

RISKY BUSINESS

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FYI

Remote Work Cyber Security

By Tom Judy

The ability to have employees work remotely has been a convenient option for both employees and employers during the COVID-19 pandemic. However, because it came upon us so suddenly, in many cases employers were not prepared for the cyber security issues associated with working remotely.

Here are a few suggestions:

- The pandemic has created new opportunities for cyber criminals to exploit the public's health concerns. Train employees on how to detect and handle phishing attacks and other forms of social engineering involving remote devices and remote access to company information systems.
- Do not allow sharing of work computers and other devices. When employees bring work devices home, those devices should not be shared with or used by anyone else in the home. This reduces the risk of unauthorized or inadvertent access to protected company information.
- Advise employees against accessing sensitive information while using public Wi-Fi and enabling mobile devices to automatically connect to these services.

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- Virtual Private Networks (VPNs) ensure that internet traffic is encrypted, especially if connected to a public Wi-Fi network. If your company has one in place, make sure employees exclusively use the VPN when working and when accessing company information systems remotely. Ensure that VPNs are properly patched. As more companies rely on VPNs, opportunistic cyber criminals are finding and exploiting vulnerabilities. US Homeland Security's CISA has published a timely alert.
- City information should never be downloaded or saved to employees' personal devices or cloud services, including employee computers, thumb drives, or cloud services such as their personal Google Drive or Dropbox accounts.
- Require security software on employee devices and ensure that all versions are up to date with all necessary patches.
- "Remember password" functions should always be turned off when employees are logging into company information systems and applications from their personal devices.
- Remind employees of the types of information they need to safeguard. This often includes information such as confidential business information, work product, customer information, employee information, and other personal information (information that identifies a person of household).
- Implement and enforce two-factor or multi-factor authentication (MFA). If you haven't turned on MFA yet, now is the time to do it.
- Limit employee access to protected information to the minimum scope and duration needed to perform their duties.
- Sensitive information, such as certain types of personal information (e.g., personnel records, medical records, financial records), that is stored on or sent to or from remote devices should be encrypted in transit and at rest on the device and on removable media used by the device.
- Keep IT resources healthy and well-staffed. When more employees than normal are working remotely, or remote work is new to an organization, IT resources may be strained and required IT assistance may increase.

Even after we emerge from the current crisis, remote working arrangements will no doubt be more prevalent than before. Observing practices such as the above will help us to be prepared for that evolution as well as the next crisis event.

Counselor's Comments

By Dinsmore and Shohl

COVID-19 and OHIO EMPLOYERS

In the wake of the COVID-19 outbreak and the World Health Organization's declaration of this coronavirus as a pandemic, employers of all sizes have serious, and somewhat unprecedented, issues to consider. From a workers' compensation standpoint, under the current state of the law in Ohio, while there is no way to prevent employees who contract COVID-19 from filing workers' compensation claims, it will be challenging for most employees to establish a compensable occupational disease claim. To do so, a claimant must prove three elements:

The disease was contracted in the course of their employment;

The disease is peculiar to the claimant's employment by its causes and the characteristics of its manifestation, or the conditions of the employment result in a hazard, which distinguishes the employment in character from employment generally; and

The employment creates a risk of contracting the disease in a greater degree and in a different manner than in the public generally.

The first element requires an evaluation of whether the injured worker was exposed to the virus and received a medical diagnosis, causally relating the diagnosis to their employment. Even when such an opinion has been provided, an employee would still need to prove their employment placed them at an increased hazard and peculiar risk of contracting the virus compared to the public in general. This will be difficult in a pandemic context. Certain occupations, such as health care workers and first responders providing direct treatment to

patients with the virus, may be exceptions.

There are too many unknowns to allow for a definitive answer at this point, but such claims will need to be carefully examined on their specific facts before a decision on their compensability can be made. Conversely, as of the drafting day of this update, the Ohio General Assembly is debating a request to add COVID-19 to the list of statutory scheduled occupational diseases. If enacted, it would make it far more likely that such claims will be filed, and most likely allowed, particularly for any such claims filed by health care workers and first responders.

On a related note, because of the statewide requirements for distancing and the state's preference that public meetings or hearings of any type be restricted if not postponed, in mid-March the Ohio Industrial Commission began limiting the types of hearings they would schedule (no permanent partial hearings were being held), reduced the number of hearings to two per hour, and required all hearings to be conducted by telephone. Permanent partial hearings were reinstated in mid-April. Telephonic hearings are expected to last through May and possibly until early to mid-June.

From an OSHA standpoint, Federal interim guidelines released in Mid-April provide as follows:

COVID-19 is a recordable illness, and employers are responsible for recording cases of COVID-19, if the case:

Is confirmed as a COVID-19 illness;

Is work-related as defined by 29 CFR 1904.5; and

Involves one or more of the general recording criteria in 29 CFR 1904.7, such as medical treatment beyond first aid or days away from work.

In areas where there is ongoing community transmission, employers other than those in the healthcare industry, emergency response organizations (e.g., emergency medical, firefighting and law enforcement services), and correctional institutions may have difficulty making determinations about whether workers who contracted COVID-19 did so due to exposures at work. Accordingly, until further notice, OSHA will not enforce its recordkeeping requirements to require these employers to make work-relatedness determinations for COVID-19 cases, except where: (1) There is objective evidence that a COVID-19 case may be work-related; and (2) The evidence was reasonably available to the employer. Employers of workers in the healthcare industry, emergency response organizations and correctional institutions must continue to make work-relatedness determinations pursuant to 29 CFR Part 1904.

Like most other industries, the workers' compensation, Industrial Commission and court systems post COVID-19 are unknown works in progress, but suffice it to say, all will likely experience significant changes.

Loss Control Lowdown...

Why Effective Safety Training is Important During Challenging Times

Starr Markworth

During this time of transition from the COVID19 quarantine back to business as the new normal, it is important that training does not fall by the wayside. Research shows that during tough budgetary and challenging times, training dollars are some of the first to be cut.

It is common knowledge that a safe working environment goes a long way toward ensuring the health and well-being of your employees. It helps improve performance levels and plays a key role in improving productivity, as your staff members can work effectively without the fear of getting sick or injured.

One of the key aspects in creating a risk-free workplace is the delivery of high-quality behavior-based safety training. Effective safety training educates employees on the importance of industrial safety and equips them with the knowledge and skills required to follow safety procedures and practices.

MVRMA recommends that city departments conduct in house safety training at a minimum of six times per year. Those topics should focus on relevant areas of work that match up to the current workload and season.

How can you deliver good safety training to your employees? What does it take to educate your workforce on safety aspects, irrespective of their education level and location, in an interesting manner? You need to use blended learning!

Blended learning is a commonsense concept that results in great learning success. The blended learning approach is simply acknowledging that one size does not fit all when it comes to training. In a nutshell, blended learning means using more than one training method to train on one subject. Here are several good reasons to use a blended learning approach:

- A University of Tennessee study showed that a blended learning program reduced both the time and the cost of training by more than 50 percent.
- The same study showed a 10 percent improved result in learning outcomes compared with traditional training.
- Learning experts believe that a big advantage of blended learning is that it more closely replicates how people learn on the job, through experience and interaction with co-workers.

This approach works well because the variety of approaches keeps trainers and trainees engaged in training. Blended learning simply makes a lot of sense. Consider the many factors that affect training:

- Subject matter
- Audience make-up
- Types of learners
- Budget considerations
- Space constraints
- Compliance issues

Any or all these considerations affect your choices for training and may even necessitate that you use a blended learning approach. Chances are you already use this method perhaps without even realizing it. Have you ever:

- Used a PowerPoint training session and incorporated written quizzes, small group discussions, and role plays at various points in the training?
- Broken a complex subject into parts and used a different training method to teach each section or step?
- Used a live trainer with hands-on demonstrations for initial training and a CD-ROM or online course for refresher training?

If you have done any of the above methods, you are already using a blended learning approach. For refresher training, you may already have experts on staff that have years of valuable experience that they can share with their co-workers. Utilizing your internal resources will be more important now than ever before.

Many of you may remember back in the day when I was the video librarian for MVRMA's on-site video library and would personally deliver to you VHS and DVD programs. MVRMA has a valuable resource available for our members to assist you in providing quality blended training.

Technology has evolved and most of those same type of programs that we provided via the MVRMA video library plus many more topics are available to MVRMA members at no cost. These online streaming videos make an excellent tool to supplement your in-person departmental training.

Also, the online video library consists of many topics in addition to safety related topics. There are areas focused on supervisory, human resources, health, and wellness, driving safety, hundreds of other valuable training areas. These programs are a great resource for all City departments at all levels of employees.

Through MVRMA's partner and insurance broker, Alliant, all MVRMA members have access to Wumbus online training videos and supplemental training resources through itrainstation.com through Alliant Wumbus for no fee.

In order to get access to Wumbus, please email me the name and email address of each employee that you would like to have access.

If you have any additional questions or would like more information, please contact me smarkworth@mvrma.com or my direct work line 937-660-7168.



The Claims File...

Craig Blair

Spring and summer could be interesting times this year due to COVID-19. While the same type of claims will still occur, fewer cars on the road may benefit the members in completing projects in a timelier manner than in the past. At the same time, residents may be more sensitive to damages that may occur due to these circumstances.

Even though the winter was mild, there still will be the usual claims such as potholes or areas in disrepair in the roadway. The cities cannot predict when potholes will occur but need to respond in a timely manner when notified that an area requires repair. They should mark off the area with cones or signage to make the public aware of the possible hazard. Temporary repairs will need to be checked or addressed at a later date to make sure the roadways are safe. It is important to have documentation of work the city completed, or were not able to do, so that the defense of any claims presented is not compromised.

Weather related claims, such as high winds that cause damages or flooding, are considered natural weather events that the city did not cause and cannot control. The city's responsibility is to respond and resolve the problems to the best of their ability. Documentation on work completed is required to properly defend the member. This is important for cities located near a river which may be in a flood state for a few days, thus inhibiting the flow from storm drains into the river to offset potential flooding. If the flooding was attributable to a natural event and not caused by city work in the area, the city will not be held liable.

If a member has any questions on these types of claims please contact Claims Manager Craig Blair.



Broker's Beat

Market Update

Whether it is the wildfires in California, hurricanes, floods, hail storms, or tornadoes in other parts of the country, the weather patterns continue to be severe and have resulted in significant insured catastrophic claims. As a result, the property insurance market continues to be in a hardening cycle.

With 2017 being the costliest year ever for property insurers and 2018 being the 4th most costly year on record, property underwriters have been operating at a net underwriting loss since 2016. The industry saw some much needed relief in 2019 with better than anticipated catastrophic losses, however, loss development from hurricanes Harvey, Irma, and Maria made it another challenging year for property insurance underwriters.

With the property market seeing a widespread pricing correction, US domestic carriers are continuing to renew at 15-30% higher than expiring for clean accounts, while some loss-affected or hard-to-place accounts are set for rate hikes of 100% or more. Along with rate increases, domestic markets are also lowering their available limits, and refusing to absorb significant risk on large property accounts, leaving large gaps in coverage to be filled continuing to drive the overall pricing up even further.

Recently, COVID -19 has resulted in a lot of uncertainty which is adding to the difficult insurance marketplace. It is too early to predict the impact COVID-19 may or may not have in the market, but we are watching that closely as we enter the July 1 renewal season. At the very least, the damage it has done to insurance company's investment income will have an effect on future underwriting efforts and a push for underwriting profits.

Beyond property insurance rates on the rise, we are beginning to see a significant shift in the liability market as well. This shift is a result of record jury verdicts happening across the country that have increased at a pace none of the underwriting community could have ever planned for. This is something we are watching very closely as public entities are being impacted by these jury verdicts all across the country.

Calendar of Events

Upcoming Training Events

Due to COVID-19, training events will be scheduled at a later date.

Upcoming Board Events

Committee Meetings (at MVRMA Office, 3085 Woodman Drive, Suite 200, Kettering)

Risk Management - May 28th, 10:00 AM

Finance - May 28th, 1:30 PM

Personnel and Compensation - June 2nd, 10:00 AM

Board Meeting

June 22nd - 9:30 AM at Home2 Suites, Centerville

From The Board Room

No Actions were taken as the March 16th Board Meeting was cancelled due to COVID-19.