



Independent Insurance
Agents of West Virginia

THE WEST VIRGINIA INSUROR



Successful Young Insurance Professionals Winter Retreat

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VOLUME 61
February 2020

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A publication of
Independent Insurance Agents
of West Virginia

A NOTE FROM President Terri Dodrill



Greetings everyone!

I recently returned from the Young Insurance Professionals Winter Retreat at Snowshoe Mountain. It was a great time and I enjoyed the time spent with all the young agents and insurance carrier representatives! The engagement, energy and networking was phenomenal. I want to thank **Bloss & Dillard, Encova Insurance, Imperial PFS** and **Progressive** for their presentations at our InsurTech Trends Business Session. We continue to see increased interest and participation, which is exciting! I would like to thank everyone who made the Winter Retreat a huge success. If you were not able to attend the winter event, I would highly recommend you join us on August 20th & 21st at Chief Logan State Park for the Summer Retreat. Information for this event will be distributed soon.

As we are in the beginning of March, which is Women's History Month. I would be remiss if I did not mention the strong, intelligent, successful women within the insurance industry. Whether in the agency or with the carrier, take note of those in the workplace who produce, support and drive business! Last year there were 33 female CEOs leading Fortune 500 companies, a record high, with

two at the helm for insurance carriers.

In celebration of Women's History Month in March, the Big "I" Diversity Council is excited to host a special "encore" presentation of the Women Who Lead Remarkably webinar on Wednesday, March 11 at 1 p.m. ET. [Register](#) to attend this free webinar today and learn during this webinar about growth, innovation and sustainability through diversity and inclusion!

Please mark your calendars and plan to attend our new event coming up in May - the Women in Insurance Luncheon, which will be held May 21, 2020 at The Retreat in Charleston, WV. Thank you to our Rise to Success Sponsor - Bloss & Dillard - for your generous sponsorship. If your company would be interested in supporting this event, please contact Sarah Estep for sponsorship opportunities today.

We are in the final days of the 2020 Legislative Session, which ends at midnight on Saturday, March 7th. We have seen activity around several insurance bills. I am happy to report that **HB 4466 – the Certificate of Insurance Act** has passed in the WV Legislature. The bill now goes to the Governor for his signature. The purpose of this bill is to give the Insurance Commissioner authority over certain certificates of insurance. It addresses form requirements, limitations on use, notice requirements, applicability, enforcement, penalties and rulemaking. Once the bill is signed we will send more information to members explaining in detail what this means to our industry.

I'm looking forward to attending the upcoming Big "I" Legislative Conference in Washington, D.C., which will be held May 13th - 15th. I encourage other agency members to attend this event. The hotel room block is full at this time, but the Association has found alternative hotels close by and would be happy to assist you in making reservations. There are scholarships available for first-time attendees and young agents who would like to attend:

- \$500 Scholarships for Young Agents
- \$1,000 Maurice Herndon Scholarship
- Grassroots Scholarships
- Westfield Appointed Agent Scholarship

All applications are due by April 1, 2020. If you would be interested in attending, please contact Sarah Estep and start the process.

Terri

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We hope you will support them!



West Virginia News

Justice Reports Revenue Collection Surplus After Decreasing Estimates for January

Shifting numbers put the state's revenue collections ahead of estimates in January by \$13 million

A closer look shows Gov. Jim Justice adjusted the projections downward on Jan. 9 and the general revenue fund received \$20 million from the office of Treasurer John Perdue.

Correspondence from the state Senate Finance Committee Monday said Justice lowered the revenue estimates by \$16.5 million, including a \$6 million reduction for January and a \$10.56 million reduction for April.

If January's revenue estimate would have remained the same, the state's collections would have ended the month \$13 million below estimates, which would have taken the overall revenue collection shortfall to \$46 million.

Severance tax collections continued to struggle in January. The \$20.4 million in collections missed estimates by only \$800,000 but the amount was 33.2% below the severance tax revenue collected in January 2019. Severance tax collected so far this fiscal year is \$38.6 million below estimate.

Personal income tax collections were \$1.9 million below estimates for January while consumer sales tax collections beat estimates by \$1.2 million.

Gov. Jim Justice tried to put a positive spin the numbers in a Monday news release.

"Our numbers continue to show that West Virginia is in good financial health, pacing very close to last-year's record-breaking numbers," Justice said. "That said, we must continue to be conservative in our budgeting, so I encourage the Legislature to continue monitoring these numbers just like Secretary Hardy and I will."

State Revenue Secretary Hardy said January marked the second month the shortfall in collections had decreased.

"We're seeing positive momentum in a lot of areas – like our corporate net income tax being more than 60 percent above last year's receipts – and this momentum is occurring despite the loss of thousands of jobs due to the halting of pipeline construction, and our year-to-date severance tax collections coming in 34 percent below last year. These numbers show, more than anything, that West Virginia's economy is diversified and set up for future success," Hardy said.

Perdue announced the \$20 million transfer on Jan. 13.

Perdue said half of the money will come from his office's Banking Services account because of some positive investment returns while the other \$10 million from the Unclaimed Property Fund.

"We were able to get good interest rates from the Board of Treasury investments and from the legal settlements we've been able to accomplish in unclaimed property," Perdue said.

The state released the following summary of collections:

Personal income tax collections of more than \$222.2 million were more than \$1.9 million below estimate in December, but 2.8% ahead of prior year receipts. Cumulative personal income tax collections of nearly \$1.196 billion were \$35.6 million below estimate and 1.4% ahead of prior year receipts. Year-to-date income withholding tax collections were 0.2% below prior year receipts due to weaker employment activity

within the energy sector and the loss of an estimated 4,000 jobs in natural gas pipeline construction. Current legal hurdles are weighing down overall wages and tax revenue growth at this time.

Consumer sales tax collections of \$128.4 million were more than \$1.2 million above estimate in January and 3.0% ahead of prior year receipts. Cumulative collections of \$811.5 million were \$1.6 million below estimate and 1.8% above prior year receipts. Collection growth has slowly accelerated in recent months after a slow start earlier this fiscal year.

January severance tax collections totaled nearly \$20.4 million. Monthly collections were more than \$0.8 million below estimate and 33.2% below prior year receipts. Year-to-date general fund severance tax collections of more than \$156.4 million were \$38.6 million below estimate and 34.7% below prior year receipts. Year-to-date local tax distributions paid out of general revenues were actually up by 7.0% from the prior year due to higher energy prices, and growth in coal, oil and natural gas sales in prior periods. However, the quarterly coal severance tax distribution totals for January were down 9.3% from last year.

B&O tax collections totaled \$9.2 million in January and \$76.7 million for the year-to-date. Monthly collections were up 7.9% from the prior year. Cumulative collections were nearly \$13.0 million above estimate.

Corporation net income tax collections totaled \$11.0 million in January and nearly \$108.6 million for the year-to-date. Monthly collections were \$9.5 million above estimate and 60.2% above prior year receipts. Cumulative collections were \$32.8 million above estimate and 4.0% above prior year receipts.

January tobacco products tax collections of \$13.1 million were \$0.4 million below estimate and 3.1% below prior year receipts. Cumulative collections of nearly \$98.7 million were \$7.8 million below estimate and 3.9% below prior year receipts. The relatively large recent decline in collections is partially due to some shift in consumer tastes away from traditional products toward e-cigarette products.

Miscellaneous Receipt collections totaled more than \$10.2 million in January and \$15.6 million for the year-to-date. Cumulative collections were more than \$9.4 million above estimate more than triple prior year cumulative receipts.

Interest income receipts totaled more than \$12.0 million in January and more than \$27.1 million for the year-to-date. Cumulative receipts were nearly \$7.7 million above estimate and more than 150% ahead of last year.



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JUNE 24, 2020 - STONEWALL RESORT

Justice Says State "Needs to Get Going" on 2020 Census

Governor Jim Justice said he has received two phone calls recently from United States Secretary of Commerce Wilbur Ross about the state being behind in 2020 Census count.

In hopes of not receiving a third call, Justice announced Thursday he has dedicated \$1 million from the state's contingency fund to West Virginia's 2020 Census count.

"I've got two calls from Secretary Ross basically saying West Virginia is behind. I'm not going to get the third call because we need to get going, that's all there is to it. We need to get cranking," Justice said at a midday press conference."

In October, Justice issued an Executive Order to establish a West Virginia Complete Count Commission; to serve to assist the United States Census Bureau in West Virginia.

The commission, full of dozens of leaders from around the state, has had meetings every month since formation. They have laid out strategies to reach more citizens around the state including breaking down into subcommittees to hit certain audiences.

Justice was critical of the group on Thursday, saying it is not moving at the pace he'd like.

"We're moving but we are not moving like I want to see us moving," he said. "I felt like 'well gosh I created this Commission and everything is moving and progressing the way we want to go and it's Honky Dory.' "Well evidently it's not and evidently we're behind."

The committees have also worked to recruit citizens around the state to work the Census. Justice said it's not only a "good-paying job" but a "feel-good job" because of what is at stake for West Virginia in the Census.

When the Census gets underway on April 1, state officials know that federal grant funding is on the line for things like education, health care, roads, veteran's services, and disaster relief.

National representation such as the number of representatives in the United States House of Representatives apportioned to West Virginia for the next 10 years is decided by the count.

Justice preached those factors and said citizens have to know that there is only an upside value to being counted in the Census.

"They are not going to come and get you," he said. "There is nothing but positive goodness that is coming out of this. We have to get you counted.

"If you got Crazy Eddie that is up on the mountain, we have to know that Crazy Eddie is up on the mountain." Officials with the United States Census Bureau's Regional Office in Philadelphia, including Assistant Regional Census Manager Timothy Maddaloni and Partnership Coordinator Ronald Brown, joined Gov. Justice for the announcement.

The \$1 million tag will go towards both offices in the effort. Justice's office estimated that only 74 percent of West Virginians responded in 2010.

"That's a giant leap and a giant step in order for us to be sure that we get counted," Justice said of the money. "I want Secretary Ross and everyone in every state to know that West Virginia takes this tremendously seriously.

"I want them to say West Virginia is leading the way and committed to making sure all people are counted."

Gov. Justice also announced Thursday that the Complete Count Commission will hold its next official meeting on February 11, at 10 a.m. The meeting will be held at the West Virginia Department of Commerce, located in Building 3 of the Capitol Complex.

Don't slip up – agency risk management efforts take the cake (and can save you some dough!)

Save up to 20% on your E&O premiums with agency risk management credits.

Health Offices Release 3-Year Drug Crisis Plan

West Virginia health offices have released a framework for addressing the drug crisis over the next three years, with an emphasis on treatment, access and improving options of care.

The state Department of Health and Human Resources, the Office of Drug Control Policy and the Governor's Council on Substance Abuse Prevention and Treatment unveiled the Substance Use Response Plan on Thursday, covering initiatives the state will take through 2022.

Robert Hansen, the director of the Office of Drug Control Policy, told MetroNews while the state had plans in the past, officials incorporated successful provisions into the new comprehensive approach.

"It reflects what has gone on in the past but also gives us a strong road map for the next three years," he said.

Hansen said the plan focuses on four different areas: saving lives, access to care, "to flush out a continuum of services" and prevention.

"People with substance use disorders need access to care, so we have to continue building up our treatment system and expanding treatment options for people in all 55 counties," he said.

"It's not just short-term residential treatment programs, but there are recovery supports, better housing, employment opportunities like the Jobs and Hope program, and building out a full array of services to help people recover."

The plan notes multiple dates for when state agencies want to accomplish certain goals. Hansen noted setting benchmarks makes the plan "more realistic" and holds agencies accountable.

"It gives us an eternal challenge to really accomplish these things," he said. "Obviously, things are not going to be perfect, but we want to be successful."

The Governor's Council on Substance Abuse Prevention and Treatment will be responsible for reviewing programs and making any necessary changes, while Hansen will lead collaborative efforts between state agencies, universities and other partners.

Governor, US Senate Seats Up in This Year's Election

While much of the current attention toward national politics is split between the impeachment trial against President Donald Trump and this year's presidential contest, it will be a busy election year in West Virginia.

Voters will consider candidates for governor, state executive offices, U.S. Congress, the Supreme Court of Appeals of West Virginia, the West Virginia Legislature and local offices when they head to the polls in May and November.

Republicans control five of the state's six elected executive offices — Democrat John Perdue has served as treasurer since 1997 — and are expected to retain control of the Office of the Governor, one of West Virginia's U.S. Senate seats and the state's three districts in the U.S. House of Representatives in this year's election cycle.

The deadline for candidates interested in running this year was Jan. 25, although the state will accept late applications if postmarked by that date.

Here's a look at this year's federal and statewide races:

GOVERNOR (Incumbent: Gov Jim Justice)

Justice took office in January 2017 after being elected two months prior as a Democrat. Justice left the party in August 2017, announcing he was joining the Republican Party at a rally in Huntington hosted by fellow businessman-turned-politician, President Donald Trump.

When Justice announced his re-election bid last January, he listed multiple accomplishments of his tenure so far, including improved state revenues and the October 2017 road bond passage.

West Virginians are split on Justice; Morning Consult notes his approval rating is 43%, and his disapproval rating is 44%.

The governor has also faced problems within his party; Sen. Craig Blair, R-Berkeley, asked for Justice to resign last June. Multiple Republican groups passed resolutions of no confidence against Justice regarding his stance on education, including his opposition to charter schools.

Justice later signed the omnibus education bill, which opened the door for charter schools in West Virginia.

Justice faces challenges from within his party, most notably former Commerce Secretary Woody Thrasher and former Delegate Mike Folk. Thrasher previously said West Virginia needs a "full-time governor," criticizing Justice for not doing enough while in the state's executive office.

The MetroNews West Virginia Poll in December reported 56.3% of likely GOP primary voters back Justice compared to 20.5% for Thrasher and 10.5% for Folk. Pollster Rex Repass pointed to name recognition as a significant factor affecting Justice's lead.

Shelby Jean Fithaugh, Brooke Lunsford, Charles Sheedy Sr. and Doug Six also filed paperwork to run for governor as Republicans.

On the Democratic side, activist Stephen Smith has been running for governor since November 2018. He launched his campaign by criticizing both parties for supporting outside interests rather than addressing the state's most pressing issues.

Smith previously served as director of the West Virginia Healthy Kids and Families Coalition, a group that advocates for issues related to poverty and education.

Boone County Senator Ron Stollings, Kanawha County Commission Ben Salango and economic developer Jody Murphy are also running for the Democratic nomination. Stollings, a doctor who has been in office since 2007, has focused his campaign on the opioid crisis, health care and economic development.

As for Salango, he's running after three years serving on the Kanawha County Commission. He was instrumental in redeveloping Shawnee Park into a sports complex attracting regional youth sports events.

Sabato's Crystal Ball at the University of Virginia's Center for Politics rates the gubernatorial race as "likely Republican," while Inside Elections with Nathan L. Gonzales puts the contest as "Solid Republican."

U.S. SENATE (Incumbent: Sen. Shelley Moore Capito, R-W.Va.)

Capito is seeking a second term in the Senate. When she submitted the required paperwork earlier this month, she spoke of her accomplishments since taking office in January 2015, noting increasing funding for addressing the opioid crisis and the Tax Cuts and Jobs Act of 2017.

Capito is facing a challenge from the right; Allen Whitt, the president of the Family Policy Council of West Virginia, launched his campaign in October. Whitt said Capito was not conservative enough for West Virginians, criticizing her for opposing one of the failed attempts to repeal former President Barack Obama's health care law and her willingness to discuss gun legislation.

West Virginia Republican Party Chairwoman Melody Potter backed Capito's campaign in light of Whitt's announcement, noting Capito's strong ratings from the political arms of the National Rifle Association and National Right to Life.

Capito has also voted in line with the president's positions 95.6% of the time according to FiveThirtyEight. Larry Eugene Butcher, of Washington, is also running for the Republican nomination.

Activist Paula Jean Swearingin, former state Sen. Richard Ojeda and former South Charleston Mayor Richie Robb have their sights on the Democratic nomination. Analysts predict the general election race as "safe Republican."

U.S. HOUSE OF REPRESENTATIVES (Incumbents: Reps. David McKinley, Alex Mooney and Carol Miller)

The three Republicans each won their congressional races in 2018 by double digits, with Mooney finishing with the closest margin of the trio: 11 points over Democrat Talley Sergent.

Democrats Natalie Cline and Tom Payne are looking to defeat McKinley in the 1st Congressional District general contest. Cline lives in Wheeling and works for a software company based near Washington, D.C. Payne previously ran in 2016 for the 2nd Congressional District seat and in 2018 for the 1st Congressional District seat, losing to Mooney in the general election and Democrat Kendra Fershee in the primary respectively.

McKinley is seeking his sixth term in Congress.

While by no means an opponent of the president before the start of his current term, Mooney has been more vocal in supporting the Trump administration since the impeachment process began. He joined fellow Republican legislators in protesting the House impeachment inquiry, delaying a closed deposition by five hours. He later called the House Judiciary Committee's vote charging the president "one of the most shameful moments in our nation's history."

Dr. Matthew Hahn, a physician from Berkeley Springs, is challenging Mooney on a platform centered on health care and ending political gridlock.

"My philosophy as a physician has always been to be there for my patients, meaning that when our patients are in need, we are there for them, whatever that requires," he states on his website. "My approach with my constituents would be the same. You will see me in the community."

Hahn joined the Republican Party in September 2019. He said he does not believe a Democrat or independent candidate can win the district.

Democrat Cathy Kunkel is not facing a primary challenger. She has experience researching energy policy, notably the impact of natural gas development and long-term energy planning. She also helped launch Rise Up West Virginia in 2017; the organization's platform includes social justice causes and increasing access to health care.

Miller is in her first year in Congress and was the only new Republican woman when she joined the House in January 2019. She arrived in Washington, D.C., after 12 years in the West Virginia Legislature. Russell Siegel is challenging Miller for the party's nomination.

Democrats Paul Davis, Jeff Lewis, Hilary Turner and Lacy Watson will face off in the primary election.

EXECUTIVE OFFICES

Secretary of State Mac Warner is seeking a second term, but will have to beat former Secretary Natalie Tennant first. Warner, a Republican, defeated the two-term Democrat Tennant in the 2016 general election.

J.B. McCuskey is also seeking four more years in office. McCuskey, the state auditor, will face off against Mary Ann Claytor in November.

John Perdue is the only elected Democrat in a statewide office. Perdue is seeking a seventh term as treasurer, yet former Delegate Riley Moore hopes to win.

Roy Ramey is challenging Agriculture Commissioner Kent Leonhardt in the Republican primary election. The winner will run against Monongalia County Sen. Bob Beach, Dave Miller or former Hardy County Commission President William "J.R." Keplinger in November.

Two years after losing in his U.S. Senate bid, Republican Attorney General Patrick Morrisey wants a third term in Charleston. He will run against Pendleton County Delegate Isaac Sponaugle or Beckley attorney Sam Petsonk following the May primary.

STATE SUPREME COURT

Three seats on the Supreme Court of Appeals of West Virginia will be decided in the May primary election. Each contest is non-partisan.

Chief Justice Tim Armstead is completing the term of former Justice Menis Ketchum, who retired in the middle of his 12-year term after questions regarding his use of a state vehicle and travel reimbursements. David Hummel Jr. and former Justice Richard Neeley are also vying for the seat.

Kanawha County Family Circuit Judge Jim Douglas, Putnam County Assistant Prosecutor Kristina Raynes, Kanawha County Circuit Judge Joanna Tabit and Raleigh County attorney Bill Wooton are competing for the seat currently occupied by Justice Margaret Workman, who did not file any paperwork.

John Hutchison joined the bench in January 2019 after the conviction and resignation of Allen Loughry. Hutchison served as circuit judge in Raleigh County before joining the state Supreme Court. Jackson County Circuit Judge Lora Dyer and Charleston attorney Bill Schwartz are challenging Hutchison.

LEGISLATIVE CHANGES

Seventeen seats in the state Senate and all 100 seats in the House of Delegates will be up in November.

Senate Minority Leader Roman Prezioso, D-Marion; Senate Minority Whip Corey Palumbo, D-Kanawha, Sens. Paul Hardesty, D-Logan, and Kenny Mann, R-Monroe; House Minority Leader Tim Miley, D-Harrison; and House Judiciary Chairman John Shott, R-Mercer; are not running for new terms in the Legislature.

WHAT'S NEXT

The primary election is scheduled for May 12, and the general election will take place on Nov. 3.

The numbers show that both Racetrack Video Lottery and Limited Video Lottery are outpacing fiscal year estimates. RVL is up \$20 million with six month totals at \$245.7 million while LVL is up \$26 million at \$196.8 in sales for the fiscal year.

What makes the sales numbers even more impressive is online games have missed estimates by some \$27 million due to the lack of large jackpots for Powerball and Mega Millions which drive up sales numbers.

Sports betting continues to bring in modest revenue numbers for the state. The 10 percent privilege tax has brought in \$1.4 million in the first half of the budget year.

The Lottery topped \$1 billion in sales for the 17th consecutive year last fiscal year.

Voter Roll Maintenance Work Continues Ahead of May Primary

Address verifications are still needed from tens of thousands of registered voters in West Virginia.

Last fall, postcards were sent out to about 71,000 people statewide who had moved within the past two years to confirm new addresses for voter roll maintenance, as required in the National Voter Registration Act.

As of February 19th, 2020, 512 of the West Virginians who received the cards had responded either by returning their cards with confirmed or updated information or making changes online at GoVoteWV.com, according to state information.

"It's very important to vote where you live, so we're just trying to make sure that individuals are registered to vote and go to their correct polling place so that there's no troubles for them on election day," said Brittany Westfall, elections director for the Secretary of State's Office.

Non-responses won't lead to automatic cancellations.

Instead, "They will go through two federal elections to give them time to either vote, update their registration," Westfall said.

"After two federal elections, if there's still no voting or no verification on where they live, those individuals will be cancelled."

Address changes are submitted to the Secretary of State's Office all year through the U.S. Postal Service and state Division of Motor Vehicles.

At the time last fall's postcards went out, the Secretary of State's Office also sent notifications to 21,455 people in West Virginia already considered "inactive" and requiring confirmation.

Voter registration can be changed or verified online at sos.wv.gov, at a state Division of Motor Vehicles office, county clerk offices or by voting in any election.

"If you go vote at your polling place, you can confirm your address there," Westfall said.

Ultimately, voter cancellation is up to county clerks.

Cancellation requires re-registration to vote.

West Virginia's primary election is on Tuesday, May 12. The last day to register to vote in the primary or to change an existing registration is Apr. 21.



Federal & Miscellaneous

Final Joint Employer Rule is Released

Recently, the Department of Labor (DOL) announced a final rule to revise and update its regulation interpreting joint employer status under the Fair Labor Standards Act (FLSA). The final rule provides updated guidance for determining joint employer status when an employee performs work for his or her employer that simultaneously benefits another individual or entity, including guidance on factors that are not relevant when determining joint employer status. The effective date of the final rule is March 16, 2020.

As expected, DOL's rule established a "high bar" for joint-employment under the FLSA, which is an important shift away from Obama-era policy.

The final rule:

- Specifies that when an employee performs work for the employer that simultaneously benefits another person, that person will be considered a joint employer when that person is acting directly or indirectly in the interest of the employer in relation to the employee;
- Provides a four-factor test to determine when a person is acting directly or indirectly in the interest of an employer in relation to the employee, by weighing whether the business, with regard to its franchisee or contractor, maintains the power to hire and fire; to supervise schedules and "conditions of employment;" to set pay; and to keep employment records;
- Clarifies that an employee's "economic dependence" on a potential joint employer does not determine whether it is a joint employer under the FLSA; and specifies that an employer's franchisor, brand and supply, or similar business model and certain contractual agreements or business practices do not make joint employer status under the FLSA more or less likely.
- The final rule also provides several examples applying the Department's guidance for determining FLSA joint employer status in a variety of different factual situations. [Click here for more information.](#)

Labor groups are expected to file suits against the final joint employer rule.

Small Companies Add Jobs

The small-business labor market ended 2019 with "strong hiring, elevated levels of open positions, and higher employee compensation," according to the National Federation of Independent Businesses Chief Economist William Dunkelberg, the Wall Street Journal reports.

Finding qualified workers remained the top issue for owners in December, with 23% reporting it as their No. 1 problem. Fifty-three percent reported hiring or trying to hire, but 94% of those owners reported few or no qualified applicants for the positions they were trying to fill.

Down from last month, 33% (seasonally adjusted) of all owners reported job openings they could not fill in the current period. Sixty-one percent had job openings in construction. "The inability to assemble work teams is a key contributor to the comparably lackluster performance of the construction industry as evidenced by the December figures," said Dunkelberg. "Owners are raising compensation in order to attract more qualified applicants to fill open positions."

A historically high percentage of owners have raised and plan to raise worker compensation, with a net 29% reported raising compensation (seasonally adjusted) in the last three months and a net 24% plan to do so in the coming months. Seven percent of owners cited labor costs as their top problem.



**BIG "I" LEGISLATIVE
CONFERENCE
May 13—15, 2020**

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**Members are invited to attend.
Scholarships are available for first time
attendees and young agents.**

Big "I" Chairman Represents Agents During Capitol Hill Visits

Big "I" Chairman Jon Jensen was in Washington, D.C. recently to meet with members of Congress and set the groundwork for the 2020 Big "I" Legislative Conference, to take place May 13-15.

While on Capitol Hill, Jensen, president & CEO of Correll Insurance Group in Spartanburg, South Carolina, met with Sen. Tim Scott (R-SC), Sen. Thom Tillis (R-NC), Rep. William Timmons (R-SC), Sen. Lindsey Graham (R-SC), Rep. Ralph Norman (R-SC), Majority Whip Jim Clyburn (D-SC) and Rep. Steve Stivers (R-OH). He also attended a fundraising dinner for U.S. House Committee on Financial Services Ranking Member Patrick McHenry (R-NC).

During the meetings, Jensen reminded members of the U.S. Senate and U.S. House of Representatives and their staff of the critical role the independent insurance agency system plays in protecting America's families and businesses. He discussed important issues such as flood insurance, tax reform, defending the modernized state-based insurance regulatory system, health care, crop insurance and more.

While the annual Big "I" chairman's visit is important, the Big "I" government affairs team works the halls of Congress every day, which is something that Jensen appreciated during his visit.

"It's really good to see how close their relationships are and how legislators take the professional viewpoints of our lobbying team into account," Jensen said. "There's no way that Big "I" members could be on the Hill every day, responding to the things that pop up on a weekly basis. We need to be well represented on the Hill and we certainly are with the team we have."

It is also imperative that a strong contingent of Big "I" members come to Washington, D.C. in May for the 2020 Big "I" Legislative Conference. "Legislators and their staffers need to know their constituents' feelings," Jensen said. "Just seeing that we have taken the time, effort and money to go and carry our messages forward is very meaningful to them."

"Our members see things on a local level and the Big 'I' Legislative Conference is our opportunity to tell legislators what we see in our districts and how important that is," he said. "It's really important for agents to go to this yearly event."

Agents who register before March 6 receive an early-bird discount.

House Committee Marks Up Legislation on Surprise Medical Billing

the U.S. House Committee on Education and Labor marked up H.R. 5800, the "Ban Surprise Billing Act," introduced by Chairman Bobby Scott (D-VA) and Ranking Member Virginia Foxx (R-NC). The legislation passed out of the committee by a vote of 32-13.

The legislation aims to protect patients from receiving surprise medical bills by implementing a federal benchmark payment approach for settling billing disputes. For amounts less than or equal to \$750 (or \$25,000 for air ambulance services), the legislation relies on a market-based benchmark of the median in-network rate for providing similar items or services in the same geographic area. For amounts above \$750 (\$25,000 for air ambulance services), the legislation would allow providers and payers to elect to use independent dispute resolution (IDR) to determine a fair payment amount.

Notably, the legislation also includes a provision on transparency that would require disclosure of direct and indirect compensation for brokers and consultants to employer-sponsored health plans and enrollees in plans in the individual market. This language is almost identical to a provision in U.S. Senate legislation on surprise medical billing, S.1895, the "Lower Health Care Costs Act."

While the Big "I" appreciates the committee's efforts to solve the surprise medical billing problem, we will continue our dialogue with Congress to improve any language in a surprise medical billing package that would require disclosure of direct and indirect compensation for agents. Any new transparency requirements must be workable and practical for our small business members.

TrustedChoice.com Starting 2020 Strong

Consumer traffic, agency recommendations, referrals and lead volume are at record levels. 77 agencies purchased new Advantage subscriptions in January, the most added in a single month in over a year. More than 2/3 of those were annual subscriptions, showing that agents are far less wary and uncertain today about the need to invest in their digital marketing footprint.

And here's a unique success story that's definitely worth sharing. David Hanor is an agent from South Carolina. He specifically talks about his experience with "Claim-It" leads that he purchased through TrustedChoice.com. You will hear him share how he won an account worth more than \$6,000 in commission revenue from a single \$12 commercial lines lead from TrustedChoice.com. Another pretty awesome ROI story. You can check the video out on YouTube <https://www.youtube.com/watch?v=HbvQeb1nJRU&feature=youtu.be>

GREAT NEWS FOR BIG "I" MEMBERS! This member benefit is available to NEW Advantage Subscribers. As part of the Marketing Reimbursement Program, an agency can sign up for an Advantage subscription and get reimbursed for 50% of the first three months up to \$250.

GUIDELINES TO RECEIVE THE REBATE:

- Submit an application to Trusted.Choice@iiaba.net with an invoice or receipt. All invoices must be dated in 2020.
- Cannot be a current subscriber.
- Not have been a subscriber within the past two years. For the MRP application and additional guidelines, please contact the association for further detail.

If you should have any further questions, please call the association office at 304-342-2440.

Senate Bill Introduced Imposing Cuts to FCIP

Recently, legislation was introduced in the U.S. Senate that would drastically impose cuts to the Federal Crop Insurance Program (FCIP). The bill, S. 3292, the "Assisting Family Farms through Insurance Reform Measures Act," or the AFFIRM Act, was introduced by Sen. Jeanne Shaheen (D-NH) and Sen. Pat Toomey (R-PA).

The legislation would significantly weaken the FCIP and the critical safety net the program offers. A few of the many provisions in the bill include an Adjusted Gross Income (AGI) limit of \$250,000, a \$40,000 cap on premium subsidies and cutting the targeted rate of return for crop insurance companies from 14% to 8.9%.

The FCIP also recently received attacks from the Trump Administration with the roll out of the president's proposed FY2021 budget.

The crop insurance program plays a vital role in cities and communities across the country and the Big "I", along with its crop insurance coalition partners, will continue to advocate for a strong and robust FCIP.



Mark Your Calendars:

2020 Young Insurance Professionals

Summer Retreat

August 20 & 21

Chief Logan State Park
Logan, WV

2020 Annual Convention

October 12 - 14

The Greenbrier Resort
White Sulphur Springs, WV

Invest National Insurance Apprenticeship Approved by Dept. of Labor

New strategic direction on talent development for next generation of insurance leaders.

InvestSM announced a new strategic focus on accelerating workforce development for the independent insurance agency system, including a new apprenticeship program recently approved by the U.S. Department of Labor (DOL) to train more workers for skilled jobs within the industry.

Invest is a national nonprofit organization that attracts, educates and prepares diverse people to exciting new opportunities and career paths in the insurance industry and is refocusing its education mission to concentrate more directly on talent development.

Invest's new strategy is designed to attract more people — including military veterans — to an expanding industry. Large-scale retirements and advances in technology are also creating new career and entrepreneurial opportunities for the next generation of insurance leaders.

With the approval of Invest's national insurance apprenticeship standards by the DOL, Invest will now begin partnering with local Big "I" state associations, insurance companies and agencies to develop local apprenticeship programs for independent insurance agencies through a General Insurance Certificate.

"Our insurance apprenticeship standards will allow us to quickly develop exciting 'earn while you learn' opportunities at the state level and it is truly a 'win/win/win' for the insurance industry, employers and apprentices," said Deborah Pickford, executive director of Invest. "To close the talent gap that currently exists within our industry, we must be creative and innovative in the way we compete for new talent."

Invest joins several other insurance apprenticeship programs in an "earn while you learn" model and this announcement signals an ongoing shift in the rapidly growing apprenticeship marketplace. Traditionally, U.S. apprenticeships have been focused on trades such as electricity, plumbing and heating and air conditioning, but a new type of "white collar" apprenticeship has begun to emerge, including those within the insurance industry and financial sectors.

With record employment rates in the U.S., many industries have been affected by labor shortages. However, the situation is acute in the insurance industry. A tight labor market, aging workforce and the acceleration of baby boomer retirees has created an ongoing shortage of workers in the insurance industry. The unemployment rate for the insurance industry is 2.6%, compared to the national unemployment rate of 3.5%, according to the U.S. Bureau of Labor Statistics.

"Through this new apprenticeship model, we want people to gain first-hand knowledge of how rewarding a career in our industry can be and the unlimited opportunities for professional, personal and financial growth," explained Pickford. "We work with committed insurance leaders who genuinely care about the success of others and many of those leaders become lifelong mentors."

Along with the new apprenticeship program to be rolled out into states throughout the year, Invest will also launch a new, refreshed logo.

Invest works with more than 31,000 high school students who study insurance in 46 states through its online insurance education curriculum. Invest continues to broaden its outreach with new partnerships, new schools and new content. As the industry evolves, Invest is sharpening its focus on insurance technology, as well as the vast career opportunities that can be found within the insurance community, insurance carriers and the independent insurance agency system. Learn more at the Invest website.

Celebrating 50 Years 1970 – 2020

Invest educates, prepares, and attracts diverse young people to new, exciting opportunities and career paths in insurance.



1970 – 2019



2020 and Beyond

New NAIC Model Would Create New Standard of Care and Other Duties for Agents

Recently, the National Association of Insurance Commissioners (NAIC) adopted significant revisions to its Suitability in Annuity Transactions Model Regulation that could have adverse implications for agents who sell annuity products in the near future and potentially for all agents.

The model proposes a broad range of new obligations for insurance agents and includes a handful of provisions that are particularly concerning. The most notable and troubling element of the NAIC's proposal is the establishment of a "best interest" standard of care for insurance producers who recommend annuities to consumers.

Requiring an agent to act in a customer's best interest may seem innocuous and unremarkable, but such a standard would produce uncertainty and other consequences. A requirement of this nature is inherently abstract, vague and subjective, and would place agents in an untenable position because it is unclear what specific actions or compliance measures it requires and what behavior it would prohibit. The lack of clarity and objectivity would also result in uncertainty and inconsistent application. Adding to the confusion and concern is the fact that courts and other observers typically equate an obligation to act in one's best interest with a fiduciary duty.

The NAIC model also includes a series of new compensation and other disclosure requirements. It would, for example, require an agent to provide written disclosures outlining:

1. The scope and terms of his/her relationship with the consumer
2. The agent's role in the transaction
3. The types of relevant products the agent is authorized to sell
4. Whether the agent has access to the products of one insurer or multiple companies

In addition to banning some forms of incentive compensation, the proposal would also require disclosure of the sources and types of compensation an agent would receive from the purchase of a particular annuity and mandate that an agent provides an estimate of compensation upon request. Finally, the model would require an agent to make a written record of the reasons why an annuity recommendation was made and communicate the basis of the recommendation to the consumer.

The Big "I" argued against imposing an amorphous best interest standard and establishing other vague and unnecessary mandates during the development of the model. The association asserted that certain elements of the proposal do not benefit consumers or enhance the regulatory framework and that those obligations are likely to create higher compliance costs and result in fewer professionals offering annuities. The Big "I" also expressed concern about such obligations possibly being extended to other lines of insurance and ultimately to every agent and every insurance transaction.

One of the most frustrating aspects of the NAIC's development of this proposal was the lack of a justification for the sweeping proposed changes in law and the absence of any consideration of whether there are marketplace problems or regulatory gaps that truly need to be addressed in this manner.

Some proposals seemed to operate under a misguided and unsubstantiated belief that insurance agents routinely recommend the purchase of products based on their own self-interest and to the detriment of consumers. Other proposals argued that securities industry-specific rules should be extended to and foisted upon insurance producers despite the differences between the two financial sectors and the disruptive effects this could have for many agents and consumers.

The Big "I" opposed the most troubling aspects of the NAIC model and was often the lone voice doing so. During the proposal's development, the association was especially concerned that the unnecessary references to a best interest obligation would create new litigation exposure for agents and allow private plaintiffs to utilize the vague standard of care to bring unwarranted lawsuits.

Amendments to help address this concern proposed by the Big "I" were incorporated into the final model, and the association was grateful for their inclusion. These revisions make clear that the proposal is to be enforced exclusively by regulators and clarify that it should not be interpreted to create or imply causes of action and civil liability that do not exist today.

NAIC models do not have the force of law on their own and operate only as recommendations to state policymakers. Proposals such as this must be adopted by states in order to take effect, and it will be up to each individual jurisdiction whether to implement this model as recommended by the NAIC to revise it or to ignore it altogether.

The NAIC is encouraging state insurance departments to adopt this particular proposal by regulation but the

Big "I" believes the nature and magnitude of these public policy changes are so significant that they should be considered by state legislators.

The debate over this NAIC model and the recommendations contained therein now moves to individual state legislatures and departments of insurance. Big "I" members and state associations are urged to monitor any developments closely and weigh in as necessary.

4 Ways to Cure Account Manager Burnout

Being an account manager used to be fun. They played a bigger part in the negotiation process: meeting with clients and carriers, getting to know the insured, honing and using finesse and other stimulating skills.

That's a far cry from the account manager lifestyle today. From the moment they enter their office, which they'll never leave before the day is up, account managers are inundated by a stream of tedious, disparate tasks and overwhelmed by the pressure to get them all done in one day. The work is frequently mundane and unexciting, but there's no sitting back and slouching: a single error could hurt the agency's bottom line—or worse, trigger a lawsuit.

You would think there'd be some glory at the end of this struggle, but there isn't. Producers get all the credit for bringing home the bacon. Nobody congratulates the account manager for cooking it.

And if something goes wrong, it is seldom the producers who get called to the carpet. Guess who does?

The anxiety. The drudgery. The thanklessness of it all. Wouldn't this burn out just about anybody? Account managers must deal with it every day, with only a feeling of failure to look forward to when they realize they didn't get everything done.

Ironically, technology contributed to the devolution of the account manager role. The acceleration in tasks that tech brings has come with the expectation that everything must get done sooner. Due to their proximity to technical tasks, account managers have been hit hardest by this pressure.

It is time to reverse the trend, to give account managers a break and start to take them more seriously—not only because it is the right thing to do, but because even the most selfless and loyal of them will eventually succumb to burnout and begin to wonder if things are better at another agency.

Yes, it's easier to replace account managers than it is to replace your star producers, but it's becoming harder to find and keep any employees in the insurance industry. If you don't treat your account managers well, somebody else will.

At the same time, the agencies aren't the cruel, heartless villains in this story. The truth is, work moves faster than operations sometimes, and somebody's going to bear the brunt. Sure, who wouldn't want to hire more of them in order to lighten the load, but how many people can you hire before it affects profitability?

The account managers we know don't really mind being workhorses, and they're good at it, too; they just don't like being ignored and undervalued. Here are four ways to combat account manager burnout:

1. Let your account managers know that you will give them a fair hearing if something unexpected happens. They'll be relieved and it will show in the pace and quality of their work. Anyone who's passionate about a job wants to take the time to do it the right way, but account managers are frequently denied this basic privilege.

Consumed by the terror of making a mistake, and aware that they will be without an advocate if that happens, many account managers give in to paranoia and do their jobs with extreme caution. This may seem like a good thing, but at some point, it becomes redundant and slows operations down.

2. Listen to your account manager's gauge on reality. Account managers see things other people don't. While everybody's toasting the producer who brought in a big account, the account manager is quietly computing everything that could go wrong with processing it: insufficient staff, policy complexity or outstanding issues with the client's previous agency.

In their commendable zeal to make clients happy, producers are known to make grandiose promises that are simply irreconcilable with the reality of proper coverage. When account managers point this out, they are accused of being bad team players and impeding the sales process.

Enough. Listen to your account managers. It might just save your business.

4. Start treating your account managers like people, not sheep. Years of routine have entrenched the belief that account managers somehow enjoy toiling endlessly over stressful and tedious work with no reward or recognition in sight.

Like everybody else, account managers require incentives, growth opportunities and career advancement. There is more to the job than just checking off boxes. Figure out what your account managers' secret strengths are and create a development path based on them.

In the meantime, a little more fun on the job could go a long way. Put your account managers on the road a little more. Get them to meet their insured. It might be the spark that relights the fire at the office.

3 Ways to Prioritize Personal Umbrella Sales

Recently, it was "National Umbrella Day", but as a Big "I" independent agent, you know that every day can and should be the right day to offer personal umbrella coverage.

When we know something would be beneficial, but don't have the energy or knowledge to implement it, we often procrastinate and schedule it for "someday."

Most agents know they should be offering a personal umbrella policy to each of their clients but, as other priorities take center stage, they put it off. We get it! Busy agencies across America have a lot on their plates.

However, now is the time to stop thinking you'll offer PUPs "someday" because we checked the calendar and "someday" does not exist.

Put personal umbrella sales into motion at your agency with these three simple steps:

1. Download RLI's PUP decline form. Big "I" members love RLI's declination forms, which are a great tool during conversations about the importance of PUPs.

If your client takes the coverage, you win! You've secured important protection for them, and a sale for your agency.

If your client declines the coverage, and you document this in your file, you still win—your agency is protected in the event of an errors & omissions claim. Download the customizable PUP declination form that you can use to document that you've offered umbrella coverage in your client files.

2. Create an umbrella flyer for your agency in two clicks. Marketing personal umbrellas starts with information and education.

To get started, download this flyer, click the PDF contact box, add your agency information and save it. Then, add to your web site, print a supply for your office or distribute it to your clients with their proposals.

3. Share RLI's Umbrella Overview and underinsured motorist/uninsured motorist videos. Whether it's by placing them on your website, posting on social media or sharing via email, the below videos will raise important awareness among your clients about the need for personal umbrella coverage:

- [What Is a Personal Umbrella Policy?](#)
- [Uninsured/Underinsured Motorist Coverage with a Personal Umbrella Policy](#)

Ready for more? We have so much to offer! RLI offers a host of marketing and sales tips [through the producer portal](#).

If you have any further question, please contact April Pitz, Manager, RLI & Personal Umbrella Markets at April.Pitz@iiaba.net or by calling her at 703-706-5360.





TOGETHER WE RISE

WOMEN IN INSURANCE LUNCHEON

*Encourage growth, community and
work life balance*

***MAY 21, 2020
THE RETREAT
ONE CREATIVE PLACE, CHARLESTON, WV 25311***

Hosted by Independent Insurance Agents of WV

**Check out event and registration
information online.**



State National Director Report

By Ross Johnson, IIAWV State National Director
January 2020 Board Meeting – New Orleans, LA

Chairman's Report:

IIABA Chairman Jon Jensen said the national association is hitting on all cylinders, and he's excited about what we've achieved and where IIABA is going.

President & CEO's Report:

IIABA President & CEO Bob Rusbult said the inaugural Big "I" Level Up Diversity and Inclusion Summit was an outstanding success.

He said he and Chairman Jensen plan to visit the leadership of three to four states this year to have interactive discussions about what National is doing well, what we could improve to better assist our member agents and how we can more effectively help state associations.

He said National is working on improving its member data and making IIABA communications more targeted, effective and efficient.

IIABA Strategic Planning:

The Board approved the IIABA Strategic Plan for FY 2020, with two revisions. The final plan containing those revisions will be posted on IIABA's website.

The plan (which is essentially a three-year plan) will be reviewed and updated by the IIABA Executive Committee each summer and status updates will be provided at Board meetings.

IIABA staff is working on the details to move the implementation process forward.

Big "I" Markets (www.independentagent.com/big-i-markets):

Big "I" Markets ("BIM") helps members live, thrive and survive. It provides market access for members that cannot obtain carrier appointments or do not wish to join an agency alliance. It also acts as an incubator for new member agencies in the IA system. There is no volume commitment or entry/termination fees and agencies clearly own their expirations.

IIABA is working to make BIM the best market access resource available. A BIM advisory group is being formed to provide feedback, and eventually it will become a BIM users group.

The AAS strategic task force concluded that we should achieve the following: offer a better user experience, be the best at what we do and focus on core products.

Two big improvements have already been made:

More efficient communication. Agents can now communicate with an underwriter without logging in. No requirement to log into BIM after the initial quote request.

Faster response times. For standard auto and home, agents will receive same-day service on quote requests with completed information submitted by 3 p.m.

The look and feel of the BIM platform is being redesigned to be cleaner and more streamlined and the technology under the hood is being updated. This will include smart applications with data-prefill.

Year-to-date in FY 2020, revenue from BIM is higher than last year at this time.

BIM and IMS (a state association-created market access program) had been in talks about working together to provide comprehensive market access for Big "I" members. IMS called off the talks in November over issues related to who would control the platform.

Big “I” Hires (www.BigIHires.com):

Big “I” Hires is a robust and valuable tool for agencies and state associations of all sizes. It is continuing to grow in the number of services offered, use by agencies and job placements.

IdealTraits now offers full service professional talent acquisition.

Big “I” Hires is gaining the capability to gather data and information that can be used to expand the benefits of the program.

There are plans to increase marketing of the DIY toolkits.

Government Affairs (www.independentagent.com/GovernmentAffairs):

The Government Affairs Committee accomplished a lot in 2019:

- Tax reform for pass-throughs and C-corps; NFIP extensions; 7-year extension of TRIA; repeal of Cadillac tax; excluding agents from onerous new federal data reporting requirements for small businesses; defending state insurance regulations; defending crop insurance; protecting agents from liability regarding cannabis-related legal businesses; and removing a tax on trade association royalty income from the new tax law.

Mark your calendars. The Big “I” Legislative Conference is May 13-15, 2020.

InsurPac (www.independentagent.com/GovernmentAffairs/InsurPac/default.aspx):

InsurPac raised \$1,196,822 in 2019 – a \$65,000 increase over last year.

West Virginia exceeded it’s goal of \$3,250 with agents contributing \$3,670 for 2019.

South Carolina raised a record \$115,647, while Massachusetts raised \$111,293, Texas raised \$73,490 and Illinois raised \$55,510.

Young Agents raised \$175,876 nationally, including \$25,325 in South Carolina, \$15,468 in Georgia and \$14,599 in Massachusetts.

InsurePac will likely donate nearly 3 times more to Shelly Moore Capito than what the state donates. They have told me they expect to donate the max or \$10,000.

I have already taken one check and if you see the right fundraisers to attend, I can get another check to take.

Agents Council for Technology (www.independentagent.com/ACT):

Cindy Hower, Chair of ACT, discussed the needs from ACT that were mentioned during the roundtables at the Fall 2019 Leadership Conference and what resources ACT has or is working on that can assist with those needs.

ACT is a free resource for agents.

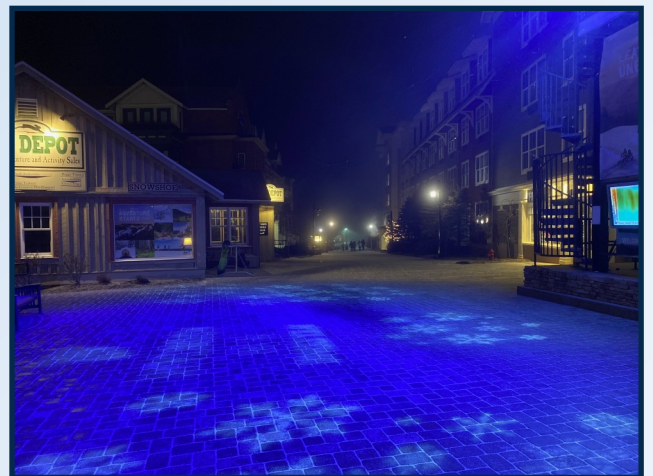
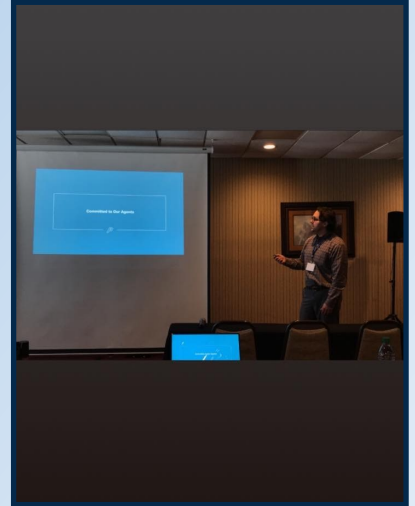
Trusted Choice® (<https://cobrand.iiaba.net>) and TrustedChoice.com®:

- Trusted Choice is working with TrustedChoice.com to augment SEO work through the use of paid Google ads, which helps bolster organic SEO.
- Trusted Choice will be rolling out a refreshed consumer ad campaign this Spring.
- Trusted Choice’s net promoter score continues to rise.
- Trusted Choice’s member resource website is located at <https://cobrand.iiaba.net>.
- TrustedChoice.com consumer traffic continues to grow.
- Improvements have been made to Advantage Subscriptions. Appointment scheduling is now offered. Claim-It is now available by opting in, at no additional cost.
- Life & Annuities has been added to TrustedChoice.com.
- Elevate 2020 will be held in Nashville, TN, from May 31 to June 2.

Finance / Budget:

- IIABA did well last year and is continuing to move in the right direction financially.
- Year-to-date, IIABA is favorable to budget.
- IIABA received a clean bill of health from its auditors.
- The Board approved the IIABA dues formula for FY 2020-2021, which is unchanged from prior years.

Highlights from 2020 Winter Retreat



FLOODING CAN HAPPEN ANYWHERE

SELECTIVE
BE UNIQUELY INSURED™

Many people think that because they don't live near an ocean or large body of water, they are not in a flood zone. In reality, every property in America falls into a potential flood area. Some areas are more susceptible to flooding than others. However, are you aware of the more unknown flood threats that could affect your area? **Check out the map below for some of the potential sources of flooding near you.**



Everyone is at risk, contact your local insurance agent or Selective to learn more about the benefit of Flood insurance.

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