Risk Management Services Overview

ALVSCE Business Officer's Meeting October 25, 2023





Introduction



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Chief Risk OfficerRisk Management Services





Road Map for Today's Session

- Evolution of Risk Management
- Overview of UA Risk Exposures
- Q & A Time





Learning Objectives



- Enhanced knowledge of the broad spectrum of services and programs managed by Risk Management Services.
- Develop an understanding of how every person plays a critical role in Risk Management.



Risk Management Services Overview

Institutional Risk Assessment & Oversight

- Workers' Compensation Program/P&C Management (proactive)
- Risk Assessment Consultation
- International RM/Travel Issues
- Liability Management
- Property Assets/Collections Management
- Enterprise Risk Management (ERM)
- Environmental Liability (PTRL)
- Assumption of Risk and Release Program

Insurance Management

- Claims Management (Property, Auto, Liability, Workers' Compensation, Crime)
- Contract Review & Assessment
- Insurance Coverage Consultation
- Institutional Insurance Coverage, Policy Procurement, Exposure Assessment
- Certificates of Insurance
- Liaison to ADOA-Risk Management Division



Environmental Safety & Compliance

- Hazardous Waste Management Program (pickup and disposal)
- Page-Trowbridge Ranch Landfill Management
- Title V Air Quality Permit Compliance
- Industrial Wastewater Discharge Permit Compliance
- Stormwater MS4 Permitting and Compliance
- Underground Storage Tank Management
- PCB Compliance Program
- P2 Pollution Prevention Program

Occupational Health & Safety

- Employee Safety and Health (ergonomics, respiratory protection, hearing conservation, hazard communication, etc.)
- Industrial Hygiene (Indoor Air Quality Investigation, Workplace Exposure Assessments, Chemical Exposure Assessments)
- Safety Training and Education Programs
- PPE Selection and Guidance
- Workplace Safety Consultation (OSHA)
- Non-Laboratory Chemical Safety
- Liaison with ADOSH and ADEQ

Campus Operations, Fire and Event Safety

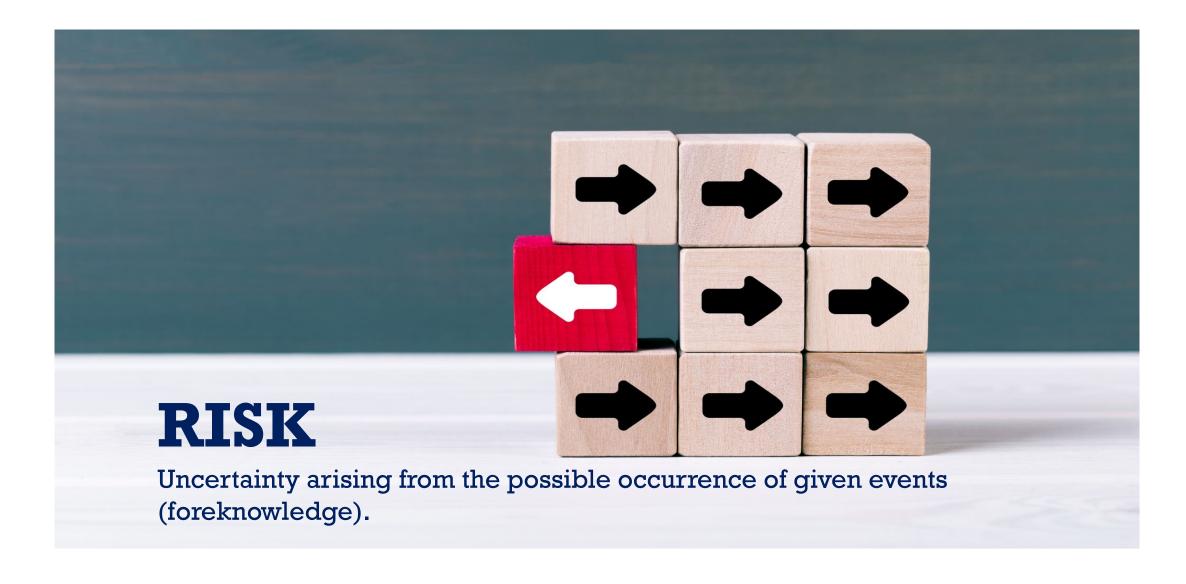
- University Fire Marshall
- Construction/Renovation review and permitting
- Fire Code Interpretation
- Campus Event Safety Coordination
- Fleet Safety Programs (driver registration process, MVR checks)
- Building Safety Inspections
- Hot works and pyrotechnics review and permitting
- Fire Safety Programs (Campus fire drills, extinguisher training, etc.)
- Drones Policy & Permitting
- Emergency Equipment (AED, blue emergency light phones)
- Liaison to State Fire Marshall



What is **Risk Management**?

What is **Risk**?





LEVELS OF RISK

Walking











LEVELS OF RISK *Riding a Bicycle*





LEVELS OF RISK Pets













- RISK = UNCERTAINTY
- What is Risk Management?

An attempt to manage uncertainty.

No such thing as a Risk Management expert!

No one gets it right 100% of the time

We don't live in a static/fixed World. The World is dynamic and changing constantly.



Evolution of Risk Management/Insurance

How far back do the concepts of Risk Management/Insurance go?

- A- 50 Years
- B- 100 Years
- C- 500 Years
- D- More than 1,000 Years
 - D- More than 1,000 Years



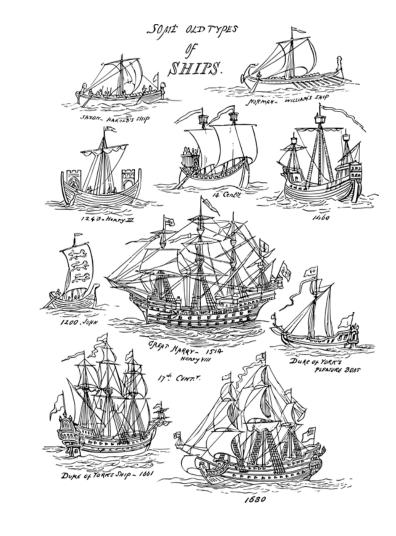


Ancient Asia (5500 BC)- Ancient records indicating a "recommended" practice of dividing cargo between multiple boats when crossing rivers (Risk Management principle of separation).

Ancient Babylon (4000 – 3000 BC)- Code of King Hammurabi contained provisions related to compensation for workers who were injured or maimed while working (Workers' Compensation).

Ancient Greece (1500 – 1000 BC)- Bottomry Contracts, which were loans granted to merchants with a provision that if the shipment was lost at sea, the loan did not have to be repaid. If the shipment arrived safely, the loan had to be repaid with interest. The interest on the loan covered the risk.

Europe/London (1600 – 1700 AD)- Major increases in shipping between Europe, the New World, and Asia led to the creation of a more formalized system of Marine Insurance.





What is Lloyd's of London most known for in current times?



A- Being a Global Leader in International Banking

B- Issuing unusual/notable insurance policies

C- Having Posh
Spice from the
Spice Girls as their
official
spokesperson

B- Issuing unusual/notable insurance policies



- Llyod's of London is famous for issuing unusual/notable insurance policies.
- Examples
- Comedy Clubs: Insurance against the risk of a member of their audience dying of laughter.
- Celebrities: Heidi Klum (legs, \$2M), Keith Richards (hands, \$1.6M), Cristiano Ronaldo (legs, \$144M), Bruce Springsteen (voice, \$3.5M), Ilja Gort (Dutch wine maker, nose, \$6M), Jennifer Lopez (gluteus maximus, \$27M)
- **History of Lloyds** Coffee House on Tower St. in London, popular establishment for sailors, merchants, and ship owners. **Eventually it became the ideal place for obtaining Marine Insurance.**
- Within the last 125 years, what was one of the most famous items insured by Lloyds that ended up being a total loss?

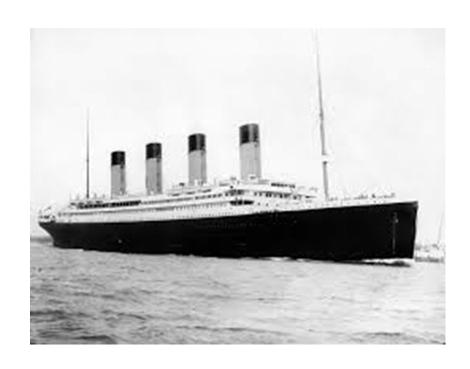




THE TITANIC



How Much Do You Know about the Titanic?



RMS Titanic sank on her maiden voyage from Southampton to NYC in the early morning hours of April 15, 1912. 2,223 were on board, 1,517 perished.

The ship's maximum capacity was 3,500. There were only lifeboats for 1,200, which was still more than the required minimum. Rules changed two years after the disaster.

The Titanic and her sister ship Olympic were insured for £1M for each vessel, with a £150K deductible. The premium was £7,500 per ship. (Today's currency-£114M each ship, £17M deductible, £862K premium = USD \$142.7M/\$21.3M/\$1.08M

Original Lloyd's of London Placement Slip for the Titanic

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Traditional

transactional



Advanced integrated



Enterprise **strategic**

• Risk is bad:
focus on
transferring risk

 Risk is an expense: focus is on reducing costof-risk • Risk is uncertainty: focus is on optimizing risk to achieve goals



The Risk Management Process is Continuous

- •Identify and evaluate loss exposures
- •Evaluate risk control options
- •Evaluate risk financing options
- •Select and implement risk control and financing choices
- •Monitor results and update efforts





What do we do with Risk?

Common Risk Control Options

- Avoidance- Just don't do it!
- Prevention Reduce frequency (video surveillance cameras)
- Reduction- Reduce severity (firewalls, fire suppression systems)
- Segregation/Separation/Duplication
- Transfer- Can reduce both frequency and severity

What is the most common form of RISK TRANSFER?

INSURANCE



Risk Exposures in Higher Education



Colleges, universities, and institutions of higher learning are often described as SMALL to MEDIUM SIZED





Buildings/Facilities (dorms, residential facilities, dining facilities)

Utility Systems

Construction Projects

People (Faculty, Staff, Students, Visitors, etc.)

Transportation (passenger & commercial vehicles, shuttle buses, etc.)

Law Enforcement/Security

Revenue/Tuition

Data/Electronic Files/Information/Intellectual Property

Money/Investment Accounts

Equipment/Business Personal Property

Fine Art/Special Collections/Museums

Contracts/Agreements

Programs, Events, Activities (Domestic & International)

What Do Institutions of Higher Education have?



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- Property Risk Exposures
- Human Resources Risk Exposures
- Financial Risk Exposures
- Liability Risk Exposures
- Compliance Risk Exposures
- Reputational Risk Exposures



Our Primary
Areas of Risk





Human Resources Risk Exposures

Employee Health & Safety

Workplace safety and OSHA compliance, employee training, driving, domestic & foreign travel, research operations,

Worker's Compensation

Injury reporting and claim management procedures, medical care providers, early return to work, cost allocation, multi-state coverage, international coverage

Human Resources

Managing employee recruitment, hiring, retention, development, replacement, classification and compensation, retirement, benefits, disciplinary processes

Workplace and/or Campus Violence

Background screening, threat assessment, incident management, critical incident stress management

Regulatory Compliance Issues

OSHA, EEOC, ADA, FMLA, ACA, DOE, FLSA, CDL, ITAR





Financial Risk Exposures

Uninsured Loss Exposures

Late notice, inventory shortage, mysterious disappearance, obsolescence, non-serviceability, mechanical and electrical breakdown New property acquisitions are covered upon title transfer but must be added to the inventory and reported with the next UA statement of values.

Contract Exposures

Failure to control signature authority, lack of standard language and policies regarding indemnification, hold harmless, and additional insured; waivers of subrogation, conflict of interest, performance and/or warranty obligations

No insurance coverage for breach of contract, warranty, or unauthorized indemnity obligations

Revenue Loss or Interruption

Business interruption, regulatory shutdown, reputational damage, dependence on state and/or local government, loss of research grant/contract funding

Investment Loss

Inconsistent risk tolerance and management policy and philosophy

Regulatory Penalties and Expenses

Fines for violations, notification expense, corrective action costs No insurance coverage for fines or penalties





Liability Risk Exposures

According to the Arizona Constitution, what is the maximum amount in damages that can be collected in a lawsuit against a public entity like the U of A?

A- \$100K

B- \$500K

C- \$1M

D- \$5M

E- \$10M

There is no limit on damage awards in Arizona



Liability Risk Exposures





- bodily injury, slip and fall, food service, landscaping, housing, utilities, fire

Campus Operations

- vehicle use, parking, public events, performance, athletics, campus use, hazardous materials, information security

Law Enforcement

- use of force, vehicle pursuit, active shooter, threats of violence, emergency preparedness

Student Issues

- alcohol and drug abuse, suicide, sexual assault, travel, study abroad, student organizations, fraternities and sororities

Professional Liability

- medical malpractice, mental health services, counseling, engineering

Cyber/ Data Privacy

- data breaches, ransomware, lost/stolen devices





Liability Risk Exposures- Common Questions about Liability Coverage

- Can I be sued for actions and decisions made as part of my job?
 Yes
- If I'm named in a lawsuit, does the UA provide me an attorney?

 Yes, legal defense is provided by the Arizona Attorney General's Office
- If I'm negligent (I messed up), am I personally liable for any loss?
 No, but could be considered a job performance issue
- Under what circumstances would I NOT be covered for liability?

 Acting outside the scope of job duties and authority, criminal action
- If I'm named in a lawsuit, can I keep it secret?

 No, lawsuits are public record, although both parties often agree to keep the specific terms of the settlement confidential. The amount paid is a public record.



Liability Risk Exposures- Four Elements of Negligence

- 1- Duty owed duty of care to act in reasonable manner, special duty imposed by law or case law
- 2- Breach of that duty
- 3- Damages or harm result to someone
- 4- Proof that the breach caused the injury/damage (There must be an actual and proximate connection between the breach of duty and damages/harm incurred)







Liability Risk Exposures

Does a Warning Sign or Release Form Eliminate Liability?

- •Generally no, does not eliminate duty.
- •We have a duty to correct known hazards.
- •A warning sign may mitigate some liability.
- •Signs have no legal value for warning children.
- •Release forms are useful defense tools to present evidence that the participant knew about the risks of participation, and voluntarily chose to proceed on their own accord.
- •RMS and OGC have developed a standard template liability waiver/release form that can be modified and used by campus units.







DO NOT TOUCH

Not only will this kill you, It will hurt the whole time you are dying.

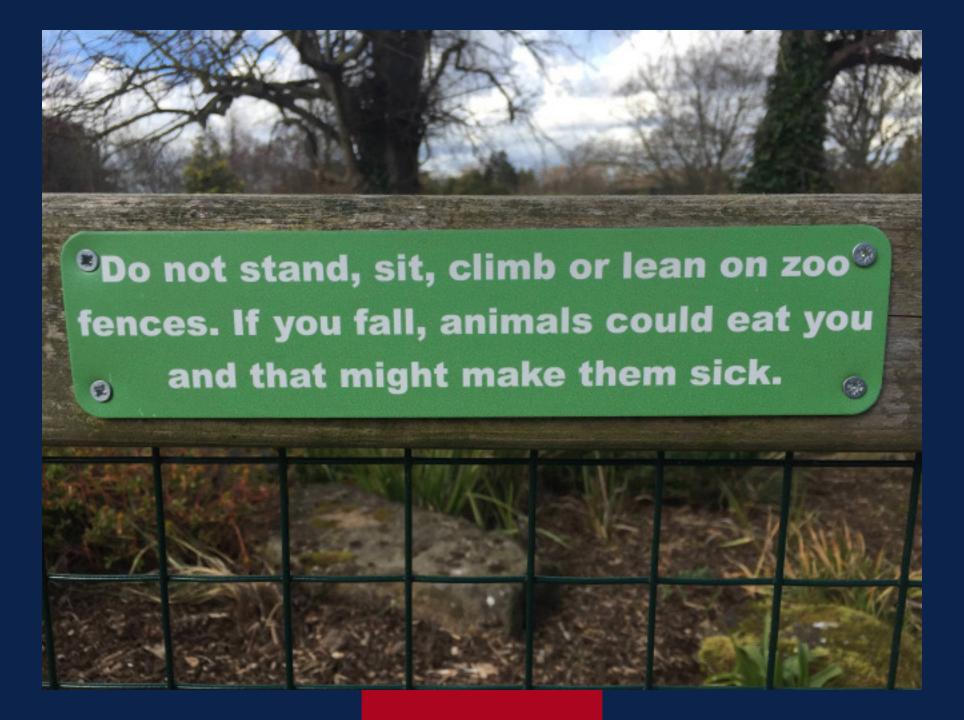






























How is the University of Arizona insured against loss?

- <u>ARS §41-621</u>: The Arizona Department of Administration Risk Management Division, also known as State Risk Management, administers property, liability, and worker's compensation for all state agencies, including the universities. The program is one of Statutory Self-Insurance (combination of self-insurance and excess insurance).
- Coverage is defined by statute and further refined in the <u>Arizona Administrative Code R2-10 Articles 1-5</u>
- State agencies pay "premiums" through a cost allocation system based on agency exposure information, loss history, and actuarial projections.
- Property and liability charges are paid at the start of the fiscal year. Worker's compensation premiums are calculated against actual payroll expense and paid throughout the year.

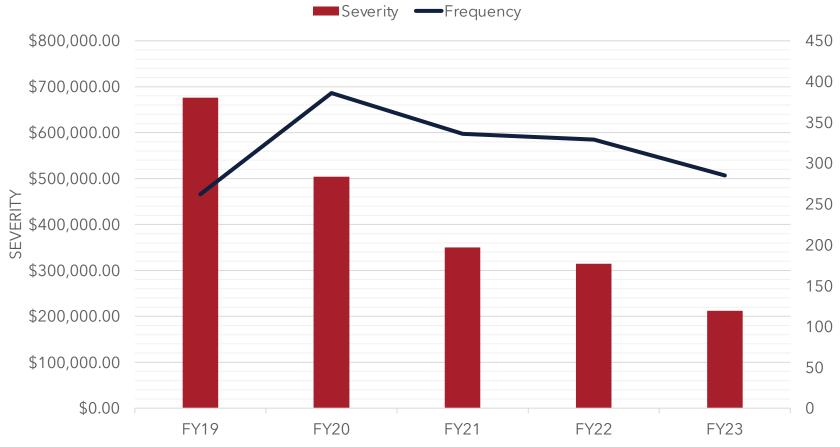


How much does the University of Arizona Pay for Insurance?

- Property and Liability- Adjusted Every Two Years
 - FY21/FY22 Premium- \$8.9M (down from \$11.7M in FY19 and FY20)
 - FY23/FY24 Premium- \$8.75M
- Workers' Compensation
 - FY22- \$5.9M
 - FY23- \$5.7M
- Cyber Risk Insurance
 - FY22- \$573k (\$10M in coverage limits w/\$1M SIR)
 - During the FY22 renewal, we experienced a 112% increase!
 - FY23 Premium?



Property Loss History



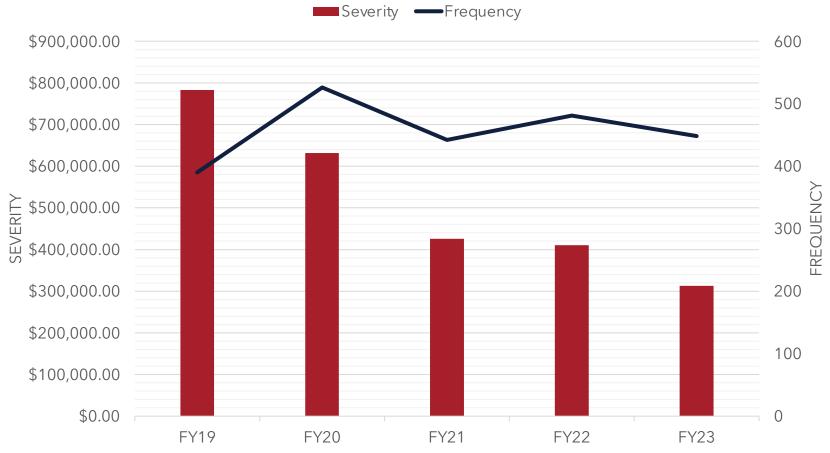


Auto Physical Damage Loss History





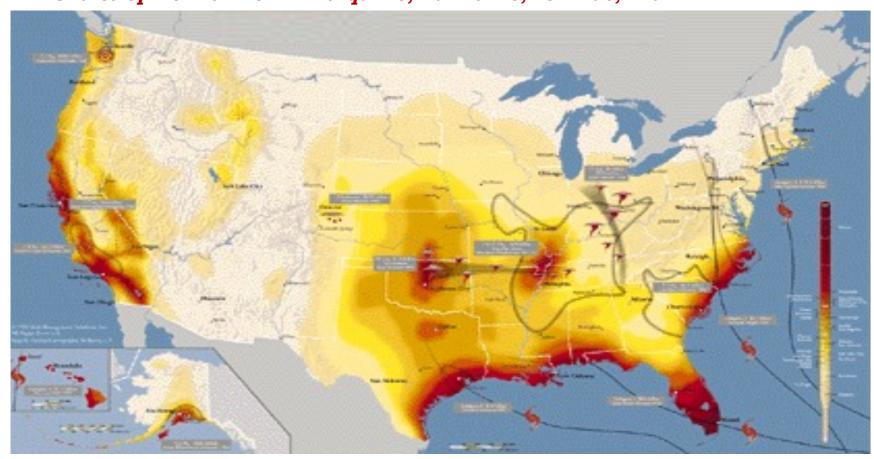
Property/Auto Loss History Total





Property Risk Exposures

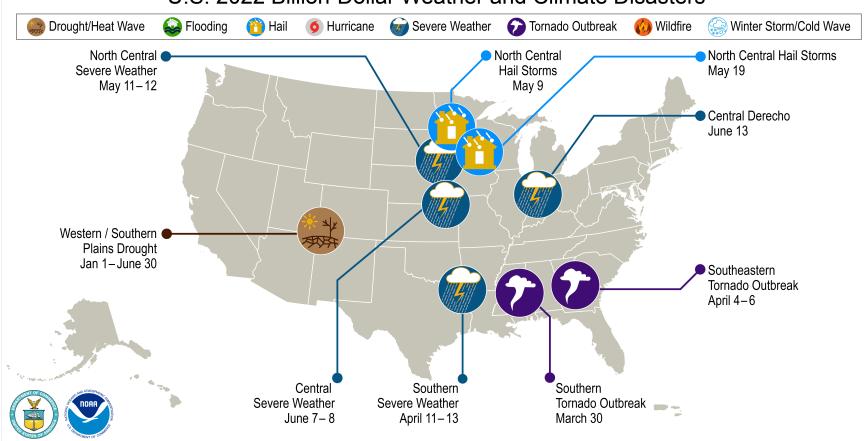
Catastrophic Risk from Earthquake, Hurricane, Tornado, and Hail





Property Risk Exposures









Property Risk Exposures

- buildings and contents, equipment, vehicles, land
- infrastructure roads, utilities, power plants, tunnel, networks
- fine arts, special collections, library holdings
- cash, investment holdings, receivables, contracts
- intellectual property, patents, data
- trademarks, brand, reputation

Claim and Incident Reporting

- Single reporting portal now available: https://risk.arizona.edu/incident-reporting
- Net ID Authenticated No access provisioning
- Use the portal for:
 - Employee Injury and Incident Reporting
 - University Property Loss
 - Auto Loss, Auto Glass
 - Non-Employee Loss Reporting



Property Loss Claim Process

Eric Cunningham Manager of Insurance Programs

- Notification to RMS
- Deadlines
- Documentation
- What's Covered, What's Excluded
- Deductible









Property Loss Claim Process

Notification to RMS/Deadlines

- Risk Management Website Incident Report
- Per Administrative Code R2-10-104, claims must be submitted to State Risk within 90 days of the date of loss (or date loss was discovered)
- 1 Day notification is required for losses projected to exceed \$10k
- 180 Days for Liability Claims (Notice of Claim Process)
- State Risk will only cover claims with documentation submitted to RM within one year of the date of loss



Property Loss Claim Process

What's Covered?

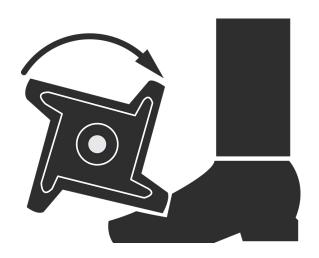
First Party Property

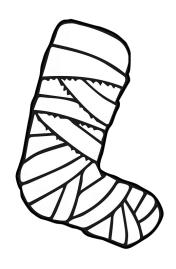
- The ADOA/State Risk provides property loss coverage for state owned buildings on a replacement-cost basis for items actually replaced or repaired.
- Property loss coverage for state-owned personal property is replacement cost less depreciation.
- Property loss coverage includes all state-owned property except: roads, bridges, tunnels, dams, dikes, and retaining walls.
- NO Coverage for property not owned by the university(state)
- Financial losses Phishing scams etc.
- No coverage for mysterious disappearance, wear and tear, or mechanical breakdown.
- \$2500 University Deductible

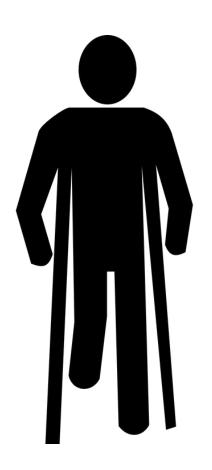


Workers' Compensation Claim Reporting

Anna Llamas
Workers' Compensation Program Manager



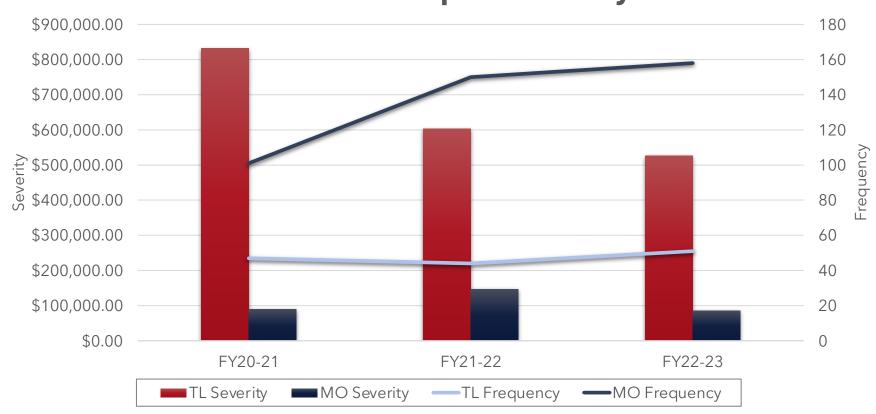






Human Resources Risk-Workers' Compensation

Workers' Comp Loss History





Workers' Compensation Claim Reporting

Employee Injury Reporting Through UAccess

Presently, there are two pathways to start the process of submitting a new report:

Users can either login to UAccess and select the "Injury & Claim Reporting" tile that appears in the UA Manager Self-Service Tab OR

Visit the UA-RMS Homepage and select the "Report Injury or Incident" option located in the top banner (blue)

• Users will receive an email confirmation after the successful submission of a new report.



Workers' Compensation Claim Time Reporting

- Off work recommended by the Treating Physician
- First 7 consecutive days off is the employee's own sick/vacation leave time.
- Off work between 8-13 days, the employee is compensated for the days over seven.
- Off work 14 days or longer, the time compensated is retroactive to day 1
- The injured employee is entitled to 66 2/3 of their average monthly wage (AMW). The injured worker's earnings in the one year or 30 days prior to the date of injury will determine the AMW.
- By statute, the Industrial Commission of Arizona (ICA) reviews and establishes maximum monthly wages on a yearly basis. The AMW maximum for calendar year 2023 is \$5,393.37



Workers' Compensation Claim Reimbursement

- The University of Arizona allows the injured worker to be paid workers' compensation (industrial leave pay, ILP) through the employee's paycheck. The injured worker is entitled to 66 2/3 of their average monthly wage for workers' compensation.
- An injured employee must use available SICK LEAVE then VACATION LEAVE to make up the difference to equal their regular pay. Industrial leave pay is non-taxed.
- If an injured employee has no leave time, the employee will receive only the 66 2/3 industrial leave pay through their regular paycheck. In an employee is off work due to an industrial injury during a paid holiday, workers' compensation takes precedence in pay.
- This arrangement allows UA benefits such as health insurance and retirement contributions to continue without disruption.

Workers' Compensation- Return to Modified Work

- Interplay of WC and FML
- Modified Duty, Return to Work
- Benefits to the EMPLOYER
 - Reduces the likelihood of malingering and/or fraudulent claims
- Minimizes workers' compensation costs while retaining the use of valuable trained employees
- Receive come production for wages paid (when a worker is out drawing lost time benefits, there is NO production derived)
- Facilitates employer/employee contact, giving the employer more control and direction, leading to a positive resolution to a claim

Contracting Issues

Who Can Sign University Contracts???

Requires written authorization from the President

Who is NOT authorized to sign University Contracts???

Anyone without written authorization



Contracting Issues

- Contracts can include: service agreements, facility use agreements, leases, loan agreements, purchase agreements, clinical trials, affiliation agreements, gift agreements, non-disclosure agreements, contracted research
- Only authorized persons with signature authority may sign university contracts
- Common areas requiring negotiation, modification, or exception approval include: indemnification, hold harmless, waiver of subrogation, and limitation of liability clauses.
- UA may not sign a contract agreeing to indemnify or hold harmless another party, or name another party as an additional insured, without prior exception approval of the State Risk Manager

Everyone is a Risk Manager ©

How can we be part of the **SOLUTION**?

Please view Risk Management Services as a partner, resource, and friend.

- Practice Risk Awareness- Be aware of potential risks associated with your roles and the organization as a whole.
- Risk Assessment- Conduct regular risk assessments to identify potential threats and vulnerabilities.
- **Reporting-** Please report losses and potential losses as early as possible. If you aren't sure, please reach out and RMS is happy to discuss a potential claim.
- **Compliance-** Please be aware of UA Policies and Procedures and please follow existing policies and procedures.
- Continuous Improvement and Learning from Incidents



RMS Staff Contact Information

- Anna Llamas, Workers' Compensation Program Manager: allamas521@arizona.edu
- Eric Cunningham, Manager, Insurance Programs: ecunningham@arizona.edu
- Miguel Delgado, Chief Risk Officer: mdelgadol@arizona.edu

ANY QUESTIONS?

