

From: "Arkin, Daniel" <darkin@ancelglink.com>

Sent: 6/29/23 3:27 PM

To: Linda Talarico <Linda.Talarico@us.davies-group.com>, "district7-2@shelbycounty-il.gov" <district7-2@shelbycounty-il.gov>, "district10-1@shelbycounty-il.gov" <district10-1@shelbycounty-il.gov>, "Chris Smith (Decatur)" <Chris_Smith1@ajg.com>, "Shelby County District 9 - Cody Brands" <district9-1@shelbycounty-il.gov>

Cc: Shelby County Board Chair - Bobby Orman<shcboardchair@shelbycounty-il.gov>, Rich Stokluska<Rich_Stokluska@ajg.com>, Tim Corr <Tim_Corr@ajg.com>, Latisha Harrington<Latisha.Harrington@us.davies-group.com>, Jamie Bruner<Jamie.Bruner@us.davies-group.com>

Subject: RE: Dive/Rescue Squads in Shelby County

Caution! This message was sent from outside your organization.

All,

Section 10 of the Workers' Compensation Act provides for coverage for "volunteer firemen, police and civil defense members or trainees". No other categories of "non-employees" are specifically listed.

Although I do not know of any cases that directly address Dive and Rescue Squad members that are **not** part of or affiliated with a fire department, please note that each case is addressed on its own merits. It could certainly be conceivable that D/R members could "become" volunteers if asked, requested or called by a fire or police department that is directing operations at a scene, and therefore arguably be entitled to workers' compensation coverage, if injured. I do not know of any situation where they would become involved if not at the request, hiring, direction or control of the fire or police department. If so, an argument can be made that there is no coverage under Section 10 as volunteers.

Noting Martha's e-mail below, I suggest that their efforts are for the purposes and goals of helping the County with their rescue operation, which is a benefit to the County. However, absent employment or volunteer coverage as discussed above, injuries sustained during the rescue would arguably not be covered by the County.

Please call or e-mail if you have any questions or if you would like to discuss this in further detail. Thank you.

Dan Arkin

Daniel Arkin, Senior Counsel


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From: Linda Talarico <Linda.Talarico@us.davies-group.com>
Sent: Thursday, June 29, 2023 11:42 AM
To: district7-2@shelbycounty-il.gov; district10-1@shelbycounty-il.gov; Chris Smith (Decatur) <Chris_Smith1@ajg.com>; Shelby County District 9 - Cody Brands <district9-1@shelbycounty-il.gov>; Arkin, Daniel <darkin@ancelglink.com>
Cc: Shelby County Board Chair - Bobby Orman <shcboardchair@shelbycounty-il.gov>; Rich Stokluska <Rich_Stokluska@ajg.com>; Tim Corr <Tim_Corr@ajg.com>; Latisha Harrington <Latisha.Harrington@us.davies-group.com>; Jamie Bruner <Jamie.Bruner@us.davies-group.com>
Subject: RE: Dive/Rescue Squads in Shelby County

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I have cc'd defense counsel, Dan Arkin. He is going to respond. The team members of the D/R do not need to be employees of the county or of any other D/R company.

Thanks, Linda

Linda Talarico	
Sr. Claim Adjuster	
	
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From: Shelby County District 7 - Sonny Ross <district7-2@shelbycounty-il.gov>
Sent: Thursday, June 29, 2023 8:36 AM
To: district10-1@shelbycounty-il.gov; Linda Talarico <Linda.Talarico@us.davies-group.com>; Chris Smith (Decatur) <Chris_Smith1@ajg.com>; Shelby County District 9 - Cody Brands <district9-1@shelbycounty-il.gov>
Cc: Shelby County Board Chair - Bobby Orman <shcboardchair@shelbycounty-il.gov>; Rich Stokluska <Rich_Stokluska@ajg.com>; Tim Corr <Tim_Corr@ajg.com>; Latisha Harrington <Latisha.Harrington@us.davies-group.com>; Jamie Bruner <Jamie.Bruner@us.davies-group.com>
Subject: RE: Dive/Rescue Squads in Shelby County

That new information is correct.

I would ask that while everyone else in the conversation may have a deep history, knowledge and understanding of insurance language, terms and jargon; others of us are far less experienced. With that being said, I ask that all answers and responses have both the experienced response as well as a response that is able to be easily understood by a 4th grader. I appreciate everyone's help in this matter and am looking forward to your responses.

Thank you.

Sonny

From: "Shelby County District 10 - Martha Firnhaber" <district10-1@shelbycounty-il.gov>
Sent: 6/29/23 8:29 AM
To: Linda Talarico <Linda.Talarico@us.davies-group.com>, "Chris Smith (Decatur)" <Chris_Smith1@ajg.com>, Shelby County District 9 - Cody Brands <district9-1@shelbycounty-il.gov>
Cc: Shelby County Board Chair - Bobby Orman<shcboardchair@shelbycounty-il.gov>, Rich Stokluska <Rich_Stokluska@ajg.com>, Tim Corr <Tim_Corr@ajg.com>, Latisha Harrington<Latisha.Harrington@us.davies-group.com>, Jamie Bruner<Jamie.Bruner@us.davies-group.com>, Shelby County District 7 - Sonny Ross<district7-2@shelbycounty-il.gov>
Subject: RE: Dive/Rescue Squads in Shelby County

Linda,

Thanks for the response. I want to add some notes based on your response to see if it changes the answer as to whether or not the WC coverage would be applicable to the D/R teams.

1. The team members are NOT employees of the county.
2. The team members are NOT employees of other D/R companies that are specific to what they do. Their full time jobs are outside the scope of D/R.
3. When they respond to a scene they are not "helping out Shelby County". They are not operating under the direction of the Sherriff. When they respond to a scene they take over and it is their operation at that point. The Sherriff Dept may make the call to D/R that an incident has occurred and they need to go but D/R may receive calls from other entities or even the general public as well. D/R operate independently.

Sonny and Cody - if I have misspoke or you have comments to add given your work on this subject matter, please jump in and add those comments.

Thanks to all for the assistance in helping us figure this out. Have a thoughtful and thankful Thursday :)

Martha Firnhaber

From: "Linda Talarico" <Linda.Talarico@us.davies-group.com>
Sent: 6/27/23 8:10 PM
To: "Chris Smith (Decatur)" <Chris_Smith1@ajg.com>, "district10-1@shelbycounty-il.gov" <district10-1@shelbycounty-il.gov>, Shelby County District 9 - Cody Brands <district9-1@shelbycounty-il.gov>
Cc: Shelby County Board Chair - Bobby Orman<shcboardchair@shelbycounty-il.gov>, Rich Stokluska<Rich_Stokluska@ajg.com>, Tim Corr <Tim_Corr@ajg.com>, Latisha Harrington<Latisha.Harrington@us.davies-group.com>, Jamie Bruner<Jamie.Bruner@us.davies-group.com>
Subject: RE: Dive/Rescue Squads in Shelby County

Caution! This message was sent from outside your organization.

I will respond regarding workers' comp. The D/R team does not need to be part of the county to be considered volunteers. If they are employees of another county or another company (a D/R company specific to what they do, not some arbitrary job), then their company typically handles their workers' comp claims. However, if they "volunteer" to help out Shelby county – and assuming it is under the direction of the sheriff's department (which it typically would be), if they are injured and have NO work comp coverage with their employer (if there is one for the D/R team, which typically there is not), then Shelby County will be responsible for the claim/injury.

Thanks, Linda

Linda Talarico

Sr. Claim Adjuster



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From: Chris Smith (Decatur) <Chris_Smith1@ajg.com>

Sent: Tuesday, June 27, 2023 1:28 PM

To: district10-1@shelbycounty-il.gov; Shelby County District 9 - Cody Brands <district9-1@shelbycounty-il.gov>

Cc: Shelby County Board Chair - Bobby Orman <shcboardchair@shelbycounty-il.gov>; Rich Stokluska <Rich_Stokluska@ajg.com>; Tim Corr <Tim_Corr@ajg.com>; Linda Talarico <Linda.Talarico@us.davies-group.com>; Latisha Harrington <Latisha.Harrington@us.davies-group.com>; Jamie Bruner <Jamie.Bruner@us.davies-group.com>

Subject: RE: Dive/Rescue Squads in Shelby County

Hi Martha,

Thanks for bringing this to our attention. I have copied the County's CIRMA sales and claims teams here for input. We will review and someone will respond as soon as possible.

Thanks again.

Chris Smith CIC, CRM

Area Senior Vice President

CA License No. 4034670



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From: Shelby County District 10 - Martha Firnhaber <district10-1@shelbycounty-il.gov>

Sent: Tuesday, June 27, 2023 1:05 PM

To: Chris Smith (Decatur) <chris_smith1@ajg.com>; Shelby County District 9 - Cody Brands

<district9-1@shelbycounty-il.gov>

Cc: Shelby County Board Chair - Bobby Orman <shcboardchair@shelbycounty-il.gov>

Subject: Dive/Rescue Squads in Shelby County

Importance: High

[EXTERNAL]

Chris,

Good afternoon. I hope this finds you doing well. I have included Cody Brands on this email. Cody is a county board member, a co-Legislative Committee member and is also a member of the Public Health and Safety Committee.

Cody has brought to my attention that we have had a serious situation arise regarding the Dive/Rescue Squads (D/R) and we would like to get your feedback regarding any, if any, affect this situation could have on insuring those squads.

The long and short of it is that it has come to the board's attention that the D/R were not established according to statute years ago. Cody and the PHS Committee are working diligently to determine how best/legally/statutorily appropriately to rectify the situation but it seems as this is not going to be an easy fix.

Given D/R are not legally departments or offices of the county we have questions/concerns regarding how the county insurance program would respond to any claims derived from D/R operations. Work Comp - would the volunteers have coverage if it is determined they are not technically volunteers of the county? Property/Equipment/Auto - does that come down to what entity it is titled/deeded/leased to? General Liability - again, if a claim arises out of their operations and D/R were not properly established could coverage not respond/apply?

I am sure there will be questions and we will do our best to answer those. I am in hopes we can all work together to attempt to have answers, or at least the best answers we can have, knowing what we know as of right now.

Thanks much for your expertise and guidance,

Martha Firnhaber

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