

NOAA Fisheries National Observer Program Observer Provider Insurance Workshop Agenda

Dates: November 8-9, 2016

Times: 9am - 5pm EST

[Holiday Inn Capitol, 550 C St SW, Washington, DC 20024](#)

Adobe Connect: [Day 1](#); [Day 2](#).

Listen-only: 888-324-9428, participant code 6578625

[Documents](#)

The workshop objectives are to:

- Discuss coverage for observers under state workers compensation and the Federal Employee Compensation Act.
- Identify any gaps in coverage and examine whether private insurance could cover those gaps.
- Identify actions to ensure that observer providers carry appropriate and sufficient insurance to cover claims by observers¹ who are injured while on duty.
- Consider a national approach to types of insurance coverage requirements, including minimum thresholds.

Day 1, November 8, 2016 morning

9:00-9:15 **Welcome and Introductions**

Part I. Background

Observers perform duties:

- 1) *Shoreside, and 2) at-sea.*

Observers work in two types of programs:

- 1) *NMFS contracted programs, and 2) Industry-funded program.*

There are three types of risks the various insurance coverages may address:

- 1) *Personal injury, 2) death, and 3) other torts (e.g. sexual harassment).*

The workshop is focused on:

- 1) *Injury compensation claims under the FECA and state worker's compensation programs, gaps with those programs and products that may cover such gaps, and may also consider 2) observer provider and vessel owner protection and indemnity from such claims.*

09:15-9:45 **National Observer Program status report on observer provider insurance**

9:45-10:30 **Summary and Discussion of aggregated responses by observer providers on current insurance coverage**

- What were your costs associated with the Federal Employee Compensations Act (FECA)?
- Are there any additional premiums that you pay for carrying coverage associated to observers? If so how much?
- How many lost sea days did your company experience related to observer injuries/claims?
- Do you think your company would be willing to self-insure to cover observer compensation if the current requirements were changed?

10:30-10:45 **Break**

¹ For the purposes of this meeting, "observer" refers to observers and monitors collectively.

Part II. Types and Amounts of Observer Provider Insurance

10:45-12:00 Panel I. Observer Providers

- Is there general agreement on NMFS's findings re: Jones Act, GML, and LHWCA?
- Is there agreement on NMFS's findings that the Commercial General Liability is not applicable, and should be replaced by Marine General Liability and Maritime Employer's Liability?
- Are there other insurance coverages to fill these potential gaps?
- What type(s) of coverage(s) are appropriate for observer illnesses occurring during deployment regarding wage compensation?
- What are appropriate levels of coverage (regionally or nationally)?
- Are we asking the right questions? If not, what (else) should we be covering?
- Other questions and topics posed by panelists. . .

12:00-1:30 Break for lunch

1:30-3:00 Panel II. Insurance Brokers

- What gaps and overlap in insurance coverage exist for each type of the four types of observers?
- Add Maritime Employers Liability and Maritime General Liability to current observer provider insurance requirements?
- What are the appropriate levels of coverage for each insurance type?
- Are there other potentially applicable insurance coverages that can lower costs to observer service providers and still allow for complete coverage and protection for observers?
- Should there be a single nationwide insurance contract, or regional approaches?
- Other questions and topics posed by panelists. . .

3:00-3:15 Break

3:15-4:30 Open Discussion of Part II

4:30-5:00 Facilitator Recap & Discussion

5:00 Adjourn

Day 2, November 9, 2016 morning

Part III. Claims Processes

09:00-9:45 Panel III. Observers

- Claims filed: what form of compensation/s did you receive?
 - How satisfied were you with medical compensation?
 - How satisfied were you with wage compensation?
- In filing injury claims, what are the responsibilities of the observer, the employer (observer provider), the insurance carrier, and state and federal agencies? How are observers informed in claims procedures?
- What insurance claim related concerns do you have?
- Other questions and topics posed by panelists . . .

9:45-10:00 Break

10:00-11:00 Panel IV. Government Subject Matter Experts

- In filing FECA claims, have observers been successful in applying the “premium pay” or “administratively uncontrollable overtime” to their wage calculations and FECA?
- What is the process for appealing denied medical and compensation claims?
- In filing injuries claims, what are the responsibilities of the observer, the employer (observer provider), the insurance carrier, and state and federal agencies? How are observers informed of claims procedures?
- Other questions and topics posed by panelists . . .

11:00-12:00 Panel II. Insurance Brokers

- What is the process for appealing denied medical and compensation claims?
- In filing injuries claims, what are the responsibilities of the observer, the employer (observer provider), the insurance carrier, and state and federal agencies? How are observers informed of claims procedures?
- Other questions and topics posed by panelists. . .

12:00-1:30 Break for Lunch

1:30-2:30 Panel I. Observer Providers

- What is the process for appealing denied medical and compensation claims?
- In filing injuries claims, what are the responsibilities of the observer, the employer (observer provider), the insurance carrier, and state and federal agencies? How are observers informed of claims procedures?
- Other questions and topics posed by panelists. . .

2:30-3:30 Open Discussion of Part III

3:30-3:45 Break

3:45-5:00 Recap and Conclude Potential National/Regional Approaches

5:00 Adjourn