

## VACoGSIA OVERVIEW

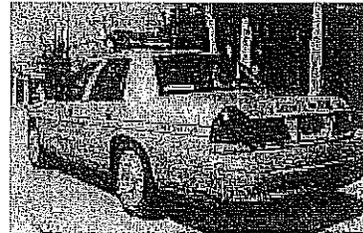
Created in 2001, VACoGSIA is a member owned Workers' Compensation Self-Insurance Pool. A seven member Supervisory Board, elected from the general membership, is responsible for overseeing the operations of the Pool. VACoGSIA also provides all member services with its own in-house staff.

Only counties, county school systems and county-related agencies are eligible to participate in the Pool. By specifically limiting membership, VACoGSIA can provide more accurate and stable pricing as well as tailoring services to meet individual member needs.

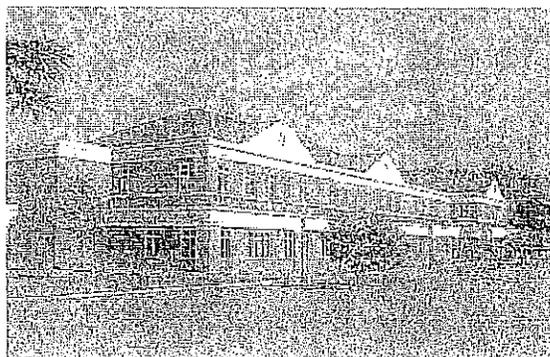
It is much easier to forecast future losses when dealing with a more specific type of member, which leads to greater stability in pricing. This also makes it easier to develop and implement safety training programs.

VACoGSIA provides:

- ◆ Responsive claims service
- ◆ Internet claims filing
- ◆ Moch OSHA Inspections
- ◆ Regional and Individual Seminars
- ◆ Video Library
- ◆ Numerous other risk management services

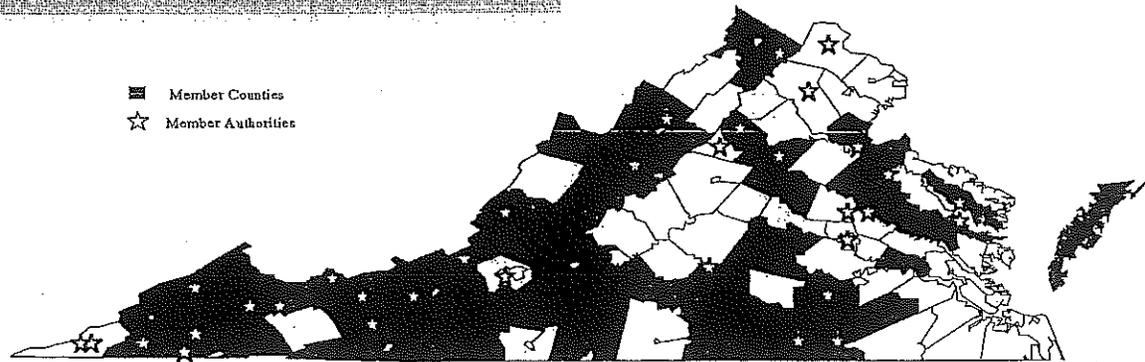


Since VACoGSIA was created solely at the request of the membership. Members can be assured that all aspects of the program will be operated in their best interest.



Risk Management Programs

# VACoGSIA MEMBERS



## County Members

◆ Accomack	◆ Carroll	◆ Giles	◆ Mecklenburg	◆ Rockbridge
◆ Alleghany	◆ Charles City	◆ Grayson	◆ Middlesex	◆ Rockingham
◆ Amelia	◆ Charlotte	◆ Greenville	◆ Montgomery	◆ Russell
◆ Augusta	◆ Clarke	◆ Highland	◆ Northampton	◆ Scott
◆ Bedford	◆ Craig	◆ King & Queen	◆ Orange	◆ Stafford
◆ Bland	◆ Cumberland	◆ King George	◆ Patrick	◆ Sussex
◆ Botetourt	◆ Dickenson	◆ King William	◆ Pittsylvania	◆ Tazewell
◆ Brunswick	◆ Dinwiddie	◆ Lancaster	◆ Powhatan	◆ Warren
◆ Buchanan	◆ Floyd	◆ Louisa	◆ Prince Edward	◆ Washington
◆ Campbell	◆ Franklin	◆ Lunenburg	◆ Pulaski	◆ Wise
◆ Caroline	◆ Frederick	◆ Madison	◆ Richmond	◆ Wythe

## School Division Members

◆ Alleghany	◆ Clarke	◆ Grayson	◆ Madison	◆ Russell
◆ Amelia	◆ Craig	◆ Greene	◆ Orange	◆ Scott
◆ Bland	◆ Dickenson	◆ Lee	◆ Pulaski	◆ Tazewell
◆ Brunswick	◆ Dinwiddie	◆ Loudoun	◆ Rockingham	◆ Wythe

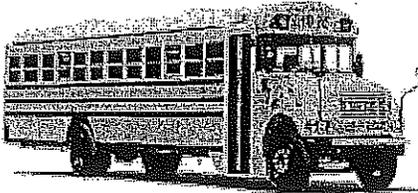
VACoGSIA also covers 27 county-related authorities. Authorities include; IDA's, Regional Jails, Water & Sewer Authorities, Regional Libraries, Park Authorities, Community Service Board and various other entities

## STATUTORY COVERAGE

### OVERVIEW

The Virginia Workers' Compensation Act was enacted by the Virginia legislature in 1918, following a movement in Europe and the United States to provide no fault protection to workers who were injured on the job.

The original Workers' Compensation Act provided compensation only for accidental injuries. The General Assembly has continued to study compensation laws and has amended the Act through the years; including occupational diseases (1944), ordinary diseases under certain circumstances (1986) and hearing loss and carpal tunnel syndrome under certain circumstances.



#### Example

An example of how ordinary diseases can impact local government is the heart/lung presumption and cancer presumption. The General Assembly determined that the stress associated with law enforcement jobs creates an increased risk of heart disease. If a deputy develops a heart condition it is presumed to be job related. It is the employers burden to prove that it is not. It also works the same for certain cancers for fire & rescue personnel. These risks should be considered when developing hiring criteria for these positions.

### INJURY BY ACCIDENT

The determination of the compensability of an injury by accident under the Virginia Workers' Compensation Act is based on the criteria established through statutory and case law. To establish a right of recovery under the Act, an employee must prove, by a preponderance of the evidence, (1) an **injury by accident**, (2) **arising out of** and (3) **in the course of** his/her employment. The employee must also prove a **causal connection** between the injury and the accident. Each of these elements must be met for the injury to be compensable.

#### Claim Example

An employee twists their ankle walking across the room and files a workers' compensation claim. Although the definition of an accident was met, this claim would probably not be compensable because the job function did not place the employee at a greater risk for this injury than the general public. It would be difficult for the employee to argue that the injury "arose out of and in the course of his/her employment"



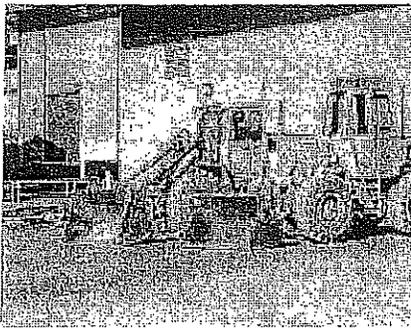
Risk Management Programs

## INJURY BY DISEASE

An "occupational disease", unless otherwise indicated by the Act, is a disease arising out of and in the course of employment, but not an ordinary disease of life to which the general public is exposed outside the employment.

A disease shall be deemed to arise out of the employment only if a rational mind, after consideration of all circumstances, finds:

- ◆ A direct causal connection with the disease and the conditions of work;
- ◆ That the disease followed as a natural incident from exposure occasioned by the nature of the employment;
- ◆ That the disease can be traced to the employment as the proximate cause;
- ◆ That there is no substantial exposure to the disease outside of the employment;
- ◆ That the disease is incidental to the character of the business and not independent of the relation of employer and employee; and
- ◆ That the disease originated in an employment-connected risk and flowed from the risk as a natural consequence



### Claim Example

A nurse at a jail administers a shot to an inmate with AIDS. Following the shot the nurse penetrates his/her skin with the used needle and develops AIDS. It could be argued that the general public is not exposed to AIDS in this manner and the exposure arose in and out of the course of employment and is compensable.

## MEDICAL BENEFITS

The employer is required to furnish necessary medical attention to an injured employee. If the accidental injury results in the need for on-going medical care, the employee is entitled to lifetime medical benefits until the treating physician releases the employee back to full duty.

### Panel of Physicians

An employer has the right to require injured employees to receive medical treatment from a panel of physicians. Failing to provide a panel of physicians within a reasonable time following the injury allows the employee to seek treatment with the physician of his/her choice. The employer is placed at great risk that the employee may select a physician who is not oriented toward returning the employee to the workforce. By offering a panel of at least three physicians the employer has selected, the employer has some input as to the physician involved in the employee's treatment and recovery.



Risk Management Programs

Panel of Physicians  
(continued)

If a proper panel of physicians is offered, the employee is not entitled to compensation or medical expenses during any period of refusal to select a physician from the employer's panel.

If an employee requires emergency care, it is acceptable to offer the panel of physicians after the emergency care has been rendered. "An emergency room is not a physician. It is a medical facility designed to provide only emergency medical treatment" Keener v. Northern Virginia Training Center.

**COMPENSATION  
BENEFITS**

Employees who are injured on the job and the injury requires them to miss work for more than seven days are entitled to compensation benefits. This means that the employee receives 66 2/3 percent of their average weekly wage while they are disabled. In addition to receiving the wage, employees can also make a claim for other benefits:

- ◆ Permanent Loss or Disfigurement
- ◆ Permanent Total Disability (Lifetime Benefits)
- ◆ Permanent Disability (500 weeks)
- ◆ Permanent Partial Disability (additional benefit less than 500 weeks)
- ◆ Temporary Total Disability
- ◆ Temporary Partial Disability

**Claim Example**

Loss of use of a thumb is compensated by 60 weeks of benefits. If an employee is earning \$300 weekly, the loss of thumb will yield benefits of \$200 per week for 60 weeks. If 1/3 of the thumb use is lost, benefits will be payable at \$200 per week for 20 weeks (1/3 of 60 weeks).

**EMPLOYERS LIABILITY**

VACoGSIA provides liability coverage for claims or suits filed against the employer which results from incidents associated with workers' compensation.

Limit for accidental injuries: \$1,000,000  
Limit for occupational disease: \$1,000,000  
Limit for any occurrence: \$1,000,000

This coverage is not utilized frequently because the employer is mandated to provide workers' compensation benefits by the Act. However, it is possible that, if an employer were to provide an unsafe work environment, it could be alleged that the employer acted in a grossly negligent manner and the coverage would need to respond to the suit.



Risk Management Programs