



New Jersey Schools Insurance Group  
6000 Midlantic Drive, Suite 300 North  
Mount Laurel, New Jersey 08054  
[www.njsig.org](http://www.njsig.org)

## **Board of Trustees Meeting May 20, 2020**

### **Client Relations and Safety and Risk Control Report**

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Despite the SARS-CoV-2/COVID-19 pandemic, the Client Relations and Safety and Risk Control departments have been very busy and hard at work.

#### **Client Relations**

- The Client Relations team is working hand in hand with Underwriting on renewal season and new business submissions. All brokers have been asked to submit new business with a narrative to give a risk management analysis of the member's history of losses and trends for qualified submissions.
- The team prepared a curriculum for 2020-2021 sub-fund meetings. All sub-funds will have a consistent message.
- Client Relations has been working with Safety and Risk Control in reaching out to all business administrators and brokers to let them know we are here to help. We are assisting with various topics such as Safety Grants, renewal season, claims status, and how else we can help in these challenging times.
- Safety and Risk Control and Client Relations are currently working on setting up virtual safety committee meetings, district meetings, and trainings.
- NJSIG is replacing our incident reporting program with specific contacts within the school and county emergency contacts. This will include specific poster designs that members will be able to edit if they wish. The webpage should be live by June 1, 2020.

There is a COVID-19 page on [www.njsig.org](http://www.njsig.org) that includes all relative communications that NJSIG has released. Those communications are attached to this report.

#### **Safety and Risk Control**

- The team has prepared sub-fund analysis presentations to show the performance of all sub-funds, year over year, as well as a comparison to NJSIG as a whole for the 20/21 year.

- Safety and Risk Control department is working in conjunction with the Claims department to analyze trending WC claims as employees are remote and how we can best assist in the mitigation process.

**Safety Grant Updates:**

- 186 applications received (5.11.20)
- 106 Board Resolutions received (5.11.20)

Debra Rice  
Client Relations/Safety and Risk Control Manager



## A Message from Qual-Lynx: NJSIG's Managed Care Provide



**Please be advised of the following message from QualCare and Qual-Lynx, NJSIG's trusted managed care partner for workers' compensation claims, with regard to the novel coronavirus, SARS-CoV-2 / COVID-19 situation :**

In an effort to provide an update on workers' compensation medical treatment for NJSIG's members and their injured employees, please know that QualCare and Qual-Lynx are working diligently to deliver their workers' compensation services uninterrupted wherever possible. They are committed to monitoring the evolving COVID-19 emergency and will keep NJSIG's members updated as the situation progresses. QualCare and Qual-Lynx remain open for business and fully operational, with 95% of staff working remotely and all of their systems functioning as normal .

QualCare and Qual-Lynx are working closely with the medical community to ensure a safe delivery of medical services, and the facilitation of appropriate workers' compensation treatment as required. The medical provider community is extremely taxed with this unprecedented global health emergency, and can be expected to face significant challenges for some time to come.

Some QualCare and Qual-Lynx medical providers have advised of temporary office closures or reduced availability to see patients. Others have advised that treatment for non-critical injuries is being delayed. "Time sensitive" surgeries (procedures where a delay of 4 weeks or more could be detrimental to the health of the patient) will proceed. Many procedures that are elective or not time sensitive, as determined by network physicians, are being postponed to allow the medical community to deal with the issues most critical to our country's overall health and safety. Challenges lie ahead, but QualCare and Qual-Lynx are prepared to meet them as they arise by working together.

## TELEMEDICINE:

One strategy QualCare and Qual-Lynx has employed to limit the possible exposure to and spread of COVID-19, is to bolster the availability and viability of telemedicine. They have engaged many providers in the specialties most utilized in workers' compensation to determine the feasibility of telemedicine capabilities. Fortunately, QualCare has existing contractual relationships and workflows in place currently with telemedicine-capable providers in a variety of specialties; and the number of network providers capable of delivering telemedicine services, where appropriate and clinically beneficial based on the individual claim, continues to grow significantly. In response to this pandemic, and related medical appointment delays or cancellations, QualCare and Qual-Lynx are informing clients, claimants and employers of any revisions to current treatment plans, as well as potential opportunities to deploy telemedicine services, to ensure a continuity of care .

## COVID-19 CLAIMS:

For workers' compensation claims, please report any potential work-related COVID-19 exposure cases through normal reporting methods and those described in the emergency reporting instructions, which are outlined online at <https://www.njsig.org/reporting-claims#workerscomp>. QualCare and Qual-Lynx have also adapted their Client Services reports request email to accept new claim reports as a backup to new claim reporting via regular mail, telephone or the claims system. New claims can be sent via email to [qual-lynxclientservices@qual-lynx.com](mailto:qual-lynxclientservices@qual-lynx.com) with "NEW CLAIM REPORT" in the subject line. Please note that all potential work-related COVID-19 exposure cases will initially be put under investigation by NJSIG for a determination as to whether or not they are work-related. Once that determination is made, the claimant will be directed to the appropriate facility for care.

## A MESSAGE IN CLOSING FROM NJSIG:

Please remember that NJSIG is here for you! In accordance with Governor Murphy's Executive Order 107, NJSIG has reduced its on-site staff to the minimum necessary to ensure that essential operations can continue. However, all employees, including those working remotely, can still be reached during normal business hours via telephone and email. Should you have any questions or concerns about an open workers' compensation matter, please do not hesitate to reach out to the assigned claims adjuster via telephone or email. Staff contact information is available at <https://www.njsig.org/contact>. If you have questions relating to a workers' compensation claim but are unsure who to contact, please feel free to reach out to one of NJSIG's Workers' Compensation Supervisors: Connie Rogers, Karen Olsen, Ellen Shaw, or Joan Madden. Finally, rest assured that despite these unique circumstances, all of NJSIG's operating systems remain accessible, and we do not expect any interruptions to regularly scheduled workers' compensation claim payments or other court-ordered disbursements

If you have any other questions, please contact your Client Relations Representative.

Stay Safe!



## Coverage For Home Injuries In New Jersey

By: John Geaney, Esq.  
Capehart Scatchard

For many of us, almost overnight our work lives have been transformed from reporting to an official work location to working mainly from home. The impact of this sudden change will have significance for our level of safety, our economy, and in so many other areas, even the field of workers' compensation.

New Jersey courts have recognized that injuries at home that arise from work are on equal footing with injuries at work locations. In Benvenuti v. Scholastic Bus Co., No. A-3732-11 (App. Div. April 4, 2013), Mrs. Benvenuti was injured cleaning her bus on her home property. She was permitted to take the bus home as school bus driver. She testified at trial that she tripped over a rubber mat and fell exiting the bus in her driveway. Several witnesses testified that petitioner was permitted to sweep the bus at home. The Judge said that it was a job requirement to clean the bus between runs and found the case compensable, which decision was then affirmed on appeal.

In DeCoursey v. Tp. Of Randolph Police Department, A-0915-06 (App. Div. August 14, 2007), the petitioner was a police officer who was paid on an hourly basis during a 12-hour period. She received permission during that period of time to go home and have dinner. She drove home to the next town, kept in radio contact, and had her meal. She was injured walking on her property to her patrol car to return to the police station. The case was found compensable.

In Kossack v. Town of Bloomfield, 63 N.J. Super. 332 (Law. Div. 1960), a police officer was injured at home cleaning his revolver. The court found the injury compensable because petitioner had a duty to keep his revolver clean and the employer *did not limit that duty to time and place*.

It is important to note that New Jersey has a premises rule. One is at work when one is on work premises to do assigned duties. This is the same for those who work from home. Several examples are worth considering:

**Scenario One:** Suppose a teacher is injured teaching a class remotely from her home by tripping over a cord while reaching for a textbook? This would clearly be compensable as the teacher was engaged in approved duties at the time of the injury and she was in her work area.

**Scenario Two:** What if the very same teacher had gone out to get the mail during a break between online classes and had fallen on her driveway? We would deny this claim because this activity was not part of her teaching job at all. She was still on her property but she was not engaged in approved teaching activities.



# SafetyNet

NJSIG'S SAFETY NEWSLETTER



## Safety Trivia?

## Hey! GOOD NEWS!

Which one of these tips is **NOT** a way to prevent your pipes from freezing?

1. Open kitchen and bathroom cabinet doors to allow warmer air to circulate around the plumbing.
2. Keep your thermostat set to the same warm temperature during the day and night.
3. Avoid running water during extremely cold temperatures.
4. Run water throughout the pipes, even at a trickle.

Good things are occurring at NJSIG's school districts everyday, and we want to hear all about them!

How have your students made a difference at your school? What safety tips can you share that have led to a positive impact? How did NJSIG's Safety Grant help your district?

We want to feature your district here. Please send news articles / videos, or even a quick anecdote. Happiness is contagious! Please email Lauren Schilling at [lschilling@njsig.org](mailto:lschilling@njsig.org) to share your stories!



Business Administrators will receive an email from [noreply@njsig.org](mailto:noreply@njsig.org) on April 1, 2020 with access to the safety grant portal. Your user name and the ability to reset your password (*if you do not remember it from last year*) will be provided. The entire application should take no more than a few minutes to complete. NJSIG does suggest that you present your resolution to your school board members as quickly as possible for approval. The deadline for resolutions is September 15, 2020

### A few small updates to make this process more convenient:

- You can now view or print prior applications from the portal.
- A sample Board Resolution template will be available on the portal.
- You can request multiple user access to the portal (email [grants@njsig.org](mailto:grants@njsig.org)).

If you have any questions or concerns, please contact Joanne Gunter at 609-386-6060 x3021 or [grants@njsig.org](mailto:grants@njsig.org).



## Coronavirus Outbreak CDC Offers Resources for Schools

Responding to the current outbreak of coronavirus (COVID-19), the Centers for Disease Control and Prevention has developed guidance for [businesses and schools](#). The CDC recommends everyday preventive actions to help prevent the spread of respiratory diseases, including:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.
- Follow CDC's recommendations for using a face-mask.
- Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing.

Please [click here](#) for the full article from the Center of Disease Control and Prevention.

### Additional Resources:

[Center for Disease Control and Prevention](#)  
[Safety and Health Magazine](#)  
[World Health Organization](#)  
[Practice Prevention Flyer](#)  
[NJ Department of Education](#)



1. **Have a Safety Committee**
2. **Schedule Safety Trainings**
3. **Create Safety Guidelines**
4. **Know Your Safety Requirements**
5. **Develop an Emergency Preparedness Plan**

Your Safety and Risk Control Representatives want to help you with all of the above! For any assistance, questions or concerns, email [riskcontrol@njsig.org](mailto:riskcontrol@njsig.org)

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# SafetyNet

## NJSIG'S SAFETY NEWSLETTER



# Hey!

**GOOD NEWS!**

Many of our members are making the best of a very scary situation. NJSIG would like to share heroic, happy and positive stories that are happening in your district.

Please [click here](#) to see how teachers at Rancocas Valley High School are helping their community during this difficult time.

We want to feature your district here. Please send news articles/videos to Lauren Schilling at [lschilling@njsig.org](mailto:lschilling@njsig.org) to share your stories.



Four urgent tasks NJ Governor Murphy wants you to do during the coronavirus outbreak:

1. Wear a mask
2. Volunteer or sign up to help
3. Give blood
4. Stay home and away from the shore

Please [click here](#) for more information.

Please [click here](#) for guidance from the American Industrial Hygiene Association (AIHA) on how schools should avoid mold, building water systems, and otherwise protect school buildings during the COVID-19 related school closures

## Tips for Working Remotely



Your Safety and Risk Control Representatives want to help you! For any assistance, questions or concerns, email:

[riskcontrol@njsig.org](mailto:riskcontrol@njsig.org)

1. Workspace is away from noise, distractions and is devoted to your work needs.
2. Floors are clear and free from hazards.
3. Electrical cords are secured under a desk or along a wall.
4. Electrical system is adequate for office equipment.
5. Temperature, ventilation and lighting are adequate.
6. There is a working smoke detector in the workspace area.
7. Your back is adequately supported.
8. Files and data are secured.
9. Equipment is turned off when not in use.
10. A home multi-use fire extinguisher is ready and available.

Please [click here](#) for the full safety checklist from telework.gov.



The Safety Grant Portal has opened! The entire application should take no more than a few minutes to complete. If you have any questions or concerns, please contact Joanne Gunter at [grants@njsig.org](mailto:grants@njsig.org).





## Take Advantage of NJSIG's Online Training Resources

To support our members through this critical time, several of our partners have created courses to keep you educated on navigating through this process.

### A Message From SafeSchools:

SafeSchools has developed videos to help you better understand the novel coronavirus and how it spreads, how to recognize symptoms, prevention and treatment tips, what to do if you become sick with the virus, and how to prepare your household. These courses are free for all to use and share.

In addition, a Coronavirus Awareness course is now available within the SafeSchools Online Training System so that members can easily distribute this important information to their staff. SafeSchools is also working on a number of other related courses that will be available soon, including:

- Preparing Your Household - Now Available at SafeSchools
- Managing Stress and Anxiety
- Transitioning to a Remote Workforce
- Cleaning and Disinfecting Your Workplace

As these courses are released, they will be added to SafeSchools Training System. Contact [info@safeschools.com](mailto:info@safeschools.com) for more information on these courses. We're proud to bring you these free courses and hope you find them valuable. Working together, we will all get through this and wish you and your family continued safety and health.

Now is also a great time to catch up on training requirements for the year. Please encourage your staff to log into their SafeSchools account to complete any upcoming training sessions.

**NOTE:** All SafeSchools courses are offered by NJSIG at no cost to our members.

For any assistance accessing your SafeSchools account, please contact [riskcontrol@njsig.org](mailto:riskcontrol@njsig.org).

### A Message From LEGAL ONE:

While we do not know how long our school buildings will be closed, we do know that online distance learning is an effective tool, and we will be using these technologies more often in the future. As we move into this new era, your own professional learning is a powerful tool in strengthening your capacity to address emergent and ongoing needs. Therefore, LEGAL ONE will continue to offer exceptional sessions through GoToWebinar on the topics you need at this critical time.

Please [click here](#) for a full list of courses that LEGAL ONE has scheduled. This page is updated regularly.

**NOTE:** All LEGAL ONE courses for administrators, principals, and supervisors are offered by NJSIG at no cost to our members.



## Chubb's Covid-19 Communication to NJSIG Members

### A message from NJSIG's Risk Engineering partner, Chubb:

Due to the current circumstances, Chubb's Risk Engineering Services team has temporarily postponed all jurisdictional visits until further notice. Our temporary restriction will be reviewed as information concerning the spread of virus becomes more available.

To date, Chubb has not received any COVID-19 specific communications from the New Jersey Bureau of Boiler and Pressure Vessel Compliance (BBPVC) concerning changes to rules and regulations. Please be aware if your jurisdictional objects exceed the expiration date without an updated inspection, you may still be subject to requirements set forth by the jurisdiction, up to and including penalties and fines at their discretion. Chubb will continue to update our customers on local jurisdictional laws in regard to COVID-19 and will pass along any information as it becomes available. Chubb has enclosed the following contact information for the NJ BBPVC to enable you to obtain further information on this issue.

Milton Washington - Chief Boiler Inspector  
Bureau of Boiler and Pressure Vessel Compliance  
Department of Labor and Workforce Development  
Labor Standards and Safety Enforcement  
Division of Public Safety and Occupational Safety & Health  
P.O. Box 392, 1 John Fitch Plaza, 3rd Floor  
Trenton, New Jersey 08625-0392  
Phone: (609) 292-2345  
Fax: (609) 984-1577  
State Website: [http://lwd.dol.state.nj.us/labor/lse/laws/boiler\\_law.html](http://lwd.dol.state.nj.us/labor/lse/laws/boiler_law.html)

When access restrictions have been lifted, please contact Chubb to complete the required inspections. We appreciate all the work you are doing to manage your business in today's unique environment. As always, Chubb Risk Engineering is available to you for any questions or concerns you have and we welcome you to call or email us at any time until we can resume our normal inspections.

Stay health and safe!

Thank you.  
Charles Blauth  
Jurisdictional Quality Specialist, Risk Engineering Services  
Chubb

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## NJSIG'S SAFETY NEWSLETTER

Hey!  
GOOD NEWS!

Many of our members are making the best of our current situation. NJSIG would like to share heroic, happy, and positive stories that are happening in your district.

Please [click here](#) to read about a school bus driver in Long Branch who has been running a food pantry from her home since the district's last day of school on March 13th.

We want to feature your district here. Please send news articles/videos to Lauren Schilling at [lschilling@njsig.org](mailto:lschilling@njsig.org) to share your stories.



ATTENTION  
PLEASE

### A Message From NJSIG's Claims Department:

We are here for you! There have been several intense storms since mid-March. Please be sure you are checking on your buildings and reporting your property claims as quickly as you can.

We are also prepared to handle any and all questions regarding the novel coronavirus (COVID-19).

Please [click here](#) to contact your claims representative.

Your Safety and Risk Control Representatives want to help you! For any assistance, questions or concerns, email:  
[riskcontrol@njsig.org](mailto:riskcontrol@njsig.org)



## NJSIG's Cyber Resources

### NJSIG is Hosting a Free Training for NJSBA's Virtual Technology Conference

On Wednesday, May 13, 2020 the New Jersey School Boards Association is hosting a **virtual** Technology Conference to provide school board members, administrators, and district staff solutions to help promote advanced school technology in their district. This program is **free** to all attendees and will run from 9:30 a.m. to 3:00 p.m.

NJSIG has arranged for Brian Lau of D2 | Cybersecurity to present on our behalf on the following topic, and he is scheduled from 9:30 a.m. - 10:30 a.m.

#### Topic: Is Your District Prepared to Defend Against Cyber Attacks

With more people accessing your network during this crisis, this session will highlight the current Cybersecurity challenges schools are facing. Understand how implementing an awareness program may be an effective and cost efficient way to lower your school district's risk of a cyber incident.

To register for the virtual Technology Conference, and for further details, please [click here](#).

To help navigate your way through these unprecedented times, Brian Lau has also provided additional information and resources:

Over the past 5 years, the education sector has scored the lowest in cybersecurity preparedness when compared to other major industries in the US and is ranked 3rd overall for the number of cyber incidents and data breaches that occur. In 2019, there was an average of one cyber incident a day on schools across the country and in 2020 that number is expected to grow. [Click here](#) for the full article.

## Chubb's Covid-19 Communication to NJSIG Members

### A message from NJSIG's Risk Engineering partner, Chubb:

As the COVID-19 pandemic influences our day-to-day operations across North America, Chubb remains committed to providing you with business insights that help our clients run their business with confidence. Below are three resources to share with clients to help them develop both short- and long-term plans virus.

- [Reduced Occupancy and Premises Shutdown](#): Vacant or sparsely occupied properties can present unique risks. From potential for pipes to freeze to hazards for individuals who visit the property, this can result in increased frequency or severity of loss. When managing an unattended building, use these tips to help mitigate risk exposures.
- [Checklists for Shutdowns](#): The following checklist can help prepare a facility for a complete shutdown by mitigating risk exposures to a vacant building, while preparing the facility for a safe start up in the future.
- [Coming Out of Shutdown](#): Being temporarily shutdown from operations and restarting can be challenging and pose dangerous risks if not planned and well managed. The following document can help prepared a facility to plan and execute a safe turnaround.

In addition, our [Risk Engineering Resource Center](#) remains available to you and our Chubb commercial customers. You may also reach our Risk Engineering Service team directly at [riskengineeringmailbox@chubb.com](mailto:riskengineeringmailbox@chubb.com).

During these unsettling times, we want to reinforce our commitment to clients, agents and brokers. Insurance companies, agents and brokers are needed more than ever. Rest assured we remain available to provide the same level of service you have come to expect.



The Safety Grant Portal is still open! The entire application should take no more than a few minutes to complete. You may use your Safety Grant to purchase PPE, cleaning supplies and disinfectant, metal detectors, a visitor management system, cybersecurity, etc. All of these items will be approved on your safety application. If you have any questions or concerns, please contact Joanne Gunter at [grants@njsig.org](mailto:grants@njsig.org).

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## **A Message from New Jersey Schools Insurance Group's Executive Director**

Dear members of the New Jersey Schools Insurance Group:

We have recently received a number of inquiries regarding immediate return of member contributions in response to the SARS-CoV-2 / COVID-19 pandemic, and we wanted to let you know what we are doing to address these inquiries.

As you are aware, NJSIG is a school board insurance group - as opposed to a commercial insurance company - and operates solely for your collective benefit. Unlike a commercial insurance company, NJSIG does not operate for profit. In addition, NJSIG also operates under statutory and regulatory constraints that govern our ability to return member contributions. However, due to the unprecedented nature of the current pandemic, we are currently in the process of exploring how we can best aid you within the constraints imposed by the Department of Banking and Insurance.

We also plan to address this issue with our Board of Trustees on May 20, 2020 and welcome your input and participation.

Best,

Jill Deitch, Esq.  
Executive Director  
New Jersey Schools Insurance Group



## COVID-19 And Workers' Compensation Issues Facing School Boards

By: John Geaney, Esq.  
Capehart Scatchard

When New Jersey schools reopen, one of the many imperatives will be the need to safeguard the health of employees and avoid COVID-19 workers' compensation claims. This challenge is now facing many private employers across the nation as they bring back furloughed employees under the PPP (Paycheck Protection Program). Employees in the public and private sector are understandably worried about contracting the virus, and naturally they want to know what safety measures their employers will be taking.

Safety committees at schools and safety professionals with NJSIG will be making appropriate recommendations to protect students and employees. Among the protective measures may be the wearing of masks and gloves in schools for employees. One question that schools have raised is what happens if protective devices are required but some employees ignore the rules and fail to utilize the devices? Imagine a situation where an employee who refused to wear a mask contracts the virus and then attempts to bring a workers' compensation claim. Is the board liable for workers' compensation benefits?

There is a little-known defense in workers' compensation contained in N.J.S.A. 34:15-7. That provision states that ***the willful failure to make use of a reasonable and proper personal protective device furnished by the employer is grounds for denial of the workers' compensation claim if the employer has clearly made this a requirement of the employment and has uniformly enforced this rule.*** A school that wishes to invoke this defense must demonstrate to the Judge of Compensation that it has documented the repeated warnings given to the employee to wear the protective device and that despite repeated warnings, the employee willfully failed to utilize the protective device. That kind of proof will suffice to defeat such a workers' compensation claim.

It should be noted that some employees may also raise health issues that prevent them from wearing a mask. There is an exception contained in Governor Murphy's Executive Orders for such health issues. The school may need to address whatever the underlying disability is which precludes mask use just as the employer would for any disability under the Americans with Disabilities Act or under the New Jersey Law Against Discrimination.

No matter how careful schools are, some employees may become sick with the coronavirus. That may lead to workers' compensation claims, but such claims must be evaluated in a larger context. There are now well over a million Americans who have contracted the disease and perhaps millions more who have it but have not been tested. New Jersey has the second highest number of COVID-19 cases in the nation. How will schools decide whether an employee's COVID-19 claim is work related?

As in any workers' compensation claim involving an alleged occupational disease, the burden of proof rests on the employee to prove that his or her condition arose from work and was produced by causes which are characteristic of or peculiar to the employment in a material degree. Conditions that are commonly experienced by most Americans – such as stress or the flu -- are almost never compensable in workers' compensation precisely because they are commonplace and ubiquitous.

Proving that a COVID-19 claim is work related will be difficult for school employees where the school has instituted safety guidelines. This virus is so contagious that one can contract the infection almost anywhere at all through contact with friends, family, strangers, travelling, walking in a park, riding a subway, or even sitting on a beach.

When managing claims like this, NJSIG asks a wide range of questions as part of its investigation in order to obtain information which will lead to appropriate decisions on compensability. One of the most important steps is to obtain family doctor records to see if the employee identified a potential source of the infection when he or she called the family doctor to ask to be tested. Sometimes those records will contain statements identifying family or friends as the likely source. Getting hospital and family doctor records becomes paramount in this health crisis because COVID-19 cases will surely be very fact sensitive.

How much evidence does the Judge of Compensation need to decide a COVID-19 case? The employee has to prove the claim by a preponderance of the evidence. To use a football analogy, the employee has to move the ball just past the 50 yard line to win. But if the employer moves the ball back over the 50 yard line, the employer wins. Neither the employee, nor the employer needs to score a touchdown. One can also think of the preponderance standard as being just over 50%. Judges are used to employing this standard, and they apply it every day in court.

Concerns have also been raised that school board employees may try to bring civil suits against their schools for exposing them to the coronavirus. These kinds of civil law suits filed by employees are extremely rare and seldom successful. There is a good reason for that. New Jersey has one of the strongest exclusive remedy provisions in the nation. The exclusive remedy means that when a worker is injured arising out of a work activity, the only remedy that the worker has is to obtain workers' compensation benefits. The worker gives up the right to sue in exchange for the fact that the worker can be entirely at fault but still receive workers' compensation benefits. An example of the exclusive remedy is this: two school board employees drive their cars onto school property and collide with each other. Both employees are injured but they cannot sue each other. Their only remedy is workers' compensation.

There will always be a few plaintiff lawyers who try on occasion to bring civil suits by employees against employers, but as mentioned above, only a tiny percentage is every successful. The plaintiff has to prove that the employer engaged in intentional conduct in harming the worker to get past the exclusive remedy. Negligent action by the employer is not nearly enough. Even reckless action by the employer is not enough. Literally the employee has to prove that his or her employer intended to cause injury, that there was a substantial certainty of harming the employee and that the hazard was not a part of everyday work life. These suits will fail because of the reasons noted above: the coronavirus is everywhere, little is known about it, people can get it even if they wear N95 masks, and the CDC itself has had to backpedal on several areas of advice.

In summary, it is fair to say that challenges lie ahead for schools as employees return to work, but good safety programs and thorough investigation of claims will minimize workers' compensation issues.



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Health and safety is a top priority at the New Jersey Schools Insurance Group (“NJSIG”), and we want you to know that we have been closely monitoring the novel coronavirus, COVID-19 situation to help keep us all safe. In an abundance of caution, based on mitigation strategies identified by the Centers for Disease Control and Prevention (“CDC”), we have restricted all external visitors to the office unless critical to the continued functioning of the organization. We have also directed that all in-person visits to member boards of education be avoided unless critical to the functioning of the organization.

Also in line with CDC recommendations, we are implementing a partial work from home policy for our staff. Employees working remotely can still be reached via telephone and email; staff contact information is available at [https://www.njsig.org/downloads/contact/employee\\_listing.pdf?v=20191016](https://www.njsig.org/downloads/contact/employee_listing.pdf?v=20191016). Our main office in Mount Laurel will remain open, but we are preparing operations in the event that we need to implement a complete work from home scenario. Even in such a circumstance, NJSIG does not expect any interruptions to regularly scheduled workers’ compensation claim payments or other court-ordered disbursements.

As a premier provider of insurance and risk management solutions for school districts in the State of New Jersey, NJSIG understands that it is essential that we maintain normal operations during this difficult time. We can assure our members, brokers, sub-fund administrators, and other insurance partners that all of our operating systems are accessible, and that we will remain responsive to your insurance and risk management needs no matter where we are physically working.

These procedures will remain in effect until further notice, although they are subject to change as conditions warrant. NJSIG will continue to monitor the recommendations from the CDC and the New Jersey Department of Health (“NJDOH”) and will advise of any changes to these procedures.

- For more information on the CDC's mitigation strategies, visit the CDC’s website at: <https://www.cdc.gov/>.
- For up to date guidance on what to do if you suspect you may be sick, visit the NJDOH’s website at: [https://www.nj.gov/health/cd/topics/covid2019\\_community.shtml](https://www.nj.gov/health/cd/topics/covid2019_community.shtml).
- For additional guidance on COVID-19, visit the Centers for Disease Control and Prevention’s (“CDC”) website at: <https://www.cdc.gov/coronavirus/2019-ncov/about/prevention.html>

Thank you for your continued partnership with NJSIG and for your understanding during these unique circumstances.

We wish you good health!

Jill Deitch, Esq., Executive Director  
New Jersey Schools Insurance Group





*COVID-19 Resources and Updates From NJSIG and Our Partners:*

## A Message From NJSIG's Underwriters

While we are all practicing social distancing and doing our part to flatten the curve, NJSIG's renewal season is upon us. NJSIG's Underwriting Department is working diligently at home to stay on schedule as best we can. We understand that during this unique and difficult time, there will have to be flexibility. We appreciate all of your patience while we navigate through the novel Coronavirus, SARS-CoV-2 / COVID-19 situation.

The Underwriting Department put together a few tips and suggestions to help get a head start:

- [Click here](#) for renewal applications
- While we encourage you to submit applications as soon as you are able, we understand that many factors may complicate this process. For example, you may not be able to verify a large bus fleet because the transportation coordinator is not available or a Business Administrator may not be available to update a property schedule. Therefore, where absolutely necessary, we will permit auto and/or property schedules to be updated with the correct exposures via endorsement after renewal. When that is the case, please include a written explanation as to why the schedule(s) cannot be updated at this time so the NJSIG underwriter is aware and can follow up with you after renewal. Please keep in mind that this will likely result in the member receiving a substantial additional premium invoice sometime after October.
- NJSIG will accept electronic signatures on 20-21 applications and schedules. If you are unable to obtain the required written or e-signatures, please forward your renewal submission without signatures and the proposal will be issued subject to receipt of signed/dated applications and schedules at a later date.
- Please email all applications to: [underwriting@njsig.org](mailto:underwriting@njsig.org)
- [Click here](#) to contact us.

We will work with everyone as best we can until this situation is under control. As novel difficulties with the renewal process arise, please do not hesitate to reach out to your NJSIG Underwriters and Client Relations Representatives for assistance with solutions. Thank you again for your patience!



## **A message on cyber risk from NJSIG's partner, Willis Towers Watson:**

The outbreak of the COVID-19 (Coronavirus) over the past few months has brought to the forefront numerous risk considerations for both individuals and organizations across all industries. As the coronavirus is causing more employees to work remotely, it is possible that those individuals are logging in remotely from a less secure network and perhaps using less secure hardware.

Further, high volumes of employees logging in remotely may make it easier for cyber criminals, infiltrating a network through remote desktop services, to stay hidden in an attempt to identify and access systems with sensitive data. One has to wonder whether an organization's crisis response, in the event of an actual cyber attack, will be compromised with less employees on site.

The advice to offer employees working remotely due to coronavirus concerns is no different than what has been offered previously when it comes to general cybersecurity hygiene. Anyone working remotely should ensure corporate laptops and other devices are locked when in public places and are using patched and updated software and operating systems, encrypted hard drives and automatic screen locks. Organizations should urge their employees to use a virtual private network (VPN) whenever working remotely, as well as multi-factor authentication to log into work-related services.

[Click here](#) for the full article from Willis Towers Watson

## **A message from NJSIG:**

As part of our property program, NJSIG offers our members pass-through cyber liability coverage through Beazley Breach Response (BBR).

Many IT departments are quickly scrambling to enhance their resources so their school districts can successfully work and teach remotely. In addition, many members use a third party vendor to host all of their school district's data. There are many positives to this solution, however you need to make sure your selected company can protect you in the event of a cyber incident. With the number of cyber events increasing, NJSIG and BBR have put together a list of questions to consider asking when selecting a cyber vendor. BBR also prepared a pre-approved list of vendors that can assist NJSIG property members in the event of a cyber incident .

- Please [click here](#) for questions to consider when selecting a third party cyber vendor.
- Please [click here](#) for the pre-approved vendor list.

If you have any questions, please contact Anthony Fernandez, NJSIG's Cyber Advocate at [afernandez@njsig.org](mailto:afernandez@njsig.org).



## Additional Updates from NJSIG and Our Partners:

### **NJSIG Safety Grant**

NJSIG is doing our best to release access to the Safety Grant Portal on or close to April 1, 2020. We anticipate a lot of flexibility during this process. More information will follow, but if you have any questions, please contact [grants@njsig.org](mailto:grants@njsig.org).

### **NEPHA HOTLINE**

The attorneys at Cleary, Giacobbe, Alfieri, Jacobs, the law firm who operates NJSIG's NEPHA Hotline, are working remote during the suggested quarantine. The hotline number is still active, however NJSIG strongly encourages all districts to utilize the following email address before taking an adverse employment action against a member of your staff until further notice: [NEPHA@cgajlaw.com](mailto:NEPHA@cgajlaw.com).

For more information regarding NJSIG's NEPHA Hotline, [click here](#).

### **CHUBB's Equipment Breakdown Seminar:**

NJSIG's partner, Chubb Risk Engineering Services, had two upcoming equipment breakdown seminars scheduled for NJSIG's members. The seminar scheduled on Wednesday, April 15, 2020, has been postponed until further notice. The second training scheduled for Thursday, May 21, 2020, 9:30 am -1 pm is still scheduled to occur. Please contact Joanne Gunter at [riskcontrol@njsig.org](mailto:riskcontrol@njsig.org) for more information.

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