



PEP ON POINT

Building Stronger Communities Together

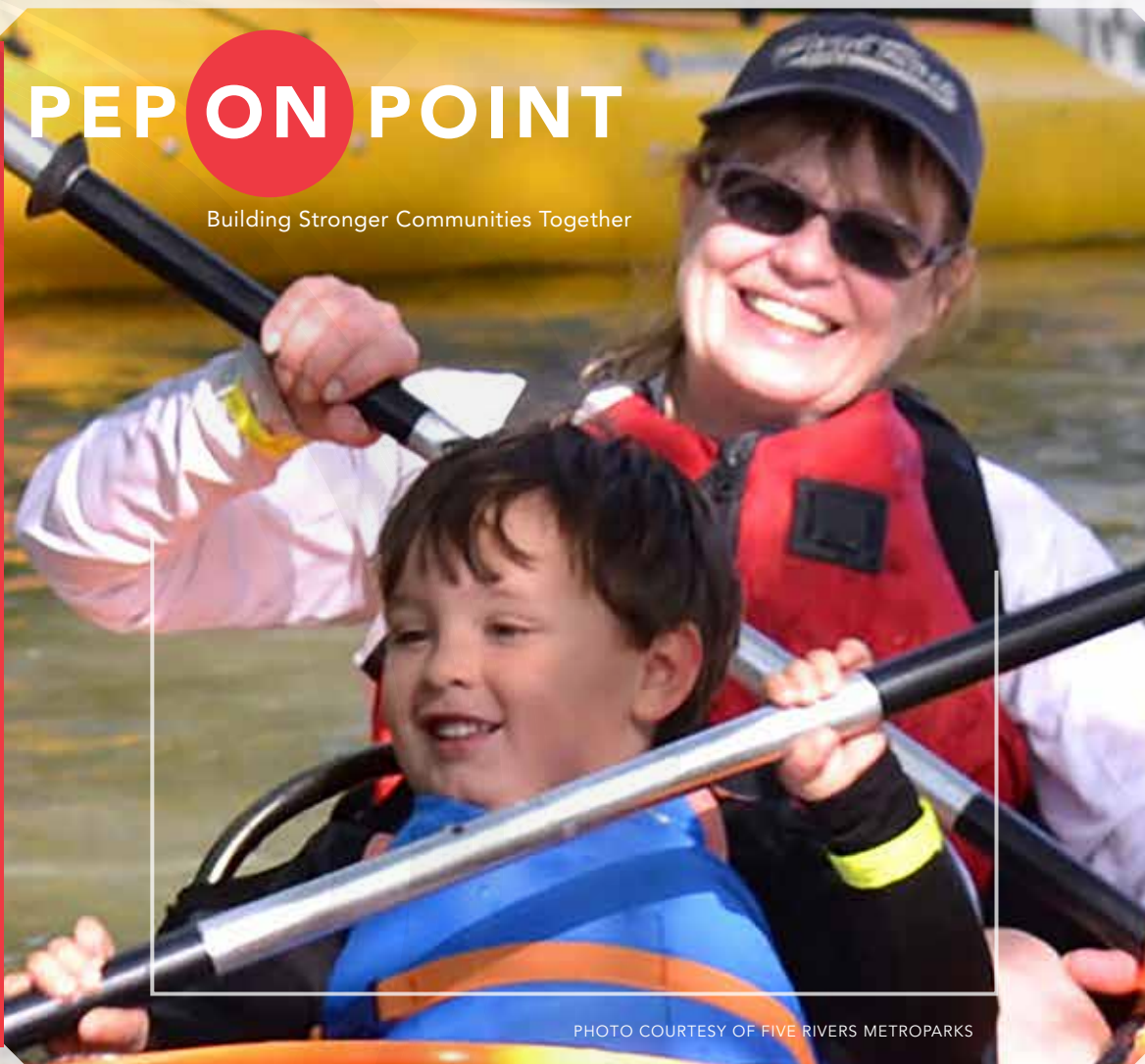


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SECOND QUARTER 2023 NEWSLETTER

PEP REGIONAL MEETINGS

AUTISM SAFETY 101 FOR FIRST RESPONDERS

DAYTON, MAY 3 & FINDLAY, MAY 4

The month of May brought two PEP Regional Meetings to Findlay and Dayton. On May 3rd and 4th, PEP hosted Bart Barta, founder of Autism Safety 101, as he led PEP members through educational presentations covering the basics of autism and how individuals with autism behave and react in various situations. Furthermore, the meetings addressed high-risk and crisis incidents, and provided first responders with tips and strategies to defuse and de-escalate situations. Over forty PEP members attended.

As retired law enforcement commander and proud father to a son with autism, Barta founded Autism Safety 101 with the mission of bringing further awareness and education to first responders and medical personal. Characteristics of autism, such as emotional dysregulation and anxiety often create challenging situations for first responders, as communication can be difficult, or mistaken for other problematic behavior.

Bart's training is tailored to these concerns, giving first responders the proper tools to navigate these situations. During the presentations, PEP members covered concepts such as identifying autistic individuals, communication strategies, and other resources to help create more seamless interactions.

Autism
Safety 101



DAYTON, OHIO



Bart Barta - Founder, Autism Safety 101 AutismSafety101.com



FINDLAY, OHIO

FEATURE ARTICLE

CONGRESS PASSES PREGNANCY- ACCOMMODATION STATUTE AND UPDATED NURSING MOTHERS LAW: WHAT EMPLOYERS NEED TO KNOW

BY: PAUL LAFAYETTE, R. VICTORIA FULLER, EMILY KOWALIK, ESQ.
FREEMAN MATHIS & GARY LLP

Two new federal laws aimed at increasing protections for pregnant and breastfeeding employees will go into effect in 2023: the Pregnant Workers Fairness Act ("PWFA") and the Providing Urgent Maternal Protections for Nursing Mothers Act ("PUMP For Nursing Mothers Act"). Employers should familiarize themselves with the new employee protections and employer obligations under both laws.

THE PREGNANT WORKERS FAIRNESS ACT

The PWFA appears to substantially increase protections for employees and job applicants with known limitations relating to pregnancy, childbirth, or related medical conditions. It applies to employers with 15 or more employees and will go into effect on June 27, 2023.

The PWFA closes gaps in federal discrimination laws in two ways:

- **Discrimination.** The PWFA specifically prohibits discrimination against employees and applicants with known limitations relating to pregnancy, childbirth, or related medical conditions.
- **Reasonable Accommodations.** The PWFA entitles covered employees to a reasonable accommodation unless the accommodation would impose an undue hardship on the operations of the employer. As with other disabled employees, the employer must engage in the interactive process with the employee in order to discuss and determine the reasonable accommodation. The obligation to engage in the interactive process is triggered when the employer becomes aware of an employee's "known limitation" arising out of a pregnancy, childbirth, or related medical condition.

Moreover, PWFA prohibits employers from:

- Dictating the accommodation to the employee, including forcing the employee to take paid or unpaid leave. The employer must engage in the interactive process;
- Refusing to hire or provide other employment opportunities to a qualified employee if the denial is based on the need to make a reasonable accommodation; and
- Retaliating against an employee for requesting or using a reasonable accommodation related to the employee's pregnancy, childbirth, or related medical conditions.



There are a lot of open questions on how the PWFA will apply to a variety of fact patterns, including what is a “related medical condition.” For now, however, employers need to be aware of the upcoming obligations that begin late June, 2023 so they can at least further assess employee situations as they come up that may fall under the PWFA. The PWFA also directs the EEOC to issue regulations specifically providing examples of reasonable accommodations related to an employee’s pregnancy, childbirth, or related medical conditions.

Employers should note that the PWFA diverges from the ADA in one important respect – it defines a “qualified” employee or applicant as including:

- An employee or applicant **who cannot perform an essential function of the job** for a temporary period, where;
- The essential function could be performed in the near future; and
- the inability to perform the essential function can be reasonably accommodated.

Therefore, under the PWFA, the employer may need to temporarily reassign the employee’s duties to another employee, or put them on hold, where possible, until the conclusion of the pregnancy, childbirth, and/or related medical condition.

THE PUMP FOR NURSING MOTHERS ACT

Effective December 29, 2022, the PUMP For Nursing Mothers Act amended the Fair Labor Standards Act (“FLSA”) to entitle all employees (not just non-exempt employees) to unpaid reasonable break time to express breast milk up to one year after the employee’s child’s birth. The Act requires that breaks be provided “each time such employee has need to express the milk.”

The Act also requires employers to provide a private location to express milk that is not a bathroom. Employers should be aware that an employee must be compensated for pumping breaks if such a break must be paid according to other federal, state or local laws; the employee is not completely relieved of duties during the entirety of the break; or if they express breast milk during an otherwise paid break period.

The PUMP for Nursing Mothers Act contains a small employer exception for employers with fewer than 50 employees where compliance would cause an undue hardship.



EMPLOYER TAKEAWAYS

Employers should respond to the PWFA and Pump for Working Mothers Act by

- **Updating Policies and Procedures.** Employers should promptly update EEO policies and reasonable accommodation procedures as necessary to reflect the new protections provided by the PWFA and the PUMP for Working Mothers Act. Note that neither law is preempted by state or local laws that provide greater protections to employees.
- **Training.** Employees should train Human Resources professionals and all company managers to ensure they are aware of the new laws and updated policies and procedures for responding to covered employees. In particular, managers should be aware that, under the PWFA, covered employees who cannot perform the essential functions of their job are still entitled to a reasonable accommodation so long as the additional criteria noted above are met.
- **Identify a Private Space for Breastfeeding Mothers.** Employers should endeavor to establish a location and/or plan to accommodate breastfeeding mothers, particularly where a private locked room may not be available in the workplace.

For more information, please contact Paul LaFayette, R. Victoria Fuller, or Emily Kowalik - www.fmgllaw.com.

PEP'S REPLACEMENT COST COVERAGE

BY: PETE BRUNETT, PEP UNDERWRITING TEAM

Public entities that have fire and EMS vehicles could face one of the largest risks of financial loss if one of these expensive vehicles is in an accident, causing a total loss. The rising costs of these vehicles is almost tripling in today's world. Ladder trucks that once could be purchased for \$500,000 could now cost up to \$1,500,000 pumpers could cost around \$850,000 and ambulances are now costing \$350,000, which in years prior were \$150,000. If a vehicle is lost in your public entity, could you absorb the cost of replacing a new one if there is not adequate coverage in place? There are many unfavorable scenarios where you would be responsible for finding a replacement at 100% of the cost. You would be tasked with searching for a used vehicle, hoping to find one that can do the job of the one you just lost. Can you even find a used vehicle considering today's supply shortages? But with PEP's Replacement Cost coverage you could easily place an order for a new vehicle knowing PEP will cover the cost.

PEP's Replacement Cost coverage can provide your public entity with a new vehicle of comparable kind and quality. PEP's Governmental Property Agreement defines Replacement Cost Coverage for a vehicle as follows:

For a covered automobile with valuation designated on the Statement of Values on file with us as Replacement Cost (RC):

- a. We will pay the lesser of the:
 - (1) Cost to repair the damaged covered automobile;
 - (2) Amount you spend that is necessary to repair or replace the damaged or stolen covered automobile;
 - or (3) Cost to replace the damaged or stolen covered automobile with newproperty of comparable kind and quality manufactured to current specifications or standards set by governmental agencies or other nationally recognized standards setting organizations.

- b. We will not pay on a replacement cost basis until the covered automobile is replaced and such replacement is made as soon as possible after the loss. If you do not replace the covered automobile, we will not pay more than the actual cash value.

The values of the fire and EMS vehicles can be changed as you wish at any time. If you would like to secure Replacement Cost coverage, the best thing to do is consult with your fire chief about the value of a new fire truck or EMS vehicle, with the same capabilities as the one you have. This value can then be reflected on the Statement of Values as the Replacement Cost.



CLAIM INCIDENTS

In addition to considering Replacement Cost coverage for vehicles, we encourage you to review your entity's Statement of Values for all covered property on at least an annual basis. Have there been recent purchases or sales of assets? Have you made any renovations or improvements to buildings? Are the names and addresses correct for all locations? Is all the significant portable equipment listed?

After 35 years serving Ohio's public entities, PEP is knowledgeable and highly specialized in understanding your unique needs and in providing the protection you require. Through collaboration and proactive communication, PEP makes sure, should a covered loss occur, you will be protected.

As with any claim/incident, it is important to report the loss to your PEP Claims Service Provider immediately. The quickest and most efficient way to file a claim is through the PEP Website, at www.PEP.org, click "File a Claim" and follow the prompts. There are also three convenient ways to reach your PEP Claims Service Provider:

- 1) Telephone: (866) 907-3776 or (614) 729-1600
- 2) Fax: (614) 729-6046
- 3) E-mail: bradley.tucker@persopool.com

To add Replacement Cost coverage or for more details, including limits and exclusions, please contact your PEP Representative at (800) 748-0554.



RISK SERVICES

INCIDENT RESPONSE PLANNING, CYBERSECURITY AWARENESS TRAINING, AND SECURE REMOTE ACCESS

BY: PEP SERVICE TEAM

In today's digital age, businesses are constantly facing cyber threats that can result in devastating consequences if not handled properly. Incidents like cyber-attacks and data breaches can cause significant damage to a company's reputation, finances, and customer trust. To combat these threats, companies need to have a robust cyber security strategy that includes incident response planning, cyber security awareness training, and secure remote access. We'll explore the benefits of these practices and how they can help entities stay protected.

Incident Response Planning is the process of developing a plan to respond to security incidents such as cyber-attacks, data breaches, and system failures. Having a well-defined incident response plan in place can help entities minimize the impact of a security incident by enabling them to respond quickly and efficiently. Benefits of incident response planning include:

- 1.) **Reduced Downtime:** In the event of a security incident, a well-planned response can help minimize downtime and ensure that systems and services are restored as quickly as possible.
- 2.) **Faster Recovery:** A good incident response plan can help entities recover from an incident faster by enabling them to quickly identify the cause of the incident and take corrective action.
- 3.) **Improved Resilience:** By regularly testing and updating their incident response plan, entities can improve their resilience to security incidents and reduce the likelihood of future incidents.

Cyber Security Awareness Training is the process of educating employees on best practices for protecting sensitive information and systems from cyber threats. Benefits of cyber security awareness training include:

- 1.) **Reduced Risk of Insider Threats:** Employees who are trained in cyber security awareness are less likely to engage in risky behavior that could result in a security incident, such as clicking on a phishing link or downloading malware.
- 2.) **Increased Vigilance:** Awareness training can help employees identify potential security threats and report them to the appropriate authorities, reducing the likelihood of a successful cyber-attack.
- 3.) **Improved Compliance:** Cyber security awareness training can help entities comply with regulatory requirements, such as HIPAA and PCI-DSS, by ensuring that employees understand their responsibilities and the consequences of non-compliance.

Secure Remote Access is essential for many entities, but it also introduces security risks. Secure remote access solutions can help entities minimize these risks while still allowing employees to work from anywhere. Benefits of secure remote access include:

- 1.) **Increased Productivity:** Secure remote access solutions enable employees to work from anywhere, increasing productivity and flexibility.
- 2.) **Improved Security:** Secure remote access solutions provide entities with greater control over who has access to sensitive information and systems, reducing the risk of a security incident.
- 3.) **Reduced Costs:** By enabling remote work, secure remote access solutions can help entities reduce costs associated with office space and commuting.

Incident Response Planning, Cyber Security Awareness Training, and Secure Remote Access are all essential components of a robust cybersecurity strategy. By investing in these practices, businesses can reduce the risk of security incidents, minimize the impact of incidents that do occur, and improve their overall security posture. As cyber threats continue to evolve, it is important for entities to stay up to date with best practices and continue to adapt their cybersecurity strategies to protect against new threats.

10 Common Internet Cyber Attacks

Pharming

Pharming involves hijacking the user's browser settings to automatically redirect users to a malicious site.



Eavesdropping

An eavesdropping attack occurs when a hacker intercepts, deletes, or modifies data that is transmitted between two devices.



Ransomware

With Ransomware, the victim's system is held hostage until they agree to pay a ransom to the attacker.



Viruses

Viruses attach to programs and files and are triggered when you open them.



Spam

Spam is any unwanted or unsolicited digital communication that is sent out in bulk.



Trojans

A Trojan horse attack uses a malicious program that is hidden inside a seemingly legitimate one.



Identity Spoofing

Spoofing is a technique through which a cybercriminal disguises themselves as a known or trusted source.



Worms

A computer worm is a type of malware that spreads copies of itself from computer to computer.



Denial of Service

A Denial-of-Service (DoS) attack is a malicious, targeted attack that floods a network with false requests in order to disrupt business operations.



Phishing

A phishing attack occurs when a malicious actor sends emails that seem to be coming from trusted, legitimate sources in an attempt to grab sensitive information from the target.



'FREE FOR ALL' PEP BENEFITS

TAKE ADVANTAGE OF PEP'S MEMBER SERVICES

PEP members are entitled to benefits that help them better serve their communities. Some are time-sensitive, so take action soon.

PEP+ GRANT

UP TO \$1,000 FOR MEMBERS

As part of PEP's loss control and risk management initiative, PEP members may apply for a grant of up to \$1,000. Funds are allocated on a first-come, first-served basis, so it's important to apply ASAP. Grants are awarded to help offset qualifying expenses covering safety items that help prevent or reduce liability claims or property losses. Funds are available for purchases or expenses incurred during the application period. Access the PEP+ Grant Program application by visiting www.pepohio.org.

LEGAL ACCESS

FREE CONSULTATIONS

When you need a lawyer's opinion for a community-related issue, put your PEP membership to work. Every authorized PEP member is eligible for up to 90 minutes of free legal consultation per year, covering issues associated with human resources, zoning, land use, open records/open meetings, and more. Authorized PEP member representatives seeking legal consultation services should call PEP Legal Access at (877) 250-5545 to request up to 90 minutes of free advice, guidance or information.

RESOURCE ELIBRARY

PEP maintains an online library, called the Resource eLibrary, which provides access to thousands of free resources to assist with members' risk management needs. The eLibrary can be accessed anytime from a desktop, laptop, or mobile device. Resources include online training, streamed videos, webinars, seminars, policies, procedures, checklists, best practices, and documents, which can be accessed anytime.

PUBLIC ENTITY UNIVERSITY

Public Entity University (PEU) has been a favorite resource among PEP members. We are excited to announce that Public Entity University (PEU), has moved to an updated platform as of on May 1, 2023. This upgrade to the portal will provide the same great training content on such topics as Employment Liability, Internet Security/Social Media, Fire and Health Departments, Law Enforcement and General Safety, as well as many new trainings topics, in a more user-friendly way. Visit our website and experience how this upgrade to the training course portal will improve your digital interaction within PEU.

HUMAN RESOURCES

Also getting an upgrade early this year is the Human Resources portal, in the HR section of the eLibrary. The updated platform still includes all of the great HR portal resources such as: information on state and federal employment laws, interviewing, background checks, safety orientations, applications, job descriptions, and terminations. In addition, the Employee Handbook Builder and Job Description Builder allow members to customize policies and job descriptions.

CYBER RISK SERVICES ADVISOR

GET YOUR FREE EVALUATION

Get to know Eric Adonteng, our Cyber Risk Services Advisor, who's ready to help PEP members understand the ins-and-outs of cyber breach vulnerabilities. Eric is ready to visit with interested PEP members, looking into their IT controls, plans, policies, and processes, to uncover any vulnerabilities. Members can schedule a security evaluation with Eric that will include a plan of action to help prevent cyber breach incidents. Eric will also inventory all member-owned equipment to ensure proper identification and coverage. To schedule a free evaluation, call Eric at (240) 808-9278 or email eric.adonteng@persopool.com.

PEP POLICE ACADEMY & PUBLIC OFFICIALS INSTITUTE

ACCESS RESOURCES

Throughout 2022, PEP created a number of informative webinars and materials for PEP members. In collaboration with Greg Beck, Mel Lute, Tonya Rogers, Andrea Ziarko, and Jim Mathews from the law firm Baker, Dublikar, Beck, Wiley & Mathews, the PEP Police Academy and Public Officials Institute provided one guideline/sample policy every month on law enforcement and public officials issues facing agencies today.

While the program has since concluded, PEP members are able to access these informative webinars and materials in the Resource eLibrary.

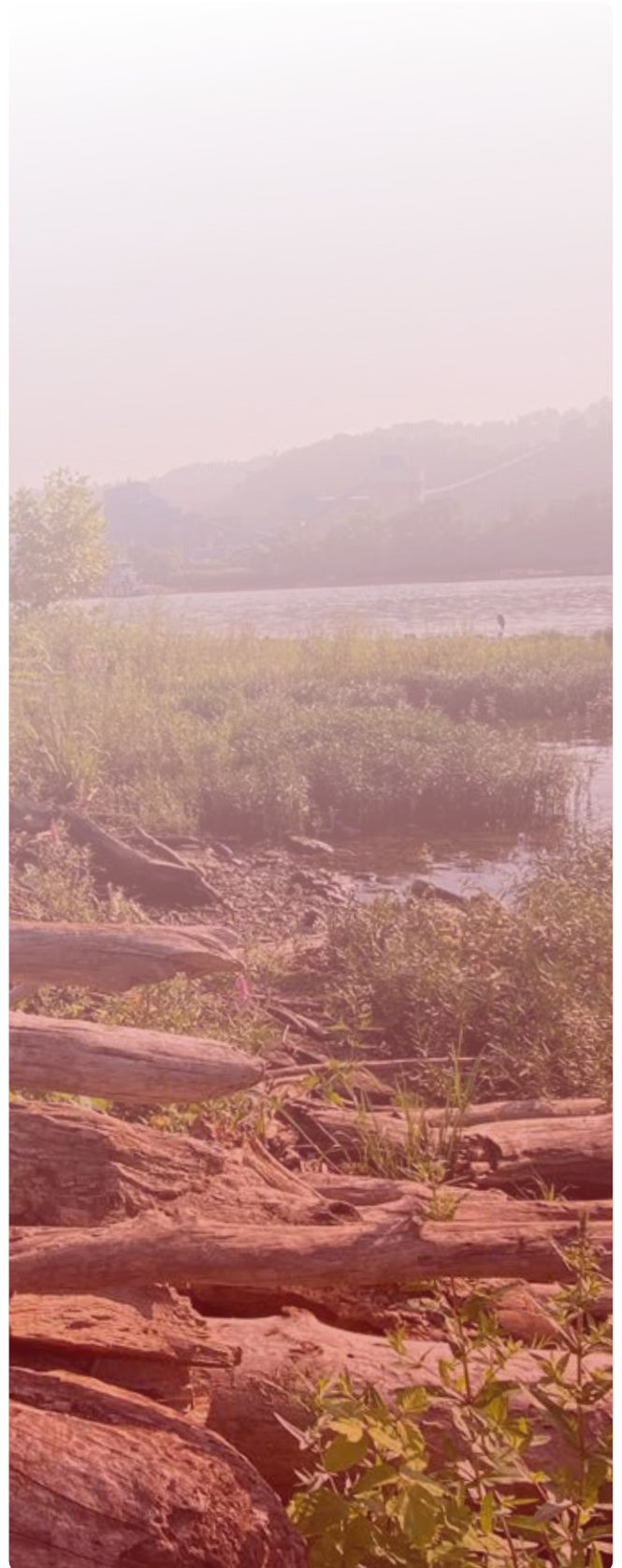


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UPCOMING EVENTS

PEP BOARD MEETING

August 9, 2023

APPLY NOW PEP+ GRANT

Each year, the PEP+ Grant offers \$1,000 to fund or partially fund safety items that will aid in property and liability risk management efforts. PEP is pleased to offer this opportunity and takes pride in reinvesting in PEP Members for the future of Ohio communities. To apply, fill out the form at: www.pepohio.org

Look to PEP for comprehensive coverages, exceptional risk management, and stable and competitive pricing for all public entities throughout Ohio.

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Every effort has been made to ensure the accuracy of the information in this newsletter. Professional counsel should be sought before any action is taken or decision is made based on this material.

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