

A hand in a blue sleeve is shown in the process of balancing a wooden block on top of a tall, precarious stack of other wooden blocks. The stack is made of many rectangular wooden blocks, some of which are slightly offset, creating a wobbly structure. The background is a soft, out-of-focus blue and white gradient. The overall scene suggests a delicate balance or a high-stakes situation.

# Professional Liability Workers' Compensation

# Professional Liability

- \$1,000,000      Limit of Liability
- \$1,000,000      Defense Cost
- \$      2,500      Attorney Reimbursement  
(Employment Related)

Covers Educational Professionals and  
Educational Non-Professionals

Excess or Primary Liability Coverage

# Coverage Highlights

- Public and Charter Schools
- All Employees
- Tutors and Volunteers
- Automatic Coverage for New Hires
- No Enrollment
- No Premium Charge to Employees
- Benefit to Employees



# Claims Filed

- Teachers
- Bus Drivers
- Coaches
- Teacher Assistants
- Cafeteria Workers
- Principals
- School Nurses/Counselors
- Superintendents



# Wrongful Acts

- Allegations
  - Negligence/Gross Negligence
  - Negligent Supervision
  - Negligent Hiring
  - Failure to Educate
  - Failure to Train
  - Failure to Investigate
  - Failure to Follow Policy and Procedure
  - Negligent Retention and Reporting

# Litigation and Defense

- Derails Employee
- Halts Career or Changes Career Direction
- Time Litigate
- Preparation
- Legal Expense
- Media Impact and Politics



# Sexual Misconduct

- Frequency of Claims
- Sexual Misconduct is excluded
- Employees are Separately Named
- Sued for Wrongful Acts of Negligence



# Depositions and Investigation

- Testimony from employees:
  - “I didn’t know how to report”
  - “I didn’t know whom to report to”
  - “I did report but --- nothing was done”
  - “I was afraid of losing my job”
  - “I didn’t know there was policy and procedure”



# Best Practices

## **Respond – Document - Communicate**

### Written Procedures for Administration

- Report All Injuries or Accidents
- Investigate
- Written Statements from Key Personnel
- Act Accordingly and Follow Procedures

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- Home
- About Coverage
- FAQs
- What is Covered
- Who is Covered
- Reporting a Claim

# Workers' Compensation

- NCGS 115C-337 State Board of Education has the statutory obligation to provide workers' compensation to state employees.
- Third Party Administrator (TPA) is under contract with DPI to administer claims and pay benefits.
- Self Insured Program

# WC Benefit Payments

Benefit Payments	FY24	FY23
Medical	\$29.3 Million	\$27.7 Million
Indemnity	\$34.3 Million	\$32.5 Million
Other	\$ 5.3 Million	\$ 4.6 Million
Total Benefit Payments	<b>\$68.9 Million</b>	<b>\$64.8 Million</b>

# Funding Breakdown

Funding Source	FY24	FY23
State	\$54.8 Million	\$51.2 Million
Local	\$14.1 Million	\$ 13.6 Million
Total	<b>\$68.9 Million</b>	<b>\$64.8 Million</b>

# New Claims Count

Claims Count	FY24
Open Indemnity	691
Open Medical	733
Total	1424

# Fiscal Years Claims Count

Open Claims Count (All FYs)	FY24	FY23
Open Indemnity	2482	2571
Open Medical	789	1100
Total	3271	3671
Settled	\$6 Million	

# Continuation of Benefits

While Receiving WC Benefits...??

- Performance Increases
- Vacation & Sick Leave
- Hospitalization Insurance
- Retirement Service Credit
- Longevity
- Retirement



# State Disability Benefits

## Short Term and Long Term Disability

WC Settlement Easier

Resign for Long Term

Eliminate ---

~Health Insurance Premium

~Accumulation of  
Vacation/Sick Leave

**Separation Due to Unavailability**

# Reporting A Claim

- First Notice of Loss/Form 19
- File Timely
- Specify Injured Body Part(s)
- Specify Where Employee was Treated
- Complete All Information

# FORM 22

- Statement of Days Worked and Earnings of Injured Employee
- Average Weekly Wage – NCGS 97-2(5)  
“...the earnings of the injured employee in the employment in which the employee was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury...”



# TPAs Role

- Administer Claim & Pay Benefits
- Assign Adjusters (Medical or Lost Time)
- Assign Nurse Case Management
- Assign Other Services
- Communicate with Parties



# Your Role

- File Claim Timely
- Statements from Injured Worker and Employees (Witnesses/Supervisors)
- Seek Medical Attention for Injured Worker
- Follow up with Injured Worker
- Return to Work
- Disability Benefits
- Communicate/Work with Adjusters

# Cost Containment Strategies

<b>Beginning Of The Claim</b>	<b>Middle Of The Claim</b>	<b>End Of The Claim</b>
<b>Investigate Report Claim</b>	<b>Monitor Claim</b>	<b>Settle</b>

# THANK YOU



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