

You Can't Fool Mother Nature, But You Can Prepare for Her



Mother Nature’s ‘tantrums’ can be unpredictable. In California, our seasons and storms may not be as fierce as other parts of the country, but Mother Nature sends us a wildfire season, with high winds that fan the flames, followed by a rainy season challenging areas affected by fires, where lost vegetation gives rise to floods, mud and debris flows. In colder parts of the state, members face black ice and leaks due to frozen water and broken sprinkler pipes.

WHAT'S NEW AT ASCIP?

New Resources:

- Updated Remote Instruction & Keeping Students Safe Guidelines
- Updated Special Ed Class Action-Risk Alert
- Cyber EFT Guidelines

Coming Soon...Do You CAARE?

Go to www.ASCIP.org for all this and more!

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Resources to help members prepare:

- [Protecting School Property During Winter Break Safety Spotlight](#) to prepare facilities for Winter
- Prevent damage from floods, mud and debris flow using our [Post Fire Flood/Mudslide Safety Spotlight](#)
- Be prepared for the unexpected wildfires with tips from our [Wildfires and District Risk](#) alert
- ASCIP provides a new service to help mitigate property losses. Members with facilities in the path of severe weather and wildfires are now provided alerts containing more detailed preparation information. Along with these alerts, access to [Service Master Restoration Management](#) is available to assist with sealing up district facilities to prevent smoke and ash damage, as well as water intrusion, from inadequate surface drainage.

Your Risk Services Consultant is available to assist you prepare.

In the past three years, members’ have experienced property losses due to Mother Nature’s weather tantrums including smoke/ash damage, rain intrusion, drainage failure, lightning strikes, and wind storms resulting in over \$11.5M in damages.

Normally, the first step to reduce losses is to eliminate the hazard. However, you can’t “fool Mother Nature”. Therefore, a better approach is to be prepared with strategies to address her known weather related perils (see Resources above to help you prepare).

Despite preparations, Mother Nature’s tantrums can cause damage. Report claims to ASCIP right away. Claim

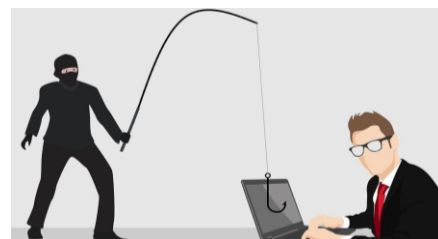
reporting procedures can be found on our website: [CLAIM REPORTING](#)

For weather related water intrusion claims in newer buildings, the contractor’s completed operations coverage may apply. ASCIP’s claim team will investigate and assist with any recovery.

What's on the Cyber Menu – Spam or Phish?

Electronic funds transfer (EFT) fraud and cyberattacks are closely related, as most EFT fraud starts with an email communication. With good spam/malware software in place, most of us don’t realize how many dangerous emails are actually being sent to us. It is estimated that 80% of all email are spam related. Let’s explain the terms.

Spam: A term that refers to unsolicited junk email sent out in bulk. Many are simply marketing emails to get you to click on an ad to buy something, but some are much more dangerous.



Phishing: A compelling email, phone call (**vishing**) or text message (**mishing**) that asks you to change your email password or payment information. This is more directed than bulk spam email.

Spear-phishing: This targets a specific individual in an organization. A form of spear-phishing, called **whaling**, specifically targets executives.

Business Email Compromise (BEC): Similar to phishing, these email scams

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To Provide, or Not To Provide? ...The DWC-1



That is the question. This has always been a workers' compensation question to be grappled with by employers. The "Honeywell" case in 2005 answered the question of whether to provide the employee DWC-1 claim form - the employer must have knowledge, and not just reasonable certainty, that an industrial injury/illness occurred before the claim form must be provided.

Fast forward to 2020 when a COVID-19 pandemic threatens to turn things upside down. Even though an Executive Order and SB 1159 have created a rebuttable presumption that COVID-19 is work related (assuming criteria is met), these do not change the "law of the land" established by the Honeywell decision. Yet with each round of new legislation, it seems that employers are inching closer to being obligated to provide the DWC-1 upon knowledge of a positive COVID-19 test.

Attorney, Mike Sullivan of Michael Sullivan & Associates shares that with the most recent changes, the emergency Cal/OSHA standards approved November 30, 2020, the claim form question is more difficult "since it imposes upon the employer a greater duty to investigate whether the COVID-19 case is work related. An employer might investigate and conclude it is more likely than not that the infection came from work, but not 'know' under the legal standard. The more that OSHA demands investigation and action based upon whether the disease came from work, the harder it is to defend the decision not to provide a claim form."

There is much to consider when it comes to making the decision "to provide or not to provide" the DWC-1 form. Each investigation is unique and every situation must be analyzed on a case-by-case basis. Contract tracing is a critical component of the investigative process that can provide some clarity to the claim form question. At ASCIP, we will continue to monitor and advise members on legislative updates and are ready to assist and provide guidance whenever these difficult decisions arise.

**Join us December 16th at 1:30
for ASCIP's Compliance
Resources for Cal/OSHA's New
Emergency COVID-19**

[**REGISTER**](#)

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involve sending a fake email message to a specific employee by a cybercriminal posing as a senior executive, such as the CEO or CFO, requesting them to send a wire or ACH payment to an account controlled by the criminal.

Malware: Short for malicious software, an email that asks you to open an attachment or click on a link, which then instantly loads a virus (other terms include **rootkit** or **adware**) onto your device. This virus is preprogrammed to copy itself and spread from device to device, including printers, tablets, network servers, and eventually all the computers tied to your network. This virus will then control settings, copy your data, monitor your activities (often in the background undetected for long periods of time), then target you for other manipulative actions.

Announcing \$24 M Dividend!

The workers' compensation and health benefits programs are well funded and in strong positions to return some equity to its members. So that's exactly what ASCIP is doing!

Given the urgent needs many schools are facing, in an effort to assist our membership, the Executive Committee announced an early premium rebate (dividend) of \$24 million to the members of these programs in December. This rebate is in addition to \$27 million dollars distributed during the summer and is offered as an immediate cash payment or a credit to next year's premiums.

"These dividends are possible due to the extraordinary risk management efforts of our members and staff. We are proud to be able to return funds in this unprecedented time of need" says Jeff Grubbs, ASCIP CFO.

Ransomware: A form of Malware that can encrypt your files, computer and entire network, completely locking you out of your entire system so that neither you nor others can gain access without paying a ransom of some sort.

Employees need constant training in how to spot and avoid these ever-changing dangers. Spam email can be very deceiving. Staff should be provided a resource for forwarding any suspicious emails to, where an IT expert can scan them for safety. A detailed article with tips to share with staff was published in our [Fall ASCIP Views](#). See our [Cyber EFT Best Practices](#) for more details.

Upcoming Events (for updates and details go to www.ascip.org/training/seminars-webinars/)

Event	Date	Time	Link to Register
Compliance Resources for Cal/OSHA's New Emergency COVID-19 Prevention Regulation	Wed Dec 16	1:30-3:30 pm	REGISTER
Community College Consortium	Jan 21 – 22	3:30 pm - Noon	REGISTER
SAVE THE DATE ASCIP Annual Membership Meeting	Fri, Mar 5	TBD	Coming soon!