminations: 1 | | | | | | |

Probationary

| 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. | | | | |
|---|--|----------------|--|--|
| 5. | Percentage of Employees with salaries less than \$100,000 % | Should = 1000/ | | |
| 6. | Percentage of Employees with salaries greater than \$100,000 % | Should = 100% | | |

| C. | Em | ployment Practices Claims Handling | |
|----|----|---|---------------------|
| | 1. | Who in the Entity has been designated to handle claims? | |
| | 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? | Yes No |
| | | (b) Do you require written claims for EEO-related complaints? | ☐ Yes ☐ No |
| | | If yes to 2(a), describe the policy and procedure for receiving, | reviewing, and |
| | | responding to claims: | |
| | 3. | Does the Employment Claims handler coordinate with the Worker Administrator on all claims involving actual or potential industrial injuries | |
| | 4. | Has your entity received any claim in the previous 7 completed fiscal yes partial current fiscal year, (including but not limited to Tort Claim, any at with the DFEH, EEOC, Department of Labor or Federal Department of lawsuit or other written claim) alleging the following? | nd all claims filed |
| | | (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; | Yes 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; | Yes 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; | Yes 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; | Yes 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; | Yes 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; | Yes 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; | Yes No |

| | (h) Allegations of libel, slander, defamation of character, invasion of | 🗌 Yes 🗌 No | | | |
|--|--|-------------------|--|--|--|
| | privacy made by an <i>Employee</i> which arise from an employment | | | | |
| | decision to hire, fire, promote, demote or discipline; and | | | | |
| | (i) Other personal injury allegations made by an <i>Employee</i> which arise | Yes No | | | |
| | from an employment decision to hire, fire, promote, demote or | | | | |
| | discipline. | | | | |
| If t | he answer is yes to any of the above, please attach a listing of the loss(es | s) 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? Yes No | | | | |
| | | If no, please describe handling of this function: | | | | |
| | | | | | | |
| | | | | | | |
| | 2. | Do you have any established set of grievance or complaint procedures as Yes No | | | | |
| | | an effective means of resolving disputes prior to litigation? | | | | |
| | 3. | Do you anticipate any "layoffs" during the next 24 months? | | | | |
| | | If yes, please provide details. | | | | |
| | | | | | | |
| | 4. | Have you had any "layoffs" in the past 36 months? | | | | |
| | | If yes, please provide details. | | | | |
| | | | | | | |
| | | | | | | |
| | 5. | Is your entity in full compliance with the training requirements set forth in Yes No | | | | |
| | | AB 1825, SB 1343 and SB 778? | | | | |
| | | If no, please explain. | | | | |
| | | | | | | |
| | 6 | Dei fler hanning in die en einer fan en interier AD 1925 and CD 1242 terieine en en he | | | | |
| | 6. | Briefly describe the procedure for maintaining AB 1825 and SB 1343 training records: | | | | |
| | 7. | Does your entity provide SB 1343 training? | | | | |
| | | | | | | |
| | 8. | Are elected or appointed officials trained on the entity's policy regarding Yes No harassment, discrimination, and retaliation? | | | | |

| E. DESI | RED SELF-IN | SURED RET | ENTION | | | |
|---------|--------------|--------------|---------------------|---------------|---------------|---------------|
| \$25K | \$50K | \$75K | \$100 \$100K | \$250K | \$350K | \$500K |
| | | | | | | |

Please attach the following:

- EPL individual loss information (including Date of Loss and total incurred) for the previous 7 completed fiscal years, including the partial current fiscal year;
- Payroll information for the previous 7 completed calendar years;
- Completed resolution authorizing participation in ERMA;
- Completed intent to participate; and
- Most Recent Financial Audit.

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.

Agency or Entity Name

Applicant's Name (please print)

Applicant's Title

Brigit Bennington

Applicant's Signature

Date

ERMA UNDERWRITING COMMITTEE MEETING May 21, 2024

Agenda Item 5.D.

MEMBERSHIP MATTERS

SUBJECT: Review of Prospective Member Application, Pajaro Regional Flood Management Agency (PRFMA) (CIRA JPA)

RECOMMENDATION: Staff recommends the Underwriting Committee conditionally approve PRFMA (CIRA JPA) at a SIR of no less than \$50,000, effective July 1, 2024, and that the condition of having all 8 of the identified most critical EPL policies be required to be created and reviewed by legal counsel with expertise in public sector employment law within 24 months of joining ERMA.

BACKGROUND AND STATUS:

PRFMA, a newly formed underlying California Intergovernmental Risk Authority (CIRA JPA) member, expressed interest in joining the Employment Risk Management Authority (ERMA) in April 2024. At the April 12, 2024, Underwriting Committee meeting, the Committee agreed that newly formed entities would be exempt from submitting a complete packet compared to existing entities. Upon approval, PRFMA would join ERMA effective July 1, 2024, at a self-insured retention (SIR) of \$50,000. The materials attached have been reviewed by staff and are summarized as follows:

- The Agency estimates a payroll of approximately \$470,000 for the 2024 calendar year.
- The Agency does not have its written personnel policies yet.
- The Agency has no current reportable losses.
- The Agency is compliant with AB 1825 and SB 1343 training requirements.

REFERENCE MATERIALS ATTACHED:

- PRFMA Indication
- CIRA Risk Assessment
- CIRA Membership Application

EMPLOYMENT RISK MANAGEMENT AUTHORITY CONTRIBUTION INDICATION

| CIRA | | | | | | | |
|--|------------------|---------------------------------|--|--|--|--|--|
| Name of Entity | [| PRFMA | | | | | |
| 23/24 Fiscal Year Payroll | [| \$470,000 | | | | | |
| Coverage Period | [| July 1, 2024 to June 30, 2025 | | | | | |
| CALCULATION | | | | | | | |
| Retained Limit Options Retained Limit Factor Retained Limit Rate | | \$250,000 0.51 0.28 | | | | | |
| Funding for Losses Loss Prevention & Training Administration Subtotal | 0.0096 0.0552 | \$1,310 45 259 \$1,614 | | | | | |
| JPA Participation Credit | 9.98% | (\$161) | | | | | |
| Individual Experience Mod Factor * | [| 1.000 | | | | | |
| Off-Balance Factor | [| 1.131 | | | | | |
| ERMA CONTRIBUTION ** | | \$1,644 | | | | | |

* New members are assigned an experience modification factor of 1.000 their first year in ERMA.

** Contribution calculated using rates and factors per the 2024/25 preliminary budget.



March 7, 2024

CIRA New Member Risk Assessment for Pajaro Regional Flood Management Agency

On March 6, 2024, CIRA staff conducted a risk assessment for the Pajaro Regional Flood Management Agency (PRFMA) as part of the underwriting process to be accepted in the CIRA Workers' Compensation and General Liability programs. As the PRFMA has applied for membership in both the workers' compensation and general liability program, the risk assessment reviewed the PRFMA loss control program, operations, employment practices, and discussion of its future plans. At this time, PRFMA does not have a physical location. We would like to thank Mark Strudley and Roxanne Grillo for their time and consideration. It should be noted that this report is based on conditions collected at the time of the virtual risk assessment and information provided by PRFMA. The information in this summary does not guarantee that operations, whether noted or not, are in compliance with federal, state, or local laws or regulations.

Agency Profile

The PRFMA is a joint powers authority of the County of Santa Cruz, Santa Cruz County Flood Control and Water Conservation Zone No. 7, the County of Monterey, the Monterey County Water Resources Agency, and the City of Watsonville. Formed in 2021, the Agency will plan, finance, and implement projects and programs to reduce flood risk from the lower Pajaro River and its tributaries in Santa Cruz and Monterey Counties.

The Agency includes an area of approximately 120 square miles with a population in excess of 70,000 residents. The total payroll for fiscal years 22-23 was \$134,102 and is estimated to be \$470,000 for the current fiscal year with four full-time equivalent employees. The Agency's current year revenue is \$56,057,489, with \$1,706,900 representing general operating and administrative expenses. The remaining money is dedicated to flood control improvements.

The PRFMA's operations and maintenance scope encompass a range of activities. These include maintaining pumping plants, gates, and closure structures, mowing levees, controlling rodent and burrowing vectors, ensuring crown road surfacing; performing levee crown repairs, compaction of levees and berms, bank stabilization, vegetation management, and sediment removal.

The Agency has four (4) full-time employees: an Executive Director, an Engineering Supervisor, a Resource Planner, and a Clerk/Finance/Admin Manager. The Agency has partnerships with the surrounding counties and the City of Watsonville, which provide staff to conduct maintenance of the levees. The Agency may look to other providers for this service or hire additional staff to perform this work in the future.

Loss Analysis

Due to the PRFMA being recently formed, there is no loss history to review.

Risk Assessment Findings

Operations

PRFMA has been tasked with improving and maintaining the levees in their geographical area. The Agency is currently pursuing and enacting multiple professional service agreements. These agreements are for a wide range of services, including design work, securing right of way and easements, and environmental studies. The Agency also has agreements with Santa Cruz County, Monterey County, Monterey WRA, and the City of Watsonville to perform ongoing maintenance for the various levee sections that have been transferred to the Agency based on geographical locations. In the future, the Agency will evaluate these agreements and possibly transfer some of the work to other providers.

Vehicles

PRFMA currently has no vehicles. The Agency does plan to acquire a vehicle next fiscal year to aid in visual inspections of the levees. The Agency expressed its openness to adopting a driver policy and having staff conduct driver safety training during the assessment.

Employment Practices

Employment practices liability can be a significant exposure for any agency. All employees and volunteers are required to complete state-required anti-harassment training, and that training must be up to date. To address this risk, the Agency has a Personnel Rules & Regulation, approved by the Board on December 14, 2022, and has been implemented. This document also contains sections on how the Agency will address issues of harassment, substance abuse, and violence in the workplace. It was also shared that staff has completed their required sexual harassment training. If approved for membership, the Agency can take advantage of Vector Solution to provide and track the required trainings.

Contractual Risk Management

As stated earlier, PRFMA is creating and enacting several professional services and maintenance agreements. When reviewing a selection of these agreements, it was found that the current indemnification and insurance requirements aligned with the CIRA's best practices related to risk transfer. It was also observed that the Agency receives the required certificate and endorsements as stipulated in the agreements. CIRA can work with the Agency to add language to clarify endorsement needs further and improve the risk transfer.

Property and Infrastructure

The Agency currently does not own or operate a physical office or yard. It is currently considering various options, but no specific timeline was shared. The Agency stores some project supplies at the Pajaro-Sunny Mesa Community Services District yard.

The Agency is currently responsible for the maintenance of the 26 miles of levy; however, only a small percentage of the property has been transferred from the other controlling agencies to PRFMA. The Agency staff shared that it is in the process of securing all the required lands, easements and rights-of-way are associated with the levies they are now responsible for maintaining.

The Agency shared that it will assess the condition, existing security, and remote monitoring as sections of the levees and their associated assets (i.e., pumps, generators, control gates, etc.) are transferred to their control. These assessments will aid in determining future updates. Updates may include adding "No Trespassing" signs, securing the area around pumps/generators, and enhancing remote monitoring. All best practice actions CIRA would support.

Finally, it was shared that some trails open to the public are along the levees that will be transferred to the Agency. They have requested CIRA send any guidance it has to manage the risk associated with trails.

Safety and Health

Due to PRFMA's recent creation, limited staff, and use of contracts, the Agency's safety and health risk would be rated "low." The Agency does have a section on safety and health in its Personnel Rules & Regulation (Section H) that discusses the establishment of a safe and healthful workplace. Due to the current staff's administrative role and remote work, there is no need for a wide range of safety programs. CIRA can assist the Agency with the few programs it will need to implement to meet regulatory requirements and establish a safety culture.

Recommendations

Overall, the Agency appears to be well-managed and in the process of establishing an effective risk management program. Staff also shared their openness to using CIRA resources and adopting appropriate best practices in the future as the Agency grows. If approved for membership, CIRA staff can work with the Agency to implement required safety programs and aid in establishing a positive risk culture.



| MEETING: | March 21, 2024 |
|-----------------|--|
| TO: | Executive Committee |
| FROM: | Thor Benzing, Risk Control Advisor |
| ITEM: | Review and consideration of applications received from potential new members |
| | Pajaro Regional Flood Management Agency |

SUMMARY: The Pajaro Regional Flood Management Agency (PRFMA) has submitted an application for CIRA membership in the Workers' Compensation and General Liability programs. The PRFMA is a new joint powers authority that was created in early 2021 with the primary purpose of financing and implementing projects to reduce flood risk in Santa Cruz and Monterey Counties. As a new agency, they require general liability and workers' compensation coverage and have requested to join CIRA.

While the administrative function of the Agency is relatively low risk from a general liability and workers' compensation perspective, there is potential exposure with maintenance of levees based on the wording of the CIRA Memorandum of Coverage (MOC). Staff recommends that if PRFMA was approved for membership in the general liability program, that an endorsement be added to exclude coverage specific to the maintenance and operation of PRFMA levees.

RECOMMENDATION: Recommend the Executive Committee approve, and the Board ratify PRFMA for membership effective July 1, 2024, into the General Liability and Workers' Compensation Programs at a \$5,000 self-insured retention with the following contingencies:

- Approval by Safety National for excess workers' compensation coverage.
- Approval by PRISM and ERMA for excess liability coverage.
- Execution of the CIRA's Bylaws and Joint Powers Agreement.
- Addition of endorsement language to the GL MOC excluding coverage specific to the maintenance and operation of PRFMA levees.

DISCUSSION: The PRFMA is a joint powers authority of the County of Santa Cruz, Santa Cruz County Flood Control and Water Conservation Zone No. 7, the County of Monterey, the Monterey County Water Resources Agency, and the City of Watsonville. Formed in 2021, the Agency will plan, finance, and implement projects and programs to reduce flood risk from the lower Pajaro River and its tributaries in Santa Cruz and Monterey Counties.

The Agency includes an area of approximately 120 square miles with a population in excess of 70,000 residents. The total payroll for fiscal year 22-23 was \$134,102, and it is estimated to be \$470,000 for the current fiscal year, with four full-time equivalent employees. The Agency's current year revenue is \$56,057,489, with \$1,706,900 representing general operating and administrative expenses. The remaining money is dedicated to flood control improvements.

The PRFMA's operations and maintenance scope encompass a range of activities. These include maintaining pumping plants, gates, and closure structures, mowing levees, controlling rodent and

burrowing vectors, ensuring crown road surfacing, performing levee crown repairs, compaction of levees and berms, bank stabilization, vegetation management, and sediment removal.

Due to the Agency not having physical facilities at this time, staff opted to conduct a virtual risk assessment. The assessment reviewed the Agency's employment practices, contractual risk management, infrastructure plans, and safety/health program. Overall, the Agency appears to be well-managed and in the process of establishing an effective risk management program. Staff also shared their openness to using CIRA resources and adopting appropriate best practices in the future as the Agency grows. If approved for membership, the CIRA Risk team can work with the Agency to implement required safety programs and aid in establishing a positive risk culture. The completed new member risk assessment is attached to this report.

PRFMA MOC Endorsement

As a large part of the Agency's operations involves maintenance and improvement of levees, there is potential liability exposure to CIRA, as levees are not specifically excluded from coverage in the CIRA MOC.

Section G, under Exclusions, includes the following:

Dam Failure. This Memorandum does not apply to Claims arising out of the rupture, bursting, overtopping, accidental discharge or partial or complete failure of any dam(s).

While the language is specific to dams, the MOC includes the following definition:

Dam means any artificial barrier, together with appurtenant works, which does or may impound or divert water, and which either (a) is 25 feet or more in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum possible water storage elevation; or (b) has an impounding capacity of 50 acre-feet or more.

Any such barrier which is not more than six (6) feet in height, regardless of storage capacity, or which has a storage capacity not more than 15 acre-feet, regardless of height, shall not be considered a Dam.

Based on the language, any levee wall less than six (6) feet in height would be covered, as well as any levee that has storage capacity under 15 acre-feet. In staff's discussions with PRFMA, the Agency indicated they were looking for liability coverage for the general operations and were not expecting to find coverage for their levees under their jurisdiction. As we are not aware of the size or capacity of the levees, it is staff's recommendation that if PRFMA be approved for membership in the CIRA general liability program, that an endorsement excluding coverage specific to the maintenance and operation of PRFMA levees.

It should be noted that although CIRA may exclude coverage, under the PRISM GL1 MOC, there would be coverage for levees with capacity under 50 acre-feet with a \$1M self-insured retention.

If the endorsement excluding coverage is included, the Agency presents a relatively low risk exposure to CIRA and its members. Staff recommends that the Executive Committee approve, and the Board approve PRFMA for membership effective July 1, 2024, into the General Liability and Workers' Compensation Programs at a \$5,000 self-insured retention.

FISCAL IMPLICATION: Annual estimated premium contributions for the workers' compensation program and general liability program at a \$5,000 self-insured retention are \$21,757 and \$29,625, respectively.

ATTACHMENTS: PRFMA New Member Risk Assessment PRFMA Membership Application PRFMA 23-24 Budget

ERMA UNDERWRITING COMMITTEE MEETING May 21, 2024

Agenda Item 5.E.

MEMBERSHIP MATTERS

SUBJECT: Review of Prospective Member Application, City of Mountain House, (MPA JPA)

RECOMMENDATION: Staff recommends the Underwriting Committee conditionally approve the City of Mountain House (MPA JPA) at a SIR of no less than \$50,000, effective July 1, 2024, and that the condition of having all 8 of the identified most critical EPL policies be required to be created and reviewed by legal counsel with expertise in public sector employment law within 24 months of joining ERMA.

BACKGROUND AND STATUS:

The City of Mountain House, a newly formed underlying Municipal Pooling Authority (MPA JPA) member, expressed interest in joining the Employment Risk Management Authority (ERMA) in April 2024. At the April 12, 2024, Underwriting Committee meeting, the Committee agreed that newly formed entities would be exempt from submitting a complete packet compared to existing entities. Upon approval, the City of Mountain House would join ERMA effective July 1, 2024, at a self-insured retention (SIR) of \$50,000. The materials attached have been reviewed by staff and are summarized as follows:

- The City estimates a payroll of approximately \$4,062,782 for the 2024 calendar year.
- The City does not have its written personnel policies yet.
- The City has no current reportable losses.
- The City is compliant with AB 1825 and SB 1343 training requirements.

REFERENCE MATERIALS ATTACHED:

• City of Mountain House Indication



CONTRIBUTION INDICATION MPA

| Name of Entity | City of Mountain House |
|-----------------|-------------------------------|
| Payroll | \$3,800,000 |
| Coverage Period | July 1, 2024 to June 30, 2025 |
| CALCULATION | |

| Self-Insured Retention Option | | \$50,000 | \$75,000 | \$100,000 |
|---|--------|----------|-----------------|------------------|
| Funding Rate | | 0.552 | 0.500 | 0.455 |
| | | 400 070 | 440.000 | Å47 007 |
| Funding for Losses | | \$20,976 | \$18,983 | \$17,305 |
| Loss Prevention & Training | 0.0094 | 358 | 358 | 358 |
| Administration | 0.0545 | 2,072 | 2,072 | 2,072 |
| Deposit Contribution | | \$23,406 | \$21,413 | \$19,735 |
| JPA Participation Credit | 9.19% | (2,150) | (1,967) | (1,813) |
| Net Contribution | | \$21,255 | \$19,446 | \$17,922 |
| | | | | |
| JPA Experience Mod Factor | | 0.822 | | |
| JPA Off-Balance Factor ⁽¹⁾ | | | | |
| JPA Off-Balance Factor | | 1.003 | | |
| Contribution Adj. for Off-Bal. Factor | | \$17,513 | \$16,022 | \$14,766 |
| | | | | |
| Individual Experience Mod Factor ⁽²⁾ | | 1.000 | | |
| (1) | | | | |
| Individual Off-Balance Factor ⁽¹⁾ | | 0.871 | | |
| Contribution Adj. for Off-Bal. Factor | | \$18,512 | \$16,936 | \$15,609 |
| | | ¥ 10,012 | <i>\</i> 20,000 | <i>\</i> 20,000 |
| Excess Insurance \$3M x \$1M | 0.0604 | \$2,294 | \$2,294 | \$2,294 |
| | | | 440.000 | Å (7 000 |
| ERMA CONTRIBUTION ⁽³⁾ | | \$20,806 | \$19,230 | \$17,903 |

Notes:

(1) Off-Balance Factor: To ensure that ERMA collects the required total contribution from a member, which is determined by ERMA's consulting actuary, an off-balance factor is applied to the net contribution after the experience modification factor is applied to the net contribution. All underlying members within the same primary JPA receive the same off-balance factor.

(2) New members are assigned an experience modification factor of 1.000 their first year in ERMA.

(3) Contribution calculated using rates per the 2024/25 preliminary budget.

ERMA UNDERWRITING COMMITTEE MEETING May 21, 2024

Agenda Item 5.F.

MEMBERSHIP MATTERS

SUBJECT: Review of Prospective Member Application, City of Upland, (CIRA JPA)

RECOMMENDATION: Staff recommends the Underwriting Committee conditionally approve the City of Upland (CIRA JPA) at a SIR of no less than \$250,000, effective July 1, 2024, and that the condition of having all 8 of the identified most critical EPL policies be required to be reviewed by legal counsel with expertise in public sector employment law within 24 months of joining ERMA.

BACKGROUND AND STATUS

The City of Upland, an underlying member of the California Intergovernmental Risk Authority (CIRA JPA), provided an application and supporting documentation for participation in ERMA effective July 1, 2024, at a self-insured retention (SIR) of \$250,000. The application materials have been reviewed by staff and are summarized as follows:

- The City reports payroll of approximately \$ 22,253,733 for the 2023 calendar year and has 262 full-time and 49 part-time employees.
- The City has updated fifteen (15) policies and procedures since 2020. However, its written personnel policies and procedures have not been reviewed and by legal counsel within the past five years.
- The City has eight (8) reportable losses in the last seven (7) fiscal years.
- The City is compliant with AB 1825 and SB 1343 training requirements.

REFERENCE MATERIALS ATTACHED:

- The City of Upland Indication
- The City of Upland Application for Participation
- The City of Upland Loss Run Data

EMPLOYMENT RISK MANAGEMENT AUTHORITY CONTRIBUTION INDICATION

| | CIRA | |
|--|------------------|---------------------------------------|
| Name of Entity | [| City of Upland |
| 2022 Calendar Year Payroll | [| \$22,253,733 |
| Coverage Period | [| July 1, 2024 to June 30, 2025 |
| CALCULATION | | |
| Retained Limit Options Retained Limit Factor Retained Limit Rate | | \$250,000 0.51 0.28 |
| Funding for Losses Loss Prevention & Training Administration Subtotal | 0.0095 0.0547 | \$62,035 2107 12169 \$76,311 |
| JPA Participation Credit | 9.98% | (\$7,614) |
| Individual Experience Mod Factor * | [| 1.000 |
| Off-Balance Factor | [| 1.130 |
| ERMA CONTRIBUTION ** | | \$77,653 |

* New members are assigned an experience modification factor of 1.000 their first year in ERMA.

** Contribution calculated using rates and factors per the 2024/25 preliminary budget.

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: 2023/24

| ENTITY NAME: City of Upland Date: April 30, 20 | | | | | | | | | | | |
|--|---------------------------|--|-----------------------------|--|--|--|--|--|--|--|--|
| EN | IPL(| LOYMENT PRACTICES INFORMATION | | | | | | | | | |
| A . | Pol | olicies and Procedures | | | | | | | | | |
| | 1. | | Yes No | | | | | | | | |
| | 2. | | Yes No | | | | | | | | |
| | 3. | | | | | | | | | | |
| | 4 | indicating they have read and understood the above-referenced po | | | | | | | | | |
| | 4. | 91 | | | | | | | | | |
| | | Hiring Termination | Suspension | | | | | | | | |
| | | | Grievance Procedures | | | | | | | | |
| | | Drug & Alcohol Testing Discipline Family Medical Leave Act Harassment, Discipline | Attendance | | | | | | | | |
| | | | scrimination, & Retaliation | | | | | | | | |
| | | Written Job Description for all Positions Workplace Vio Annual Written Performance Evaluations for all Employees | lence Policies | | | | | | | | |
| | | Employee Hotline/Complaint Procedure | | | | | | | | | |
| | 5. | | the Fair Yes No | | | | | | | | |
| | 5. | Employment and Housing Act (FEHA), Ca. Gov't. Code section 1 | | | | | | | | | |
| | 6. | | | | | | | | | | |
| | 7. | | | | | | | | | | |
| | | If no, when was the manual or rules last reviewed? Various Dates | | | | | | | | | |
| | 8. | | pted by Yes No | | | | | | | | |
| | | council/governing board? | | | | | | | | | |
| | 9. | | garding 🔳 Yes 🗌 No | | | | | | | | |
| | | disciplinary matters? | | | | | | | | | |
| | 1.0 | Does the entity have an orientation program for all employed | | | | | | | | | |
| | 10. | | rievance | | | | | | | | |
| | | procedures? | monido monoli C di | | | | | | | | |
| | - | If you answered no to any of the above, please use this space to p | roviae more information: | | | | | | | | |
| | See attached information. | | | | | | | | | | |

| B. | Em | bloyee Information | | | | | | | | | |
|-----------|----|---|--|--|--|--|--|--|--|--|--|
| | 1. | Number of Full Time Employees: 262 | | | | | | | | | |
| | 2. | Number of Part time Employees:49 | | | | | | | | | |
| | 3. | For each of the past five years, what has been your annual percentage turnover rate of employees? | | | | | | | | | |
| | | 20 <u>2</u> 18 % 20 <u>2</u> 23 % 20 <u>2</u> 30 % 20 <u>2</u> 29 % 201 32 % | | | | | | | | | |
| | 4. | How many involuntary employment terminations have occurred in the past three years? | | | | | | | | | |
| | | 027 Terminations 8 20 Terminations: 6 20 Terminations: 5 | | | | | | | | | |

| | Involuntary employment termination with respect to this questionn an employee that such employee will no longer be employed wh effective immediately or in the future. Involuntary employment include actual or alleged constructive discharge. | ether such notification is |
|----|--|----------------------------|
| 5. | Percentage of Employees with salaries less than \$100,000 % 68 | 100 |
| 6. | Percentage of Employees with salaries greater than \$100,000 % 32 | Should = 100% |

| C. | | ployment Practices Claims Handling |
|----|----|--|
| | 1. | Who in the Entity has been designated to handle claims? Carl Warren |
| | 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? |
| | | If yes to 2(a), describe the policy and procedure for receiving, reviewing, and responding to claims: |
| | 3. | Does the Employment Claims handler coordinate with the Workers' Compensation Administrator on all claims involving actual or potential industrial injuries? Yes 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 (a) Allegations of discrimination or harassment under FEHA, Title VII (b) Yes (c) No (c) Yes (c) Yes |
| | | (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; |
| | | (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; |
| | | (d) Allegations of negligent or wrongful evaluation, wrongful demotion, wrongful discipline, failure to promote, failure to grant tenure, or wrongful deprivation of career opportunity; |
| | | (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; |
| | | (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; |
| | | (g) Allegations of false imprisonment, detention, or malicious Yes No prosecution made by an <i>Employee</i> which arise from an employment decision to hire, fire, promote, demote or discipline; |

| | (h) Allegations of libel, slander, defamation of character, invasion of privacy made by an <i>Employee</i> which arise from an employment | Yes 🔳 No | | | | | | | |
|----|---|----------------|--|--|--|--|--|--|--|
| | decision to hire, fire, promote, demote or discipline; and | | | | | | | | |
| | (i) Other personal injury allegations made by an <i>Employee</i> which arise | Yes No | | | | | | | |
| | from an employment decision to hire, fire, promote, demote or | | | | | | | | |
| | discipline. | | | | | | | | |
| 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 . | Er | nployment Practices Risk Management | |
|------------|----|--|-------------------------------------|
| | 1. | | Yes 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? | Yes 🗌 No |
| | 3. | Do you anticipate any "layoffs" during the next 24 months? | 🗌 Yes 🔳 No |
| | | If yes, please provide details. | |
| | 4. | Have you had any "layoffs" in the past 36 months? | Yes 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? | Yes No |
| | | If no, please explain. | |
| | 6. | Briefly describe the procedure for maintaining AB 1825 and SB 1343 These records are maintained through Vectors Solutions, prior to that Keenan S | training records: Safe Personnel |
| | 7. | Does your entity provide SB 1343 training? | Yes No |
| | 8. | Are elected or appointed officials trained on the entity's policy regarding | Yes No |
| | | harassment, discrimination, and retaliation? | |

| \$25K | □ \$50K □ \$75K □ \$100K ■ \$250K □ \$350K □ \$500K | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| Please attach the following: | | | | | | | | | |
| | > EPL individual loss information (including Date of Loss and total incurred) for the previo | | | | | | | | |
| 7 completed fiscal years, including the partial current fiscal year; | | | | | | | | | |
| | Payroll information for the previous 7 completed calendar years; | | | | | | | | |
| | Completed resolution authorizing participation in ERMA; | | | | | | | | |
| | Completed intent to participate; and | | | | | | | | |
| Most Recent Financial Audit. | | | | | | | | | |
| | ' MUN NECEDI FINANCIAI AGAD. | | | | | | | | |

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 Upland

Agency or Entity Name

Terry Doyle

Deputy Director of Human Resources/Risk Management

Applicant's Name (please print)

Applicant's Title

Applicant's Signature

April 30, 2024

Date

City of Upland

Employment Risk Management Authority (ERMA)

Liability Coverage Application for Prospective Members of A Participating Joint Powers Authority Application Response

A. Policies and Procedures

No. 4 Are the following policies or procedures included in the manual?

Hiring, Suspension, Termination, and Grievance Procedures are included in the City's Merit Rules and Regulations and therefore are not included in the City's personnel policies and procedures manual.

If you answered no to any of the above, please use this space to provide more information:

The Deputy Director was hired in 2020 and one of the goals she was tasked with was updating the Cities personnel policies and procedures. She has been diligently working on that since her hire date and has completed revisions on approximately 15 policies and procedures since her start date. In addition, she has employed a consultant to assist with updating the personnel policies.

The City does not require its policies and procedures to be formally approved and adopted by Council, but each policy and procedure is shared with each of the bargaining units to get feedback and buy-in.

The City has an employee orientation as required under the law. The orientation includes information on employee benefits, payroll, introduction to the City Manager and information on sexual harassment and ethics training.



Report Criteria: Claim Date Entered >= 0//01/2013 and Coverage = EMPLOYMENT PRACTICES And Tier 1 = CITY OF UPLAND And As-Of Transaction Begin Date = And As-Of Transaction End Date = And Loss Run? = Yes | Row Count: 16 | Report Run: 4/19/2024 10:22 AM

| Cla im Sta tus | Claim Closed Date | Feature Closed Date | Claim Number | Claimant Name | Loss Causation | Date Of Loss | Claim Description | Legal | Claim Date Reported | Expense Reserve | Gross Loss Paid | Gross Expense Paid |
|-------------------------|-------------------|------------------------|-----------------|---------------------------|-----------------------------------|--------------|---|-------|------------------------|--------------------|-----------------|-----------------------|
| | | | | | | | | | | | | |
| С | 04/20/2017 | 04/20/2017 | 1895766 | Kosinski, julie | EMPLOYMENT DISCRIMINATION | 04/23/2013 | ALLEGES EMPLOYMENT DISCRIMINATION AND HARASSMENT. | Y | 10/16/2014 | \$0.00 | \$275,000.00 | \$107,363.07 |
| С | 12/29/2014 | 12/29/2014 | 1883151 | DAVISSON, DOUG | WRONGFUL TERMINATION | 02/24/2014 | ALLEGES WRONGFUL TERMINATION | Ν | 03/24/2014 | \$0.00 | \$0.00 | \$0.00 |
| С | 08/18/2020 | 08/18/2020 | 1952861 | TANNER, EUGENE | EMPLOYMENT DISCRIMINATION | 07/01/2016 | ALLEGES DISCRIMINATION & RETALIATION | Y | 12/06/2016 | \$0.00 | \$125,000.00 | \$58,460.90 |
| С | 04/23/2021 | 04/23/2021 | 1960638 | Yoakum, Anthony | EMPLOYMENT DISCRIMINATION | 03/23/2017 | CITY RELEASED CLM'TS PERSONAL INFORMATION | Y | 04/24/2017 | \$0.00 | \$0.00 | \$147,132.47 |
| С | 11/16/2018 | 08/29/2018 | 1965504 | CITY OF, MONTCLAIR | BREACH OF CONTRACT | 10/13/2016 | ALLEGES BREACH OF CONTRACT | Y | 04/11/2017 | \$0.00 | \$0.00 | \$0.00 |
| С | 11/16/2018 | 08/21/2018 | 1965504 | SEGALLA, PAUL | BREACH OF CONTRACT | 10/13/2016 | ALLEGES BREACH OF CONTRACT | Y | 04/11/2017 | \$0.00 | \$0.00 | \$0.00 |
| С | 04/23/2021 | 04/23/2021 | 1973559 | SIMPSON, MARCUS | WRONGFUL TERMINATION | 04/19/2017 | ALLEGES WRONGFUL TERMINATION | Y | 11/28/2017 | \$0.00 | \$490,000.00 | \$685,936.78 |
| С | 04/09/2021 | 04/09/2021 | 1975419 | Yoakum, Anthony | WRONGFUL TERMINATION | 04/01/2017 | ALLEGES RETALIATION | Y | 01/08/2018 | \$0.00 | \$199,999.00 | \$416,027.16 |
| С | 01/21/2021 | 01/21/2021 | 3007251 | YOAKUM, ANTHONY | POLICE UNIT VIOLATED RIGHT OF | 11/03/2017 | CLAIMANT ALLEGES VIOLATION OF CIVIL RIGHTS | Ν | 12/07/2020 | \$0.00 | \$0.00 | \$1,125.00 |
| С | 03/25/2019 | 03/18/2019 | 1988149 | HENDERSON, CURTIS | EMPLOYMENT DISCRIMINATION | 11/09/2018 | CLMT ALLEGES AGE DISCRIMINATION | Ν | 11/19/2018 | \$0.00 | \$0.00 | \$0.00 |
| С | 02/11/2020 | 02/11/2020 | 1988868 | UPLAND FIREFIGHTERS, . | EMPLOYMENT DISCRIMINATION | 11/29/2018 | FLSA CLAIM | Ν | 12/14/2018 | \$0.00 | \$113,844.72 | \$0.00 |
| С | 12/07/2020 | 09/11/2020 | 1994249 | FLORES, APRIL | HARASSMENT/CIVIL RIGHTS VIOLAT | 01/22/2019 | CLMTS ALLEGES HARASSMENT | Y | 04/25/2019 | \$0.00 | \$0.00 | \$0.00 |
| С | 12/07/2020 | 12/07/2020 | 1994249 | ASAD, RAMI | HARASSMENT/CIVIL RIGHTS VIOLAT | 01/22/2019 | CLMTS ALLEGES HARASSMENT | Y | 04/25/2019 | \$0.00 | \$17,000.00 | \$65,653.25 |
| R | | | 1994903 | VAGNOZZI, JEANETTE | EMPLOYMENT DISCRIMINATION | 04/29/2019 | CLMT ALLEGES DISCRIMINATION AND HARASSMENT | Y | 05/07/2019 | \$148,839.00 | \$0.00 | \$294,589.00 |
| С | 07/01/2021 | 07/01/2021 | 3000450 | STANLEY, JEFF | EMPLOYMENT DISCRIMINATION | 06/23/2019 | CLAIMANT ALLEGES VIOLATION OF LABOR LAWS | Ν | 05/11/2020 | \$0.00 | \$100,000.00 | \$20,178.20 |
| С | 07/08/2021 | 07/08/2021 | 3012951 | BARRETT, LUZ | EMPLOYMENT DISCRIMINATION | 05/19/2020 | CITY EMPLOYEE ALLEGES DISCRIMINATION. | Ν | 05/26/2021 | \$0.00 | \$545,000.00 | \$108,707.13 |

ERMA UNDERWRITING COMMITTEE MEETING May 21, 2024

Agenda Item 5.G.

MEMBERSHIP MATTERS

SUBJECT: Update of Incomplete Member Applications

RECOMMENDATION: *Staff will provide a recommendation following discussion at the meeting.*

BACKGROUND AND STATUS:

The following members expressed interest in participating in the Employment Risk Management Authority. Staff made every effort to provide the application packet, answer questions, and follow up with members. At this time, the members were not able to complete the application packets in sufficient time to be considered at this meeting.

Staff will provide a verbal update as to the status of each member and may request the ability of one or more of these members to submit their application ahead of the June 3, 2024, Board of Directors meeting for consideration and an effective participation date of July 1, 2024 directly by the Board.

- Moreno Valley (PERMA)
- City of Clovis (CSJVRMA)
- City of Etna (SCORE)
- Monterey County MAD (VCJPA)

REFERENCE MATERIALS ATTACHED:

- Moreno Valley Indication
- City of Clovis Indication
- City of Etna Indication
- Monterey County MAD Indication



CONTRIBUTION INDICATION PERMA

| Name of Entity | of Entity City of Moreno Valley | | | | | | |
|---|---------------------------------|-------------------------------|-----------|-----------|--|--|--|
| 2023 Calendar Year Payroll | | \$30,681 | | | | | |
| Coverage Period | | July 1, 2024 to June 30, 2025 | | | | | |
| CALCULATION | | | | | | | |
| Self-Insured Retention Option | | \$50,000 | \$75,000 | \$100,000 | | | |
| Funding Rate | | 0.552 | 0.500 | 0.455 | | | |
| Funding for Losses | | \$169,359 | \$153,270 | \$139,722 | | | |
| Loss Prevention & Training | 0.0093 | 2,857 | 2,857 | 2,857 | | | |
| Administration | 0.0544 | 16,697 | 16,697 | 16,697 | | | |
| Deposit Contribution | | \$188,914 | \$172,824 | \$159,276 | | | |
| JPA Participation Credit | 9.78% | (18,482) | (16,908) | (15,583) | | | |
| Net Contribution | | \$170,431 | \$155,916 | \$143,693 | | | |
| JPA Experience Mod Factor | | 1.220 | | | | | |
| JPA Off-Balance Factor ⁽¹⁾ | | 0.999 | | | | | |
| Contribution Adj. for Off-Bal. Factor | | \$207,770 | \$190,075 | \$175,173 | | | |
| Individual Experience Mod Factor ⁽²⁾ | | 1.000 | | | | | |
| Individual Off-Balance Factor ⁽¹⁾ | | 1.148 | | | | | |
| Contribution Adj. for Off-Bal. Factor | | \$195,600 | \$178,941 | \$164,913 | | | |
| ERMA CONTRIBUTION ⁽³⁾ | | \$195,600 | \$178,941 | \$164,913 | | | |

Notes:

(1) Off-Balance Factor: To ensure that ERMA collects the required total contribution from a member, which is determined by ERMA's consulting actuary, an off-balance factor is applied to the net contribution after the experience modification factor is applied to the net contribution. All underlying members within the same primary JPA receive the same off-balance factor.

(2) New members are assigned an experience modification factor of 1.000 their first year in ERMA.

(3) Contribution calculated using rates per the 2024/25 preliminary budget.



CONTRIBUTION INDICATION

CSJVRMA

Name of Entity

2023 Calendar Year Payroll

City of Clovis

\$69,627,815

Coverage Period

July 1, 2024 to June 30, 2025

CALCULATION

| Self-Insured Retention Option | | \$100,000 | \$250,000 | \$350,000 | \$500,000 | \$750,000 |
|--|-------------|-----------|-----------|-----------|-------------------|-----------|
| Funding Rate | | 0.455 | 0.279 | 0.196 | 0.116 | 0.044 |
| | | | | | | |
| Funding for Losses | | \$317,085 | \$194,094 | \$136,443 | \$80,713 | \$30,748 |
| Loss Prevention & Training | 0.0092 | 6,406 | 6,406 | 6,406 | 6,406 | 6,406 |
| Administration | 0.0531 | 36,946 | 36,946 | 36,946 | 36,946 | 36,946 |
| Deposit Contribution | | \$360,437 | \$237,446 | \$179,795 | \$124,064 | \$74,100 |
| JPA Participation Credit | 8.59% | (30,961) | (20,396) | (15,444) | (10,657) | (6,365) |
| Net Contribution | — | \$329,476 | \$217,050 | \$164,351 | \$113,408 | \$67,735 |
| | | | | | | |
| JPA Experience Mod Factor | | 1.005 | | | | |
| (4) | | | | | | |
| JPA Off-Balance Factor ⁽¹⁾ | | 1.003 | | | | |
| | | | | | | |
| Contribution Adjusted for Off-Bala | ance Factor | \$332,068 | \$218,758 | \$165,643 | \$114,300 | \$68,267 |
| | (2) | | | | | |
| Individual Experience Mod Factor | Ľ | 1.000 | | | | |
| Individual Off-Balance Factor ⁽¹⁾ | Г | 4 974 | | | | |
| Individual Off-Balance Factor | L | 1.071 | | | | |
| Contribution Adjusted for Off-Bala | ance Factor | \$352,995 | \$232,544 | \$176,082 | \$121,503 | \$72,570 |
| • | | | . , | | | . , |
| Excess Insurance \$3M x \$1M | 0.0604 | \$42,038 | \$42,038 | \$42,038 | \$42 <i>,</i> 038 | \$42,038 |
| | | | | | | |
| ERMA CONTRIBUTION ⁽³⁾ | | \$395,033 | \$274,582 | \$218,120 | \$163,541 | \$114,607 |
| | | | | | | |
| CSJVRMA Administration Fee ⁽⁴⁾ | 5.00% | \$19,752 | \$13,729 | \$10,906 | \$8,177 | \$5,730 |
| | | | | | | |
| TOTAL CONTRIBUTION | | \$414,784 | \$288,311 | \$229,026 | \$171,718 | \$120,338 |

Notes:

(1) Off-Balance Factor: To ensure that ERMA collects the required total contribution from a member, which is determined by ERMA's consulting actuary, an off-balance factor is applied to the net contribution after the experience modification factor is applied to the net contribution. All underlying members within the same primary JPA receive the same off-balance factor.

(2) New members are assigned an experience modification factor of 1.000 their first year in ERMA.

(3) Contribution calculated using rates and factors per the 2024/25 preliminary budget.

(4) Administration fee of 5% charged by the CSJVRMA.

EMPLOYMENT RISK MANAGEMENT AUTHORITY CONTRIBUTION INDICATION - COVERAGE LIMIT \$750,000

SMALL CITIES ORGANIZED RISK EFFORT (SCORE)

| Name of Entity | e of Entity City of Etna | | | | | | |
|--|--------------------------|--|--|--|--|--|--|
| 2023 Calendar Year Payroll | | \$654, | ,568 | | | | |
| Coverage Period | Γ | | | | | | |
| CALCULATION | | | | | | | |
| Retained Limit Options Retained Limit Factor Retained Limit Rate | E | \$25,000 1.13 0.572 | \$50,000 1.00 0.508 | \$75,000 0.91 0.460 | | | |
| Funding for Losses Loss Prevention & Training Administration Subtotal | 0.0096 0.0552 | \$3,741 63 <u>361</u> \$4,165 | \$3,325 63 <u>361</u> \$3,749 | \$3,009 63 <u>361</u> \$3,433 | | | |
| JPA Participation Credit | 9.28% | (\$387) | (\$348) | (\$319) | | | |
| Individual Experience Mod Factor * | | 1.000 | | | | | |
| Off-Balance Factor | | 1.237 | | | | | |
| ERMA CONTRIBUTION ** | | \$4,675 | \$4,208 | \$3,853 | | | |

* New members are assigned an experience modification factor of 1.000 their first year in ERMA.

** Contribution calculated using rates and factors per the 2024/25 preliminary budget.

| ERMA | CONTRIBUTION INDICATION | |
|--|-------------------------|-------------------------------|
| E m p I o y m e n t Risk Management Authority | VCJ | PA |
| Name of Entity | | Monterey County MAD |
| 2023 Calendar Year Payroll | | \$630,898 |
| Coverage Period | | July 1, 2024 to June 30, 2025 |
| CALCULATION | | |
| Self-Insured Retention Option Funding Rate | | \$25,000 0.621 |
| Funding for Losses Loss Prevention & Training Administration | 0.0094 0.0545 | \$3,918 59 344 |
| Deposit Contribution JPA Participation Credit Net Contribution | 9.99% | 4,321 (432) \$3,890 |
| JPA Experience Mod Factor | | 0.878 |
| JPA Off-Balance Factor ⁽¹⁾ | | 1.002 |
| Contribution Adj. for Off-Bal. Factor | r | \$3,422 |
| Individual Experience Mod Factor ⁽² | 2) | 1.000 |
| Individual Off-Balance Factor ⁽¹⁾ | | 1.033 |
| Contribution Adj. for Off-Bal. Factor | r | \$4,016 |
| Excess Insurance \$3M x \$1M | 0.0604 | \$381 |
| ERMA CONTRIBUTION ⁽³⁾ | | \$4,397 |

Notes:

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(2) New members are assigned an experience modification factor of 1.000 their first year in ERMA.

(3) Contribution calculated using rates per the 2024/25 preliminary budget.