

**RESOLUTION NO. 20-21**

**Mercer County Insurance Fund Commission**  
(hereinafter the "Insurance Commission")

BE IT RESOLVED by the Insurance Commission's governing body that effective 02/22/2021 the 2021 Plan of Risk Management shall be:

- 1.) The perils or liability to be insured against.
  - a.) The Insurance Commission insures the following perils or liability:
    - Workers' Compensation including Employer's Liability, USL&H and Harbor Marine/Jones Act.
    - General Liability including Law Enforcement Liability Employee Benefits Liability, Automobile Liability (including PIP and Uninsured/Underinsured Motorists Coverage).
    - Property, Auto Physical Damage and Boiler & Machinery.
  - b.) The following coverage are provided to the Insurance Commission's member entities by their membership in the New Jersey Counties Excess Joint Insurance Fund (NJC).
    - Excess Workers' Compensation including employers liability
    - Excess Liability
    - Excess Property including Boiler and Machinery
    - Public Officials Liability/School Board Legal/EPL
    - Crime
    - Pollution Liability
    - Medical Professional and General Liability
    - Cyber Liability
    - Non-Owned Aircraft Liability
- 2.) The limits of coverage.
  - a.) Workers' Compensation limits.

- The Insurance Commission covers \$300,000 per occurrence including:
  - Workers' Compensation – Statutory
  - Employer's Liability - \$26,150,000
  - USL&H – Included
  - Harbor Marine/Jones Act – Included
  
- a.) Excess Liability (General, Automobile, Law Enforcement, Employee Benefits, Sexual Abuse Liability) limits.
  - \$20,000,000 each / \$30,000,000 aggregate (Automobile Liability is unaggregated).
  - Subsidence - \$750,000 per occurrence
  - Owned Watercraft 35' in length or less - \$750,000.
  - Garage Liability - \$750,000
  - The Insurance Commission covers \$250,000 for Personal Injury Protection (PIP).
  - The Insurance Commission covers \$15,000/\$30,000/\$5,000 for Underinsured/Uninsured Motorists Liability.
  
- d.) Public Officials Liability/School Board Legal/Employment Practices Liability
  - Limit: \$5,000,000 each claim and \$5,000,000 in the annual aggregate
  - Retentions:
    - POL – All Other: \$100,000
    - EPL – All Other: \$175,000
    - MCIA - \$25,000
  
- e.) Property/Equipment Breakdown  
 Property Limits/Sub-limits

- All Risk: \$110,000,000 Per Occurrence with Zurich American Insurance Company
- Excess All-Risk: \$150,000,000 Per Occurrence (excess \$110m) with various insurers on a quota share basis
- Flood: \$50,000,000 Aggregate (excess Zurich) with various insurers on a quota share basis, except
  - i. Flood, SFHA: \$25,000,000 Aggregate
- Earthquake: \$100,000,000 Aggregate (excess Zurich) with various insurers on a quota share basis
- Vehicles (PD Only): \$15,000,000
  - i. Time Element/Extra Expense: \$500,000 (NJCE/Member)
- UAS (Drones) - \$100,000
- Working Dogs - \$100,000

#### Property Deductibles

- All Other: \$250,000
- Equipment Breakdown: \$50,000
- Flood, SFHA:
  - Building: \$500,000
  - Contents: \$500,000
  - Time Element: \$500,000
- Named Storm as respects to covered property in Atlantic, Ocean, Monmouth and Burlington Counties located east of the Garden State Parkway and any covered property in Cape May County:
  - Property Damage: 1% of the value per Schedule of Values on file with the company for those buildings where the direct physical loss or damage occurred, per occurrence
  - Time Element: 1% of the full 12 months Gross Earnings or Gross Profit values that would have been earned following the Occurrence by use of the facilities at the Location where the direct physical loss or damage occurred and all other Locations where Time Element loss ensues, per occurrence
  - Minimum Deductible: \$500,000 per occurrence
  - Maximum Deductible: \$5,000,000
- Note: The Mercer County Insurance Fund Commission provides coverage for the difference in deductible for “insured property” resulting from “insured perils” (per the terms and conditions of the Zurich policy through the NJC JIF), but only for what is not reimbursed by FEMA less the member entity deductible. The Mercer County Insurance Commission will not provide coverage for the difference in deductible for time element loss.

#### f.) Pollution Liability

- Limit of Liability: \$10,000,000 per claim and \$25,000,000 annual aggregate.
- Member Entity Deductible: \$25,000

g.) Crime

Limit per occurrence:

- Mercer County – \$1,000,000
- Mercer County IA - \$1,000,000

Deductible per occurrence:

- Mercer County – \$25,000
- Mercer County IA - \$15,000

h.) Medical Professional General Liability/Excess Medical Professional

- Limit per claim/annual aggregate: \$1,000,000/\$3,000,000
- Member Entity Deductibles GL and PL:
  - Mercer County (Medical Reserves Corp) – \$2,500
  - MCIFC Scheduled Physicians - \$5,000
    - D. Shah -MC
    - R. Ahmad - MC

i.) Cyber Liability – Network Privacy & Security Liability

Please consult your Executive Director or Risk Manager.

j.) Non-Owned Aircraft.

- Limit: \$9,000,000 CSL for Bodily Injury and Property Damage Liability
- Medical Expense: \$5,000
- Rotor Wing: \$5,000,000

**NOTICE: The above description is a general overview of the coverage and limits provided by the Insurance Commission. The actual terms and conditions are defined in the individual policy documents and this Risk Management Plan. All issues and/or conflicts shall be decided upon by the individual policy documents. Additional terms, conditions, limits, sublimits and retentions may apply.**

3.) The amount of risk to be retained by the Insurance Commission (except as noted in section 2. Limits of coverage).

a.) Workers' Compensation (all coverages) - \$300,000 CSL

- b.) Excess Liability (all coverages) - \$250,000 CSL
    - Underinsured/Uninsured - \$15,000/\$30,000/\$5,000 CSL
    - Personal Injury Protection - \$250,000 CSL
  - c.) Public Officials Liability/School Board Legal/Employment Practices Liability –
    - MC & BOSS:
      - i. POL: \$150,000 x \$100,000
      - ii. EPL: \$75,000 x \$175,000
  - d.) Property/APD - \$250,000 per occurrence less member entity deductibles.
    - Flood, SFHA: \$500,000
    - Named Storm, High Hazard: \$500,000
  - e.) Equipment Breakdown – None for Mercer County and \$50,000 less member deductible of \$1,000 for MCIA.
  - f.) Crime – None
  - g.) Pollution Liability – None
  - h.) Medical Professional General Liability – None
  - i.) Cyber Liability – None
  - j.) Non-Owned Aircraft - None
- 4.) The amount of unpaid claims to be established.
- a.) The general reserving philosophy is to set reserves based upon the probable total cost of the claim at the time of conclusion. Historically, on claims aged eighteen (18) months, the Insurance Commission expects the claims servicing company to set reserves at 85% accuracy. The Insurance Commission also establishes reserves recommended by the Insurance Commission’s Actuary for claims that have been incurred but not yet reported so that the Insurance Commission has adequate reserves to pay all claims and allocated loss adjusted expense liability.
  - b.) Claims reserves are subject to regular review by the Insurance Commission’s Executive Director/Administrator, Attorney, Board of Commissioners and claims servicing company. Reserves on large or unusual claims are also subject to review by the claims departments of the commercial insurance companies or reinsurance companies

providing primary or excess coverages to the Insurance Commission either directly or through the NJC JIF.

5.) The method of assessing contributions to be paid by each member of the Insurance Commission.

- a.) By November 15th of each year, the actuary computes the probable net cost for the upcoming Insurance Commission year by line of coverage and for each prior Insurance Commission year. The Actuary includes all budget items in these computations. The annual assessment of each participating member entity is its pro rata share of the probable net cost of the upcoming Insurance Commission year for each line of coverage as computed by the Actuary.
- b.) The calculation of pro rata shares is based on each member's experience modified manual premium for that line of coverage. The Insurance Commission's Governing Body also adopts a capping formula which limits the increase of any member's assessment from the preceding year to the Insurance Commission wide average increase plus a percentage selected by the Governing Body. The total amount of each member's annual assessment is certified by majority vote of the Insurance Commission's Governing Body at least one (1) month prior to the beginning of the next fiscal year.
- c.) The Treasurer deposits each member's assessment into the appropriate accounts, including the administrative account, and the claim or loss retention trust Insurance Commission account by Insurance Commission year for each type of coverage in which the member participates.
- d.) If a member entity becomes a member of the Insurance Commission or elects to participate in a line of coverage after the start of the Insurance Commission year, such participant's assessments and supplement assessments are reduced in proportion to that part of the year which had elapsed.
- e.) The Insurance Commission's Governing Body may by majority vote levy upon the participating member entities additional assessments wherever needed or so ordered by the Commissioner of Insurance to supplement the Insurance Commission's claim, loss retention or administrative accounts to assure the payment of the Insurance Commission's obligations. All supplemental assessments are charged to the participating member entities by applicable Insurance Commission year, and shall be apportioned by the year's assessments for that line of coverage.

f.) Should any member fail or refuse to pay its assessments or supplemental assessments, or should the Insurance Commission fail to assess funds required to meet its obligations, the Chairman, or in the event by his or her failure to do so, the custodian of the Insurance Commission's assets, shall notify the Commissioner of Banking and Insurance and the Director of Community Affairs. Past due assessments shall bear interest at the rate established annually by the Insurance Commission's Governing Body.

6.) Procedures governing loss adjustment and legal expenses.

a.) The Insurance Commission engages a claims service company to handle all claims. The performance of the claims adjusters is monitored and periodically audited by the Executive Director's office, the Insurance Commission Attorney, the NJC's attorney's office, as well as the claims department of the NJC's major excess insurers (i.e. Munich, Old Republic for excess liability; Safety National Casualty Company for workers' compensation/employers liability). Every three years, the NJC's internal auditors may conduct an audit.

b.) Each member entity is provided with a claim reporting procedure and appropriate forms.

c.) In order to control workers' compensation medical costs, the Insurance Commission has engaged a managed care organization component through a contract with the claims service company whose procedures are integrated into the Insurance Commission's claims process.

d.) To provide for quality defense and control costs, the Insurance Commission will utilize County Counsel attorneys and/or in-house counsel. In addition, it has established an approved defense attorney panel with firms which specialize in Title 59 matters. The performance of the defense attorneys is overseen by the Insurance Commission Attorney, as well as, the various firms which audit the claims adjusters.

7.) Coverage to be purchased from a commercial insurer, if any.

The Insurance Commission purchases a commercial crime bond to provide coverage in the event of an employee theft loss caused by the Insurance Commission's TPA, Executive Director, and/or Treasurer. The bond is purchased from Selective Fire and Casualty Insurance Company.

8.) Reinsurance to be purchased.

The Insurance Commission does not purchase reinsurance.

9.) Procedures for the closure of Insurance Commission years, including the maintenance of all relevant accounting records.

a.) Not applicable at this time.

10.) Assumptions and Methodology used for the calculation of appropriate reserves requirements to be established and administered in accordance with sound actuarial principles.

a.) The general approach in estimating the loss reserves of the Insurance Commission is to project ultimate losses for each Insurance Commission year using paid and incurred loss data. Two traditional actuarial methodologies are used: the paid loss development method and the incurred loss development method. From the two different indications resulting from these methods the Insurance Commission Actuary chooses a "select" estimate of ultimate losses. Subtraction of the paid losses from the select ultimate losses yields the loss reserve liability or Insurance Commission funding requirement.

b.) The following is an overview of the two actuarial methods used to project the ultimate losses.

- Paid Loss Development Method - This method uses historical accident year paid loss patterns to project ultimate losses for each accident year. Because this method does not use case reserve data, estimates from it are not affected by changes in case reserving practices. However, the results of this method are sensitive to changes in the rate of which claims are settled and losses are paid, and may underestimate ultimate losses if provisions are not included for very large open claims.

- Case Incurred Loss Development Method - This method is similar to the paid loss development method except it uses historical case incurred loss patterns (paid plus case outstanding reserves) to estimate ultimate losses. Because the data used includes case reserve estimates, the results from this method may be affected by changes in case reserve adequacy.

11.) The maximum amount a certifying and approving officer may approve pursuant to N.J.A.C. 11:15-2.22.

- \$20,000 for workers compensation claims

- \$7,500 for liability claims
- With the advance approval of the Insurance Commission Attorney or Executive Director, the certifying and approving officer may also pay hospital bills if waiting until after the next regularly scheduled Insurance Commission meeting would result in the loss of a discount on such bills. When the certifying and approving officer utilizes this authority, a report shall be made to the Commissioners at their next meeting.

Adopted by the Governing Body this day of 26th of April, 2021.

Mercer County Insurance Fund Commission

By: \_\_\_\_\_

Chairperson

Attest: \_\_\_\_\_

Secretary