

COVID-19 Update

June 2020



As COVID-19 pandemic safety measures are lifted, there are key risk management considerations for MEL members. Visit the MEL's COVID-19 webpage for a compilation of all updates referenced, and more: <https://njmel.org/covid-19-updates/>

Summer Camps, Recreation Programs, Childcare Centers, Organized Sports Leagues, Pools, Etc.

- ✓ See the MEL Safety Director's June 4th and June 16th bulletins addressing these items.

Ford Patrol SUV Sanitization

- ✓ See the MEL Safety Director's June 1st bulletin for a solution from Ford.

Coverage Exclusions

- ✓ Like most insurance policies, many JIF policies do contain exclusions for violations of laws, which includes the governor's Executive Orders. Ensure any changes enacted are lawfully compliant.
- ✓ The MEL General Liability coverage does not contain an exclusion specifically naming viruses.

Outdoor Dining/Retail, Third Party Events/Activities

- ✓ Outdoor dining, retail, etc. should be subject to the same risk management as any other third party use of municipal property, which includes sidewalks and parks.
- ✓ Utilize appropriate contracts, include strong hold harmless/indemnification and obtain proper evidence of insurance. Consider adding specific language about communicable disease.

Fit Testing, SCBA Courses, EMT Training, CPR Certification, etc.

- ✓ There has been an increase in in-house/shared training due to course scarcity during the pandemic.
- ✓ See the MEL Safety Director's bulletins on such items.

Takings, Land Use and Condemnation

- ✓ As the Governor lifts restrictions, it is up to the municipalities to continue to impose higher restrictions. In such cases, you should be aware of Land Use exposures for restricting citizens and business activities, including dining, retail and fitness businesses.
- ✓ While immunities remain strong through the public health crisis, ensure you are taking the same care with Land Use-like decisions as in any normal Land Use matter.

NJMVC Delays

- ✓ With the NJMVC closure and delays, members are turning to leases, rentals and use of employee vehicles. The MEL provides some coverage for these exposures.
- ✓ Ensure your rental/lease contract details who is responsible for what insurances/liability.
- ✓ Ensure your employees carry an adequate level of personal insurance, as the MEL's coverage is for the member, not the employee.

**** In all topics discussed, ensure you consult with legal counsel, risk management professional and other relevant professionals. As respects any coverage issues, the specifics of each claim and policy language will determine coverage. ****