President’s Message

It’s been a fast and furious year and a half...

As we approach the Fall Conference, I can’t help but think back to my first Michigan PRIMA conference at this time in 2007. There was a light snow that day and I remember thinking, “this isn’t so bad”. If I had known then what I know now; I might have been out of here before my first winter. Of course I didn’t and thankfully so. As I complete my term as President of this great organization, I am thankful for the many many friends I have collected along the way. I am thankful for the helpful, knowledgeable professionals that have crossed by path, paved my way, and given me a firm foundation here in Michigan.

Once again our planning committee has put together a great Fall Educational Program scheduled for November 1, 2012. In this rapidly changing world we live and work in today, you can not afford to miss this opportunity.

We look forward to seeing everyone in Plymouth.

Sincerely,

Rick Hensley
MIPRIMA President
Risk Manager
City of Battle Creek

USEFUL RESOURCES
Stay informed on the latest national and local events.

Educational Resources
American Institute for CPCU and Insurance Institute of America
www.aiicpcu.org
Lawrence Technological University
Professional Development Center
Insurance Studies
http://ltu.edu/pdc/insurance_studies.asp
Davenport University
www.cpcusociety.org
www.davenport.edu/ipex
PRIMA Institute
www.primacentral.org
Public Entity Risk Institute (PERI)
E-Training Center
www.riskinstitute.org
Risk and Insurance Management Society (RIMS) – Education
www.rims.org

OTHER USEFUL RESOURCES
AM Best Rating Center
www.ambest.com/ratings
Dept. of Treasury’s Listing of Approved Sureties
www.fms.treas.gov/c570/c570.html
Michigan Office of Finance and Insurance Services Search Criteria for Insurance Entities
www.cis.state.mi.us/fsf/ind_srch/inscomp/insurance_company/criteria.asp
Michigan BWDC Employer Insurance Coverage Inquiry
Current Workers Comp Insurance Coverage Lookup
www.cis.state.mi.us/bwuc/wkrcomp/asp/sr_bwdc.asp
Risk Management Library
www.BetterManagement.com
Library and Resource Directory
www.IRMI.com

SAVE THE DATE
MIPRIMA Spring Conference
East Lansing
March 27, 2014
Election of the 2014 Slate of Officers

The Michigan PRIMA Annual Meeting will be held at the beginning of the Fall Conference scheduled for November 1st at the St. John’s Conference Center. The only action item for this meeting will be the election of the 2014 Slate of Officers. The following has been forwarded by the Nominating Committee for Election:

- **President**
  - Paul Van Damme
  - City of Roseville
  - 586-447-4622 (W)
  - pvandamme@roseville-mi.com

- **Vice-President**
  - Charlie Stevens
  - MMRMA
  - 734-513-0300
  - cstevens@mmrma.org

- **Treasurer**
  - Michelle King
  - City of Grand Rapids
  - 616-456-3342
  - ccoulson@ci.grand-rapids.mi.us

- **Past President**
  - Rick Hensley
  - City of Battle Creek
  - 269-966-3407 (W)
  - RLHensley@ci.battle-creek.mi.us

- **Trustee**
  - Charlie Stevens
  - MMRMA
  - 734-513-0300
  - cstevens@mmrma.org

- **Trustee**
  - Michelle King
  - City of Charlotte Mi
  - 517-543-8841
  - mking@charlottemi.org

- **Open position**

Nominations will be accepted from the floor for the open trustee position. Please be considering your willingness to serve our great organization.

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**SAVE THE DATE**

**MIPRIMA Spring Conference**
**East Lansing**
**March 27, 2014**

**Flash**

**CPCU Society Annual Meeting**
**New Orleans, LA**
**October 26 - October 29, 2013**
Healthcare reform -- effectively managing the financial, compliance operational & strategic risks it presents

With nearly full implementation of the Patient Protection and Affordable Care Act on the horizon, public sector organizations must address a complex calculus of plan eligibility terms, employee contribution requirements, hours/scheduling/staffing, management issues, and collective bargaining issues. This will affect the entire public employer value proposition and will require making choices and decisions that will have significant strategic, financial and operational impact, going well beyond merely determining “pay versus play.” In this session, we’ll analyze PPACA’s impact on benefits administration, total rewards management, and organizational strategy, to help you effectively lead your organization through the change and uncertainty, including:

- An update on the latest regulatory guidance, delays, and other changes impacting healthcare reform
- Upcoming requirements relating to taxes, fees, government reporting, communication with employees, and more
- Identifying opportunities for “second level” cost control
- Ensuring that your organization establishes sound strategic direction first, and then addresses healthcare reform requirements, rather than letting healthcare reform drive strategy

Joyce A. Parker is an ICMA credentialed manager and has worked in city management in several communities in the State of Michigan and Illinois. She has worked as City Manager, Assistant City Manager or Township Manager for Jackson, Saginaw, Inkster, Buena Vista Charter Township, and Elgin, Illinois.

In this capacity, Ms. Parker developed and managed budgets up to $250 million and organizations of 800 employees. Under her leadership, and with the cooperation of City government and the community, these suburban and urban cities have experienced rapid growth and development.

She is currently State appointed Emergency Manager for the City of Allen Park, and previously Emergency Manager for the City of Ecorse and the Highland Park School District.

Ms. Husband specializes in the area of labor and employment law, franchising and business law, higher education law, contracts, civil litigation and provides general counsel advice to businesses and colleges.

Continued...
1:50 – 3:00  Internships: How Can They Work for You?
Richard Lehman, Risk Management and Insurance Recruiting Specialist & students: Korey Mervenne and Chris Watkins, Olivet College

- Interns allows full time employees to lighten their workloads a little bit while the interns are on board, and also allows employees to get caught up if they were behind.
- Interns also help business functions move a little bit smoother. Interns complete a lot of project tasks and are helpful with creating policies and presentations to help new employees learn about the industry or company policy.
- Interns bring a fun new edge to the workplace as well. It is a new young face that allows the employees to become mentors and teachers. Everybody in the industry likes to see the new young faces and help them evolve into the professional they will soon become. Everybody loves to share their knowledge.

3:00  Networking Reception

Registration Fee:
- MIPRIMA Public Entity Member: $25
- Public Entity Non- Member: $50
- Non-Public Entity Member: $75
- Non-Member (Other than a public entity): $150
2013 Summer Education Program Conference

Presenter John Walsh,
MI House of Representatives

Clarence Goodlein
Public Safety Director City of Wixom

MIPRIMA President Rick Hensley
taking a break at the Summer
Educational Conference

Speaker at Summer Education
Conference
Sanford Altschul

Vice President Paul Van
Damme and his lovely wife

Attendees at the 2013 Summer Education Program Conference
at The Henry Ford & Lovett Hall
MIPRIMA President Rick Hensley - entertained us all with his fab voice and superb piano skills!
Safety & Loss Prevention
News from AJ Hale

The views set forth below are those of the author, and do not necessarily reflect the view of the MIPRIMA Organization.

As I travel around the State of Michigan, I have a lot of time to think (I know this could be bad!) Well anyway, hear me out. As I travel I notice many drivers who are distracted by electronics, other drivers, roadwork, weather, and the list goes on. What I was thinking about is all that you do to help protect Michigan workers (thank you!). Yet there are still those who make choices every day that may cause an accident to themselves and others. That potential un-safe act is what I am most concerned about. What I want to say is this: Please be safe when you leave work and come to work and keep a close eye on the other person - the one in front of you, the one to your sides, and those behind you. Take notice of what they are doing while behind the wheel and make sure you are not making the same mistakes.

Here is what got my attention today--I reviewed some numbers that opened my eyes a little more and here they are:

- State of Michigan year-to-date traffic deaths – 705.
- 38% of all fatalities behind the wheel are alcohol related.
- 25% of accidents are caused by the use of an electronic device.
- 24 Michigan workers have lost their lives at work already this year (with 3 months to go).

Bottom line: Please be safe and stay focused while driving, and we shall be here to do what we do so well, which is to help others be safe and get up and go to work and get home again to enjoy their families.

AJ Hale, Safety & Loss Prevention Manager, CompOne Admin
ajhale@compone.net

Long time member of MIPRIMA Angi Magee passed away. Her mom sent along a thank you to MIPRIMA for their contribution to the education fund that was set up for Angi's children.

Please thank MI PRIMA for the donation to the education fund. MI PRIMA was the one organization Angi kept going to the conference every yr. through all her jobs. She really enjoyed them.

Her mom,
Linda

To thank you for your kindness and sympathy at a time when it was deeply appreciated.
The family of
Angela Magee
Summer 2013 MIPRIMA Golf

MIPRIMA President Rick Hensley and his golf buddies

Scholarship recipient Enida Metaj and MIPRIMA Vice President Paul Van Damme
MORE......Summer 2013 MIPRIMA Golf
The Freedom of Information Act (FOIA) often presents a struggle for municipalities, as they try to balance openness and access with protecting the confidential or otherwise protected information of their residents. The time spent by a public body’s employees to respond to a request—searching public records for responsive documents, redacting exempt information and making the necessary copies—can be extensive. As municipalities are surviving on shoe-string budgets and functioning with fewer employees due to the economic downturn, the question is often asked, “How much of these costs can be recovered from the one making the request?”

In some instances, statutory provisions govern the amount of fees to be charged, which trump the FOIA. For all other public records, the Act provides that “[a] public body may charge a fee for a public record search, the necessary copying of a public record for inspection, or for providing a copy of a public record.” MCL 15.234(1). The fee that can be charged is the “actual cost” in responding to the request. It may encompass the labor costs of the search, the costs of separating exempt material from unprotected material, and the labor, reproduction and mailing costs for providing copies. The labor costs include the cost of the involved employee’s fringe benefits and can be recovered even when the work is done during the employee’s regular work hours. If the fee exceeds $50.00, the municipality may request up to 1/2 of the total fee up front.

However, there are several caveats that frequently prevent the full recovery of these costs. In calculating the fee, the labor cost of the lowest-paid individual capable of retrieving the information must be used, even if that employee did not perform the work. A public body may only charge for the costs involved with the search, review and redaction of exempt material when fulfilling the particular request would result in “unreasonably high” costs that are specifically identified by the municipality as excessive and beyond what is normally incurred for responding to requests. In addition, the most economical means of copying the information must be used and the fees must be uniform regardless of the individual seeking the records. A municipality must establish and publish guidelines and procedures to comply with the provisions of the Act in order to recover these costs. And the first $20 of the fee cannot be charged to an individual who provides an affidavit stating that he or she is receiving public assistance or is unable to pay due to indigency.

Aside from the above limitations, municipalities currently have the freedom to determine and charge their actual costs, which vary among public bodies depending on their size and staff. Recent proposals in the State House of Representatives have proposed amending the FOIA to create a more uniform fee structure and penalizing municipalities that charge what might be viewed by some as excessive fees. In the last two legislative years, Representative Mike Shirkey has introduced bills that would set the total maximum fee for reproduction at 10 cents per page and to limit the amount that could cumulatively be charged to an individual to search and redact public records. Under the bills as proposed, the recoverable fee would drop 20% for each day that a FOIA response is late, so that five days after the deadline to respond, the record must be provided for free. The circuit court would be authorized to review the fees charged and determine whether a fee should be reduced, with a successful plaintiff recovering compensatory damages, costs, attorney fees and potential punitive damages of $5,000.

Although neither of these bills has continued beyond the first printing, they highlight the importance of having knowledgeable FOIA coordinators that understand the cost provisions of the Act and FOIA policies supported with well-documented costs. Because the cost of doing (government) business may just go up.

Rhonda Stowers, Attorney - 810-232-5100; rstowers@plunkettcooney.com
Plunkett & Cooney 111 East Court St. Ste 1B Flint, MI 48502
MISS DIG Underground Facility Damage Prevention and Safety Act:

*The views set forth below are those of the Committee Chairman, Michael Ellis, and do not necessarily reflect the view of his employer, MiPRIMA, or other Legislative Committee members.*

Public risk managers should be watching closely the speedy progress of Michigan Senate Bills 539/540. A new exposure seems to be developing. The Senate appears to realize that this bill would reduce our immunity.

The official Senate Analysis states that “Senate Bill 539 would *amend the governmental immunity law* to provide that *immunity would not apply* to a governmental agency acting under the proposed MISS DIG Underground Facility Damage Prevention and Safety Act.” (Italics added)

The official Senate Analysis reassures the State that Senate Bill 539: "... *would have little or no impact on State finances.* On the local level, the bill would expose a municipality to liability for any damage to underground facilities it caused. It is not known how many instances of a municipality damaging underground facilities occur during a year, or what the average cost of each instance is. For these reasons, the fiscal impact of the bill on local governments is indeterminate, but would be negative to the extent that the potential liabilities of municipalities increased.” (Italics added)

At a time when local governments are trying to do more with less, it is unclear why the Senate feels the need to reduce the reach of our immunity.

**FOIA Fines and Charges:**
Michigan House Bill 4001 also needs to be watched. This bill would increase the possible fines to public entities from $500 to $5,000. This bill would also limit allowable copying charges and, further, would limit public entity defenses in subsequent rejection-based litigation to only those reasons raised in the original written rejection. It will thus be necessary to raise every possible reason for rejection in the first correspondence.

**OMA Physical Presence Required:**
On May 16, 2013, the Michigan House passed HB 4363, which amends the Open Meetings Act to require that “a meeting is not open to the public if a member of the public body casts a vote without being physically present at the meeting.” Public risk managers will need to watch the progress of this bill. An intentional violation of the OMA can be a crime. Video-conferencing or Skyping may expose your elected officials to criminal prosecution.

**Senior Citizens Exempt from No Fault:**
Michigan House Bill 4959 appears to exempt those over 65 years of age from the requirement of purchasing Personal Protection Insurance. The Bill states: “An owner or registrant of a motor vehicle required to be registered in this state who is an individual 65 years of age or older is not required to maintain security for benefits under personal protection insurance.” Apparently, the intent is to allow Social Security and Medicare to satisfy these needs.

**Help for Potholes Claims:**
Michigan House Bill 4086 would redefine the standard under the highway exception to governmental immunity. Under this bill, instead of maintaining highways safe and convenient for *public* travel, the new standard will be for *vehicular* travel. The new standard would read: “Each governmental agency having jurisdiction over a highway shall maintain the highway in reasonable repair so that it is reasonably safe and convenient for vehicular travel.” (Italics added)
Ambulance Chasers Beware:
Michigan House Bills 4770 & 4771 are aimed at reducing the number of accident victims contacted by law firm representatives for at least 30 days after the accident. This legislation would limit access to official accident reports containing data relating to victims’ identity and contact information. These bills were voted out of committee in early September 2013, and, according to the Michigan Lawyers Weekly Blog, “the bills have broad partisan support.”

Right to Work for Lawyers:
In the wake of the right to work protests at the Michigan capital, a new group has been heard from. The Michigan Freedom Foundation is arguing on behalf of lawyers against the imposition of mandatory State Bar dues. Michigan currently requires that an individual must be a member of the Michigan State Bar and pay their dues before holding themselves out as an attorney. The Michigan Freedom Foundation argues that this membership should not be mandatory.

State Bar speaks against Secret Funding:
The State Bar of Michigan has called on Secretary of State Ruth Johnson to prohibit “secret funding” of so-called issue ads in judicial elections. This “dark money” does not require campaign reporting, as does most other campaign spending. In recent years, the amount of “dark money” has increased to the point that is has become an issue.
2013 Corporate Sponsors

Insurance Companies or Agencies

- **Gallagher Benefit Services**, provides benefit planning services. Mary Beth Bullen (248) 430-2778.
- **IBEX Insurance Agency** is an all lines independent insurance agency. Keith Potter (248) 538-0470.
- **Marsh USA**, is the world’s leading risk and insurance service firm. Cheryl Smith (517) 393-6513.
- **Midwest Employers Casualty Company.** Excess Workers’ Compensation Coverage. Contact: Phil Giljum 636-449-7000.

Attorney Firms

- **Cummings, McClorey, Davis & Acho, P.C.** mission is simple - we must help our clients be successful and improve their bottom line to assist our clients to achieve their business objectives with the least amount of legal risk. Joseph T. Seward, (734) 261-2400.
- **Johnson, Rosati, Schultz & Joppich, P.C.** is a full service law firm. Chris Johnson (248) 489-4100.
- **Lacey & Jones, LLP.** The firm’s practice is divided into three practice groups: 1) Workers’ Compensation Litigation, Appeals and Legal Research; 2) Civil Litigation; and 3) Employment Law, Commercial, Litigation and Labor Law. Dawn Drobnich (248) 283-0740.
- **LeVasseur & LeVasseur.** Our mission is to lead our clients through the shark-infested waters of worker’s compensation litigation by defending their asset to the very letter of the law, Denice LeVasseur (248) 356-8600.
- **Pedersen, Keenan, King, Washberg & Andrzejak, P.C.** is a full service law firm. Diverse defense of personal injury, property, and contract cases. Paul Pedersen (248) 363-6400.
- **Plunkett & Cooney, P.C.** is Michigan’s leading litigation defense and trial practice law firm. William Reising (810) 342-7001.

Claims, Investigative and Financial Service Companies

- **CorVel**, providing network solutions, case management and bill review. Lisa Deehan (517) 381-1531.
- **Citizen’s Management Inc.,** Third Party Administrator for Workers Compensation claims. Contact Robert Dewey at 517-546-2160
- **CompOne Administrators Inc.** an FDI Group Company, Third Party Administrator for Workers Compensation, Long-Term Disability and Short-Term Disability claims adjudication and management. Bruce Stubbs (248)-344-2267
- **Milliman**, offers a wide range of insurance and financial consulting services. Their contact is Gary Josephson at 262-796-3305.
- **The ASU Group** service line includes adjusting, case management, third party administration and medical bill review. Chad Johnson (517) 381-7923.
- **Global Options, International Claims Cost Containment Solutions**

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2013 MIPRIMA Committees

**Program**

Chair: Judy Thomson-Torosian  
Program Coordinator: Donna Ciancolo  
Leigh Stepaniak  
Rick Hensley  
Charlie Stevens

**Legislative**

Chair: Michael Ellis  
Christopher Johnson  
T. Joseph Seward  
Rick Hensley  
William Reising

**Membership**

Chair: Paul VanDamme  
Rick Hensley  
Thomas Semaan  
Craig Coulson  
Chris Hathaway

**Nominating**

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Craig Coulson  
Charlie Stevens

**Scholarship**

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Donna Ciancolo  
Michael Ellis  
Chuck Schwab  
Tom Wolff  
Judy Thomson-Torosian

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Tom Wolff  
Charlie Stevens

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Rick Hensley  
Judy Thomson-Torosian