

Judicial Council of California

Judicial Branch Workers' Compensation Program Advisory Committee

JUDICIAL BRANCH WORKERS' COMPENSATION PROGRAM Advisory Committee

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Judicial Council of California



Judicial Branch Workers' Compensation Program Advisory Committee

JUDICIAL BRANCH WORKERS' COMPENSATION PROGRAM Advisory Committee

MINUTES OF OPEN MEETING

Tuesday, February 20, 2024 9:00 AM - 11:30 AM

https://jcc.granicus.com/player/event/3140

Advisory Body Members Present:		
Advisory Body Members Absent:		
Others Present:	Mr. Edward Metro (Program Manager), Mr. Patrick Farrales, Ms. Jade Vu, Mr. Ed Cho, Ms. Miki Novitski, Ms. Sayuri Okamoto, Ms. Becky Richard, Ms. Candace Maibes, Ms. Amanda Garcia, Ms. Rachel Kerby, Mr. Alan Turnipseed, Ms. Jacquelyn Miller	

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 9:05 AM and the Program Manager took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the February 22, 2023, Judicial Branch Workers' Compensation Program Advisory Committee meeting. (Motion: Riley, Second: Swift, Abstention: Bohrer)

DISCUSSION AND ACTION ITEMS (ITEMS 1-6)

ltem 1

Presentation of Draft Actuarial Report and Premium Allocation Results for FY2024-25

Presenter: Ms. Becky Richard, Bickmore Actuarial

Ms. Richard provided a comprehensive overview of the draft actuarial report, focusing on the determination of premiums through sample allocations, outlining outstanding liabilities as of June 30, 2024, and projecting funding needs for the upcoming year. She explained key terminology related to loss calculations, including medical and indemnity costs (loss), expenses and legal fees (ALAE), and the fees for settling claims (ULAE). Richard highlighted the analysis of the ultimate loss by program year, emphasizing the favorable developments in claim settlements and the subsequent adjustments to the ultimate loss estimates. The discussion covered the decrease in total reserves for the trial courts due to

lower-than-anticipated claim developments, indicating a positive outlook for the program's financial health. Additionally, she detailed the methodology for allocating program costs among members, emphasizing the use of claims and payroll data over a three-year period to ensure equitable distribution. She concluded with a focus on the programs' financial projections and the strategies for managing future funding needs, underscoring the overall positive trends and the decrease in liabilities across both trial courts and the judiciary, resulting in a more favorable financial position for the programs.

Action: The advisory committee voted to approve the program year 2024 – 25 premium allocation and actuarial report.

(Motion: Johnson, Second: Riley)

Item 2

Third Party Administrator Annual Audit

Presenter: Mr. Alan Turnipseed, Marsh Advisory

Mr. Turnipseed presented the fourth-year audit findings of the Judicial Branch Workers Compensation Program managed by Sedgwick, emphasizing the audit's objectives, methodology, and results. The audit assessed performance against thirteen core competencies for the Third-Party Administrator (TPA) audit and five for managed care, revealing overall high performance with a notable improvement in the TPA audit to a composite score of 93.5%. Key findings highlighted areas for minor fine-tuning, particularly in adjuster execution, supervisory follow-ups, and alignment with program expectations. Recommendations focused on enhancing supervisory oversight and refining service guidelines to ensure consistency across the program.

Action: The advisory committee voted to approve the audit report.

(Motion: Cvitkovich, Second: Chauhan)

Item 3

Third-Party Administrator Plan of Action

Presenter: Ms. Candace Maibes, Sedgwick Claims

Ms. Maibes provided the TPA's response to the Annual Audit. She highlighted significant year-over-year improvements, particularly in the managed care portion, noting an increase in score from 50.17 to 89.65 percent. Despite the progress, Ms. Maibes pointed out areas for further improvement. The third-party administrator audit showed a score of 93.5 percent (prior year 91.07%), with opportunities for improvement in the three-point contact, investigations, and disability management categories. Action plans were outlined for each area needing improvement, emphasizing reeducation on processes, reinforcing standards, and updating Claim Service Instructions (CSIs) to ensure alignment with best practices and enhance performance in future audits.

Information only: No action was required.

Item 4

Sedgwick Stewardship Report

Presenters: Ms. Amanda Garcia & Ms. Rachel Kerby, Sedgwick Claims

Sedgwick's presentation emphasized the achievement of significant goals for the Judicial Branch Workers' Compensation Program (JBWCP), including a 5% decrease in total incurred values for new claims, a 9.5% reduction in lost days, and a notable 120.7% closing ratio for the calendar year 2023. These accomplishments reflect the effective management of claims and proactive efforts to close older and future medical claims, leading to a 41% reduction in future medical claims and a substantial decrease in total open pending claims from the previous year. Efforts were particularly highlighted in addressing legacy pending claims, with nearly 400 claims closed that had transitioned from the prior TPA. The focus for the future includes litigation management, maintaining goal-oriented strategies for continued improvement, and enhancing operational efficiency.

Information only: No action was required.

Item 5

JBWCP Advisory Committee Annual Agenda

Presenters: Ms. Shelby Wineinger & Mr. Edward Metro

Mr. Metro outlined a plan for the continued update of the governing documents, which includes drafting policies and procedures to formalize current practices. This will include the process for members to apply for membership in the program, withdrawal from the program, outline the actuary's process as well as define the premium contribution methodology. The focus of the coming year will be to develop financial metrics to help determine the program goals, enhance solvency, review risk control options with training and resources, and identify program challenges. Mr. Metro proposed the development of a subcommittee to assist with working through the initiatives outlined. Program staff will then work with these working groups and program vendors and dive deeper into how these initiatives will look from a workload perspective during the next Advisory Committee meeting in March.

Action: The advisory committee voted to approve the program year 2024-25 Annual Agenda for the JBWCP Advisory Committee.

(Motion: Rico, Second: Chauhan)

Item 6

Workers' Compensation Legislative Updates

Presenter: Ms. Jacquelyn Miller, Sedgwick Pooling

Ms. Miller provided an update on legislative activities related to workers' compensation highlighting the progression of several bills through the second year of a two-year legislative session.

Information only: No action was required.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 11:04 AM.

Judicial Council of California



JUDICIAL BRANCH WORKERS' COMPENSATION PROGRAM ADVISORY COMMITTEE

IN-PERSON OPEN MEETING AGENDA

	Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))			
	THIS MEETING IS BEING RECORDED			
Date:	Wednesday, March 27, 2024			
Time:	9:00 A.M.			
Public Call-In	https://jcc.granicus.com/player/event/3282?&redirect=true			
Number:	https://jee.granicus.com/piayer/event/5262?dredirect=true			

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the Tuesday, February 20, 2024, Judicial Branch Workers' Compensation Program Advisory Committee meeting(s).

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1)-(2))

III. In-Person Public Comment

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to <u>mailto:jbwcp@jud.ca.gov</u> or mailed or delivered to 2850 Gateway Oaks Drive, Sacramento, CA 95833-4348, attention: Edward Metro. Only written comments received by 4:30 p.m., March 22, 2024, will be provided to advisory body members prior to the start of the meeting.

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Audit Services Request for Proposal (RFP) Results

Presentation of the results of the audit service RFP.

Presenter(s)/Facilitator(s): Edward Metro, JBWCP Staff Lead

Info 2

Excess Insurance Presentation

Informational session and discussion regarding the current Excess Insurance market.

Presenter(s)/Facilitator(s): Evan Washburn, Alliant

Miki Novitski, JBWCP Staff

Info 3

Program Dashboard Analytics Overview

Discussion on using the Program's data to address the multiyear initiatives.

Presenter(s)/Facilitator(s): Lynn MacGill, Marsh USA Ed Cho, JBWCP Staff

Info 4

Program SharePoint Resources Overview

Introduction of the Program's SharePoint Resources and My Court member page. Presenter(s)/Facilitator(s): Miki Novitski, JBWCP Staff

Info 5

Multiyear Initiatives

Discuss the subcommittee's responsibilities and the initiatives outlined in the Annual Agenda which includes updating the Program's governing documents, developing financial metrics, reviewing Program's litigation costs, and exploring risk control options.

Presenter(s)/Facilitator(s):	Edward Metro, JBWCP Lead Staff	
	Ed Cho, JBWCP Staff	
	Amanda Garcia, Sedgwick Claims Jon Paulson,	
	Sedgwick Risk Jacquelyn Miller, Sedgwick Risk	

V. ADJOURNMENT

Adjourn

Judicial Branch Workers' Compensation Program Advisory Committee Meeting



March 27, 2024

Call to Order and Roll Call

Approval of Minutes

Public Comments

Meeting Agenda

- Audit Services Request for Proposal (RFP) Results
- Excess Insurance Market Update
- Multiyear Initiatives
- Program Dashboard Analytics Overview
- Program SharePoint Resources Overview

Audit Services Request for Proposal (RFP) Results Edward Metro, JBWCP Staff Lead



March 27, 2024

Proposals received

- ALC Claims Collaborations
- Innovative Claims Strategies
- Marsh USA
- NorthShore Risk Consulting

Notice of Intent to Award

Marsh USA

Questions & Answers

Audit Services RFP Results Q&A

Excess Insurance Market Update Evan Washburn, Alliant



March 27, 2024

Alliant

Public Entity Insurance Marketplace, Trends, Industry Issues and Outlook

Presented by: Evan Washburn

Assistant Vice President, Public Entity March 27, 2024

Alliant Insurance Services www.alliant.com

(THIS INFORMATION HAS BEEN CONSOLIDATED FROM VARIOUS INDUSTRY SOUL

Market Overview





Financial Performance



Underwriting Trends



Loss Trends & Market Disruptors



Toward the Future



Insurance Market & Financial Performance



Market Pressures...



1/2

Social Inflation/ Nuclear Verdicts & Legislation

Geo Political



Cyber Attacks



Mass Shootings

Q2 23 P/C industry combined ratio, net income at worst levels since 2011:

"While the aggregate industry balance sheet is strong enough to meet its contractual commitments and obligations to consumers and businesses, the ever-increasing challenges from claims cost and expense increases, extreme weather events, legal system abuse, and ongoing regulatory resistance to rate adequacy in a few jurisdictions, continue to have significant negative financial consequences for insures," Robert Gordon, senior vice president of policy, research and international for APCIA.



Market Conditions

Impactful issues for insureds:

01

Property capacity reductions:

- Further reduction in capacity from incumbents
- Coastal, Earthquake and wildfire capacity continue to be especially difficult
- Very few new entrants into the commercial property sector

02

Insurers produced negligible profit in 2022 – Nearly **\$125b in Global Insured CAT** losses in 2022 – **2**nd Worst Loss Year on Record.

 United States accounted for 75% of global insured losses

Property

03

Insured natural catastrophe losses exceeded **\$100bn** for 2023, with SCS the largest driver, accounting for \$70b of the total. This marks the **4th consecutive** year global losses have topped \$100b.

04

Consistent **increases in attritional property losses** (fires, water damage, tornados, hail, wildfires) – are secondary perils 'secondary' anymore?

05

Inflation continues to add to the issue of valuation across all property classes

Liability

06

Liability capacity pull back and withdrawals have been significant over the past two years

 (\mathbf{a})

07

Social inflation & Litigation Financing driving up liability verdicts and settlements

08

Excess Workers Compensation remains stable, but retained layer may be experiencing increased claims volume

15

09

Cyber capacity has improved and creating stabilized terms and conditions

10

Cyber

Ransomware cyber losses are systemic – Expecting \$10 Trillion by 2025

Underwriting Trends



Market Trends

By uct Line P C

Pricing Coverage **Product Line** Capacity Retentions PROPERTY Challenged Exposures 1 $\mathbf{\Phi}$ 1 ↓ \Leftrightarrow \Leftrightarrow \Leftrightarrow Non-Challenged Exposures 1 $\mathbf{\Phi}$ \leftrightarrow $\mathbf{\Phi}$ Standalone Earthquake 1 1 1 ₅ Builder's Risk (Project Specific)* \leftrightarrow CASUALTY \Leftrightarrow \Leftrightarrow \Leftrightarrow $\mathbf{+}$ **General Liability** 1 $\mathbf{\Phi}$ 1 \leftrightarrow Automobile Liability $\mathbf{\Phi}$ \Leftrightarrow \Leftrightarrow \leftrightarrow Workers' Compensation Umbrella Liability \leftrightarrow \leftrightarrow \leftrightarrow \leftrightarrow \Leftrightarrow \Leftrightarrow \Leftrightarrow \leftrightarrow Excess Liability \Leftrightarrow \Leftrightarrow \leftrightarrow ↓ Pollution Liability* **MANAGEMENT & PROFESSIONAL** $\mathbf{\Phi}$ 1 \Leftrightarrow \Leftrightarrow Cyber **Employment Practice Liability** \Leftrightarrow \Leftrightarrow \Leftrightarrow ⇔ 1 \Leftrightarrow Fiduciary \Leftrightarrow 1 \leftrightarrow \Leftrightarrow \Leftrightarrow \Leftrightarrow Fidelity/Crime

*Denotes Construction-Specific Product Line

Color Key

As a buyer, is that movement positive, neutral, or something that could present a challenge during my renewal? Positive change Neutral/No change

Potential Challenge

Arrow Key

What direction are pricing, capacity, limits, deductibles and coverage moving?

Increasing

Stabilizing/No change

ᢣ Decreasing

17

Casualty (As of Q2 2023)

Rate Trends	"Low End"	"High End"
General Liability	0%	10%
Automobile Liability	5%	25%
Workers' Compensation	Flat	5%
Umbrella Liability	0%	20%
Excess Liability	0%	25%
Pollution Liability (Contractor's & Site Liability)	Flat	10%



- Capacity is readily available for less complex risks while new insurer capacity continues to emerge. Capacity is still constrained for difficult risks. While many insurers are open to capacity for difficult risks, rate impacts will reflect the risk.
- Auto liability capacity will continue to be limited due to rising claim frequency & severity, nuclear verdicts, and regulatory pushback on proposed rate increases. More insurers will restrict capacity or exit the marketplace, particularly in California.



- Increased focus on clarifying or excluding chemicals, Perfluorooctane Sulfonate/Perfluorooctanoic Acid (PFOS/PFAS) known as "forever chemicals", energy, communicable disease (COVID-19), abuse & molestation, assault and battery, per location capacity, territory restrictions, and wildfires.
- ESG/climate risk concerns continue to be on the rise, which may impact insurer underwriting decisions.



Retentions

- Retentions are generally consistent. However, retention adjustment and umbrella/excess attachment points will continue to shift as insurers seek out most profitable layers for the deployment of capacity.
- Risk retention analysis is key to designing optimally priced program.
- Underwriting discipline remains the imperative as insurers seek to make rational, reasonable decisions.



Pricing

- General liability (other than high-hazard industries, tough products exposures and habitational real estate) and Workers Compensation are seeing decelerated rate growth — slow increases driven mainly by loss experience and challenged classes of business.
- The unprofitability of Auto liability will force continued rate and retention adequacy. Workers' Compensation continues to be profitable, consistent, and stable.
- Umbrella and excess market pricing remains challenging for complex exposures, but high excess layers becoming more competitive.

Loss Trends & Market Disruptors



Casualty Market Major Disruptors



Auto Liability

- Cost of vehicles (inflation)
- Cost to repair (technology)
- Fatality Trends
- Distractive Driving Cell Phones
- Claims Frequency <u>and</u> Severity Trajectory
- Social Inflation

Workers' Compensation

- Opioids
- Mental Health
- Aging Workforce
- Medical Cost Inflation
- Cancer & PTSD Presumptions
- Workplace Violence
- Medical Service Delays
- Out of State Exposure



General Liability & Excess Liability

- Increase in Catastrophic Losses
- Punitive Damage Awards
- Organized Plaintiff Bar
- Personal Injury Trends
- Litigation Financing
- Aging Infrastructure
- Sexual Misconduct
- Law Enforcement Liability



Toward the Future



Workers' Compensation Leading Concerns





Rate Expectations: Account Specific

Trends to Watch:

- Increase in state legislative bills filed for presumptive and PTSD benefits
- Opioid epidemic
- Data analytics and AI emerging in claims handling
- Increased severity of workplace injuries
- Mental health exposures
- Medical marijuana
- Increasing payroll's impact on premium



Wage Inflation's Impact on Premiums & Medical Expense Inflation



Underwriter Concerns: Per Occurrence Exposure To CAT Loss; Rate Adequacy; Changes in the Labor Market

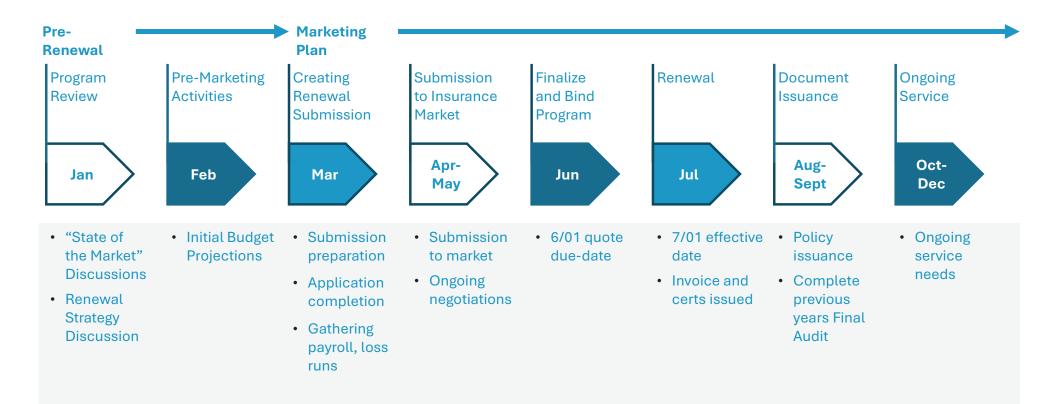


Remote Work: Out of State Employees & Impact on Productivity and Compliance



Investment Yield on Long Tail Coverage

Excess Workers' Compensation Renewal Timeline



JCC Excess Work Comp Renewal Projections

- Current carrier Safety National
- Currently consolidating all Out of State WC policies
- Will be fully marketed for renewal
- Advantages/disadvantages of marketing annually

2024-2024 Renewal Expectations			
Renewal Payroll	3% - 5%		
Expected Rate	1% - 5%		
Total Increase	4% - 10%		



Multiyear Initiatives Ed Cho, JBWCP Staff



March 27, 2024

Multi-Year Initiatives

- Governing documents
- Financial metrics
- Litigation management
- Risk control options

Multi-Year Initiative Guides

- Ed Cho, program staff
- Becky Richards, Bickmore
- Jon Paulsen, Sedgwick Risk
- Jackie Miller, Sedgwick Risk
- Amanda Garcia, Sedgwick Claims

Governing documents

- Memorialize current policies & procedures
- Membership
 - Applying
 - Withdrawing
- Premium determination
 - Actuarial process
 - Member contributions

Financial Metrics

- Trends in program costs
- Evaluate funding levels
- Develop financial goals

Litigation Management

- Evaluate program's litigation costs
- ID patterns within data, discover overlooked issues
- Proactive approach to reduce cost

Risk Control Options

- Training for:
 - Program Members
 - Advisory Committee Members
- Provide Program resources
- Using the tools and data

Integration



Questions & Answers

Multiyear Initiatives Q&A

Program Dashboard Analytics Overview Lynn MacGill, Marsh USA



March 27, 2024

Judicial Branch Workers' Compensation Program: Marsh Analytics Initiative

JBWCP Risk Control Analytics

Transforming data into knowledge to create a best in class approach to mitigating risk and related costs



Development of Tools to Assist in Claims Cost Mitigation

WC Industry Benchmark Executive Overview

Judicial Branch Workers' Compensation Program Marsh Analytics Initiative

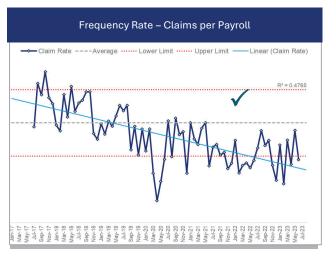




Lag Time Reporting

% within 3days





JBWCP Custom Analytics

Partnership JBWCP / Marsh to Develop Custom Metrics

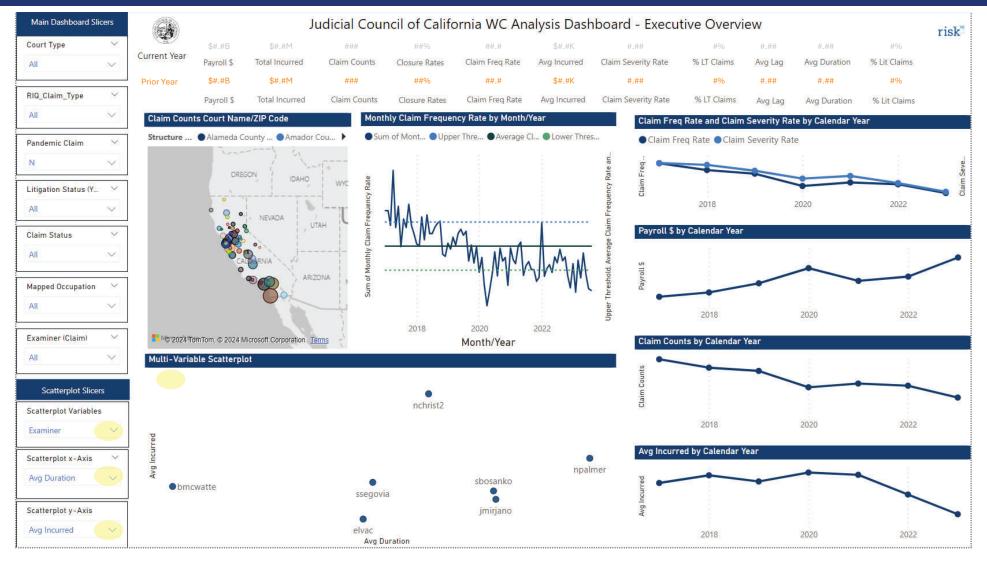
Annual : Industry Benchmarks

Leverage industry claims outcomes to establish goals and areas of focus

Ongoing : Risk Control Dashboards

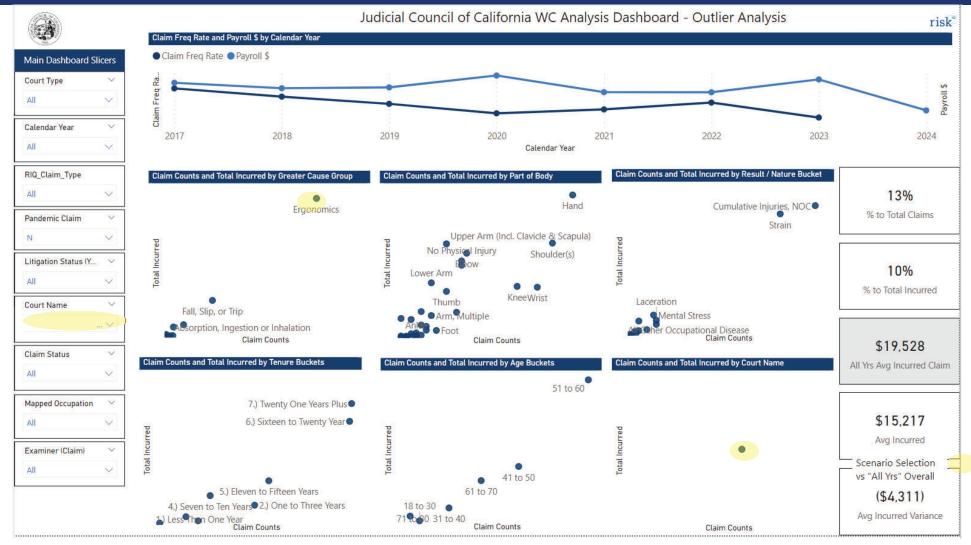
- Provide information for insights and decision making
- Monitor the ongoing success of the program
- Continually evaluate programs to drive positive outcomes
- Identify pain points (areas of opportunity)
- Determine actions needed to control program costs based on performance
- Scale and customize as program evolves
- Engage Workgroups for Further Development

Dashboard Screenshots: Exec Overview



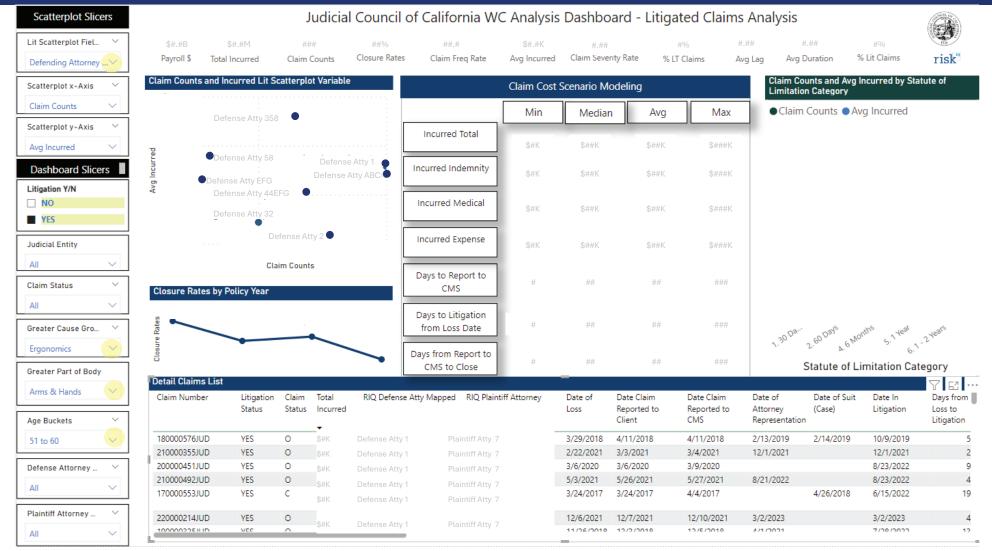
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Dashboard Screenshots: Outlier Analysis



Dashboard Screenshots: Litigation Quick Intel

Judicial Branch Workers' Compensation Program Marsh Analytics Initiative





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Program SharePoint Resources Overview Miki Novitski, JBWCP Staff



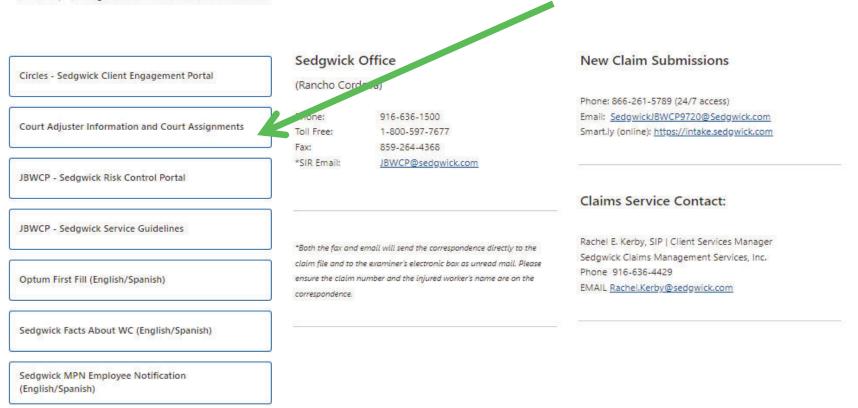
March 27, 2024

JBWCP | My Court SharePoint Site

and Processes New Hire Notices for Medical Sedgwick Resources Non-	s information
regarding workers' compensation (WC) forms, documents, and tools for the Members of the JBWCP. JBWCP Resources, Information, and Processes WC Forms, DWC 7 Notice, and New Hire Notices for Medical Sedgwick Resources Ergonom Non-	s information
	News and Announcements Advisory Committee Information Mission Statement and Goals Actuarial Reports and Premium Allocations Sedgwick Risk Portal JBWCP Staff
Provider Network (MPN) and Non-MPN Members Image: Claims Settlement Flyers, train Authority Policy, Memorandum of DWC-1, Form 5020, DWC 7, New Hire Notices for MPN and Non-MPN Sedgwick Claims Resources and Information Flyers, train	Assessments Judicial Branch Workers' Compensation Program 455 Golden Gate Avenue

Sedgwick Claims Documents and Resources

Home |
 Sedgwick Claims Documents and Resources



Ergo Resources

の Home | う Ergo Resources

The Humanscale Master Agreement contract is available for all Members to utilize when a non work-related ergo assessment is needed. The purpose of the following resources is to assist Members to apply ergonomic principles to promote the well-being of employees, decrease injuries and workers' compensation costs, and where possible, increase productivity, improve efficiency, and build the level of practical knowledge.

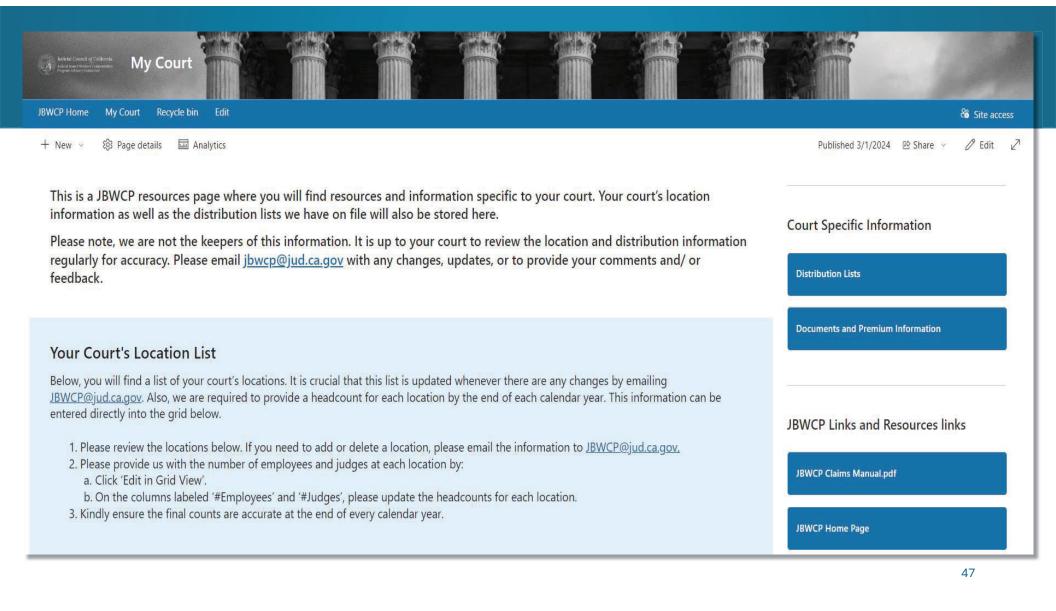
Ergonomic Handouts and Videos



Ergonomic Resources

How to Request a Non Work-Related Ergo Assessment with Humanscale





JBWCP | My Court SharePoint Site

	y Court							
Home My Court	Recycle bin							
								Documents and Premium Information
	Your Court's Locatio	n List						
	Below, you will find a list of JBWCP@jud.ca.gov. Also, w							
	entered directly into the gri		a neadcount for ea	activities and a second by the	end of each calendar	year. This inform	ation can be	JBWCP Links and Resources links
		ations below. If you need			ail the information to	JBWCP@jud.ca.g	gov.	
	 Please provide us wit a. Click 'Edit in Grid 	JBWCP Claims Manual.pdf						
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			ia ana ar araij a	in the second				JBWCP Home Page
	Employee Headcount Ve	Memorandum of Coverage						
								Memorandum or Coverage
	Locations List							
	🖽 Edit in grid view 😢 Share 🍯 Export to Excel 🔅 All Items 🗸 🛈							
	Title ~	Location ID 🖂	Building ~	Address 🗠	# of Employees ~	# of Judges ~	Year Built 🗸	Main Contact
	Test Court	JC_Test	123 Test Site	456 Test Street	4	1	1/1/2024	
								Judicial Branch Workers' Compensation Program
								455 Golden Gate Avenue San Francisco, CA 94102
								JBWCP@jud.ca.gov

JBWCP | My Court SharePoint Site

Indicial Council of California Indicial Toxics Windows Constraints Program Makes Constraints				
JBWCP Home My Court Recycle bin				
G Sync 🛛 Export to Excel 🕅 Autor	nate 🗸 🕆 Integrate 🗸 …			
Documents 🕅 🗸				
🗋 Name 🗸	Modified \vee	Modified By $^{\vee}$		
Test Court	February 20	Novitski, Miki		

Questions & Answers

JBWCP | My Court SharePoint Site Q&A

Next Steps

- Excess Insurance Bids
- May 16-17 Judicial Council Meeting
- Volunteer for Subcommittee

Adjournment