



Diocese of Trenton

Risk Management Quarterly

Parishes, Schools, Cemeteries & Catholic Institutions



Fall Edition

Child Protection: Cyber Bullying

Our Liability insurance carrier, The National Catholic Risk Retention Group (TNCRRG), has recently seen a higher than historical number of claims involving bullying and/or hazing.

TNCRRG recently issued three guidance documents in a four-part series. This article was authored by Ashley R Lynam, a partner at Montgomery, McCracken, Walker & Rhodes. Ms. Lynam advises clients on institutional responses to sex, gender, and race-based harassment, discrimination, and abuse. A former rape prosecutor, Ashley handled the investigation, prosecution, and defense of high-profile claims involving allegations of misconduct, and counsels her clients on policy drafting, implementation, and risk assessment.

Nearly half of teens in the US have reported suffering some form of cyberbullying between the ages of 13 and 17 years old. Cyberbullying can take many forms, including harassment through insults or threats, spreading false rumors, impersonating individuals, and excluding or exploiting.

Children who have suffered frequent cyberbullying may experience a decline in academic performance, begin “acting out,” and often report difficulties at home. These children are at increased risk for depression, anxiety and externalized negative behaviors, as well as an increased risk for suicide.

With seemingly endless access to anonymity, and the ubiquitous and even necessary presence of laptops, tablets and phones in

classrooms, are schools expected to police online behavior as well as in-classroom behavior? What exactly does the law require of schools in modern America to prevent or curtail cyberbullying?

Courts have increasingly accepted the impossibility of expecting schools to monitor and control all online conduct of its students. In *D.W.M. by Moore v. St. Mary Sch.*, the parents of several students who were allegedly victimized by racial “cyber assaults” brought suit against a Catholic school and local diocese, alleging that the church and school engaged in a conspiracy to coverup a series of online attacks in an effort to maintain its reputation.

The Court thoroughly examined the school’s applicable handbooks, ultimately finding that while the school represented it had a “zero tolerance policy” for ethnic or racial remarks, the policy did not specify an intent to monitor or maintain responsibility for off-campus, online speech. The Court ultimately granted a motion to dismiss on this basis.

While the church and school involved in the above-referenced case were ultimately shielded from liability, school leadership can and should review their anti-bullying and cyberbullying policies carefully to ensure

they are creating and maintaining a positive educational environment and culture, thus decreasing the likelihood of cyberbullying in their communities.

To reduce the likelihood of cyberbullying, schools should set out clear policies with consequences, outlining what cyberbullying is and how any applicable policies will be implemented against those who engage in it. Schools should take careful care in delineating these policies to **disclaim any monitoring requirement**.

Schools should also consider a digital citizenship curriculum, educating their students about online dangers and etiquette, the reasonable use of technology within schools, and teach their students empathy and respect in today’s digital world. Training options can be extended to parent workshops to ensure full community and home engagement on cyber awareness.

However, the best-drafted policy on the planet can still fail to protect a school from liability if it is not consistently and accurately applied. Staff and scenario-based training, including role-playing among teachers, administrators and support staff on how to recognize, respond to, and report instances of cyber

Continued on page 6

Diocese of Trenton CARE 24

Workers' Compensation Benefit

PMA CARE 24 is a workers' compensation benefit available to all employees of the Diocese of Trenton specifically designed to provide the best medical care possible as quickly as possible. The CARE 24 Nurse Triage Program is managed through our workers' compensation claims administrator, PMA, and is available to all employees in the event of an on-the-job injury.

A licensed triage nurse is available by phone **24 hours a day, 7 days a week**. The nurse provides triage and care coordination for the injured employee. Over the last 7 years, **CARE 24** has reduced time delays for treatment by avoiding unnecessary emergency room visits for treatment that can be provided at a local non-hospital emergency care facility.

While this process covers most situations, any injury that threatens life, limb or vision is immediately directed to the nearest hospital emergency room. **When in doubt, call 911.** Any **in-patient hospitalization** of an employee as the result of a worker's compensation injury must be reported to OSHA within 24 hours – failure to report will result in a fine (potentially substantial). Immediately report any hospitalization to either Joe Cahill or Joe Bianchi.

A video describing the program is available on our website. Go to: <http://www.dotinsurance.org/> and enter the words "Care 24" in the search box.

Every parish/school/cemetery/diocesan organization/Catholic Charities/other employee, full time/part time/seasonal/temporary, should have a **PMA CARE 24** Card and know how to use it in the event of a workplace-related injury. An introduction to the **PMA CARE 24** process should be a part of every new employee training program. A **PMA CARE 24** posting should be placed with all employee notice postings required by law.

If you have questions about the program or benefit cards, contact Joe Cahill at 609-403-7189. To reorder cards, email Sherrie Sporek sspore@dioceseoftrenton.org or Joe Cahill jcahill@dioceseoftrenton.org.

To Access the PMA CARE 24 Nurse Triage Service:

When an employee is involved in a non-life-threatening accident or injury, the employee should follow this procedure (if the manager or supervisor is available, he or she should also participate in the call):

1. Call the **CARE 24** Nurse Triage line at: **1-855-347-7334**. A triage nurse will review the situation and direct the employee to a participating provider that will best meet their medical needs. This service is available 24/7. The call should be placed as soon as possible after the accident – not days or weeks later.
2. The supervisor/manager should report the incident to CARE 24 and to Human Resources. The Diocese of Trenton incident report process with notification to the state is initiated with the call to **CARE 24**.
3. The employees should present the benefit card to the medical provider and/



PMA Care 24 Nurse Line



Diocese of Trenton Workers Compensation Benefit Card

If an employee has sustained an injury that is **NOT** life, limb or eyesight threatening: **At the Point of Injury**, please call Nurse: **1-855-347-7334**

Inform your supervisor as soon as possible and complete a Diocese incident report

Present this card to the medical provider and pharmacist if medical care and prescriptions are needed.

PMA Care 24 Nurse Line

1-855-347-7334

The nurse will make a recommendation if the injury is self-care or if medical attention is required.

For Prescriptions:

If the employee requires medications as a result of their injury, the nurse will provide a list of area pharmacies. Use employee SSN and group #KVQA

or pharmacy they are directed to for treatment. There are no "out of pocket expenses" for the employee related to any care provided when directed by the Triage Nurse.

This process will initiate a claim or notice of a claim with PMA and notification will be sent to Risk Management at the Diocese of Trenton confirming that the injury was reported. Every incident is investigated as part of the process to provide the safest work environment. **If an injury is not reported through CARE 24, it must be reported directly to PMA and a State of New Jersey First Incident of Injury Report must be completed and submitted.** ■

PMA Care 24 Program
Injury Management Triage Training



Early Intervention = Appropriate Medical Care



OLD REPUBLIC INSURANCE GROUP

Diocese of Trenton Risk Management Quarterly

If you have any questions, comments or topic requests for future newsletters, please send an email to newsletter@dotinsurance.org

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Hiring a Contractor

It is required that all parishes, schools and cemeteries obtain up-to-date certificates of coverage for both Workers' Compensation (WC) and General Liability (GL) from vendors and subcontractors that perform work on church or school property, owned or leased.



Typically, the need for obtaining evidence of General Liability coverage is fairly straightforward. Any damage or injuries to others caused by the vendors or subcontractors should be their responsibility; requiring them to have General Liability coverage will help ensure that claims and litigation against the parish and diocese are avoided.

Required proof of Worker's Compensation coverage ensures that the vendors' and subcontractors' employees are covered should one of their workers be injured while providing services on church, school or cemetery property. However, a "small" contractor consisting of a one-person (owner/sole proprietor) company is not required by New Jersey law to maintain Workers' Compensation coverage. These small independent contractors, if injured during the performance of their work, could and likely would result in bringing a claim against the diocesan Workers' Compensation program or General Liability policy.

Uninsured contractors should never be hired; however, an occasional situation may arise where the needed services are unavailable elsewhere. If this occurs, a Hold Harmless Agreement provided by or approved by the Diocese and specific to the individual and services provided should be obtained prior to the performance of any contracted work.

John Q. Parishioner is an all-around great guy and he and his dad have a local contracting business. So, naturally, when you're thinking of snow removal (or any other work) for the long winter, you ask him how much it would cost. After all, he knows the place inside out and will probably give you a deal, right? **MAYBE NOT! STOP! THINK AGAIN!**

John and his dad **MAY** be the best fellows for your job, but only if they meet all of the requirements of the diocese and can still give you an affordable price. Here's what parishes and schools should do when hiring a contractor:

1. Decide what work you want to have done and invite several contractors to give you **written estimates**. Make sure you understand different options, approaches and pricing. You do not have to choose the lowest bidder and you do not have to choose a parishioner. If you ask a parishioner to bid on the job, remind him or her that the diocese requires you to follow this process.
2. Ask the potential contractors for names, addresses and phone numbers of at least three recent references and **check them**. Ask the references if the project was done completely, accurately, timely and within the budget. Did the workers show up on time? Were they properly supervised? Were they treated with respect?
3. When you choose a contractor, **you must have a contract**. This is a diocesan mandate, as well as commonsense as most insurance policies require a written contract that includes language related to insurance in order to obtain coverage for an additional named insured. Regrettably, a handshake alone just doesn't cut it anymore. While there may be initial discomfort in asking your longtime parishioner to put it in writing, it is a prudent requirement and must not be overlooked.
4. The contract must include a **'Hold Harmless' clause**, which protects your parish, ministry and the Diocese from claims resulting from the contractor's services. In its simplest form, the clause states, "[Contractor] shall defend, indemnify and hold harmless [your parish/ministry], the Diocese of Trenton and the Bishop from any and all actual or alleged claims." *The parish or school must never contractually accept liability for the negligent acts or omissions of a contractor.*
5. The contractor must provide a **Certificate of Insurance** which proves the contractor is covered by an insurance policy, and

protects the parish and diocese. The Certificate of Insurance must name your parish or ministry as the Certificate Holder, and your parish or ministry, the Diocese of Trenton and the Bishop as "Additional Insureds" with a minimum limit of \$1 million per occurrence, \$2 million in the aggregate. Certain situations may require higher limits of coverage. The Certificate must also show coverage verifying Statutory Workers' Compensation Insurance required by the State of New Jersey and Owned and Non-Owned Automobile Liability Insurance coverage in the amount of \$1 million where appropriate. Additional insured coverage should be primary and non-contributory with a waiver of subrogation to the benefit of the church, ministry, school and Diocese of Trenton. The above-stated insurance requirement must be incorporated into the contract.

6. Contracts should not be open-ended. Do not agree to renew contracts automatically.

Yes, this is complex and potentially time-consuming. Make it easy on yourself by asking the Diocesan Office of Risk Management to **review all contracts for insurance requirements**. The only cost for this service (and the peace of mind it brings) is a few extra minutes of your time. Contact Joe Cahill at 609-403-7189 or jcahill@dioceseoftrenton.org.

You are responsible to protect your parish or ministry from unnecessary liability. Do not let the potentially awkward interaction with a parishioner or friend stand in the way of getting a written contract in place before you start a project. If John Q. Parishioner and his dad come in with a great contract at a fine price, backed up with outstanding references, sign it! And invite them to the rectory for a cup of coffee.

For information regarding construction, contact Scot Pirozzi at 609-403-7195 or spiroz@dioceseoftrenton.org. ■



Use of Parish Premises

For Other Than Church Ministry Activities

Many parishes and schools allow outside groups to use space in parish or school buildings. To ensure safety of the groups involved, certain steps need to be taken in advance.

Examples include groups that meet regularly, such as various self-help organizations, Knights of Columbus, Boy Scouts, St. Vincent DePaul Society, and one-time events, like wedding receptions, alumni events, birthday parties, sports activities including the use of fields, courts and gymnasiums by parishioners, volunteers, coaches, staff, others. Other examples include fundraisers for the benefit of the school or church such as bingo, silent auctions, and craft fairs.

Parishes and schools are encouraged to be innovative with the space available in the parish as outreach and service to the community. However, in order to ensure the safety of the groups involved and to protect the parish/school/Diocese from liability, there are certain steps a pastor/principal should take when allowing any group to use parish premises.

A parish group is any entity that utilizes the Parish Federal Employment Identification Number (FEIN) for their bank account, or is a pastor-approved ministry of the parish. A non-parish entity or parish group that hosts events that allow the participation of outside vendors and/or volunteers who are not exclusively ministry members or employees is not covered by the liability insurance program of the Diocese. The use of parish buildings or other property spaces, rented or at no charge, will require a USE “License Agreement” and insurance. The following should be obtained from the group:

- A Parish Premises Use Agreement “License Agreement” prepared by the Diocesan Office of Risk Management, signed by the organizer of the group utilizing the space and the pastor, is required. The parish should keep a signed copy of this agreement in their files.
- A **Certificate of Insurance** (COI) from the group showing proof of liability coverage with limits of at least \$1,000,000 per occurrence, \$2,000,000 in the aggregate for general and auto liability, and proof of workers’ compensation insurance. Property damage coverage and medical may also be required. The COI must also show as **additional insureds**, the parish/school, the pastor, the Diocese of Trenton and Bishop David M. O’Connell C. M.

with liability coverage as primary and non-contributory and a waiver of subrogation in favor of the parish and Diocese. The form and language of the COI must be approved by Risk Management prior to the use of the property. Attach a copy of the COI to the signed Use Agreement and maintain the file for a minimum of three years. Alternatively, if the group does NOT maintain their own insurance, the group must purchase Special Events coverage, which in most cases is available through the Diocese Special Events program. Please contact Sherrie Sporek at the Chancery Office at 609-403-7184/7149 or by e-mail sspore@dioceseoftrenton.org to obtain an application. Special Event coverage can be purchased on a per event basis for most activities at \$125 or on an **annual basis** for meetings regularly scheduled from one per month up to two per week at an annual cost ranging from \$200 to \$1,050. All Special Event Insurance through the Diocese of Trenton program covers host liquor liability. Special Event Insurance is not available for sporting events. Sporting Event Coverage can be purchased through insurance brokers specializing in Sports & Entertainment Insurance.

Use of Alcohol

If an outside group wishes to serve alcohol (with the pastor’s approval) at a parish-hosted or non-parish event, the use of a licensed caterer or bartender is preferred. If a licensed caterer or bartender is used, the caterer or bartender must provide the parish/school with evidence of their general liability policy with host liquor liability coverage and include the pastor, parish/school, Diocese and Bishop as additional insureds as noted above. BYOB or any event where liquor is served requires the purchase of Event Insurance through the Diocese unless the liability insurance of the licensee specifically included Host Liquor Liability insurance. Depending on local regulations, a city/town may require the group to obtain a permit for serving alcohol. If so, the group is responsible for obtaining the permit and showing proof of this to the parish/school.

We all need to be concerned about alcohol consumption by minors and ensuring that

people who are intoxicated are no longer allowed to drink alcoholic beverages. Thus, it is important that the organizers of the event in which alcohol is served/available follow these guidelines and other prudent procedures as deemed necessary to guarantee safety:

- Never serve alcohol to an individual under the legal drinking age. Identification should be checked for anyone who appears to be under the age of 30.
- An individual should only be allowed to order or obtain one drink at a time. This will help prevent someone from becoming intoxicated too quickly and will also help deter an individual from providing a drink to a minor.
- A formal plan should be in place to handle individuals who have had too much to drink.
- Security or police should be considered if alcohol is served or the size of the event justifies the need.

Appropriate Use of Facilities

Parish/school facilities should not be used for political purposes, including fundraisers for a candidate to political office. To do so jeopardize your religious tax-exempt status and risk claims of discrimination by an opposing political party or candidate if they were denied equal access/use. In addition, the general goals and objectives of a group using the facilities should be consistent with the values and mission of the Catholic Church. Activities contrary to the teaching of the Catholic Church are prohibited.

If you have questions about the appropriate use of parish premises or any of the recommendations above, contact Sherrie Sporek, Chancery Office: tel 609-403-7184/7149; email: sspore@dioceseoftrenton.org

For current rates (effective 02/01/2024–02/01/2025) and to download an application, please go to our website: www.dotinsurance.org

https://www.dotinsurance.org/images/pdf/Event_Insurance_Enrollment_Form_Approved_Event_Types_2023_fillable_.pdf

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Hurricane Season

It's been nearly 12 years since Superstorm Sandy, and most might recall the event as a "one in a million" catastrophe not likely to be repeated in our lifetime. The likelihood of a hurricane making landfall with the same devastation seems remote; however, the predictions for an early hurricane season with 25 or more storms raises the odds that the properties of the Diocese of Trenton could be impacted by one of more storms over the next four months.

Atlantic hurricane season officially began on June 1st and runs through November 30 each year. Although the peak of the season is usually during August – October, preparation is strongly advised at all times no matter how many storms are forecast. NOAA (National Oceanic and Atmospheric Administration) is forecasting a range of 17 to 25 total named storms (winds of 39 mph or higher). Of those, 8 to 13 are forecast to become hurricanes (winds of 74 mph or higher), including 4 to 7 major hurricanes (category 3, 4 or 5; with winds of 111 mph or higher). Forecasters have a 70% confidence in these ranges.

It's important to keep in mind that the effects of a hurricane or tropical storm can be felt for hundreds of miles inland, not just along the coast. Inland flooding can be a huge concern, even if you are not physically located in a flood zone. Additionally, tornadoes are frequently spawned from hurricanes and tropical storms making landfall, so precautions are needed to protect structures and personnel from these events as well.

Preparation

At the start of every hurricane season, review existing emergency response plans you have. These plans should generally include:

- Up-to-date contact information of employees, local emergency agencies, Diocesan Office of Risk Management and other Chancery contacts
- An emergency response team who will perform specific tasks in order to prepare for an event
- Communication procedures- cell phone numbers and e-mail addresses for all personnel critical to an emergency response
- A list of needed items and materials

To prepare property or structures for a hurricane, keep in mind that buildings located

next to open terrain where wind can blow unobstructed — such as near fields, large bodies of water and parking lots — are likely to be damaged when the wind strikes with full force. Below are tips for protecting your property in the case of a hurricane.

Secure the Building Envelope

The roof covering and building envelope are your first line of defense. Check the roof drains to ensure they are not clogged with debris and water can flow properly. The roof covering should be in good condition and free from blisters and other signs of physical damage. Also, the roof flashing should be tightly secured at the edge of the roof where the roof and building walls meet. Unreinforced parapets (protective walls), decorative facades and unsecured mechanical equipment can blow over and damage the rooftop. Be sure to close and latch exterior doors and windows, and brace large doors.

Avoid Wind-borne Debris

Glass wall panels and plate glass windows are vulnerable to damage by wind-borne debris and the direct force of the wind. Before the storm, remove outdoor furniture, trash cans and other lightweight objects that could become wind-borne missiles. Indoors, relocate equipment away from windows or cover it with waterproof tarps. In offices, remove items from windowsills and place papers and files in cabinets or other waterproof containers. Outside trailers should be tied down to the ground or building to prevent movement.

Prepare Equipment and Utilities

An orderly shutdown of equipment and utilities should be implemented. If deemed necessary, you may want to shut down critical utilities, such as natural gas and electrical systems, to prevent possible sources of ignition. Simply turning a piece of equipment to the off

position may not be recommended until other steps are taken first. Install flood panels and secure flood doors at least 24 hours before landfall is expected.

- If your facility has flood panels inspect all equipment and make sure that the tools needed to install panels are available along with all assembly material. If an equipment check has not been conducted in the last 24 months now is the time to do it. If your facility doesn't have the manpower to rapidly install flood panels confirm availability of a contractor to complete the installation within 24 hours of a flood warning for your area.

Back-up electrical equipment, such as uninterruptible power supplies (UPS systems) and generators, as well as sump pumps and other water removal systems, should be tested to ensure proper operation.

Since it may be several days before the building can be occupied, make sure all fire protection equipment is in ready and working condition. Since electric power will probably not be available, ensure all fuel-fired equipment tanks are full.

Once the hurricane warning is issued, it's time to finalize all preparations as it may quickly become too dangerous to finish all the items you want to complete.

Post Storm Assessment

Once the storm has passed, secure the facility and survey for damage, taking pictures or video. Review and document any damage to both the exterior and interior of buildings and their contents.

Report all damage to the Diocesan Office of Risk Management. Contact Joe Cahill 732-284-1600 (cell) or Joe Bianchi 732-267-0381 (cell) for assistance.

Continued on page 6

Hurricane Season, continued from page 5

Assume that all downed power lines are fully energized under all circumstances and avoid them. Before utilities are returned to service, check for gas leaks, look for electrical system damage, and check for sewage and water line damage.

Workers walking through areas covered with glass and other debris should wear proper personal protective equipment, such as steel-toed work boots, thick gloves, eye protection, dust masks and other safety equipment.

Should you need to shut down a fire sprinkler system during restoration, follow the proper impairment procedures and notify the alarm company if alarm systems are placed in standby mode. Follow proper permit procedure for any hot work that you may need to perform. Hot work includes the use of any flame or heat-producing device used for welding, brazing, grinding and soldering.

A checklist of hurricane precautions and assessment before, during and after the storm

Before the storm

- Check the general condition of the building, specifically the roof covering, roof, flashing and roof drains. Make all necessary repairs securing any loose items.
- Order emergency supplies, such as plywood for windows, mops, brooms, tarpaulins, sandbags, etc.
- Identify key equipment, supplies, and vital records that will need to be relocated, covered and/or raised off the floor level.
- Have materials available to secure outside and/or roof-mounted equipment, such as signs, trailers and HVAC equipment.
- Monitor commercial TV, radio and/or Internet websites to keep abreast of weather conditions and watches and/or warnings.
- Test all generators, emergency lighting, uninterruptible power supply (UPS) equipment and sump pumps to ensure proper operation.

Impending storm

- Implement business continuity/disaster recovery plan. Post any closure information to your website. Include an emergency information notice on the auto attendant for the parish and school phone system. Abide by any travel restrictions or emergency measure implemented by state, county or local officials.
- Shut down operations in an orderly manner and in accordance with emergency shutdown procedures.
- Check all fire protection equipment, such as sprinkler control valves and fire pumps.
- Fuel all fire pumps, generators, company vehicles, power equipment (e.g., saws, etc.).
- Install hurricane shutters, flood panels, flood doors or plywood over windows and doors as needed
- If possible, raise any equipment that could be damaged by water off the floor.
- Secure outside and/or roof-mounted equipment, such as trailers, signs and HVAC equipment.
- If necessary, turn off utilities to reduce the probability of a fire/explosion.

- Conduct final inspection of building and make emergency repairs.
- Heed advice from local officials regarding any evacuation orders.

After the storm

- If safe, make emergency repairs and commence with salvage procedures to try to keep any additional damage from occurring.
- Survey for damage – take pictures of any damage to both the building(s) and its contents.
- Avoid loose or dangling power lines and report them to the utility company, police or fire department.
- Before utilities are returned to service, check for gas leaks, look for electrical system damage, and check for sewage and water line damage.
- Begin salvage operations as soon as possible.
- Clean debris from roofs and property, if safe to do so.
- Use pre-established property risk control programs such as sprinkler impairment procedures, hot works permits and lockout/ tag out procedures, when repairs commence.
- Remain aware - stay tuned to local radio for information.
- Review emergency plan execution and revise for the future if necessary. ■

Child Protection: Cyber Bullying, continued from page 1

bullying, as well as an easily-available and encouraged incident reporting system, can help ensure accountability and engagement. Always be sure to keep counsel engaged to ensure local laws and requirements are monitored and up-to-date as well.

Our next newsletter will feature bullying and retaliation and creating and adhering to policies and procedures. Adults simply must do better at observing and listening as bullying and retaliation are typically well-known among the children in our ministries and schools. Adults in charge must be vigilant and not turn a blind eye to bullying or support unacceptable actions. Toleration of unacceptable behavior, “a kids will

be kids” attitude, is contrary to stated policies. The consequences of bullying are serious for the victim, perpetrator and those who choose to ignore them.

[1] See: <https://www.pewresearch.org/internet/2022/12/15/teens-and-cyberbullying-2022/>

[2] See: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4276384/#b2-pch-19-527>, citing Tokunaga RS. Following you home from school: A critical review and synthesis of research on cyberbullying victimization. *Comput Human Behav.* 2010;26:277–87.

[3] See: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4276384/#b2-pch-19-527>, citing <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4276384/#b2-pch-19-527>, and Hinduja S, Patchin JW. Bullying, cyberbullying, and suicide. *Arch Suicide Res.* 2010;14:206–21.

[4] See *D.W.M. by Moore v. St. Mary Sch., No. 218CV3099DRHGRB, 2019 WL 4038410 (E.D.N.Y. Aug. 27, 2019).*

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Items of Importance

NJ Office of Emergency Management – Public Assistance Unit

To be eligible for FEMA grant funding for all future Presidentially-declared disasters, a Unique Entity Identifier (UEI) number must be obtained from the System for Award Management (SAM). As of April 2024, the UEI has replaced the DUNS number as the authorized identifier for the federal government. If you receive an email from NJSP Public Assistance and have not registered for a UEI, please do so as soon as possible at www.sam.gov. Some technical assistance may be required from the Login.gov Help Center. Upon receiving your site's UEI, please provide the number to the Public Assistance Unit Recovery Bureau, NJ Office of Emergency Management, at Publicassistance@njsp.gov

Wage & Hour Fair Labor Standard

All employees, with few exceptions, must be paid an hourly wage that equals at least the minimum wage (\$15.13 per hour in New Jersey) for the first 40 hours worked in a workweek, plus overtime at 1-1/2 times their hourly rate for all hours over 40 worked in a workweek, unless an exemption applies. One such exemption is when employees may be considered "salaried exempt." For an employee to be treated as salaried exempt, they must satisfy two tests: the "duties" test and the "salary" test. The duties test looks at the employee's primary job duties to determine if the employee falls within one of several potential exemptions. The most common ones are:

- **Executive** - requires that the employee's primary job duties be the management of the enterprise or a recognized department of it, overseeing at least two full-time employees, and having the authority to hire, fire and promote.
- **Administrative** - requires that the employee's primary job duties be the performance of office work directly related to the management or general business operations of the company, and includes the exercise of discretion and independent judgment with respect to matters of significance.
- **Professional** - requires that the primary job duty involves the use of an advanced degree/knowledge and includes work requiring the exercise of discretion and judgment.

Likewise, the highly compensated employee exemption requires an employee to perform at least one of the duties of these three

exemptions. There are others. If you have any questions regarding whether an employee meets an exemption, please contact the Human Resources Department at the Chancery Office. If an employee satisfies the duties test, he or she must also satisfy the salary test to be exempt. The salary test looks solely at what the employee is earning. The salary rate is \$684 per week prior to July 1, 2024 (\$35,568 annual). The Department of Labor recently issued a Final Rule increasing the salary threshold for exempt employees to:

- \$844 per week (\$43,888 annual) effective July 1, 2024
- \$1,128 per week (\$58,656 annual) effective January 1, 2025

The Rule also increases the salary threshold for highly compensated employees to \$132,964 per year, effective July 1, 2024, and \$151,164 per year, effective January 1, 2024. This is the new Final Rule and it applies to all employers.

The significant increases in the salary threshold may require that certain employees be reclassified as hourly to comply with the Final Rule. If employees are reclassified as hourly, they must be assigned an hourly rate and are eligible for overtime (at 1-1/2 times their hourly rate) for all hours worked over 40 hours per week. While you can prohibit employees from working overtime by adopting a written policy, overtime must be paid if overtime hours are worked, regardless of the policy. If assistance is needed to determine an hourly wage for a formerly-salaried employee, please contact the Human Resources department at the Chancery Office. Any changes to compensation should include a written notification of compensation at the hourly rate. In addition to the salary test, the requirement remains that exempt/salaried employees fall within an exemption from the default job classification rules.

What should be done?

Identify all employees who are exempt/salaried (i.e., paid a salary rather than an hourly wage). This is a good time to also analyze job duties that make them exempt - Executive, Administrative, Professional. If there is uncertainty, contact Diocesan Human Resources. If an exempt employee earns less than \$844 per week (\$43,888 annual) as of July 1, 2024 and \$1,128 per week (\$58,656 annual) as of January 1, 2025; **they are considered hourly but not salary-exempt**. No changes are required for any salaried employees who earn more than these amounts. **Salaried employees who earn less than these amounts must receive an increase in pay to the minimum threshold or be reclassified as hourly and paid overtime as required under the law.**

HR Presentation for All Parish & School Business Managers

Registration coming soon for:

Unpacking the New Federal Definitions for Exempt and Non-Exempt Employees

Wednesday September 25, 2024, and Tuesday, December 3, 2024

Location: St Robert Bellarmine C0-Cathedral

HVAC Refrigerant rule changes

Effective January 1, 2025, most HVAC/R (Heating Ventilation Air Conditioning/Refrigeration) products will be required to conform to new regulations. Most common refrigerants used today are HFCs (Hydrofluorocarbon chemicals) and are considered major greenhouse gas components in the earth's atmosphere. Refrigerant (HFC) leaks from HVAC/R equipment are significant sources of HFC emissions. As the use of certain HFCs are phased out, the availability and price will be significantly impacted. R-134a, R-404A, R-410A, R-407C are being phased out. The industry is moving towards the use of natural refrigerants that have a relatively low Global Warming Potential (GWP) such as carbon dioxide, ammonia, propane, and a new class of refrigerants such as hydrogen fluoride and carbon based hydrofluoroolefins (HFOs). Not all HFCs have been banned as refrigerants. R-32 and R-454B can still be used. R-454B is a viable R-410A replacement.

Other than carbon dioxide, most of the GWP-type refrigerants are either toxic, flammable or both. R-32 and R-454B have a safety classification of A21 which are lower toxicity and lower flammability hazards. Flammability and toxicity should always be considered for the safety of people and property. Local building code should be considered when choosing a refrigerant. Many states have not finalized or updated building codes to address the new selection of GWP refrigerants that are hazardous.

NJ Supreme Court Ruling

A new NJ Supreme Court ruling states that owners of **commercial** vacant lots have a duty to maintain public sidewalks abutting their lots.

New Risk Management Website!

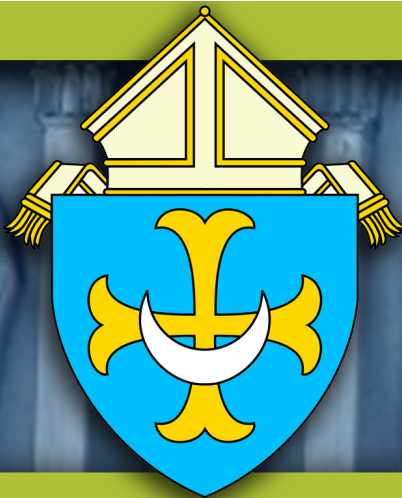
Please be on the lookout for changes to the Diocese of Trenton risk management website in the coming weeks. The website will be more accessible and easy to use and will include additional content to help you in your mission to keep your parishes, schools and agencies safe. In the meantime, the "old" website is still functional. Please visit us at www.dotinsurance.org. ■



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Risk Management Quarterly

Parishes, Schools, Cemeteries & Catholic Institutions

Inside this Issue:

Child Protection: Cyber Bullying..... 1	Hiring a Contractor 3	Hurricane Season 5
Diocese of Trenton CARE 24..... 2	Use of Parish Premises for Other than Church Ministry Activities..... 4	Items of Importance..... 7



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Certificates of Insurance

For our online form, go to:
dotinsurance.org/forms/certs

Claim Reporting

PMA Management Corp.
 PMA Corporate Processing Center
 Tel: 800-482-9826; Fax: 856-727-3186

PMA Workers Comp Nurse Triage
 CARE 24 Tel: 855-347-7334

Auto Insurance Cards

Porter & Curtis, LLC
 Tel: 484-445-7174
 Email: trenton@aeti-inc.com

Online Form: dotinsurance.org/forms/auto-forms

www.dotinsurance.org

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