

NVSL Insurance Overview

As a result of many inquiries from teams, the NVSL Board reviewed the League's coverage recommendations for our General Liability policy and our Accident Medical policy to present guidance to our member teams in an effort to reduce the uncertainty and common misperceptions of what the NVSL policies cover for the teams. This overview is to clearly lay out direction for the teams so that each team can determine if additional coverage should be purchased separately, and on their own. *Partially related to this, the League can offer Scott Jefferson's services for teams/clubs/HOAs interested in further discussion about their own policies or other coverage, as he would have close knowledge of what we set out as policy from the League.*

The League has two policies:

- 1) Accident Medical policy – this is not liability insurance, and this coverage responds without fault being established. Policy says it covers “participants and staff” (not defined further, but would include “volunteers”). This policy is set for the NVSL to respond as needed to a person injured at an NVSL event, and is secondary to an individual's medical insurance. If a qualified participant hits his head, requires medical attention, and has no medical insurance, this policy could become the primary insurance.

The policy could be used for team employees/contractors (i.e., coaches), but organizations hiring coaches should establish coaches as covered employees by the team/club/HOA's Workers Comp insurance. In VA, employers with 2 or more employees are legally required to maintain workers compensation insurance. If this does not exist for whatever reason, then this policy could be used to cover coach injury. Includes \$10K of coverage per claim which can go towards deductibles, co-insurance, prescriptions, etc.

- 2) General Liability Umbrella policy – the use of this policy is based on a claimant establishing, and a court agreeing, to negligence of the policy holder, and is not up to the policy writer to determine how this is used and who it covers. Only the court decides this, and it is based on a finding of negligence – the League does not have control over who is covered. For example, if someone hits their head in the parking lot of a pool, and a court finds that the League was somehow negligent, the League would be responsible and coverages would apply. Could be participants, volunteers, spectators, anyone. Includes coverage of \$1M per occurrence, \$2M annual max, and \$1M additional coverage by the umbrella.

Review:

- 1) NVSL sanctioned and sponsored events have been defined to include *all swim-related events, to include A meets, B meets, practices, and all NVSL Division-wide and League-wide meets. B Meets are defined as those meets, other than the meets listed on the NVSL website (i.e., A Meets, Divisional Relay Carnivals, Individual Championship meets, ASR and IAS), and are meets in which 100 percent of the competitors are registered members of NVSL member swim teams.* These events therefore fall within the scope of the NVSL operations and its insurances. *Social events* (e.g., pep rallies, team trips, and other extra-curricular events) would not be considered “official” NVSL events, and therefore put responsibility on the teams/clubs/HOAs to determine what coverage they need for these events if not already covered by the teams/clubs/HOAs. *Winter swim programs* would not be considered “official” NVSL events, and therefore put responsibility on the teams/clubs/HOAs to determine what coverage they need for these events if not already covered by the teams/clubs/HOAs.
- 2) The League is introducing a mandatory participation waiver to have parents acknowledge assumption of risk and absolve the League and other entities of any claims that “arise or hereafter accrue” from participation.

Acknowledgement: the introduction of this waiver brings a significant paperwork challenge. Teams will distribute paper waivers or could include the NVSL waiver in their online registration system and the League will collect a certification from each team that they have collected the individual waivers annually.

- 3) The NVSL is doing all it can to protect the League, its members, and participants, but there are insurance issues outside the League's control, and teams need to have an insurance conversation with team officials, club, or HOA. There are League obligations, and team/club obligations, and they are separate. The League wants to be very clear that teams/clubs/HOAs need to do their own analysis to fill any gaps they may deem necessary.
- 4) This review affords the League an opportunity to continue to emphasize safety, and to be a leader in this area. Safety will continue to be a key point of emphasis in clinics, etc.