

**REPORT OF THE LINE OF DUTY ACT
WORKING GROUP**

**Findings of the Line of Duty
Act Working Group -
December 2012**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 21

**COMMONWEALTH OF VIRGINIA
RICHMOND
2012**



COMMONWEALTH of VIRGINIA

Office of the Governor

Martin L. Kent
Chief of Staff

December 21, 2012

The Honorable Robert F. McDonnell
Office of the Governor
Patrick Henry Building
1111 East Broad Street
Richmond, Virginia 23219

Members of the General Assembly

Re: Transmittal Letter for Report and Recommendations on determining eligibility
And funding for state and local Line of Duty Act recipients

Dear Governor McDonnell and Members of the General Assembly:

Please accept submission of the attached "Findings of the Line of Duty Act Working Group" report document as required pursuant to Item 268.G. of Chapter 3 of the Virginia Acts of Assembly, 2012 Special Session I. Please refer any correspondence to Deputy Secretary of Finance Neil Miller at (804) 786-1148 or neil.miller@governor.virginia.gov.

Sincerely,

Martin L. Kent
Chief of Staff

MLK/kfs

Attachment

COMMONWEALTH OF VIRGINIA

Findings of the Line of Duty Act Working Group

December 21, 2012

Office of the Secretary of Finance
Patrick Henry Building
1111 East Broad Street
Richmond, VA 23219



Findings of the Line of Duty Act Working Group
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Study Mandate:

Pursuant to Item 268 G. of Chapter 3, Special Session I, 2012 Acts of Assembly (the 2012 Appropriation Act), the Governor's Chief of Staff led a working group composed of the Secretaries of Finance and Public Safety, one member appointed by the Chairman of the Senate Finance Committee and one member appointed by the Chairman of the House Appropriations Committee. The group was responsible for:

- Reviewing the current process for determining eligibility of state and local Line of Duty Act recipients;
- Reviewing the funding responsibility between the Commonwealth and its localities;
- Examining cost efficiencies; and
- Determining a fair and equitable division of financial responsibility for Line of Duty Act program costs.

Item 268 G. of Chapter 3, Special Session I, 2012 Acts of Assembly:

"The Governor's Chief of Staff shall lead a working group composed of the Secretaries of Finance and Public Safety, one member appointed by the Chairman of the Senate Finance Committee, and one member appointed by the Chairman of the House Appropriations Committee to review the current process for determining eligibility of state and local Line of Duty Act recipients and the funding responsibility between the Commonwealth and its localities. The purpose of this study is to examine cost efficiencies and determine a fair and equitable division of financial responsibility for Line of Duty Act program costs. The group shall complete its review and make recommendations to the Governor and the General Assembly no later than October 1, 2012."

Working Group Meeting Dates:

- Monday, December 12, 2011, 10:30 a.m. to 11:30 a.m., Patrick Henry Office Building
- Wednesday, January 4, 2012, 11:00 a.m. to 12:00 p.m., Patrick Henry Office Building
- Monday, October 22, 2012, 1:00 p.m. to 3:00 p.m., Patrick Henry Office Building

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Definition of terms:

In accordance with § 9.1-400, Code of Virginia

"Beneficiary" = the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" = any individual whose death occurs on or after April 8, 1972, as the direct, proximate, or presumed¹ result of the performance of duty as a:

- law-enforcement officer of the Commonwealth or any of its political subdivisions;
- correctional officer;
- jail officer, regional jail or jail farm superintendent;
- sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond;
- police chaplain;
- member of any fire company, department, or rescue squad that has been recognized by the governing body of any county, city or town of the Commonwealth as an integral part of the official safety program of such county, city or town;
- nonfirefighter regional hazardous materials emergency response team member;
- member of the Virginia National Guard or the Virginia Defense Force while such member is serving on official state duty or federal duty or member of any fire company providing fire protection services for facilities of the Virginia National Guard;
- special agent of the Virginia Alcoholic Beverage Control Board;
- regular or special conservation police officer who receives compensation from a county, city or town or from the Commonwealth;
- commissioned forest warden;
- employee of the Virginia Marine Resources Commission granted the power of arrest;
- Department of Emergency Management (VDEM) hazardous materials officer and other VDEM employee who is performing official duties of the agency, when those duties are related to a major disaster or emergency that has been or is later declared to exist under the authority of the Governor; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with VDEM, when those duties are related to a major disaster or emergency that has been or is later declared to exist under the authority of the Governor or declared by a local governing body;
- conservation officer of the Department of Conservation and Recreation; or
- full-time sworn member of the enforcement division of the Department of Motor Vehicles.

"Disabled person" = any individual who, as the direct or proximate result of the performance of his duty in any position listed in the definition of deceased person (above), has become mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent. The term shall also include any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Line of duty" = any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

¹ See Appendix A for detail on presumptive eligibility.

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Group Participants:

Name	Title
The Honorable S. Chris Jones	Delegate, Virginia House of Representatives
The Honorable Frank M. Ruff	Senator, Virginia State Senate
The Honorable Martin L. Kent	Chief of Staff for Governor McDonnell
The Honorable Richard D. Brown	Secretary of Finance
The Honorable Marla Graff Decker	Secretary of Public Safety
Mr. R. Neil Miller	Deputy Secretary of Finance
Ms. Banci E. Tewolde	Deputy Secretary of Public Safety
Mr. Michael Jay	Legislative Fiscal Analyst, House Appropriations Committee
Mr. Jason Powell	Legislative Analyst, Senate Finance Committee
Mr. David VonMoll	State Comptroller, Department of Accounts
Ms. Connie Jones	Line of Duty Program Administrator, Department of Accounts
Ms. Cindy Comer	Director, Policy, Planning and Compliance, Virginia Retirement System
Mr. Rory Badura	Staff Actuary, Virginia Retirement System
Ms. Andrea Peeks	Department of Planning and Budget
Mr. Mike Amyx	Executive Director, Virginia Municipal League
Mr. Steve Craig	Virginia Municipal League (Insurance Programs)
Mr. Edwin C. Daley	VML President and City Manager of Hopewell
Mr. Jim Campbell	Executive Director, Virginia Association of Counties
Mr. Marty Williams	President, Fraternal Order of Police
Mr. Kevin Carroll	Legislative Chair, Fraternal Order of Police
Battalion Chief Mike Harmon	President, Virginia Association of Government EMS Administrators
Mr. Edward "Bubby" Bish, Jr.	President, Virginia Association of Volunteer Rescue Squads
Chief James Williams	President, Virginia Association of Chiefs of Police
Ms. Dana Schrad	Executive Director, Virginia Association of Chiefs of Police
Mr. Wayne Huggins	Virginia State Police Association
Sheriff J.D. "Danny" Diggs	President, Virginia Sheriff's Association
Mr. John Jones	Executive Director, Virginia Sheriff's Association
Mr. Larry Gwaltney	Executive Committee, Virginia State Firefighters Association
Chief Jack Jones	President, Virginia Fire Chiefs Assoc.
Mr. Art Lipscomb	Virginia Professional Fire Fighters
Mr. Michael Mohler	Virginia Professional Fire Fighters
Mr. Robby Bragg	Virginia Professional Fire Fighters
Mr. Dave Allen	Virginia Chapter - International Association of Arson Investigators
Mr. James R. Dawson	Virginia Fire Prevention Association
Mr. Steve Kopczyński	Fire Services Council
Mr. Ed Rhoades	Rhoades Consulting
Ms. Catherine Hudgins	Fairfax County Board of Supervisors
Ms. Rosemary Wilson	Council Lady At-Large, City of Virginia Beach

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Current Line of Duty Act Benefits:

The Line of Duty Act provides death and health benefits to state employees, local government employees and volunteers who hold specified hazardous duty positions and who are killed or disabled in the line of duty. The Line of Duty Act is established by Chapter 4 of Title 9.1, Code of Virginia. Additional authority may be found in Item 268 of Chapter 3, Special Session I, 2012 Acts of Assembly (2012 Appropriation Act). Specific benefits are as follows:

Death Benefit:

Code citation: [§ 9.1-402](#)

The beneficiary of a deceased person whose death occurred while in the line of duty shall be entitled to receive a sum in gratitude for and in recognition of his or her sacrifice on behalf of the people of the Commonwealth. The specific one-time death benefit payments to beneficiaries are as follows:

- \$100,000 for a death occurring as a direct or proximate result of duties after December 31, 2005
- \$75,000 for a death occurring as a direct or proximate result on or before December 31, 2005
- \$50,000 for a death occurring as a direct or proximate result of duties between 1995 and 2001
- \$25,000 for death by presumptive cause or within five years of retirement

Disability Benefits:

Code citation: [§ 9.1-401](#)

The Line of Duty Act provides continued health insurance coverage in accordance with:

- Line of Duty Act disability claim:
 - Health insurance coverage is provided to the disabled claimant, his spouse and any dependents.
 - Provided for disabilities occurring for local employees after July 1, 2000, and after January 1, 1966, for state employees.
- Line of Duty Act death claim:
 - Health insurance coverage is provided to the surviving spouse and any dependents of a deceased person.
 - Provided for all Line of Duty Act-eligible deaths occurring after April 8, 1972 (both state and locality).

Additional Detail on Disability Benefits:

- Dependent children are defined as any under the age of 21, or under the age of 25 and enrolled as a full-time student at an accredited college, or as having a mental or physical disability.
- Health insurance provided is the same plan of benefits the deceased or disabled person had on the last day of active duty.
- Spouses' health insurance terminates upon such spouse's death or coverage by alternate health insurance.
- For any disabled person, health insurance shall automatically terminate upon the disabled person's death, recovery or return to full duty in any hazardous position.

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Claims Process:

- Each claim and related documents must be forwarded to the investigating agency. In accordance with § 9.1-403 B., Code of Virginia, local police and sheriff's departments may investigate and report the circumstances surrounding the Line of Duty Act claim for their departments. The Virginia Department of State Police shall investigate and report all other Line of Duty Act claims. When the investigation is complete, the claim, documents and investigative report are sent by the investigating agency to the Comptroller's office with a letter signed by the Chief of Police, Sheriff, or Superintendent of State Police, or his designee, within 10 business days after completion of the investigation. Based upon § 9.1-404, Code of Virginia, disability eligibility determination is the sole responsibility of the State Comptroller.
- The 2012 General Assembly passed legislation (Chapter 90) that allows the State Comptroller to advance Line of Duty Act death benefits to pay funeral expenses when a death is likely to be covered under the program. If a subsequent investigation determines that the death is not covered, the Virginia Retirement System can deduct the previously paid expenses from any other benefits owed to the beneficiaries ([see § 9.1-402.1, Code of Virginia](#)).

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Financing Background:

Historical Funding:

Historically, costs associated with the Line of Duty Act have been supported by a state appropriation allocated to the Department of Accounts Transfer Payments. Costs for the last 10 years of the program are as follows²:

Fiscal Year	Total Health Benefits Paid	Total Death Benefit Costs	Total Line of Duty Act Costs
2001	\$40,797	\$250,000	\$290,797
2002	\$253,533	\$275,000	\$528,533
2003	\$816,172	\$475,000	\$1,291,172
2004	\$1,549,983	\$700,000	\$2,249,983
2005	\$2,268,153	\$250,000	\$2,518,153
2006	\$3,690,131	\$500,000	\$4,190,131
2007	\$5,113,195	\$1,175,000	\$6,288,195
2008	\$6,465,153	\$550,000	\$7,015,153
2009	\$7,508,169	\$750,000	\$8,258,169
2010	\$9,084,273	\$255,550	\$9,339,823
2011	\$8,921,444	\$875,000	\$9,796,444
2012	\$9,608,661	\$650,000	\$10,258,661

Cost Trends:

In accordance with actual FY 2012 Line of Duty Act costs, spending trends are as follows³:

Employees:	Local (78.2%)	State (21.8%)
Cause*:	Direct or Proximate (68.8%)	Presumptive (31.2%)
Benefit:	Disability (83.8%)	Death (16.2%)

**Whether the Line of Duty Act claim was a direct or proximate result of the performance of duty or an occupational illness presumed to be a result of the performance of duty*

² See Appendices B and C for additional detail of these costs.

³ See Appendix D for detail of FY 2012 Line of Duty Act costs.

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Financing Background, continued

Current Funding:

Starting in FY 2012, the financing mechanism for Line of Duty Act program costs changed from being provided through state appropriation, to premiums charged to employers (state agencies/localities) based on each employee who qualifies to receive benefits. Loans from the Virginia Retirement System (VRS) Group Life Insurance Fund provided for Line of Duty Act costs incurred during the time of transition to the premium funding model.

On behalf of the State, VRS administers a premium-based funding program to cover ongoing and future Line of Duty Act costs. Localities had until July 1, 2012, to make an irrevocable election whether or not to stay in the state funding program.

Participation in the State Funding Program⁴:

As of October 1, 2012, 35 percent, or 125 of the 355 entities with Line of Duty Act-eligible personnel have remained in the state program; 56 percent of these are state agencies that did not have the ability to opt-out. Participating entities are charged a premium for each employee eligible to receive Line of Duty Act benefits. Premium rates factored on a pay-as-you go basis follow:

Fiscal Year	Per Person Premium
FY 2012	\$233.89
FY 2013	\$474.14
FY 2014	\$521.97
FY 2015*	\$574.06

**figure is an estimate as of October 1, 2012*

The premium rate considers total benefit costs, administrative costs for both the Virginia Retirement System and Department of Accounts, and repayment of the loan from the Group Life Insurance Fund.

Total Benefit Costs: Premium calculations are based on employee counts provided by each participating locality and state agency and updated annually. The counts are factored as follows:

- Full-time employees.....100 percent
- Volunteers.....25 percent
- National Guard serving one weekend per month.....10 percent

⁴ See Appendix E for a full listing of participating localities and Appendix F for a full listing of participating state agencies.

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Financing Background, continued

Administrative Costs: Costs incurred by the Department of Accounts (responsible for making eligibility determinations and calculating benefit payments due) and the Virginia Retirement System (administrator and manager of the Line of Duty Act Fund).

Loan Repayment: Loan balances fluctuate according to cash flow needs and accrued interest at seven percent per annum. As of June 30, 2012, the approximate current loan balance was \$13.9 million.

Funding provided in budget for participating: Starting in FY 2013, \$3.4 million is included in the base budgets of state agencies with Line of Duty-eligible personnel. This funding represents a portion of the general fund share of the agency's premiums for Line of Duty Act costs.

Non-participating entities⁵:

As of October 1, 2012, 65 percent, or 230 of the 355 entities with Line of Duty Act-eligible personnel, have opted-out of the state program and are considered non-participating.

Total Benefit Costs: These employers are responsible for paying Line of Duty Act benefits to eligible employees and volunteers.

Administrative Costs: The State Comptroller continues to determine benefit eligibility and is authorized to charge non-participating localities for administrative costs incurred in making these eligibility determinations (\$1,575 per each new claim for FY 2013).

Loan Repayment: Non-participating localities were responsible for paying back their actual FY 2011 costs incurred during the time of transition to the premium funding model⁶.

Funding provided in budget for non-participating: No funding assistance is provided in the State budget for non-participating localities.

⁵ See Appendix G for a full listing of non-participating localities.

⁶ See Appendices H and I for amounts paid by non-participating localities upon opting-out of the state-run financing model.

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Findings of the Working Group:

Overall, the work group considered options that would result in better coordination of benefits between the Line of Duty Act and other state benefit programs, most notably the Workers' Compensation Act. The options considered would be applied to prospective claims. The specific reform options considered are as follows:

1. Discontinue Line of Duty Act health benefits for widows or widowers that remarry.

- **Considerations:** Upon remarriage, widows or widowers of Line of Duty Act claimants would no longer be eligible for health insurance benefits. Affected dependents would continue to receive benefits in accordance with Line of Duty Act age and disability guidelines. This option effectively aligns the Line of Duty Act with Virginia's Workers' Compensation Act in as much as it discontinues a benefit that would otherwise be due to a claimant's spouse upon the spouse's remarriage (see [§ 65.2-517, Code of Virginia](#)).
- **Noted Stakeholder Concerns:** Health care plan available after remarriage must be comparable to or better than that which is offered as the Line of Duty Act benefit. Consider which entity would be responsible for administering this option by tracking any changes in marital status (note: under the Workers' Compensation Act, claimants are responsible for notifying the state of any changes to their marital status).
- **Estimated Impact:** Minimal. To date, there are 15 known cases where individuals remarried and continued to receive Line of Duty Act benefits. It is not known how many instances will occur in the future.

2. Deny Line of Duty Act benefits to a disabled claimant if the disabling incident occurs as a result of or in the midst of an illegal activity.

- **Considerations:** Line of Duty Act benefits would be denied when the disabling incident resulting in death or disability occurred as a result of or in the midst of an illegal activity. For the purposes of this option, an illegal activity is defined as a felony, or a misdemeanor of moral turpitude. This option effectively aligns the Line of Duty Act with Virginia's Workers' Compensation Act in as much as the Workers' Compensation Act does not award compensation to the claimant or his dependents for an injury or death caused by: (i) willful misconduct or intentional self-inflicted injury; (ii) attempt to injure another; (iii) intoxication; or (iv) use of a nonprescribed controlled substance identified as such in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, Code of Virginia. In the Workers' Compensation context, this requires that the injury is due to the injured worker's own willful misconduct for denial of benefits. Rules must exist that are clearly communicated to workers and evenly enforced and

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such rules are willfully violated by the claimant and the injuring incident is directly related to the breaking of that rule. As provided in this same section, the person or entity asserting any of the defenses listed previously shall have the burden of proof with respect thereto (see § 65.2-306, Code of Virginia). Note: this option does not include the provision under the Virginia Workers' Compensation Act that denies benefits under instances of "willful failure or refusal to use a safety appliance or perform a duty required by statute" and "willful breach of any reasonable rule or regulation adopted by the employer and brought, prior to the accident, to the knowledge of the employee."

- **Noted Stakeholder Concerns:** Concern whether Line of Duty Act benefits would be denied to spouse and dependents of the claimant and over denying benefits to a claimant suffering from critical incident stress or other job-related mental compromise. Consider including a provision that allows benefits to continue for a claimant (and spouse and dependents) for a claimant whose criminal actions are proven to be a direct result of job-related mental conditions. Concern about whether this option would increase administrative costs for state or local administrative entities if the burden of proof lies with them to make the determination to deny benefits.
- **Estimated Impact:** Minimal. To date there is only one known case that fits this criterion. Not known whether this option would result in additional enforcement costs on behalf of the state.

3. Duty to Market: Line of Duty Act disability claimants capable of working in less physically demanding jobs must seek employment within their physical restrictions in any field for which they may be qualified in order to continue to receive benefits

- **Considerations:** Line of Duty Act disability claimants would be required to seek employment suitable to his or her capacity in order to continue receiving benefits. This option effectively aligns the Line of Duty Act with Virginia's Workers' Compensation Act in as much as claimants would be required to pursue acceptable employment and any rejection thereof provides sufficient means to terminate benefits (see [§ 65.2-510, Code of Virginia](#)).
- **Noted Stakeholder Concerns:** Desire for equal and uniform implementation; specifically for clear definition of "disabled," for guidelines by which individuals will be required to seek employment and the type of employment required. May afford hazardous duty retirement benefits for claimants who return to work in non-hazardous positions at a comparable salary (Note: [Chapter 423 of the 2012 Acts of Assembly](#) already authorizes employers to continue to extend hazardous duty retirement benefits to employees with at least five years of service in a hazardous duty position if they accept alternative work.)

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- **Estimated Impact:** Indeterminate. There is the potential that cost avoidance may be realized if a claimant is able to return to work, does not seek or obtain employment, and thus loses Line of Duty Act benefits.

4. **Cease Line of Duty Act benefits if a claimant is convicted of a misdemeanor/felony**

- **Considerations:** Line of Duty Act benefits would be denied when the disabling incident resulting in death or disability occurred as a result of or in the midst of an illegal activity. For the purposes of this option an illegal activity is defined as a felony, or a misdemeanor of moral turpitude. This option effectively aligns the Line of Duty Act with Virginia's Workers' Compensation Act in as much the Workers' Compensation Act does not award compensation to the claimant or his dependents for an injury or death caused by: (i) willful misconduct or intentional self-inflicted injury; (ii) attempt to injure another; (iii) intoxication; or (iv) use of a nonprescribed controlled substance identified as such in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, Code of Virginia. In the Workers' Compensation context, this requires that the injury is due to the injured worker's own willful misconduct for denial of benefits. Rules must exist that are clearly communicated to workers and evenly enforced and such rules are willfully violated by the claimant and the injuring incident is directly related to the breaking of that rule. As provided in this same section, the person or entity asserting any of the defenses listed previously shall have the burden of proof with respect thereto (see § 65.2-306, Code of Virginia). Note: this option does not include the provision under the Virginia Workers' Compensation Act that denies benefits under instances of "willful failure or refusal to use a safety appliance or perform a duty required by statute" and "willful breach of any reasonable rule or regulation adopted by the employer and brought, prior to the accident, to the knowledge of the employee."
- **Noted Stakeholder Concerns:** Consider if the claimant and his/her spouse and dependents continue to receive Line of Duty Act benefits until a conviction is determined. Also determine whether or not the spouse and dependents would continue to receive benefits upon a conviction of the claimant. Finally, consider whether benefits would be reinstated after sentence is served (this would align with the Workers' Compensation Act that requires a claimant to request formal reinstatement of benefits after release). Concern about whether this option would increase administrative costs for state or local administrative entities if the burden of proof lies with them to make the determination to deny benefits.
- **Estimated Impact:** Minimal. To date there is only one known case that fits this criterion.

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5. Create the ability to settle a Line of Duty Act claim with a lump-sum settlement.

- **Considerations:** Would allow claimants the option of accepting a lump-sum settlement in lieu of ongoing benefits. This option effectively aligns the Line of Duty Act with Virginia's Workers' Compensation Act in as much as the Workers' Compensation Act offers the option of a lump-sum settlement for workers' compensation claims ([see § 65.2-522, Code of Virginia](#)).
- **Noted Stakeholder Concerns:** This option is not currently feasible within the state financial program administered by VRS. It is uncertain a lump-sum settlement is feasible within alternative financing mechanisms utilized by nonparticipating entities. Need to also consider terms of settlement, associated litigation costs, calculation used to determine the lump-sum payment amount and rate of discount applied to the lump-sum value. Also, there is concern about whether a short-term decision would affect the claimant's family in the long-term.
- **Estimated Impact:** Indeterminate.

6. Expand the current appeals process to permit case review by a commission or board as opposed to circuit courts.

- **Considerations:** Expands the current appeals process to permit case review by a commission or board, or direct dispute resolution needs for Line of Duty Act claims through the current Workers' Compensation Commission process instead of the Circuit Court.
- **Noted Stakeholder Concerns:** Possible costs involved with creating new processes or expanding current structure. Also need to examine the structure in place for appeals to workers' compensation cases for possible duplication. Concern that representation on an appeals board is nonbiased and an appeals process is created with the intention of providing an avenue for due process as opposed to unnecessary litigation or increased claim denials. Potential additional costs to retrain personnel and realign processes and services currently in place with the Workers' Compensation Commission to address Line of Duty Act claims.
- **Estimated Impact:** May result in additional costs.

7. Establish a five-year period for filing Line of Duty Act claims.

- **Considerations:** Establishes a five-year period for filing Line of Duty Act claims. Claimants (or spouse or dependents) are responsible for filing the claim unless it can be proven that the claimant's employer did not provide sufficient notice of Line of

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Duty Act benefits due. This option effectively aligns the Line of Duty Act with Virginia's Workers' Compensation Act in as much as the Workers' Compensation Act has a two-year statute of limitations for filing a claim (see § 65.2-601, Code of Virginia).

- **Noted Stakeholder Concerns:** Concern that claimants may be exposed to hazards while serving in the line of duty that may not materialize within the five-year statute of limitations. Consider defining the five year limit for disabling incidents as five years from the date of the incident, and for presumed disease claims as five years from the date of diagnosis. Also need to provide sufficient means for employers to notify their employees of the Line of Duty Act benefits available; consider creating a standard form or process for official employer notification. Finally, concern that this option may conflict with legislation enacted retroactively for Virginia State Police claims back to 1966.
- **Estimated Impact:** Minimal. There is already a five-year statute of limitations that the State Comptroller can enforce if needed. As such, it is anticipated that any savings resulting from this strategy would be minimal.

8. **Discontinue the benefit if claimant goes back to work at a higher salary than that which s/he was making prior to the determination of Line of Duty Act eligibility.**

- **Considerations:** This option effectively models the Virginia's Workers' Compensation Act in as much as the Workers' Compensation Act discontinues the wage replacement benefits when a claimant returns to work.
- **Noted Stakeholder Concerns:** Need to determine if Line of Duty Act benefits are reinstated if individual loses employment, accepts employment at lower salary, or becomes self-employed. Need to clarify if "salary" includes benefit costs. Concern over whether a disabled individual would be able to obtain insurance with a pre-existing disability if they lose Line of Duty Act health benefits. Consider which entity would be responsible for administering this option, especially in light of concerns over administrative feasibility.
- **Estimated Impact:** Indeterminate. Data only available for state employees; data for local employees is tracked outside of state records. Potential administrative costs associated with implementing this option.

9. **Create a "light duty" worker status for a disabled claimant that allows them to work in a non-hazardous duty Virginia Retirement System (VRS) covered position and still receive retirement benefits afforded to VRS covered positions defined as hazardous duty**

- **Considerations:** Provides "light duty" placement options for uniformed retirement system participants who are unable to perform full field duties due to an illness or injury deemed compensable under the Workers' Compensation Act (or the Line of

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Duty Act). This option is based on the Uniformed Retirement System Alternative Placement Program currently provided by Fairfax County. Placements may be either temporary or permanent and allow the claimant to remain in the uniformed retirement system at the salary and benefits of the level prior to the alternative placement. Claimants are still given the option of pursuing service-related disability retirement in lieu of alternative placement, but acceptance of alternative placement is irrevocable unless there is an adverse change in the claimant's medical condition that deems them unable to perform the duties of the position.

- **Noted Stakeholder Concerns:** [Chapter 423 of the 2012 Acts of Assembly](#) already authorizes employers to continue to extend hazardous duty retirement benefits to employees with at least five years of service in a hazardous duty position if they accept alternative work. This law aligns with stakeholder preference that this provision be optional as not all localities have the ability to provide light duty status alternative options. This option would also need to consider those Line of Duty Act-eligible employees who do not participate in VRS (i.e. volunteers and other non-VRS covered positions) and do not have hazardous duty classification. Finally, current processes may need to change as those who participate in the state Virginia Sickness and Disability Program do not have an option of "disability retirement" and are not classified as employees when in long-term disability status.
- **Estimated Impact:** Costs may continue whether individuals elect to accept "light duty" assignments or retirement.

10. Limit the liability under the Line of Duty Act to only reimburse health insurance costs incurred during the previous five years prior to eligibility determination.

- **Considerations:** Limits the period of incurred health care expenses for which claimants are reimbursed to only the previous five years (as opposed to Option 7, above, which limits the statute of limitations for filing a claim to five years).
- **Noted Stakeholder Concerns:** None.
- **Estimated Impact:** Minimal.

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Other Options Considered by the Working Group:

In addition to the ten reform strategies stated previously, the work group considered but took no action on the following options:

1. Require that Line of Duty Act claimants pay for their health insurance costs once they and/or their spouse turn 65 and qualify for Medicare; these health insurance costs are currently paid on their behalf by the Line of Duty Act. *Note: Further review of this option determined that it may result in inequality due to varying levels of health benefits provided to claimants on the state and local levels.*
2. Consider a greater number of previous physical injuries of the claimant to exclude eligibility.
3. Require localities/state to accept a claimant and family onto its group health insurance if approved for Line of Duty Act benefits.
4. Increase the current E-911 fee to cover all costs associated with Line of Duty Act claims.
5. Redirect, to cover Line of Duty Act expenses, one-time lump sum of employee contributions from the Virginia Retirement System (VRS) (or ongoing monthly disability payments) to persons on work-related disability retirement.
6. Reduce cost of health insurance benefit for disability resulting from presumption claims.
7. Decrease the health insurance payout period or make payments on a sliding scale for disability claims.
8. Limit benefits for volunteers.
9. Exclude coverage under Line of Duty Act for current or expanded presumptions for work-related illnesses for claimants with less than five years of service in covered positions.
10. Redefine "on duty."

Findings of the Line of Duty Act Working Group

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CONCLUSION:

Since its inception 17 years ago, the Line of Duty Act program has undergone significant change that has placed increasing pressure on its financial sustainability. When it started in FY 1996, the program awarded a one-time death benefit for deaths occurring back to April 8, 1972. Five years later, the program expanded significantly to extend health insurance benefits to disabled claimants, their spouse and their dependents. Another six years later, the period for filing disability claims for state employees was extended retroactively to January 1, 1966, and a new benefit was created to provide a one-time payment to the beneficiaries of a claimant killed in action while serving in an armed conflict with a reserve component of the United States military. Over the life of the program, the definitions of “deceased” and “disabled” employees have been amended to include a wider range of eligible positions. Overall, program costs have increased significantly due to this gradual and continual expansion of program benefits.

Although the Line of Duty Act program was started as a state benefit, recent cost trends show that 80 percent of claimants are employed by localities. This shift to the local level calls into question whether it is appropriate for the state government to serve as the sole supporter of Line of Duty Act program costs. The General Assembly acknowledged such a shift by transforming program support into a premium-based system in 2010, splitting program costs between the state and local governments.

In recognition of these program changes and of the steadily increasing program costs that pose a fiscal challenge to all levels of government, the Line of Duty Act working group sought to examine fair ways to reduce program expenses. Analysis was difficult, but critical to ensure the continuation of this valuable program. The reform options presented on pages 11 through 16 are those determined to be most viable for reforming the program in an equitable fashion. Specifically, these options revise program guidelines to achieve a greater coordination of benefits.

Very real financial constraints threaten the sustainability of Line of Duty Act benefits. The Line of Duty Act working group set-out to discern ways to preserve the sustainability of these benefits as they are a necessary recognition of the tremendous sacrifice that public safety personnel and their families make on behalf of the citizens of the Commonwealth. The options presented in this report constitute the basis for continued discussions, as further deliberation is needed prior to implementation of any reforms. Such work needs to ensure that we are able to recognize those who serve our Commonwealth in a way that can endure into the future.

Findings of the Line of Duty Act Working Group
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APPENDIX A

Line of Duty Act Presumptions:

1. § [27-40.1](#): respiratory diseases, hypertension or heart disease for firefighters⁷
2. § [51.1-813](#): hypertension or heart disease, police dept (other than Richmond)
3. § [65.2-402](#):
 - a. **Respiratory diseases** volunteer or salaried firefighters or Department of Emergency Management hazardous materials officers
 - b. **Hypertension or heart disease**
 - i. (i) salaried or volunteer firefighters,
 - ii. (ii) members of the State Police Officers' Retirement System,
 - iii. (iii) members of county, city or town police departments,
 - iv. (iv) sheriffs and deputy sheriffs,
 - v. (v) Department of Emergency Management hazardous materials officers,
 - vi. (vi) city sergeants or deputy city sergeants of the City of Richmond,
 - vii. (vii) Virginia Marine Police officers,
 - viii. (viii) conservation police officers who are full-time sworn members of the enforcement division of the Department of Game and Inland Fisheries,
 - ix. (ix) Capitol Police officers,
 - x. (x) special agents of the Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1,
 - xi. (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority,
 - xii. (xii) officers of the police force established and maintained by the Norfolk Airport Authority,
 - xiii. (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, and
 - xiv. (xiv) campus police officers appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.
 - c. **Leukemia or pancreatic, prostate, rectal, throat, ovarian or breast cancer**
 - i. any volunteer or salaried firefighter,
 - ii. Department of Emergency Management hazardous materials officer,
 - iii. commercial vehicle enforcement officer or motor carrier safety trooper employed by the Department of State Police, or
 - iv. full-time sworn member of the enforcement division of the Department of Motor Vehicles having completed twelve years of continuous service who has a contact with a toxic substance encountered in the line of duty.

⁷ Note: "**firefighter**" includes special forest wardens designated pursuant to § [10.1-1135](#) and any persons who are employed by or contract with private employers primarily to perform firefighting services.

APPENDIX B

Line of Duty Act Death Benefit Payments

<i>Fiscal year</i>	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Number of claims processed for death benefit of \$100,000 ¹	0	0	0	0	0	0	9	3	6	2	6	5
Number of claims processed for death benefit of \$75,000 ²	1	2	4	8	2	6	1	1	0	0	0	0
Number of claims processed for death benefit of \$50,000 ³	1	0	0	0	0	0	0	0	0	0	0	0
Number of claims processed for death benefit of \$25,000 ⁴	5	5	7	4	4	2	8	7	6	2.22	11	6
Total Number of Claims per year	7	7	11	12	6	8	18	11	12	4	17	11
Total Death Benefit Costs[^]	\$250,000	\$275,000	\$475,000	\$700,000	\$250,000	\$500,000	\$1,175,000	\$550,000	\$750,000	\$255,550	\$875,000	\$650,000

¹Death benefit of \$100,000 for a death occurring as a direct or proximate result of duties

²Death benefit of \$75,000 for a death occurring as a direct or proximate result on or before December 31, 2005

³Death benefit of \$50,000 for a death occurring as a direct or proximate result of duties between 1995 and 2001

⁴Death benefit of \$25,000 for death by presumptive clause or within five years of retirement

[^] FY 2006 includes 2 claims at \$25,000 and 2 claims at \$20,000. FY 2010 included a \$50,000 balance due to a family member.

Findings of the Line of Duty Act Working Group
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APPENDIX C

Line of Duty Act Health Insurance Benefit Payments (Premiums)

<i>Fiscal year</i>	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
New Claims Processed	14	45	80	81	47	171	72	106	81	75	74	33
Ongoing Claims	0	14	59	139	220	267	438	510	616	697	772	879
Total Claims	14	59	139	220	267	438	510	616	697	772	846	879
Avg. Cost per Claim	\$2,914	\$4,297	\$5,872	\$7,045	\$8,495	\$8,425	\$10,026	\$10,495	\$10,772	\$11,767	\$10,545	\$10,931
Total Health Benefits	\$40,797	\$253,533	\$816,172	\$1,549,983	\$2,268,153	\$3,690,131	\$5,113,195	\$6,465,153	\$7,508,169	\$9,084,273	\$8,921,444	\$9,608,661

APPENDIX D

Findings of the Line of Duty Act Working Group
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FY 2012 Death and Disability Claims Cost

Death

Disability

Total

Direct or Proximate Death Claim Cost

Direct or Proximate Disability Claim Cost

Direct or Proximate Total Claim Cost

	<u>Local In</u>	<u>Local Out</u>	<u>State</u>	<u>Total</u>	<u>Local In</u>	<u>Local Out</u>	<u>State</u>	<u>Total</u>	<u>Local In</u>	<u>Local Out</u>	<u>State</u>	<u>Total</u>
Post 65 Insurance	9,359	3,588	12,214	25,162	90,275	75,126	169,950	335,351	99,634	78,714	182,164	360,513
Pre 65 Insurance	127,361	158,826	66,468	352,654	1,798,889	2,114,665	1,144,799	5,058,352	1,926,250	2,273,490	1,211,267	5,411,007
Post 65 Medicare	1,178	-	1,478	2,656	6,857	4,861	35,374	47,092	8,035	4,861	36,851	49,748
Pre 65 Medicare	1,292	-	-	1,292	13,778	11,962	37,480	63,221	15,070	11,962	37,480	64,512
Initial Prior payments	103,194	31,531	15,652	150,378	278,848	219,360	27,846	526,053	382,042	250,891	43,498	676,431
2012 Death payments	200,000	200,000	200,000	500,000	-	-	-	-	200,000	100,000	200,000	500,000
Total	\$442,384	\$ 293,946	\$295,811	\$1,032,141	\$2,188,647	\$2,425,973	\$1,415,449	\$6,030,069	\$2,631,031	\$2,719,919	\$1,711,260	\$7,062,211
Claimants age 65+	2	1	4	7	10	7	39	56	12	8	43	63

Presumptive Death Claim Cost

Presumptive Disability Claim Cost

Presumptive Total Claim Cost

	<u>Local In</u>	<u>Local Out</u>	<u>State</u>	<u>Total</u>	<u>Local In</u>	<u>Local Out</u>	<u>State</u>	<u>Total</u>	<u>Local In</u>	<u>Local Out</u>	<u>State</u>	<u>Total</u>
Post 65 Insurance	43,756	5,122	8,166	57,044	135,145	169,093	98,453	402,690	178,901	174,215	106,619	459,734
Pre 65 Insurance	139,389	182,503	9,456	331,348	766,219	757,879	348,536	1,872,635	905,608	940,382	357,992	2,203,982
Post 65 Medicare	2,441	1,199	1,178	4,818	11,177	14,876	15,308	41,360	13,618	16,075	16,486	46,178
Pre 65 Medicare	290	-	-	290	5,101	10,886	8,362	24,350	5,391	10,886	8,362	24,639
Initial Prior payments	19,259	72,420	-	91,679	102,484	111,801	5,953	220,238	121,743	184,221	5,953	311,916
2012 Death payments	25,000	100,000	25,000	150,000	-	-	-	-	25,000	100,000	25,000	150,000
Total	\$230,133	\$361,244	\$43,800	\$635,177	\$1,020,126	\$1,064,534	\$476,612	\$2,561,273	\$1,250,260	\$1,425,778	\$520,413	\$3,196,450
Claimants age 65+	6	4	3	13	13	16	16	45	19	20	19	58

Total Death Claims Cost

Total Disability Claims Cost

Total Death and Disability Claims Cost

	<u>Local In</u>	<u>Local Out</u>	<u>State</u>	<u>Total</u>	<u>Local In</u>	<u>Local Out</u>	<u>State</u>	<u>Total</u>	<u>Local In</u>	<u>Local Out</u>	<u>State</u>	<u>Total</u>
Post 65 Insurance	53,115	8,711	20,380	82,205	225,420	244,218	268,403	738,041	278,535	252,929	288,783	820,247
Pre 65 Insurance	266,749	341,329	75,924	684,002	2,565,108	2,872,544	1,493,335	6,930,987	2,831,858	3,213,872	1,569,259	7,614,989
Post 65 Medicare	3,619	1,199	2,656	7,474	18,034	19,737	50,682	88,452	21,653	20,936	53,338	95,926
Pre 65 Medicare	1,581	-	-	1,581	18,880	22,848	45,842	87,570	20,461	22,848	45,842	89,151
Initial Prior payments	122,453	103,951	15,652	242,056	381,332	331,160	33,799	746,291	503,785	435,112	49,451	988,347
2012 Death payments	225,000	200,000	225,000	650,000	-	-	-	-	225,000	200,000	225,000	650,000
Total	\$672,518	\$655,189	\$339,612	\$1,667,319	\$3,208,773	\$3,490,508	\$1,892,061	\$8,591,342	\$3,881,291	\$4,145,697	\$2,231,673	\$10,258,661
Claimants age 65+	8	5	7	20	23	23	-	101	31	28	7	121

APPENDIX E

55 Participating Localities

Arlington County	Town of Abingdon
Buchanan County	Town of Dumfries
Gloucester County	Town of South Boston
Greene County	Town of Remington
Lee County	Town of Smithfield
Nottoway County	Town of Jonesville
Russell County	Town of Wytheville
Wise County	Town of Vienna
City of Bristol	Town of Woodstock
City of Petersburg	Town of Christiansburg
City of Portsmouth	Town of Chatham
City of Radford	City of Manassas
City of Suffolk	Town of Quantico
City of Williamsburg	Town of Big Stone Gap
City of Winchester	Town of Luray
City of Falls Church	Town of Tazewell
Town of Front Royal	Town of Weber City
City of Franklin	Town of Hurt
City of Chesapeake	Town of Waverly
City of Virginia Beach	Town of Courtland
City of Norton	Town of Independence
City of Manassas Park	Town of Grundy
Town of Pound	Town of Pembroke
Town of Scottsville	Town of Orange
Town of La Crosse	Norfolk Airport Authority
Town of Brodnax	Capital Region Airport Commission
Town of Richlands	Shenandoah Valley Regional Airport Commission
	Piedmont Regional Jail

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APPENDIX F

38 State Agencies with Line of Duty Act Eligible Personnel

Division of Capitol Police
Department of Military Affairs (Ft. Pickett Fire & Rescue)
Virginia Department of Emergency Management
Virginia Department of Motor Vehicles
Virginia State Lottery
Department of Conservation and Recreation
Department of Forestry
Department Of State Police (Troopers and agency)
Woodrow Wilson Rehabilitation Center
College Of William and Mary
University Of Virginia - Academic
Virginia Polytechnic Institute & State University- Academic
Virginia Military Institute
Virginia State University
Norfolk State University
Longwood University
University of Mary Washington
James Madison University
Radford University
Old Dominion University
Virginia Commonwealth University - Academic
Richard Bland College
Christopher Newport University
University of Virginia College At Wise
George Mason University
Northern Virginia Community College
Virginia Highlands Community College
J. Sargeant Reynolds Community College
Virginia Western Community College
Central Virginia Community College
Thomas Nelson Community College
Southwest Virginia Community College
Lord Fairfax Community College
Marine Resources Commission
Department of Game and Inland Fisheries
Alcoholic Beverage Control Board
Department of Corrections

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APPENDIX G

230 Non-Participating Localities

Char-Alb Airport Auth	Carroll County	Roanoke County	Western Virginia Water Authority	Town of Coeburn	Town of Brookneal
Peninsula Airport Comm	Charles City County	Rockbridge County	Albemarle-Char Regional Jail	Town of Colonial Beach	Town of Cedar Bluff
City of Buena Vista	Charlotte County	Rockingham County	Blue Ridge Regional Jail Authority	Town of Craigsville	Town of Chincoteague
City of Charlottesville	Chesterfield County	Scott County	Middle Peninsula Reg. Security Ctr	Town of Crewe	Town of Culpeper
City of Covington	Clarke County	Shenandoah County	Middle River Regional Jail	Town of Damascus	Town of Dublin
City of Emporia	Craig County	Smyth County	New River Valley Regional Jail	Town of Dayton	Town of Edinburg
City of Fairfax	Culpeper County	Southampton County	Northern Neck Regional Jail	Town of Drakes Branch	Town of Elkton
City of Galax	Cumberland County	Spotsylvania County	Northwestern Regional Jail Auth	Town of Eastville	Town of Exmore
City of Lexington	Dickenson County	Stafford County	Riverside Regional Jail	Town of Farmville	Town of Gates City
City of Lynchburg	Essex County	Warren County	Rockbridge Regional Jail	Town of Glasgow	Town of Glade Springs
City of Richmond	Fauquier County	Westmoreland County	Southside Regional Jail	Town of Gordonsville	Town of Gretna
City of Roanoke	Floyd County	Wythe County	Western Virginia Regional Jail Auth	Town of Halifax	Town of Grottoes
City of Staunton	Fluvanna County	York County	Central Virginia Regional Jail	Town of Hallwood	Town of Haymarket
City of Waynesboro	Franklin County	Accomack County	Hampton Roads Regional Jail Auth	Town of Haysi	Town of Herndon
City of Alexandria	Frederick County	Albemarle County	Meherrin River Regional Jail	Town of Honaker	Town of Hillsville
City of Bedford	Goochland County	Bland County	Pamunkey Regional Jail	Town of Kenbridge	Town of Lebanon
City of Colonial Heights	Grayson County	Dinwiddie County	Peumansend Crk Regional Jail Auth	Town of Kilmarnock	Town of Leesburg
City of Danville	Greensville County	Fairfax County	Rappahannock Regional Jail Auth	Town of Lawrenceville	Town of Louisa
City of Fredericksburg	Henry County	Giles County	SW Virginia Regional Jail Auth	Town of Marion	Town of McKenney
City of Hampton	Highland County	Halifax County	Virginia Peninsula Regional Jail	Town of Middletown	Town of Middleburg
City of Harrisonburg	James City County	Hanover County	Wstrn Tidewater Regional Jail Auth	Town of Mount Jackson	Town of New Market
City of Hopewell	King and Queen County	Henrico County	Town of Alberta	Town of Narrows	Town of Occoquan
City of Martinsville	King George County	King William County	Town of Amherst	Town of Newsoms	Town of Onancock
City of Newport News	Lancaster County	Madison County	Town of Ashland	Town of Onley	Town of Parksley
City of Norfolk	Loudoun County	Mathews County	Town of Blacksburg	Town of Pearisburg	Town of Pennington Gap
City of Poquoson	Louisa County	Middlesex County	Town of Blackstone	Town of Pulaski	Town of Purcellville
City of Salem	Lunenburg County	Northumberland County	Town of Bloxom	Town of Rural Retreat	Town of Rich Creek
Alleghany County	Mecklenburg County	Orange County	Town of Bluefield	Town of Saltville	Town of Rocky Mount
Amelia County	Montgomery County	Pittsylvania County	Town of Boydton	Town of Stanley	Town of Shenandoah
Amherst County	Nelson County	Prince George County	Town of Boykins	Town of Victoria	Town of South Hill
Appomattox County	New Kent County	Prince William County	Town of Bridgewater	Town of Warsaw	Town of St. Paul
Augusta County	Northampton County	Surry County	Town of Burkeville	Town of West Point	Town of Stephens City
Bath County	Page County	Sussex County	Town of Cape Charles	Town of Windsor	Town of Strasburg
Bedford County	Patrick County	Tazewell County	Town of Chase City	Town of Wise	Town of Tappahannock
Botetourt County	Powhatan County	Washington County	Town of Chilhowie	Town of Altavista	Town of Timberville
Brunswick County	Prince Edward County	Isle Of Wight County	Town of Clarksville	Town of Berryville	Town of Vinton
Buckingham County	Pulaski County	Ches Bay Bridge and Tunnel Dist	Town of Clifton Forge	Town of Bowling Green	Town of Warrenton
Campbell County	Rappahannock County	Richmond Metro. Auth	Town of Clintwood	Town of Broadway	Town of White Stone
Caroline County	Richmond County				

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APPENDIX H

Amounts repaid by nonparticipating localities that opted-out effective 7/1/2011

Locality	FY 2011 Claims and Admin fees	FY 2011 Interest*	FY 2012 Other Costs**	Total
Amherst County	\$32,448	\$2,076	\$5,811	\$40,335
Blue Ridge Reg Jail	\$5,068	\$324	\$5,172	\$10,564
Campbell County	\$30,329	\$1,941	\$2,962	\$35,232
Caroline County	\$19,330	\$1,237	\$160	\$20,727
Carroll County	\$6,675	\$427	\$29,503	\$36,605
Chesterfield County	\$170,941	\$9,915	\$17,422	\$198,278
City of Buena Vista	\$0	\$0	\$18,924	\$18,924
City of Charlottesville	\$12,706	\$813	\$320	\$13,839
City of Lynchburg	\$40,149	\$2,329	\$20,908	\$63,385
City of Richmond	\$68,552	\$4,386	\$102,535	\$175,473
City of Roanoke	\$86,056	\$5,506	\$44,376	\$135,938
City of Staunton	\$5,080	\$58	\$160	\$5,298
Clarke County	\$11,094	\$710	\$4,200	\$16,004
Culpeper County	\$14,019	\$897	\$18,718	\$33,634
Fauquier County	\$12,955	\$829	\$160	\$13,944
Fluvanna County	\$5,657	\$64	\$1,681	\$7,402
Franklin County	\$203,150	\$12,998	\$3,729	\$219,877
Frederick County	\$21,142	\$137	\$14,806	\$36,085
Grayson County	\$6,775	\$433	\$7,795	\$15,003
James City County	\$59,053	\$3,606	\$40,237	\$102,895
King George County	\$14,011	\$897	\$14,380	\$29,288
Loudoun County	\$85,214	\$5,452	\$2,298	\$92,965
Lunenburg County	\$26,575	\$1,700	\$796	\$29,071
Mecklenburg County	\$53,150	\$3,401	\$57,264	\$113,815
Montgomery County	\$8,530	\$546	\$160	\$9,236
Patrick County	\$7,887	\$505	\$160	\$8,552
Powhatan County	\$2,939	\$188	\$1,444	\$4,571
Riverside Reg Jail	\$13,573	\$868	\$9,613	\$24,054
Roanoke County	\$90,014	\$5,759	\$7,263	\$103,036
Rockingham County	\$0	\$0	\$1,575	\$1,575
Smyth County	\$121,219	\$7,756	\$19,372	\$148,347
Spotsylvania County	\$102,903	\$6,584	\$1,211	\$110,699
Stafford County	\$24,380	\$1,560	\$320	\$26,260
Town of Clarksville	\$1,575	\$18	\$8,499	\$10,092
York County	\$63,244	\$4,047	\$800	\$68,091
Dickenson County	\$0	\$0	\$3,679	\$3,679
Total	\$1,426,392	\$87,967	\$468,413	\$1,982,772

*Interest was charged at a rate of seven percent (less for those entities that paid early)

**Includes administrative costs (eligibility determination only) for FY 2012 and payments made directly to an insurance company on behalf of a claimant.

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Appendix I

**Amounts repaid by nonparticipating localities that opted-out effective
7/1/2012**

Locality	FY 2011 Claims and Admin fees*	FY 2012 Other Costs**	Total
Accomack County	\$26,658	\$0	\$26,658
Albemarle County	\$88,961	\$0	\$88,961
Bland County	\$5,860	\$0	\$5,860
City of Alexandria	\$549,851	\$0	\$549,851
City of Danville	\$176,639	\$6,000	\$182,639
City of Fredericksburg	\$17,694	\$1,479	\$19,173
City of Hampton	\$135,045	\$909	\$135,954
City of Harrisonburg	\$13,193	\$0	\$13,193
City of Newport News	\$171,680	\$300	\$171,980
City of Norfolk	\$395,060	\$1,798	\$396,858
City of Poquoson	\$20,949	\$0	\$20,949
City of Salem	\$3,282	\$773	\$4,055
Dinwiddie County	\$16,254	\$0	\$16,254
Fairfax County	\$560,946	\$0	\$560,946
Henrico County	\$377,599	\$403	\$378,003
Isle of Wight County	\$17,795	\$1,375	\$19,170
Madison County	\$12,553	\$0	\$12,553
Mathews County	\$16,036	\$0	\$16,036
Middlesex County	\$18,399	\$0	\$18,399
Northumberland County	\$7,087	\$0	\$7,087
Orange County	\$30,761	\$0	\$30,761
Pittsylvania County	\$75,828	\$0	\$75,828
Prince William County	\$501,520	\$0	\$501,520
Southwestern Reg Jail	\$21,735	\$0	\$21,735
Sussex County	\$6,342	\$1,563	\$7,905
Tazewell County	\$154,738	\$0	\$154,738
Town of Culpeper	\$15,737	\$0	\$15,737
Town of Leesburg	\$6,499	\$0	\$6,499
Washington County	\$33,091	\$3,485	\$36,577
Total	\$3,477,792	\$18,085	\$3,495,877

**Localities that stayed in the VRS fund in FY 2011 and then opted-out starting in FY 2012 were billed for FY 2011 claims costs and related administrative fees. Note: these localities were a part of the state funding program for FY 2012 and paid premiums to the state for FY 2012 costs.*

***Direct payments made on behalf of claimants to insure there was no lapse in health insurance coverage.*

