



Question: Can the presentation slides be made available to participants?

Answer: The webinar recording and slides will be posted to the VACORP website at www.VACORP.org.

Q: In budget planning, do you expect with the current state of things, a possible 5% to 6% reduction in workers' compensation costs?

A: The 5% to 6% discussed is indicative of the reductions we are seeing pool-wide for workers' compensation experience modification factors. Any savings for individual members will be based on your claims experience and demonstrated in your experience mod. Your Member Services Representative will discuss with you any changes in your experience mod and how it will impact your cost, taking into consideration payroll and staff changes.

Q: Do you envision law enforcement officers setting up their own liability funds or seeking personal liability coverage as a group?

A: Yes, we would expect this. If it becomes necessary for law enforcement officers to buy their own coverage, VACORP would intend on offering this as a coverage option.

Q: What is the additional cost for providing excess liability coverage for the Sheriff? Will you be offering excess coverage for the upcoming year?

A: Excess liability coverage for Constitutional Officers, including Sheriffs is available as a coverage option. The cost is based on the entity's exposures (net operating expense) but is very affordable for those that purchase it. VACORP will provide this coverage option upon request.

Q: Will the increased litigation with law enforcement of public entities/municipalities adversely affect schools?

A: Only school divisions that hire their own law enforcement officers would be impacted.

Q: What is a social engineering event?

A: Social engineering broadly describes bad actors taking advantage of human interactions. It usually includes manipulation to trick staffers into making security mistakes or giving away sensitive information, sometimes with an urgent and official sounding request, causing victims to react quickly. This could be in the form of fraudulent invoices or direct deposit forms redirecting funds or fake emails requesting sensitive information.

Q: We have had quite a few cases of COVID-19 but have not submitted these as workers' compensation claims. Should COVID-19 claims be submitted, considering that no one can say for sure if they were exposed due to a work related situation? If so, should claims be submitted for COVID-19 positive tests or for possible exposures?

A: You can report claims for employees who believe they contracted COVID-19 as a result of a workplace exposure. VACORP will investigate each claim in light of the Workers' Compensation Act to determine compensability. To date, COVID-19 claims have been denied when an employee has not been able to show the disease was contracted at work. This could change if the General Assembly changes the law.

Q: Should I only submit claims going forward or submit claims for past COVID-19 cases?

A: You should submit all COVID-19 claims if the employee believes he or she contracted the virus as a result of a workplace exposure.

Q: Should we be documenting the COVID-19 Cases on the OSHA 300 Log?

A: COVID-19 is a respiratory illness and should be coded as such on the OSHA Form 300. Because this is an illness, if an employee voluntarily requests that his or her name not be entered on the log, the employer must comply as specified under 29 CFR § 1904.29(b)(7)(vi).

COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if all of the following are true:

1. The case is a confirmed case of COVID-19 (see CDC information on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19);
2. The case is work-related (as defined by 29 CFR 1904.5); and
3. The case involves one or more of the general recording criteria set forth in 29 CFR 1904.7 (e.g., medical treatment beyond first aid, days away from work).

Please refer to [OSHA.gov](https://www.osha.gov) for additional information.

Q: Would an allergic reaction to the COVID-19 vaccine fall under an Ordinary Disease of Life?

A: We would expect a reaction to the COVID-19 vaccine would not be considered a compensable claim as defined under the Act because the vaccination is not mandatory. Similar to flu shots, the COVID-19 vaccine is recommended but not required.

Q: How can VACORP or any insurance company pay anything on COVID-19, as there's no way it can be proven anyone caught the virus at work?

A: Currently, the burden of proof is on the employee to show the disease was contracted at work. This is a high standard to meet, so very few claims are accepted. COVID-19 claims could be covered if the employee can prove it was contracted at work.

Q: Is denial rate of COVID-19 claims not 100% because the claims are in process?

A: COVID-19 claims could be covered if the employee can prove it was contracted at work. The General Assembly could switch the burden to the employer. If this happens, it would then be the employer's responsibility to prove it did not occur at work, which is a very high burden to meet.

Q: Would we be advised if an employee received reimbursement of wages and/or a monetary settlement?

A: Yes, VACORP will provide you with information relative to any of your employees' workers' compensation claims, including settlements.