

**GLOUCESTER, SALEM, CUMBERLAND COUNTIES
MUNICIPAL JOINT INSURANCE FUND**

**Gloucester County Library
389 Wolfert Station Rd
Mullica Hill, NJ**

January 27, 2020 – 3:30 PM

EXECUTIVE CLAIMS MEETING MINUTES

The Executive Claims Committee Meeting of the Gloucester, Salem, and Cumberland Counties Municipal Joint Insurance Fund (TRICO JIF) was at Gloucester County Library, Mullica Hill, NJ on January 27, 2020 at 3:40 PM, prevailing time. Chair Law, City of Woodbury, presiding

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETING ACT

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

Those in attendance were:

Bob Law, *Fund Chair, Woodbury City*
Mike Razze, *Fund Secretary, Pitman Borough*
Karen Sweeney, *Wenonah Borough*
Sue Miller, *Clayton Borough*
Carl Bagby, *Borough of Swedesboro*

Also present were:

Paul A. Forlenza, MGA, Executive Director, *RPA – A Division of Gallagher*
Paul Miola, CPCU, ARM, Deputy Executive Director, *RPA – A Division of Gallagher*
Kris Kristie, Sr. Account Rep, *RPA – A Division of Gallagher*
David DeWeese, *The DeWeese Law Firm, P.C.*
Bob Holwitt, *J.A. Montgomery*
Chris Roselli, *Qual-Lynx*
Karen Beatty, *Qual-Care*
Debby Schiffer, *Wellness Director*
Lou Romero, *Technology Liability Director*

Those unable to attend:

Doris Hall, *Logan Township*
Bob Diaz, *South Harrison*

CLOSED SESSION PORTION OF MEETING

Chair Law entertained a motion to move to Executive Session to review the *Payment Authorization Requests* that will be voted on in Open Session during the Executive Committee Meeting being held on January 27, 2020 at 5:00 PM.

Motion by Ms. Miller seconded by Mr. Razze, to move to Executive Closed Session. All in favor. Motion carried

REOPEN PUBLIC PORTION OF THE MEETING

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

Motion by Ms. Miller seconded by Mr. Razze to reopen the public portion of the meeting. All in favor. Motion carried.

RECOMMENDATION OF APPROVAL OF CLAIMS PAYMENTS

The Executive Claims Committee recommends approval of the PARs at the Executive Committee Meeting as presented in their entirety during the Closed Session portion of the *Executive Claims Meeting*.

The Committee reviewed eleven (11) claims. Of the claims reviewed, there were eight (8) Workers' Compensation, one (1) General Liability, and two (2) Property PARs recommended for approval of settlement or continuing defense.

Mr. Roselli also reviewed four (4) Vineland claims that were previously approved by Vineland:

2019175542
2020185306
2019164886
2020184015

There were zero (0) claim(s) reviewed for abandonment of subrogation attempts.

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

SOLICITOR'S REPORT FOR OPEN SESSION:

Closed Cases

Mr. DeWeese noted that there were five (5) case(s) closed since the December 2019 meeting:

Lackey v Township of Carneys Point
Muckenfuss, Est v. Borough of Glassboro
Gil Nieves v City of Vineland
Roberson & Kline v City of Vineland
Sciulli v City of Woodbury

Subrogation Matter: Pennsville/Pagnotto File #: 001251970

Mr. DeWeese referenced a Subrogation Matter Memo included in the agenda, and stated matters regarding Subrogation settlements will be presented in memo form going forward. He noted that these Memos should assist Ms. Kristie with minutes and Mr. Roselli stated it would help him as well. Mr. DeWeese noted this will be for all 3 Municipal JIF's going forward.

Mr. DeWeese reviewed a claim for the purposes of recommending settlement, seeking to recover WC benefits paid to Mr. Pagnotto, an employee of the Township of Pennsville.

Mr. DeWeese stated Office Pagnotto was on duty in a patrol vehicle and was t-boned by driver #2, while crossing an intersection in Pennsville, sustaining a lumbar and cervical strain. It is unlikely the injuries will pierce the verbal threshold.

Mr. DeWeese noted the difference between the total lien amount and the amount being offered by the claimant's third party attorney is approximately \$3,000. Mr. DeWeese recommended the Fund accept the settlement offer. The committee agreed.

Next, Mr. DeWeese discussed a case, *McCoy v Franklin Township*, which is an active General Liability case involving the Millville Rescue Squad and Franklin Township. An ambulance owned and insured by Franklin Township was being driven by someone who was employed by the Millville Rescue Squad, when a motor vehicle accident occurred. Lights and siren were active on the ambulance as it entered an intersection. The employee claims she stopped and then entered the intersection; however, witnesses attest that she drove right into the intersection without stopping. There is some liability issues with the case, but the bigger problem is who is going to pay for the defense of this matter.

There is a contract between the Millville Rescue and Franklin Township which states that Millville Rescue is the service provider between 6am to 6pm, and Franklin Township is the provider 6pm to 6am, and on weekends. This agreement was entered into due to a shortage of Franklin Township Volunteers. According to the contract, Franklin Township agreed to maintain vehicle insurance and indemnify, defend and hold harmless all claims and losses asserted against Millville Rescue if Franklin Township is responsible for the loss and if Millville Rescue was at fault, they would be responsible.

In this particular case, both filed motions against each other for defense and indemnification. The Judge decided that Over Public Insurance Company and the JIF are co-primary for the claims of negligence against the Township, but he ordered the Millville Rescue Squad to defend and indemnify Franklin Township in this case because the person who was operating the vehicle was a Millville Rescue Squad employee. The only negligence that could possibly be asserted against the Township would be for some mechanical failure of the ambulance but there are no allegations in this case in this regard. So it is clear from the Judge's order that Over Public Insurance Company and the Millville Rescue Squad should be providing the Township with defense and indemnification in this case. They however have filed an Interrogatory Appeal of that decision to the Appellate Division so we are awaiting that decision. We believe the Appeal will be denied, so we will continue with our demand to pay and defend the case.

Mr. DeWeese reiterated the importance of having himself or the Executive Directors office review any interlocal agreements prior to execution, not afterwards. He stated they are more than happy to review these documents for you.

Lastly, Mr. DeWeese discussed a recent Appellate Division decision rendered on January 13, 2020 that ruled the employer and their Workers Compensation carriers are responsible must reimburse employees for the costs of medical marijuana. He noted this decision may be appealed to the Supreme Court of New Jersey, but nothing has been filed to date and should we see these types of claims come up they will be dealt with on a case by case basis. Mr. DeWeese referenced the case *Hager v. M&K Construction* where the employee suffered a significant back injury, and he was given the choice of either opioids or medical marijuana for pain management. To avoid the dangers of side effects from the opioids, he chose medical marijuana. Originally the Workers Compensation carrier denied paying for the medical marijuana prescription, and the case went to the Superior Court, and then the Appellate Division where the ruling was made.

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

Lost Time v. Medical Only Cases

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

	Dec	YTD
<i>Lost Time</i>	2	61
<i>Medical Only</i>	19	276
<i>Report Only</i>	15	173
<i>New Claims Reported</i>	36	510
<i>Report Only % of Total</i>	41.7%	33.9%
<i>Medical Only/Lost Time Ratio</i>	90:10	82:18
<i>Average Days to Report</i>	3.6	3.8

Transitional Duty Report

Ms. Beatty presented the Transitional Duty Report.

Transitional Duty Summary Report	YTD
<i>Transitional Duty Days Available</i>	5,793
<i>Transitional Duty Days Worked</i>	3,662
<i>% of Transitional Duty Days Worked</i>	63.2%
<i>Transitional Duty Days Not Accommodated</i>	2,131
<i>% of Transitional Duty Days Not Accommodated</i>	36.8%

Mr. Miola noted that members are not using Transitional Duty to the same level as in prior years. He noted he has been meeting with Qual-Lynx once a month to discuss any issues and has been working on updating the Transitional Duty Policy. In addition, starting next month, Ms. Beatty will start to show on her monthly report the dollar amount lost when Transitional Duty is not accommodated, as well as report on the PARs when it has been utilized. He also noted Property Claims have been very high, and he is working with the JA Montgomery to review auto claims, body shops, costs and all aspects of those first party property claims.

PPO Penetration Report:

Ms. Beatty presented the PPO Penetration Report

PPO Penetration Rate	December
<i>Bill Count</i>	112
<i>Original Provider Charges</i>	\$176,267
<i>Re-priced Bill Amount</i>	\$54,055
<i>Savings</i>	\$122,212
<i>% of Savings</i>	69.3%
<i>PPO Penetration Rate Bill Count Percentage</i>	94.6%
<i>PPO Penetration Rate Provider Charge Percentage</i>	95.9%
<i>EPO Penetration Rate Bill Count Percentage</i>	96.0%
<i>EPO Penetration Rate Provider Charge Percentage</i>	96.3%

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

QUAL-LYNX REPORT

Adjuster File Counts

The Qual-Lynx adjuster file counts for the month of December were included in the agenda packet and reviewed. Mr. Roselli noted the WC Unit had 966 files, including 649 lost time files. This is an average of 162 files per adjuster (based on 4 adjusters). Ally McMurren has been transferred into Ms. Langsdorf's WC Unit from another WC Unit as of 1/1/20. Ms. McMurren has been with the company for over 2 years and has done excellent work and will be a great addition to that unit.

In the Liability Unit, the file count is at 859 files, or 215 files per adjuster, which is a decrease of 38 files. Qual Lynx is actively looking for an Assistant Supervisor for Ms. Mooney.

The Property unit has a total of 807 files, or 202 files per adjuster. Mr. Roselli stated efforts are continually being made to bring down the file count of each adjuster. He noted that although Mr. McCanto was set to retire later this year, he has decided to continue to work part time to assist in training and other tasks.

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

NEXT MEETING

The next Executive Claims Meeting will be held on **Monday, February 24, 2020 at 3:30 PM** at the Gloucester County Library.

Mr. Forlenza explained to the Committee some of the tables that are utilized for the JIF's 5pm Executive Committee Meeting are out of commission. In speaking to the Library Director, they do not currently have the funds in their budget to replace them. Mr. Forlenza asked permission of the Committee to purchase four (4) tables for the library that we, along with other library guests would use. Mr. Forlenza noted the TRICO JIF has been utilizing the Library facility, free of charge, for approximately 12 years, and felt it would be a kind gesture on the JIF's part to purchase these tables. He noted that with 38 members, the "open square" is getting very crowded. Adding a few tables will provide the Fund Commissioners with some elbow room. The Committee agreed and Mr. Forlenza stated he would present this to the Fund and ask for a motion for approval at tonight's Executive Committee meeting.

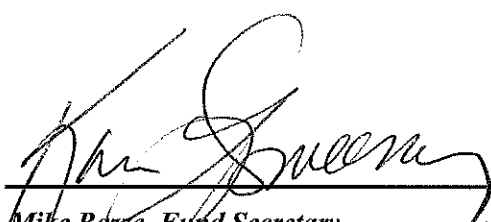
MOTION TO ADJOURN

Chair Law asked for a motion adjourned the Executive Claims meeting. Motion by Ms. Miller, seconded by Mr. Razze to adjourn the meeting.

The meeting was adjourned at 4:40 PM.



Kristie, Recording Secretary for



Mike Razze, Fund Secretary
Karen Sweeney, Acting Secretary