

47th Virtual Conference & Expo - Attendee Brochure





FEBRUARY 3-5, 2021

Welcome Message



"Mamas don't let your babies grow up to be cowboys" may be the refrain from a popular song, but good thing mamas didn't listen, for it was the spirit, determination, and true grit of these souls who conquered the wild west and thrived doing it. Surviving 2020 seems like a ride on a wild bronco and has taken the same qualities of our wild west heroes to succeed.

COVID-19 brought us telework, telemedicine, claims changes, and coverage changes. We've seen economic challenges that brought some furloughs, we've endured civil unrest and half of California being on fire - again. Despite this blight, life still goes on and we in risk management have to keep putting the ox to the plow and "get er done."

Rather than dwell on the disappointment of not meeting face to face for our 2021 conference, we are choosing to celebrate the opportunity a virtual conference provides. Reduced costs, and more access opens opportunities to expand our PARMA audience, and expanded access to session content increases value. We hope you will agree and join us for this unprecedented experience. We look forward to the day when we are all together around our PARMA campfire in the future.

Preventing loss and making whole, whether in claims, coverage, safety, or contracts is what we do. Risk managers can stop the stampede, mitigate the damage, or prevent it from happening. What we do matters. While the range we roam is not full of crimson sunsets, expectant sunrises, or blazing saddles, the camaraderie we share is the same as those who rode together taming the west. When it comes to risk management, "I'm your huckleberry!"

PARMA is pleased to present - The Wild West of Risk, PARMA 2021!

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PARMA Identity Statement

PARMA is a professional community of California public agency personnel with responsibility for risk management, and a network of risk management service providers.

Mission Statement

PARMA is dedicated to the professional development of all California public agency personnel with responsibility for risk management, and to the promotion of risk management as a critical component for public agency fiscal health.

PARMA Social Media Links



Facebook page: https://www.facebook.com/PublicAgencyRiskManagementAssociation/

PARMA 2021 Conference Hashtag: #PARMAConf2021

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How to Register

Three Ways to Register!

ONLINE: www.PARMA.com MAIL TO: PARMA One Capitol Mall, Suite 800 Sacramento, CA 95814

FACSIMILE: (916) 444-7462

Virtual Registration Pricing

	MEMBER PRICE	NONMEMBER PRICE*
Public Entity Registration - 1st Person	\$149.00	\$299.00
Public Entity Registration - 2nd and Additional Registrations	\$99.00	\$249.00
Associate Registration	\$399.00	\$599.00
Sponsor Attendee Registration	\$149.00	\$149.00
Booth Personnel	Complimentary	Complimentary

Attendee Pricing for Non-PARMA Members

*Registration includes a one-year, non-refundable membership (public entity only) to PARMA. Only one person from each company needs to register at the nonmember rate. All others from the same company/entity can use the additional member pricing above.

Important Deadlines

1/8/2021

You must register by this date to receive our Conference in a Box! Don't miss out on specialty items from our PARMA Sponsors.

Y'all, the Board of Directors and Conference Planning Committee developed another stellar educational program for the 2021 Conference! The Conference's educational schedule will remain the same. We have identified a platform that will allow our exhibitors and sponsors to interact with attendees in a virtual exhibit hall. PARMA will continuously work with our sponsors and exhibitors to deliver a unique interactive experience with attendees.

A virtual conference will allow attendees more options to access educational content. Attendees can choose which live sessions they want to attend and later review sessions that they were unable to see in the live format. The educational content will be available on-demand for 60 days following the event.

Reimbursement Policy

No reimbursement will be given but substitutions will be accepted.

If PARMA must cancel this conference for any reason, liability is limited to the registration fees paid only. PARMA is not responsible for any other expenses incurred, including travel and accommodation fees.

Special Needs

If for any reason, you require assistance or special accommodations, please indicate so on the registration form. PARMA conference management will contact you to ensure proper accommodations are made.

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Keynote Speaker - Dr. ZDogg



Zubin Damania, M.D., is an internist and founder of Turntable Health, an innovative healthcare clinic that was part of an ambitious urban revitalization movement in Las Vegas. During his decade-long career as a hospitalist at Stanford, Dr. Damania began a shadow career under the pseudonym ZDoggMD, performing stand-up comedy and creating parody videos for medical audiences worldwide. Dr. Damania examines how we can all work to build Health 3.0, an ideal model of care where technology and evidence-based medicine seamlessly support healthcare teams in achieving the outcomes that actually matter to our patients, while improving the wellbeing of the caregivers themselves.

He subsequently founded ZDoggMD Industries, the

digital production studio behind the Internet's #1 medical news and entertainment show, The ZDoggMD Show. Reaching millions of viewers weekly, Dr. Damania leads a passionate tribe of healthcare professionals towards this vision of Health 3.0, with in-depth interviews of medical thought leaders, mixed with merciless satire and hilarious takedowns of popular pseudoscience.

Through song, humor and creative storytelling, Dr. Damania delves into the challenges of delivering compassionate health care in our severely dysfunctional medical system while proposing collaborative ways to revitalize it. He explores how we might work individually and collectively to transform the current system and ensure that the future of medicine is a bright one.

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Conference at a Glance

Session Color Codes



Sessions are color coded by their educational focus.

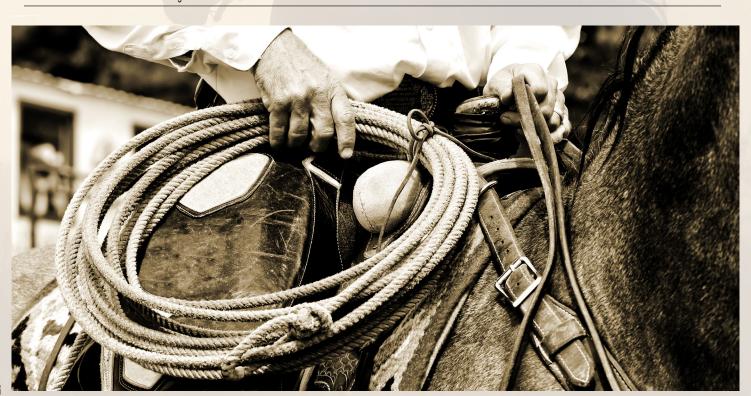
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8:45 am - 10:00 am	Welcome and Keynote Speaker		/		
10:00 am - 5:00 pm	Exhibit Hall Open				
10:30 am - Noon	A1 California Public Records Act: How to Respond, the Nuts and Bolts and New Updates A2 The Language of Insurance	A3 Build a Barbed Wire Fence to Keep Sexual Predators Out	A4 Wildfires in the Wild- West - Responding from the COE Perspective	A5 Applicant Fraud - How to Get a Case Filed	A6 The Wild, Wild West of Succession Planning: Your People, Your Board, and the Law
12:00 pm - 1:15 pm	Lunch, Annual Membership Meeting and Sponso	r Appreciation			
1:15 pm - 1:45 pm	Networking Break	1			
2:00 pm - 3:15 pm	B1 How COVID-19 Has Changed the Insurance Landscape from an Underwriting and Claims Perspective B2 Supervising & Managing Employees After COVID-19: Navigating Employee Leave Rights and Teleworking & Other Accommodation Requests	B3 Optimizing Your Claims Management Program to Reduce Losses & Risk	B4 Navigating Requests for Support Animals as a Reasonable Accommodation	B5 Situational Awareness - Becoming Jason Bourne/Active Shooter Protocols	B6 The Top 10 Dos and Don'ts for Your Investigator - A Must See Session for the Savvy Risk Manager or Claims Professional
3:15 pm - 3:45 pm	Networking Break				
4:00 pm - 5:00 pm	C1 Understanding How to Risk Manage the Impact of Special Education Environment on School Liability C2 How to Outsmart the Snake: Defenses to the Reptilian Litigation Strategy	C3 When Your Excess Workers' Comp Carrier Fails You - CE/MCLE	C4 The Law of Homelessness: A Review of Martin v. City of Boise and Subsequent Developments in the Post-Covid Era	C5 Predictive Modeling vs. Data Analytics – Getting the Most of Your Risk Management Information System	C6 Shelter in Place: Liability in the Post- COVID 19 Remote Workplace
Thursday, February 4,	2021				
7:30 am - 8:30 am	Chapter Breakfast - Grab your breakfast and join	your PARMA Chapter in the	Networking Lounge		
8:00 am - 5:00 pm	Exhibit Hall Open	A.			
8:30 am - 10:00 am	D1 Issues to Watch in 2021 D2 Many Claims, Limited Pots: Allocating Multiple Claims Under Aggregate Group Limit Insurance Policies	D3 Rope Swings, Mountain Bikes, Hillsides and Trees - What Possibly Could Go Wrong? Using Immunities and Other Risk Management Strategies		D5 What is the "Linchpin" that Solves Back, Shoulder and Ergonomic Injuries	
10:00 am - 10:30 am	Networking Break				

Conference at a Glance

Thursday, February 4, 2021 continued

10:45 am - 12:15 pm	E1 Workers' Comp Bingo 2021	E2 Peer Support Programs are a Risk Management "Must" for Law Enforcement/First Responders	E3 There's a New Sheriff in Town - The Interactive Process - CE/MCLE	E4 Everything they Didn't Tell You when they Put You in Charge of Your Entity's Insurance Coverage - Insurance Administration 101	E5 Re-Imagineering the IIPP for Compliance; A Road Map to What the Code Really Means	E6 Coverage For Claims By Employees – Gaps and Overlaps Typical Coverages and what the Coverages Provide and Don't Provide - CE/MCLE
12:15 pm - 1:45 pm	Lunch and Dedicated E	xhibit Time				
2:00 pm - 3:15 pm	F1 Breaking Down the Most Significant Ap- pellate Decision Since SB899: How Lindh Brought Law & Order to the Apportionment Wild West - CE/MCLE	F2 Geeking Out as a Risk Manager - Using Actuarial Tools to Manage Your Financial Risk	F3 2021 Regulatory Changes for Dealing with Hazardous Building Materials and How to Manage the Risk These Materials Create	F4 When Life is Disrupted: How to Grow and Develop During a Crisis	F5 Effective Strategies to Combat Frivolous Lawsuits Against Public Entities	F6 Cyber Security and Your Agency: A Growing Risk
3:15 pm - 3:30 pm	Break					
3:30 pm - 4:45 pm	G1 Blazing the Telemedicine Trail Following COVID-19	G3 Choosing Your SIR - It's More than a Number	G4 Does Your Indemnity Pass the Attorney Test? - CE/MCLE	G5 Wanted: A Workable Sidewalk Ordinance	G6 Are Structured Settlements Still Relevant (Using Structured Settlements to Close Claims)	
Friday, February 5, 2021						
9:00 am - 10:15 am	H1 Schools Roundtable	H2 Risk Management Roundtable	H3 The Art and Science of Habit Change	H4 Captives and Municipalities		
10:15 am - 10:30 am	Break					
10:30 am - 11:45 am	Closing Session - How	the West was Won!				



PARMA 2021 Annual Risk Management Conference WEDNESDAY, February 3, 2021 10:30 am - 12:00 pm

A1: California Public Records Act: How to Respond, the Nuts and Bolts and New Updates

Focus: Risk Management Level: Intermediate

Session Summary: This session will explain the California Public Records Act (CPRA) under the Government Code, how to analyze requests under the CPRA and how to properly respond to those requests. The session will explain: who is subject to the CPRA; what constitutes a valid CPRA request; how to timely respond to the requests, obtain extra time to respond; what are the objections and legal exemptions to the requests and how to assert them; how to protect employee, student and other's rights to privacy, and the formatting of responses. The session will explain the petition process if a legal CPRA matter is filed, and the risks of going to court over a request. This session will discuss hot button CPRA questions and the latest CPRA updates and rulings.

Presented By: Anthony DeMaria, DeMaria Law Firm

A2: The Language of Insurance

Focus: Insurance Level: Beginner

Session Summary: This session is designed to introduce a risk manager to the different parts of an insurance policy. We will do a deep dive into a policy to determine where in the policy certain language can be found. We will discuss how certain terms and conditions vary by policy type. Finally, we will review common terminology associated with different types of insurance coverage.

Presented By: Carleen Patterson, Alliant Insurance Services, Inc.

A3: Build a Barbed Wire Fence to Keep Sexual Predators Out

Focus: Liability Level: Intermediate

Session Summary: The cost of sexual abuse and molestation claims is skyrocketing, and all organizations need to create a safe environment for minors in their care. This session will teach you who the victims and perpetrators are and tools you can use to keep our kids safe and perpetrators out.

Presented By: Craig Schweikhard, MBA, ARM-P, SMCSIG, Candace Collins, JD, Paesidium, Craig Bowles, Aon

A4: Wildfires in the Wild-West - Responding from the COE Perspective

Focus: Safety Level: Intermediate

Session Summary: Participants will engage with several Human Resources Administrators from all regions of California to hear first hand experiences with fire-related crises, including strategies for supporting and leading as well as re-building your community. Resources will include features from the Wildfire Crisis Guide, developed by members of California County Superintendents Educational Services Association (CCSESA), management of information, and resources, before, during and after crisis related events.

Presented By: Jodie VanOrnum, Shasta County Office of Education, John Zikmund, Napa County Office of Education, John Laughlin, Sonoma County Office of Education

A5: Applicant Fraud - How to Get a Case Filed

Focus: Workers' Comp Level: General Interest

Session Summary: Examples of cases that have been filed as well as examples of cases that were rejected and the basis for the rejection. A review of the elements of the crime with respect to Insurance Code section 1871.4, Penal Code section 550 and Penal Code section 118. An overview of collateral crimes. A discussion on jurisdiction and the statute of limitations.

Presented By: Pamela Leitao, Orange County District Attorney's Office

A6: The Wild, Wild West of Succession Planning: Your People, Your Board, and the Law

Focus: Leadership Level: General Interest

Session Summary: More important than ever, in these changing times, it is imperative that organizations establish a plan to ensure the resiliency of their most important asset: their people. This session is intended to provide attendees with the steps to identify (potential) gaps in their organization's Succession Planning for both internal staff as well as their committees/Board. Additionally, attendees will also be provided with a template form and other resources that are key to establishing an effective succession plan.

The first part will provide ways to identify the needs of their organization – what is most important to them, what are their organizational goals, who they should be talking to? The succession plan will only be as effective as the information gathered to flesh out the framework and steps.

The second part will provide a means of identifying the key staff/members (both internally and externally) who will be departing from the organization so that the necessary steps can be made in order to fill in those gaps. The resources/budgets will fluctuate to fill in the gaps, depending on the title/position of the staff that will be leaving (higher level staff means bigger budget, higher education/training standards, etc.)

The third part will show the audience how to put it all together, including an example form and various resources for filling in where they don't have the expertise. Other resources will include key laws to keep at the forefront so as not to step on any potential EPL landmines.

Presented By: Rick Brush, PRISM, Maria Williams, PRISM Allison Bateman, PRISM



PARMA 2021 Annual Risk Management Conference WEDNESDAY, February 3, 2021 2:00 pm - 3:15 pm

B1: How COVID-19 has Changed the Insurance Landscape From an Underwriting and Claims Perspective

Focus: Insurance Level: Intermediate

Session Summary: This presentation will address the still evolving issues presented by the COVID-19 pandemic, including the effects on the property and liability markets and the multiple coverage issues arising from the variety of claims which have arisen and will arise.

Part I – Overview of How COVID-19 Pandemic Has Affected Markets

- Property Insurance Markets
- · Liability Insurance Markets
- Anticipated changes in the future

Part II – Coverage Issues

- Property Insurance Issues
- · Liability Insurance Issues
- Workers Compensation Insurance Issues

Presented By: Margaret Zechlin, Allied Public Risk, LLC, Ryan Telford, AmWINS Insurance Brokerage of California, LLC, Kevin Hansen, McCormick Barstow, LLP

B2: Supervising & Managing Employees After COVID-19: Navigating Employee Leave Rights and Teleworking & Other Accommodation Requests

Focus: Leadership Level: General Interest

Session Summary: The topic of telecommuting has been on the rise, but this year with shelter in place orders in effect, telecommuting rapidly became a necessity in many public agencies. This session will review issues to discuss and incorporate into telecommuting policies for both exempt and non-exempt employees and the overlapping need to meet and confer on this subject for represented employees. Telecommuting can work well in some cases and create challenges in others. In the public sector, accountability is critical and we will discuss ideas to meet those expectations while offering telecommuting when feasible.

Presented By: Jennifer Rosner, Liebert Cassidy Whitmore, Alysha Stein-Manes, Liebert Cassidy Whitmore

B3: Optimizing Your Claims Management Program to Reduce losses & Risk Level: General Interest

Session Summary: As claim frequency and severity continues to trend upward, it is more important than ever to ramp up your claims and risk management programs to reduce liability. Data reveals that claims cost more the longer they remain open. Therefore, it is imperative to be proactive with your claims program and shorten the life of your claims. Your claims data is also a valuable tool to identify past and current claims trends and loss drivers so that you can focus your resources on risk reduction. This panel will address ways in which you can optimize your claims management program to reduce losses and risk.

Presented By: Amy Evans, Intercare Holdings Insurance Services, Inc, Kristi Calder, Intercare Holdings Insurance Services, Inc

B4: Navigating Requests for Support Animals as a Reasonable Accommodation

Focus: Risk Management Level: Intermediate

Session Summary: Employers are facing an increasing number of requests from employees to bring their support animal to the workplace as a reasonable accommodation. Questions that come up for employers include:

- What if we have a "no pet" policy or the nature of the work environment does not allow animals to be present?
- What about other employees who are afraid of animals or have allergies?
- How do I know if the person really needs this or they just want to bring in their pet?
- What can I ask for and how do I work through these requests? This session will provide step-by-step guidance for employers on how to navigate through these requests, appropriately conduct and document the interactive process, obtain the necessary supporting information from the employee's care provider, and address the logistical concerns that come up around having an animal in the workplace.

Presented By: Roberta Etcheverry, DMG: Diversified Management Group

B5: Situational Awareness - Becoming Jason Bourne / Active Shooter Protocols

Focus: Safety **Level:** General Interest

Session Summary: This session is an animated interactive discussion on workplace violence/fatality statistics including what to do in the event of an active shooter. This is accomplished via facts and discussion on recent public shootings and what survivors have said as to their experience in making through an active shooter event. In addition, using video and examples of situational awareness techniques, participants will learn how to recognize danger, challenges and opportunities to survive workplace and public shooting events. All information provided can be used at work or at home.

Presented By: Cathi Marx, ALCM, COSS, COEA, CHPP, Aspen Risk Management Group, a company of TRSITAR

B6: The Top 10 Dos and Don'ts for Your Investigator. A Must See Session for the Savvy Risk Manager or Claims Professional

Focus: Workers' Compensation Level: Beginner

Session Summary: Given the daily advancements in surveillance options with new and remote cameras this session will explain what is out there today. Expense is an important issue with any investigation. We will discuss how to get the most bang for your buck. We will review what your investigator can and cannot do legally. Finally, confidentiality of what information turns up will be considered.

Presented By: Anne Hernandez, Mullen and Filippi, Adam Spence, APS Investigative Services



PARMA 2021 Annual Risk Management Conference WEDNESDAY, February 3, 2021 4:00 pm - 5:00 pm

C1: Understanding How to Risk Manage the Impact of Special **Education Environment on School Liability**

Focus: Safety Level: Intermediate

Session Summary: Some of the top loss drivers for schools in both liability and workers' compensation stem from the Special Education environment. This session will provide an overview of the impact of liability and workers' compensation injuries in Special Education on K-12 schools, students, and the community. We will offer solutions for what can be done to mitigate those injuries, the underlying risks, and help to provide a safer learning environment for students and staff.

Presented By: Dianna Poulin, Keenan & Associates, Eric Preston, Keenan & Associates

C2: How to Outsmart the Snake: Defenses to the Reptilian **Litigation Strategy**

Focus: Liability Level: General Interest

Session Summary: This session explained the Reptile Litigation Strategy of the Plaintiff's Bar and discusses tips on how to defend against this strategy from pleadings stage, to discovery stage, to the trial stage.

Presented By: Vanessa Evangelista, Collins Collins Muir + Stewart, Megan Lieber, Collins Collins Muir + Stewart, Christie Swiss, Collins Collins Muir + Stewart

C3: When Your Excess Workers' Comp Carrier Fails You

Level: Advanced Focus: Insurance

Session Summary: I represent policyholders in insurance coverage disputes and a focus of my practice is on representing self-insureds with respect to obtaining reimbursement owed under their Excess WC reimbursement policies. To date I have recovered over \$5 million for such clients. Excess WC reimbursement insurers have become increasingly aggressive in refusing to reimburse policyholders. This presentation will explain the coverage provided by these policies and the duties which Excess insurers owe to their insureds. The presentation is heavy with real-life hypotheticals which illustrate multiple apportionment and coverage issues impacting reimbursement. The presentation follows a detailed PowerPoint outline and will provide updates on recent law impacting these policies.

Presented By: Albert Haverkamp, Lucas & Haverkamp Law Firm

C4: The Law of Homelessness: An Introduction to Martin v. City of **Boise and Subsequent Legal Developments in the Post-COVID Era**

Focus: Liability Level: Beginner

Session Summary: The Supreme Court's refusal to accept review of the Ninth Circuit decision in City of Boise has effectively foreclosed municipalities from criminalizing sleeping in public unless there are sufficient shelter spaces available. The corona virus pandemic spurred public entities to redouble efforts to house the most vulnerable. This session will review of the holding of Martin v. City of Boise and other developments will help assess the viability of local legislation to assist in solving the homeless crisis.

Presented By: Christian Nagy, Collins Collins Muir + Stewart, David Moore, Collins Collins Muir + Stewart, Rada Feldman, Collins Collins Muir + Stewart

C5: Predictive Modeling vs. Data Analytics - Getting the Most of Your Risk Management Information System

Focus: Risk Management

Level: Intermediate

Session Summary: The term Predictive Modeling has become a basic requirement in the Statement of Work of many Requests for Proposals. However, in most situations, when service providers ask buyers how they define predictive analytics, many are unable to describe exactly what they mean let alone what they hope to accomplish. One thing is for sure - the collection, aggregation and analysis of financial, operational, medical data and non-traditional data contribute to better decision making. Data is used as an essential tool for stakeholders in identifying trends, preventing future losses and projecting financial risk exposure but rarely is it ever used to improve better processes, improve business decisions and improve outcomes. The session discusses what Risk Managers can do to collaborate with their service providers to collect more accurate data, improve data integrity and use data to improve risk management programs.

Presented By: Agnes Hoeberling, Intercare Holdings Inc., Courtney Chase, City of Chula Vista Emma McClees, City of Chula Vista

C6: Shelter in Place: Liability in the Post-COVID 19 Remote

Focus: Workers' Compensation Level: Beginner

Session Summary: Over the past decade there have been several changes in how business owners organize and structure their workplace for its employees as both a necessity to remain competitive, but to also attract top talent. Now with the Coronavirus, work from home may be the new normal. We will explore recent trends in the workplace and how it could potentially increase liability for workplace injuries. We will also discuss practical tips to try and limit liability if work from home policy is implemented, which includes a discussion of all recent case law on the topic.

Presented By: Kate Lozano, Laughln, Falbo, Levy & Moresi LLP, Tracy Ford, County of San Mateo



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PARMA 2021 Annual Risk Management Conference THURSDAY, February 4, 2021 8:30 am - 10:00 am

D1: Issues to Watch in 2021

Focus: Workers' Compensation Level: Intermediate

Session Summary: In this live "Out Front Ideas with Kimberly and Mark" session, Kimberly George and Mark Walls will discuss the twenty workers' compensation, healthcare and risk management issues they are focused on in 2021. This session has become a favorite at PARMA and provides a high-level overview of a variety of important topics that risk managers need to be paying attention to.

Presented By: Mark Walls, Safety National, Kimberly George, Sedgwick

D2: Many Claims, Limited Pots: Allocating Multiple Claims Under Aggregate Group Limit Insurance Policies

Focus: Insurance Level: Intermediate

Session Summary: Group aggregate limits for multi-member pools have been around for a long time. In view of the recent plethora of sexual abuse and molestation ("SAM") claims, they are being employed with increasing frequency. This session will address current and emerging issues involving risk management and liability coverage for public entities in relation to claims under excess and reinsurance policies which provide coverage for such claims only by way of group aggregate limits applicable to all members jointly, thereby raising the potential both that such coverage will exhaust without resolving all members' exposures on account of such claims and issues of prioritization of claims and issues of prioritization of claims. In addition to discussion of the pertinent issues, the panel will discuss real world examples of useful risk management practices that have been implemented by public entities in relation to such risks.

Part I – Overview of SAM Claims and Evolving Insurance Responses, Including Imposition of Aggregate Limit Caps

- SAM claims generally: history of increasing claims and judgment/settlement value:
- Brief summary of recent legislative changes reviving claims (AB2018)
- Insurer's responses to increasing frequency and costs of SAM claims;
- Reductions in coverage, group aggregate limits

Part II – Handling Aggregate Limits In the Public Entity or Public Risk Pool Setting

- Implication of group aggregate limit caps for public entities and risk pools
- Issues re: claims handling and allocation of defense and indemnity costs;
- What duties do insurers or risk pools owe to multiple insureds or members?
- Alternative strategies for allocating defense and indemnity amounts between claims and/or members under a group aggregate limit: First come, first-serve?
 First to resolve? Most serious first? Interpleader?
- Issues re: potential but unasserted claims

Presented By: Robert Kretzmer, Self-Insured Schools of California, James Wagoner, McCormick Barstow, LLP, Nicholas Rasmussen, McCormick Barstow, LLP

D3: Rope Swings, Mountain Bikes, Hillsides and Trees – What Possibly Could Go Wrong? Using Immunities and Other Risk Management Strategies

Focus: Risk Management Level: Intermediate

Session Summary: "This interactive session will provide participants with an updated version of our perennially popular presentation on dangerous

conditions of public property and inverse condemnation matters. This year, the focus will be on the use of several key immunities available to entities in dangerous condition of public property claims and will provide updated information on particular issues related to bike lanes. Whether you are looking to learn the basics about dangerous condition and inverse claims or already are an expert looking to enhance your knowledge of new legal developments, this session will provide the information you need, including tips and advice on how public entities can minimize risk and exposure. Topics will include a discussion of key immunities available to immunize entities from dangerous condition of public property claims, including hazardous recreational activity immunity, trail immunity and immunity for failure to inspect and/or ameliorate dangerous conditions on private property when under a mandatory duty to do. Additional topics will include: specific claim stage pre-litigation strategies that can result in dismissal of lawsuits or reduction in exposure; indemnity and additional insured protections and pitfalls; do's and don'ts of early investigation of claims and communicating with claimants; training public works and other entity employees on claim investigation; defending against subrogation claims; litigation strategies including the use of cross-complaints, demurrers/motions for judgment on the pleadings, summary judgment motions and frivolous lawsuit fee shifting statutes.

Specific focuses of the session will include:

- Immunities and how to use them. The immunities discussed include trail immunity under Government Code section 831.4, reasonable inspection immunity under Government Code section 835.4, hazardous recreational activity immunity under Government Code 831.7, and health and safety inspection under Government Code section 818.6; and
- Claim stage pre-litigation strategies to reduce exposure;
- Dos and Don'ts of early investigation of claims including communicating with claimants:
- Special considerations for inverse condemnation claims including early intervention strategies;
- Training Public Works and other departments;
- How to investigate and document "dangerous conditions;"
- What not to put in an investigative report;
- Strategic use of demurrers and motions for judgment on the pleadings;
- The CCP section 1038/Motion for Summary Judgment threat;
- Specific subrogation defense strategies to combat aggressive insurance companies;
- · Adjacent property owner liability and indemnification.

Presented By: Greg Fox, Bertrand, Fox, Elliot, Osman & Wenzel, Rich Osman, Bertrand, Fox, Elliot, Osman & Wenzel, Mike Wenzel, Bertrand, Fox, Elliot, Osman & Wenzel

PARMA 2021 Annual Risk Management Conference THURSDAY, February 4, 2021 8:30 am - 10:00 am

D5: What is the "Linchpin" That Solves Back, Shoulder and Ergonomic Injuries

Focus: Safety **Level:** General Interest

Session Summary: Why do 80% of people in the US suffer a back incident in their lifetime. Back injuries cause 100 million lost workdays per year. What were the factors that were discovered that made prevention of work-related back injuries now possible? Why does it seem that employers have a hard time getting employees to change simple behaviors that could prevent life altering injuries? How can you help workers who work remotely in the field and otherwise to decide to change basic behaviors to prevent injuries on and off the job? Take the complexities out of sprain/strain prevention to lower workers' comp costs.

Presented By: Dennis Downing, Future Industrial Technologies (FIT)



PARMA 2021 Annual Risk Management Conference THURSDAY, February 4, 2021 10:45 am - 12:15 pm

E1: Workers' Comp Bingo 2021

Focus: Workers' Compensation **Level:** Intermediate

Session Summary: This is the 21st annual presentation of Workers' Comp Bingo at the annual PARMA conference, with all new cases, new laws, and new fun and trivia.

Presented By: Keith Epstein, Hanna Brophy Law Firm, Ruben Pineda, Jr., Hanna Brophy Law Firm

E2: Peer Support Programs are a Risk Management "Must" for Law Enforcement/First Responders

Focus: Risk Management Level: Intermediate

Session Summary: Having a peer support program in place is a recognized evidence based practice that is utilized in organizations. It is important to remember that while peer support is an important part of dealing with PTSD, it is not a substitute for professional support. This session talks about some of the basics of peer support and how to get a program started in your workplace, recognizing that when you are starting out with your Prevention Plan and Program you may not have the resources to establish a full peer support team.

Peer support is an intervention that leverages shared experience to foster trust, reduce stigma and create open channels of communication for seeking help, sharing information and support resources. The focus of a peer support program is to establish positive coping strategies, using common language which fosters trust and credibility between team members. Following are some of the benefits of using peer support to address mental/emotional health & PTSD in the workplace:

- Peer support is focused on the person. It provides the worker emotional and social support from others who share a common lived experience, the experience may not be specific to the traumatic event, but in relation to the job, emotional pain or mental health challenge that is experienced. It is important for those suffering from PTSD to maintain social relationships.
- Peer support can help workers cope with memories of the trauma through the process of sharing stories and learning how to deal with emotions such as anger, shame, guilt or fear.
- Peer support provides a focus on hope and recovery.
- Peer support can help the worker learn how to talk about what is happening to them and support them in seeking help.
- Peer support team members bring credibility of lived experience

they can speak the same language, they understand the organization and how it operates and they know what services are available to the worker within their organization.

 \bullet Peer support builds trust with other people, which is important when addressing PTSD.

Your Risk Management programs must address the mental/emotional/physical health issues plus the recent PTSD Workers' Compensation presumption to contain skyrocketing costs to your organization. The teaching techniques will include a panel of experts in the field of mental health and law enforcement/ first responders using a PowerPoint presentation as their guide. Peer Support Programs must be easily and instantaneously accessible through an APP on a first responder's cellphone.

Presented By: David Black, Ph.D., Cordico, Inc.,

Harry Bruno, Jr., Alameda County Sheriff's Office Brady Pilster, Cordico, Inc.

E3: There's a New Sheriff in Town - The Interactive Process

Focus: Liability Level: Intermediate

Session Summary: The presentation is interactive and includes quizzes within it, and prizes to support adult learning principles.

The session focuses on California employers as we compare and contrast state and federal disability laws that address reasonable accommodation and the impact of medical restrictions. California employers must 1) conduct a good faith interactive process, and 2) provide a reasonable accommodation.

How often do we hear these questions:

How long can my employee be off work?

The workers' compensation AME says she's able to return to work, and WC says we have to return her to work, however, the employee has a note from her physician saying she can't?

My employee submitted a CFRA form for a 3 month leave of absence, what do I do now?

My employee has a note saying he can only work noon to 8, and not with Supervisor Martinez, what now?

In this workshop we navigate FEHA, CA workers' compensation, PDL, and CFRA, and opportunities for reasonable accommodation under the guidance of EEOC and the ADAA.

We will identify the earliest indicated time for conducting the interactive process. Included will be a "script" for a lawful and effective interactive process meeting. One benefit of this process when performed correctly is discerning whether an employee belongs in the disability lane or should be referred out to performance management.

We will review the differences in medical restrictions vs accommodations requested, and the requirement that medical evidence from all sources must be evaluated in a process of reasonable accommodation.

We will identify how to discern the path for the employee, is it really a disability?

Presented By: Azucena Coronel, CPDM, County of Orange, Kymberly Alexander Clay, CPDM, City of Long Beach/Port of Long Beach

E4: Everything They Didn't Tell You When They Put You in Charge of Your Entity's Insurance Coverage; Insurance Administration 101

Focus: Insurance Level: Beginner

Session Summary: Responsibility for a public entity's insurance coverage often falls under "other duties as assigned" for many risk professionals with little to no training or explanation as what that coverage entails or how to best manage it. While some public entities do purchase their coverage directly from commercial insurance carriers most participate in some kind of risk sharing Joint Powers Authority for coverage – but often don't have a clear picture of what JPA membership and coverage really entails.

We'll explore the basics behind both of these options and the differences between them, how to tailor your insurance program to best suit your entity's needs and appetite for risk as well as program placement, renewals, broker relationships and what roles your entity's loss data and actuarial studies play in this process. We'll also hear from professionals who have been there and done that – at both the government entity and JPA levels and why active

PARMA 2021 Annual Risk Management Conference THURSDAY, February 4, 2021 **10:45 am - 12:15 pm**

participation in your JPA is important for your organization and can provide you with the knowledge necessary to manage this important piece of business.

Presented By: Dave George, Schools Excess Liability Fund, Jerry Johnson, Contra Costa Community College District

E5: Re-Imagineering the IIPP for Compliance; A Road Map to What the Code Really Means

Focus: Safety Level: Intermediate

Session Summary: Without the Cal/OSHA Rosetta Stone, the coded language of the IIPP continues to be mis-understood and employers constantly face legal exposure without it. This seminar will help introduce the participant to the Code's actual meaning and provide functional compliance aids to help re-imagineer the company's safety and health approach; not just for compliance but to minimize related costs as well.

Presented By: Dick Monod, MPA Cal/OSHA Retired

E6: Coverage for Claims By Employees – Gaps and Overlaps Typical Coverages and what the Coverages Provide and Don't Provide

Level: Intermediate Focus: Insurance

Session Summary: The pandemic triggered recession is causing public entities to make budget cuts and layoffs which in turn will generate numerous employment claims. This session will address current and emerging issues involving risk management and liability coverage for public entities in relation to claims made by employees of public entities, including coverage issues for such claims under various standardized insurance liability policies and memorandum of coverages. In addition to discussion of the pertinent issues, the panel will discuss real world examples of useful risk management practices that have been implemented by public entities in relation to such risks.

Part I – Overview Of Available Liability Coverage Which May Be Implicated By **Employee Claims By Public Entity Employers**

- Commercial General Liability Coverage
- · Limited Application Of "Bodily Injury" Coverage With Respect To Discrimination/ **Emotional Distress Claims**
- Limited Application of "Property Damage" Coverage To Wage/Hour Claims
- Injury to Employee Exclusions
- Errors & Omissions Coverage
- Employment Practices Liability Coverage ["EPLI"]
- Restrictions on EPLI Coverage (scope of coverage in relation to specific employment-related claims [i.e. wrongful termination, discrimination, harassment], "Loss" limitation, "claims made [and reported]" coverage, "burning limits" issues, consent to settle provisions, etc.)
- Workers' Compensation / Employers' Liability Coverage Limited Applicability To **Workplace Discrimination Claims**
- Employee Benefits Liability Coverage ["EBL"]
- Restrictions on EBL coverage (scope of coverage in relation to management of employee benefit program, relation to duties under ERISA, "Loss" limitation, etc.)
- · Auto Liability Coverage
- Issues re: Application of and Priority Of Coverage Between Auto Liability Coverage Secured By Public Entity vs. Liability Coverage Secured By Employee

Part II – Contractual And Public Policy Limitations On Coverage As Applied To Employee Claims (Defense/Indemnity)

- Wrongful Termination and Sexual Harassment Claims
- Employee Misclassification Claims
- Restitution/Wage & Hour Claims (overtime, expense reimbursement, etc.)
- Injunctive / Equitable Relief (job reinstatement, injunction against future discriminatory practices, etc.)
- Statutory Penalties/Punitive Damages (vicarious liability, choice of law issues, etc.)
- Public Policy Restrictions on Coverage for Penalties and Restitution
- Application Of Employee Benefit Exclusions
- Application Of Exclusions For Violation Of Specific Employer Statutes (Fair Labor Standards Act, ERISA, NLRA, WARN, COBRA, OSHA, etc.)
- · Application Of Intentional Act Exclusion, Criminal Act Exclusion And / Or Insurance Code §§ 533, 533.5

Part III – Other Outstanding Coverage Issues Relating To Employee Claims

- Issues Re: Differences In Applicable Law In Relation To Coverage Provided Under Standardized Insurance Policies And Under A Memorandum Of Coverage
- Issues Re: Application of Worker's Compensation Exclusive Remedy Doctrine And Jurisdictional Issues Raised By Competing WCAB Proceedings And Civil Actions
- Issues Re: Managing Defense and Settlement In Connection With "Mixed" Claims Involving Potentially Covered and Non-Covered Claims – exposure to reimbursement claims under Buss and Blue Ridge
- Issues Re: Control Over The Defense Issues Regarding Insurer Controlled Defense vs. Defense By Independent Cumis Counsel

The presentation will include case examples derived from litigation and public entity application. The session will be presented in PowerPoint format. Written materials will also be provided.

Presented By: Debbie Yokota, Special District Risk Management Authority, Robert Landen, McCormick Barstow, LLP, Leijf Knutson, McCormick Barstow, LLP



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PARMA 2021 Annual Risk Management Conference THURSDAY, February 4, 2021 2:00 pm - 3:15 pm

F1: Breaking Down the Most Significant Appellate Decision Since SB899: How Lindh Brought Law & Order to the Apportionment **Wild West**

Focus: Workers' Compensation Level: Advanced

Session Summary: A Panel including the attorney behind the Lindh decision, another seasoned defense attorney, Mr. Lindh's employer, and their TPA will explore the Lindh decision from injury, to discovery regarding apportionment, to trial, recon, and eventual published Court of Appeal decision. They will explain how the Board got it wrong and the arguments used to mislead them. They will explore the impact of this decision on employers and their carriers and TPAs as well as the impact on later case law. The Panelists will discuss what discovery is necessary on apportionment, how to counter seemingly persuasive but incorrect legal arguments made by Applicants and CAAA, how to get the most out of their PQME or AME on apportionment, and how to eventually prevail at trial or on appeal.

Presented By: William Davis, Esq., Hanna Brophy MacLean McAleer & Jensen, LLP, Nathan Geronimo, Esq., Hanna Brophy MacLean McAleer & Jensen, LLP, Charles Castillo, City of Petaluma Greg Mariano, Keenan

F2: Geeking Out as a Risk Manager - Using Actuarial Tools to Manage **Your Financial Risk**

Focus: Risk Management Level: Intermediate

Session Summary: There are a number items of mystery in the actuarial report. In this session, three actuaries will provide the necessary tools to demystify and apply actuarial concepts in managing the financial risk of the insurance program. A brief review of basic terminology and key results will be provided to get us warmed up, then get ready to bring out your inner geek as we take a deeper dive into some important actuarial concepts. We will address some important questions faced by risk managers. What is driving up my claim costs, frequency or severity? What interest rate should I use for reserve discounting? Do I have enough surplus to cover volatile claims experience in my programs? How do large claims affect my results? Bring your own questions as well!

Presented By: Mike Harrington, Bickmore Actuarial, Mujtaba Datoo, Aon Risk Solutions

F3: 2021 Regulatory Changes for Dealing with Hazardous Building Materials and How to Manage the Risk These Materials Create

Focus: Safety Level: Intermediate

Session Summary: This course discusses the fact that just because something is legal, does not mean it is safe. Just because construction is conducted legally does not mean it does not incur significant liability for the building owner. Many owners believe they can transfer this liability to architects, construction managers, and/or general contractors, but they cannot.

I offer free on-line follow-up to the course and electronic copies of the

Presented By: Michael Sharp, Forensic Analytical Consulting Services / Hazard Management Services, Inc.

F4: When Life is Disrupted: How to Grow and Develop During a Crisis

Focus: Leadership Level: Intermediate

Session Summary: Crisis events tend to be high-stakes in nature, characterized by heightened levels of risk, threats to safety, and the need for strong decisionmaking, clear-headed thinking, and emotional calm. However, feeling overwhelmed, fearful, and helpless are normal reactions during crisis events, and these strong emotional responses coupled with high levels of stress set the stage for reactive decision-making and non-optimal performance. In this dynamic session, attendees will learn indicators of "crisis mode" thought processes and behaviors, distinctive factors that push us towards a survival mindset, and learn helpful strategies to move from crisis mode to resiliency, high levels of performance, and the ability to be of strong service to others in the midst of highly stressful, demanding, and atypical events.

Presented Bv: Dr. David Black, Ph.D., CORDICO. Shannon McQuaide, Active Wellness Chief Sam DiGiovanna, Verdugo Fire Academy

F5: Effective Strategies to Combat Frivolous Lawsuits Against **Public Entities**

Focus: Liability Level: Intermediate

Session Summary: As frivolous claims and lawsuits continue to drain the already scarce resources of California's public entities, this session explores strategies available to Risk Managers and Claims Administrators, using existing statutes and recent case law, to identify frivolous claims, mitigate against the possibility that such claims proceed to litigation, and recover attorneys' fees and costs should plaintiff fail to relent.

Presented By: Andrew Caulfield, Caulfield Law Firm, Trish Poe, Allied Public Risk

F6: Cyber Security and Your Agency/A Growing Risk

Focus: Risk Management Level: Intermediate

Session Summary: The audience will hear real life tales of cyber security attacks and how agencies have responded. Time will be set aside for a robust question and answer session to allow the audience to engage the panel regarding their direct experience. This is a growing threat to municipal agencies, and literally to organizations worldwide. Numerous California public entities have been targeted and more will follow. The City of New Orleans was attacked last year leading to the declaration of a state of emergency. Risk Managers need to be aware of this growing threat and particularly, resources that are available to them to defend against being a target, and know where to turn if they are targeted.

Presented By: Michelle Bender, City of San Marcos, Scott Koller, BakerHostetler

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PARMA 2021 Annual Risk Management Conference THURSDAY, February 4, 2021 3:30 pm - 4:45 pm

G1: Blazing the Telemedicine Trail Following COVID-19

Focus: Workers' Compensation Level: Intermediate

Session Summary: Session attendees will learn about the benefits of having a telemedicine program, especially during a pandemic. Dr. Bartlett will discuss what types of injuries are best for telemedicine and how the COVID-19 pandemic opened several doors for telemedicine. She will also explain what to expect from a telemedicine visit from a practical aspect and how to get the most out of a virtual visit.

Presented By: Teresa Bartlett. MD, Sedgwick

G3: Choosing Your SIR - It's More Than A Number

Focus: Insurance Level: Intermediate

Session Summary: In these times of hard markets and economic uncertainty it's especially important to consider your options when it comes to your Self-Insured Retention (SIR). You may be forced to take a higher retention than you'd like or you may have to accept less coverage. This session will explore the objective and subjective factors that influence the SIR decision and show that in the end you never know how it will turn out.

Presented By: Marcus Beverly, CPCU, AIC, ARM-P, Alliant Insurance Services, Inc., Mike Harrington, Bickmore Actuarial

G4: Does Your Indemnity Pass the Attorney Test?

Focus: Liability Level: Intermediate

Session Summary: Career litigator Will Portello and Pooling Risk Manager Joe Costamagna will review the practical effects of indemnity language and insurance coverage requirements in claims, coverage demands, settlement

negotiations, and trial. Real-life scenarios -- some humorous, some jarring, and some that will make you shake your head -- will be presented highlighting the importance of properly constructed indemnity language for public agencies when entering into agreements with contractors, consultants and vendors.

Presented By: Joe Costamagna, Sedgwick, Will Portello, Sedgwick

G5: Wanted: A Workable Sidewalk Ordinance

Focus: Risk Management Level: Intermediate

Session Summary: Liability between municipalities and landowners for injuries or damages to third persons due to defective sidewalk conditions has been the subject of lawsuits for years. While it is common for many cities and municipalities to assess landowners for the cost of

maintaining or repairing these conditions, municipalities often avoid shifting liability to landowners for the injuries or damages sustained by pedestrians. In the wild world of sidewalk ordinances, the speakers will wrangle the complexities of sidewalk ordinances, including the landmark case of Gonzalez v. City of San Jose and leading authority of Street and Highways Code section 5610. The session will discuss the risks and benefits of creating sidewalk ordinances, including financial, legal, and political concerns. Participants will view examples of sidewalk ordinances from various cities throughout California, including the use of definitions and interactions with other ordinances. Lastly, speaker Chris Carmona, Risk Manager for the City of Fairfield, will provide a case study regarding the City of Fairfield's experience with the implementation of a sidewalk ordinance and examples of possible companion sidewalk repair programs.

Presented By: Christian Carmona, City of Fairfield, Christina Forst, Esq. Allen, Glaessner, Hazelwood & Werth, LLP, Erica Gonzalez, Esq., Allen, Glaessner, Hazelwood & Werth, LLP

G6: Are Structured Settlements Still Relevant (Using Structured Settlements To Close Claims)

Focus: Risk Management Level: General Interest

Session Summary: The presentation will touch on the value structured settlements add to the settlement process. How settlement consultants can assist your claim handlers by approaching settlement discussions with a needs base approach, giving whiteboard real cost figures for life care plans, future loss of income, home, educational needs, etc.

Presented By: Michael Zea, Ringler, Noah Schwartz, Ringler



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PARMA 2021 Annual Risk Management Conference FRIDAY, February 5, 2021 9:00 am - 10:00 am

H1: Schools Roundtable

Focus: Risk Management Level: General Interest

Session Summary: Schools face unique and seemingly ever evolving challenges both big and small. Come and bring your issues, questions, solutions, and best practices to the Schools Roundtable. Topics are provided by attendees. Past topics have included pandemic diseases, active shooter policies and protocols, rules and regulations regarding pesticides, Cal/OSHA compliance, Emergency Management Plans. Have your science chemicals been inventoried lately? Yes or no, come bring your questions and/or your answers.

Presented By: Russ Olsen, ARM-P, Ventura County Schools Self-Funding Authority

H2: Risk Management Roundtable

Level: Intermediate Focus: Risk Management

Session Summary: This is a participatory session wherein as a group, participants will identify several "Hot Topics" faced by governmental Risk Managers and break up into small groups to discuss and report out strategies to address the issues.

Presented By: Chuck Pode, County of Ventura

H3: The Art and Science of Habit Change

Focus: Leadership Level: Beginner

Session Summary: Banish the use of willpower for lasting change. Learn new concepts and tools to create systems that propel you into new levels of professional and personal excellence. Learn how to create systems, not goals, to create sweeping change that sticks.

Presented By: Michele Mariscal, Schools Insurance Authority

H4: Captives and Municipalities

Focus: Insurance Level: Intermediate

Session Summary: This session's main purpose will be to educate public entity risk personnel on what captives are and how they work. We will go over the different types of captives, how they can be used to substitute or work in conjunction with traditional insurance, how they function vs. traditional insurance, and to discuss how captives can be used for Municipalities.

Presented By: Kyle Powell, Aon Risk Services, Ward Ching, Aon Insurance Manager

10:15am - 11:30am **Closing Session: How the West was Won!**

Focus: General Level: General Interest

Session Summary: This session is a panel of professionals in the trenches of COVID. They will discuss the changes in behaviors, processes, and systems in the industry as a result of the COVID19 pandemic as well as the tactics and strategies to deal with the pandemic crisis (and associated fallout) moving forward. In this session you will hear from experts that represent different functions within our industry on how the pandemic has changed our look of risk management. Hear real experiences in developing tactics to cope with the layers of various challenges presented by the pandemic including how we approach claims, employee retention, safety, medical treatment, interagency communications and interaction, technology and more. They will also discuss the public agency and government's role in the future – whether it be funding, PPE, or the passage of the Pandemic Risk Insurance Act.

Learn about the immediate impact and how it is shaping the new frontier.

Presented By: Dr. Thomas Allems, MD, MPH, Martin Brady, Schools Insurance Authority, John Chino, Arthur J. Gallagher & Co., Matt Hansen, City and County of San Francisco, Catherine Laveau, County of Ventura, Sean Monaghan, LFLM Mark Walls, Safety National Kimberly George, Sedgwick



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