

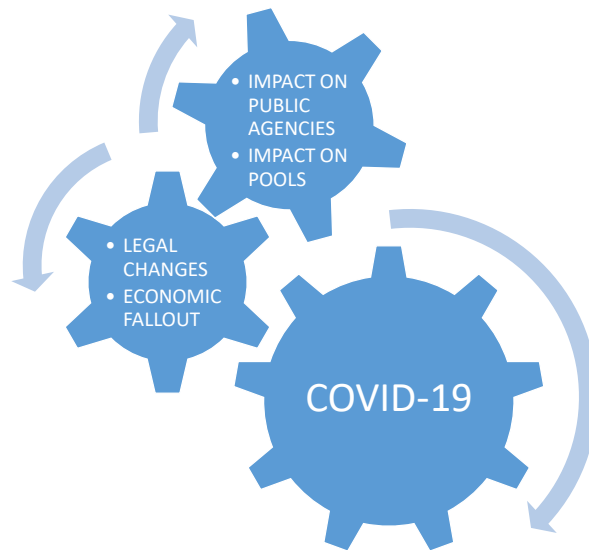


The Risk to Public Entity Pools when Members Reduce Their Workforce

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Extraordinary Times



POOLING

TODAY
PRESENTED BY AGRIP-CAUPA-INLC-RISC

Why a Pool Member's RIF Matters

- Greater member need for service
- Bad RIF can impact ANY insurance pool
 - Property/Liability
 - Workers' Compensation
 - Benefits
- Issues
 - Joint and Several Liability
 - Uninsurable Penalties on Pool Members
 - Experience and Premiums



Terms and Definitions

Furlough

- Temporary
- Still employees
- Benefits continue?

Layoff

- Temporary
- Some benefits may continue

Reduction in Force

- Job eliminated
- Benefits continued through COBRA

POOLING

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Ways a Layoff or RIF Can Go Wrong

Notice obligations

- WARN Act
 - 50-state mini-WARN Acts
 - Canada Labour Code
 - Cross-Border Considerations
- Bargaining Agreements
- Penalties

Ways a Layoff or RIF Can Go Wrong

- Discrimination claims
 - Protected Classes
 - Claims of Pretextual Dismissal, Retaliation, Whistleblower Complaints
 - Interaction with Legally Protected Leave
- Benefits errors
 - COBRA
 - HSA/FSA
 - Rehiring
 - Waiting Periods
 - Life Insurance Issues



What a Pool/JPA/Reciprocal Can Do

To protect members and pool assets:

- Clarity around Coverages
 - What does the MOC cover?
 - What's excluded?
- Reinsurer considerations



What a Pool/JPA/Reciprocal Can Do

To protect members and pool assets:

- Resources for members
 - HR and/or Legal Assistance
 - Third-Party HR Tools
 - Employment Law Hotline
 - On-Staff or Panel Counsel Employment Law Expertise
- Alternatives to RIF
 - Voluntary Termination
 - Early Retirement Incentive



Thank you!



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