

ON PULSE

WITH PIRMA

CYBER INSECURITY

WHAT TO LOOK FOR
AT THE LOCAL LEVEL

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PIRMA MEMBER SPOTLIGHT

PIRMA is a group self-insurance pool that offers comprehensive liability and property coverages to Pennsylvania municipalities. PIRMA has grown steadily since its formation in 1987 and is over 600 members strong - making it the largest public entity pool in Pennsylvania. To learn more about PIRMA, visit www.pirma.org.



THE CITY OF POTTSVILLE, SCHUYLKILL COUNTY



The City of Pottsville in Schuylkill County has been a PIRMA member since 2003. The City's current population is 13,346. The City was originally incorporated as a Borough in 1828 and was then chartered as a City in 1911. The City is named after John Pott. Located along the Schuylkill River, the City is the state's anthracite coal region. Pottsville in the county seat and is the home of the nation's oldest brewery, D.G. Yuengling & Son. The Pottsville Maroons played in the NFL from 1925 to 1928.



RISK CONTROL

PICKLEBALL PROGRAMS IN MUNICIPALITIES

As the popularity of pickleball continues to grow, it is crucial to address the specific liabilities that municipality programs may face due to this sport. While pickleball is a fun and engaging activity, it is essential to prioritize safety and mitigate the risk of injuries that can lead to potential lawsuits. This communication aims to provide guidance on specific injuries associated with pickleball and suggest measures for municipalities to minimize legal risks.

COMMON INJURIES ASSOCIATED WITH PICKLEBALL

1. SPRAINS AND STRAINS:

Rapid movements, such as quick directional changes or lunging for the ball, can result in sprains and strains in the ankles, knees, and wrists.

2. FRACTURES:

Collisions or falls during intense gameplay can lead to bone fractures, particularly in the wrists, elbows, and hips.

3. OVERUSE INJURIES:

Repetitive motions and excessive gameplay without adequate rest can cause overuse injuries, such as tennis elbow, tendonitis, and stress fractures.



MITIGATING LAWSUITS AND PROMOTING SAFETY

1. FACILITIES & EQUIPMENT:

Ensure pickleball courts and surrounding areas are well-maintained, free from hazards, and in compliance with safety standards. Regular inspections and repairs are vital to eliminate potential dangers.

2. PROPER TRAINING & SUPERVISION:

Encourage players to participate in instructional programs that emphasize correct techniques, warm-up exercises, and proper use of equipment. Trained supervisors should be present during community program sessions to enforce safety guidelines and offer guidance.

3. ADEQUATE SIGNAGE:

Display clear and visible signs indicating safety rules, guidelines, and any specific hazards associated with the sport. This helps to enhance awareness among players and reduce the risk of accidents.



LEGAL LANDSCAPE

CYBER INSECURITY AT THE LOCAL LEVEL: THROUGH THE LENS OF THE BREACH OF PERSONAL INFORMATION NOTIFICATION ACT

BY MICHAEL G. CROTTY, ESQ. AND ABIGAIL R. JAEGER, ESQ. | SIANA LAW

Cybersecurity is again in the news, with a renewed focus on threats to water, sewer and electrical systems. And, if you were under the impression that no cyber-attacker would be interested in your system – big or small – think again! These attacks have remained prevalent and have not been limited to large, national utilities. By way of a few examples:

- In November 2023, a cyber group reportedly backed by Iran took credit for taking partial control of a municipal water system in Beaver County.
- The Washington County Court system and the State Court System were subject to cyber-attacks in January of 2024, which knocked both offline.
- A cyber-attack on a water system in Florida, attempted to alter the chemical levels of the town's water supply. Although the security breach was identified and resolved quickly, the attack was capable of endangering the health and safety of multiple residents.
- Similarly, Bucks County experienced a cyber security attack on its 911 dispatch system, resulting in a shut-down of the computer-aided dispatch system and making some features inaccessible to emergency responders.

Certainly, the continued increase in cyber-attack threats serves as a call to all municipalities and authorities to step up the defense. Taking the system offline? Updating and enhancing computer systems and software? Training for staff through the PIRMA Resource Library? All are good starting points.



However, not to be missed, is to revisit and refresh yourself on the requirements of the Pennsylvania Breach of Personal Information Notification Act.

WHAT IS THE BREACH OF PERSONAL INFORMATION NOTIFICATION ACT AND WHY DO WE CARE ABOUT IT?

The Act addresses a municipality's obligations when a cyber security breach occurs within a system that stores personal information. Specifically, the Act requires municipalities to provide notice of the breach to any individual or resident whose personal information was (or is reasonably believed to have been) accessed and acquired by an unauthorized individual. In certain circumstances, the Act also requires reporting to consumer reporting agencies (if the information of more than 1,000 individuals was exposed).

Personal information includes social security numbers, driver's license numbers, credit or debit card information, or a username and email address in combination with a password permitting access to an online account. You may have this information and not realize it. Municipalities may store personal information when residents make payments for use of the municipality's public utilities, including trash service charges, water and sewage fees. Municipalities will also likely have sensitive personal information of its own employees, which can be subject to a breach event.

When a security breach of a municipality's data storage system occurs and it is believed that a resident's personal information was accessed by an unauthorized person, Section 2303 of the Act requires the municipality to provide notice of the breach to the affected resident within **seven (7) business days** of the breach. The Act also requires municipalities to provide notification of the breach to the district attorney in the county where the breach occurred within **three (3) business days** of the breach.

NOTICE MAY BE PROVIDED TO RESIDENTS BY:

- (a) written notice to the residents' last known home address;
- (b) telephonic notice if the resident can be reasonably expected to receive it and the notice is given in a clear and conspicuous manner, describes the breach incident clearly and conspicuously, verifies personal information and the resident is given a telephone number to call or Internet website to visit for additional information;
- (c) email notice if a prior relationship exists between the municipality and the resident and the municipality has a valid email address for the resident;
- (d) electronic notice if the notice directs the resident whose personal information has been materially compromised to change their password and security question or answer, as applicable, or to take other steps appropriate to protect their online account.

Exceptions apply, of course, including in circumstances where the municipality is directed

by a law enforcement agency that the notice would impede a civil or criminal investigation. With respect to Commonwealth agencies, the Act also requires a certain level of encryption and to maintain a data storage policy.

BREACH OF THE BREACH OF PERSONAL INFORMATION NOTIFICATION ACT?

What happens if a municipality does not comply with the Act? Violations of the Act have the potential to bear heavy financial consequences for municipalities. Per the Act, a violation could be deemed an unfair or deceptive practice in violation of the Unfair Trade Practices and Consumer Protection Law, which carries civil penalties that may be from \$1,000 to \$5,000 per violation.



Recent litigation suggests that municipalities may face additional civil liability. In *Dittman v. University of Pittsburgh Medical Center*, the UPMC was sued after the personal and financial information of 62,000 employees was exposed (some of which was allegedly used to file fraudulent tax returns). In reviewing the matter, the Pennsylvania Supreme Court held the UPMC, as an employer, had a legal duty to use reasonable safeguards to protect employees' sensitive personal information. That

action ultimately resulted in a settlement of \$2.7 million. In May of 2021, a separate class action was filed against the PA Department of Health, in which the private health information of 72,000 patients was exposed. The law on these issues is not fully settled, but the likelihood for civil claims associated with breach events is high. The potential for suits highlights, however, taking reasonable measures to prevent a breach in the first place (think cyber training, software upgrades, encryption policies, etc.) AND to respond to a breach once one has occurred (following the Act).

Lastly, note that legislation to the Act is pending. These amendments would provide for municipalities to be obligated to notify the Attorney General for breaches involving more than 500 individuals, to reduce the threshold for notifying consumer reporting agencies (from 1,000 to 5000 individuals) and to require that the agency pay for credit monitoring for those individuals for 12 months.

COVERAGE CORNER

MAINTENANCE GUIDELINES FOR EMERGENCY GENERATORS

BY PIRMA Service Team

In the event of a utility interruption, emergency generators are often relied upon to provide critical backup power. To help ensure your emergency generator is ready when needed, it is important to complete required maintenance. Overlooking required maintenance could limit your ability to maintain business continuity and critical support systems during a utility interruption.

The following guidelines are recommended to help ensure proper emergency generator operations.

RECOMMENDED PROTECTION DEVICES FOR EMERGENCY GENERATORS

- Voltage restrained overcurrent relay, one per phase to provide overcurrent protection
- Reverse power relay to prevent backflow of electricity into generator
- Overspeed trip
- Low oil pressure trip
- High oil temperature alarm and trip
- High exhaust temperature alarm and trip
- High jacket temperature trip
- Bollards added if located near vehicle access



PREVENTIVE AND PREDICTIVE MAINTENANCE

Emergency generators are expected to transition from a cold start to full load in a matter of seconds. This type of operation can be physically demanding for any type of equipment. Establishing a formal preventive and predictive maintenance program can help identify potential problems and reduce the risk of a generator breakdown.

The following practices should be included in your regular maintenance program. Only a qualified operator or technician should perform these tasks. For further guidance, consult the original equipment manufacturer.



- Visual inspections should include, but are not limited to, the following:
 - Inspect the physical integrity of the housing, foundation and mounting bolts and verify the equipment is secured in place.
 - While the equipment is running, listen for sounds that could indicate internal problems, such as grinding or excessive vibrations.
 - Visually inspect for physical signs of animal or rodent activity such as droppings, food, nesting or chewed wires.
 - Inspect moving parts for abnormal conditions, such as wear, dirt, debris, improper lubrication and fluid leaks.
 - Inspect common wear items, such as hoses, belts, filters, gaskets and seals.
 - Verify proper fluid levels, such as oil and coolant.
 - Inspect starting batteries and cables for damage and terminal connections for corrosion buildup.
 - Inspect fuel supply lines, connections and supporting equipment for physical integrity, leaks and corrosion.
- Grease and lubricate bearings and other moving parts according to manufacturer guidelines.
- Engine oil and filter replacement should be scheduled according to manufacturer guidelines.
- Since emergency generators don't run continuously, an oil sampling and analysis program should be established. This can help with the assessment of internal engine conditions and remaining oil life.



MAINTENANCE GUIDELINES FOR EMERGENCY GENERATORS

- Establish an engine coolant testing and treatment program. Engine coolant that is not properly treated can contribute to corrosion within the engine and growth of microbes, both of which can inhibit adequate heat transfer and lead to engine damage. It is a best practice to periodically test coolant quality and apply treatment as recommended by the equipment manufacturer.

- Engine run tests and load tests should be performed as part of regular maintenance program. This can help verify proper startup operations, functionality of electrical transfer sequence, and confirm the generator can assume the required load.
 - Run tests without load are recommended monthly.
 - Load tests assuming required load are recommended at least annually.
 - When performing a load test, verify that proper electrical transfer sequence occurs, such as transfer switches, breaker operations, and correct electrical lineup.
 - In addition to regular load tests, the generator should be load bank tested at least annually. Load bank testing is performed at full kilowatt output rating to help verify that the generator can actually produce the horsepower that may be required while maintaining proper temperature and pressure required for continued operations.
- Safety devices should be routinely tested and calibrated, as recommended by the manufacturer. These tests can help identify faulty or out-of-calibration safeguards and controls that can increase the risk of equipment failure.
- Generator winding resistance testing, as recommended by the manufacturer.

With the many different configurations and features of emergency generators, each system can have different parameters for required maintenance. Most equipment manufacturers offer service contracts to perform regular scheduled maintenance. Consult the equipment manufacturer or a certified third-party contractor when establishing a preventive and predictive maintenance program.

RISK SERVICES

SLIPS, TRIPS AND FALLS

BY PIRMA SERVICE TEAM

OVERVIEW

Slips, trips and falls can happen at any location, including fire stations, township halls, pavilions, parks and playgrounds, restrooms, and recreation centers. Injuries resulting from slips, trips and falls often result in claims or lawsuits being filed against PIRMA members.

Understanding the causes of these types of accidents, as well as knowing how to prevent the slips and falls from happening in the first place, will result in a safer experience for everyone, and will benefit the municipality, its visitors and employees.

When a slip and fall incident occurs, it can be bad for business. News of a slip and fall can hurt your municipality's reputation. Slip and fall incidents can also be expensive, and individuals involved in a slip and fall accident may file a claim. For these reasons, this article will focus on the causes and prevention of slips, trips and falls.

CAUSES

Slippery Floors: Floors can become slippery for a variety of reasons including liquid spills (such as water or coffee), dry substances (such as powders), weather (such as rain, snow, ice or humidity) and floor wax or polish. These substances make floors slippery by reducing traction underfoot.

Bumpy, Lumpy or Loose Surfaces: Floors, parking areas and other surfaces or walking areas can have small obstructions that can lead to trips and falls. Loose, uneven surfaces can also cause accidents. This may include frayed carpet, cracked concrete or asphalt in pavilions, athletic courts or skate parks. It may also include tree roots or weed control fabric underneath playgrounds.



Poor Housekeeping and Design: Having messy areas in kitchens, storage rooms, offices, golf pro shops and classrooms are incidents waiting to happen. Common trip-and-fall hazards include loose electrical cords or cables, cluttered work areas, items stored on floors and overflowing trash cans. Bad lighting, lack of improper signage, stairs with no handrails and shower rooms that lack slip resistant flooring surfaces are poorly designed areas that can cause slips, trips and falls.

Improper Footwear: Without non-slip footwear, employees who work on uneven surfaces or in areas that are wet, icy, snowy or greasy are prone to slips and falls.

PREVENTION

Conduct Regular Inspections: Staff should routinely walk the premises to look for hazards – wet floors, uneven surfaces, cracks, etc. – that could trip someone. Check stairwells to make sure no obstacles are blocking them and keep walkways well-lit and slip-resistant, especially if they are exposed to rain, sleet and snow. Place floor mats at entrances and in traffic areas, such as vending and dispensing areas, where spills are likely to occur. Install secure handrails near all stairs and balconies. Immediately attend to any problem by putting up warning signs and taking steps to quickly eliminate the hazard. Document all regular inspections in a maintenance log.

Video Surveillance: Install video surveillance cameras and post notices stating that the premises are monitored.

Routine Maintenance: Maintain all floors and walkways on a consistent basis, using the recommended cleaning products and methods. Fix all uneven surfaces, if possible, by recoating or leveling the floor. Illuminate (or otherwise identify) areas that can't easily be leveled. Document all maintenance in a maintenance log.



Hazard Inspections and Maintenance: Keep a record of when a hazard appears and what you did to eliminate it. Document hazard inspections and maintenance in a maintenance log to prove the necessary steps were taken to maintain the property and keep it safe.

Outdoor Areas: Preventative and routine maintenance should take place in outdoor areas as well. Potholes, snow and ice create potential slip, trip and fall hazards. Repair chipped or broken concrete, fill potholes and direct attention to sloping areas or changes in elevation with contrasting paint.

WHAT TO DO FOLLOWING A SLIP, TRIP OR FALL

Employee Training: Train employees in slip, trip and fall safety. Establish guidelines on how employees should report problems and respond to injuries or hazardous situations. Have employees obtain First Aid training from local health providers.

Complete an Incident Report: Document slip-and-fall incidents as soon as someone reports an injury. Incident reports can help identify problem areas and the cause of injuries. Record accounts from the victim and eyewitnesses and photograph any alleged hazards. Don't admit fault for an accident. Contact your PIRMA claims representative.

Notify Your PIRMA Claims Representative: For many reasons, it's important to report the incident to PIRMA as soon as possible. Incidents can be reported or claims can be filed by visiting www.PIRMA.org.

GET THE PERKS PIRMA BENEFITS

SOME OF THE PERKS OF BEING A PIRMA MEMBER

PIRMA members are entitled to benefits that help them better serve their communities.

PIRMA CELEBRATES TWO YEARS OF NEWSLETTERS



Since the launch of PIRMA's quarterly newsletters in 2022, PIRMA has deeply valued its members who provide photos showcasing their municipalities in all seasons.



Washington County Courthouse

PIRMA members' photos highlight what makes Pennsylvania communities special – large and small, urban and rural, in every county and corner of the state.

Work is underway for future newsletters and other publications. We encourage all members to submit photos of your special events, parks & conservation areas, historic sites, township employees & volunteers, and citizens.

To submit a photo of your municipality, reach out to pirma@pirma.org.

PIRMA THIRD THURSDAY WEBINARS

Whether it's a new requirement relating to law enforcement policies and procedures, the latest cyber security threat or the changing employment landscape, PIRMA hosts a Third Thursday webinar each month on various topics. These webinars are virtual educational sessions that address a wide range of hot topics throughout the year.

For more information visit: www.pirma.org.



PROPERTY EVALUATIONS



FREE CONSULTATIONS

Member buildings are valued on an as-needed and requested basis. Members receive peace of mind knowing that their property is properly valued, and adjusted for inflation and other building cost variables.

COLORS OF SAFETY

Did you know that different safety cues are associated with specific colors? Safety-coded colors on signs and placards may be seen throughout your municipality facilities or day-to-day life. Their colors serve to visually communicate a number of different hazards.

The American National Standards Institute (ANSI) issues requirements to ensure that specific colors become associated with specific hazards. Take the quiz below to see if you know your safety colors!

(answers on the back page)

What color of sign indicates "No immediate hazard"?

- A. Orange
- B. White
- C. Blue
- D. Green

What color is related to "caution"?

- A. Orange
- B. Green
- C. Blue
- D. Yellow

Safety information is provided on signs that are which color?

- A. Blue
- B. Red
- C. Green
- D. Yellow

When a worker sees a red sign, it indicates...

- A. Combustible materials
- B. High risk of injury or death
- C. Fire protection equipment
- D. All of the above

What color designates first-aid equipment such as emergency eyewash stations?

- A. Red
- B. Yellow
- C. Green
- D. White

What color is associated with poison or toxicity?

- A. Green
- B. Orange
- C. Yellow
- D. White

What color marks the dangerous parts of machines or energized equipment?

- A. Yellow
- B. Red
- C. Orange
- D. Green





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UPCOMING EVENTS

BOARD MEETING

Thursday,
May 16
Hershey, PA



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Answers from page 11: C,D,C,D,C,D,C