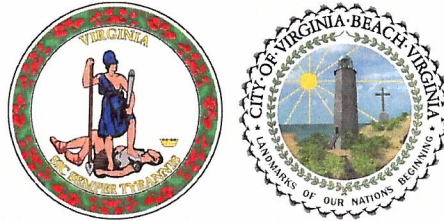


OFFICE OF THE SHERIFF



CITY OF VIRGINIA BEACH

Ken Stolle
SHERIFF/HIGH CONSTABLE
(757) 385-4555

P.O. BOX 6098
VIRGINIA BEACH, VIRGINIA 23456-9073
FAX (757) 427-5037

April 10, 2020

Attorney General Mark Herring
202 North Ninth Street
Richmond, VA 23219

Dear Mark,

As a result of this historic COVID-19 pandemic, leaders nationwide are asking people to practice social distancing and remain a minimum of 6 feet of apart. This is impossible for our first responders, including my deputy sheriffs. First responders are required to run toward the danger and must continue to do their jobs regardless of the risk, exposing themselves and their loved ones to the potential dangers of this pandemic. For that reason, I believe it is important to know whether a COVID-19 illness contracted by a first responder is covered under the Virginia Workers' Compensation Act and related statutes. I have several questions that I would like your assistance answering before the Virginia General Assembly's upcoming veto session so that we can address this issue as soon as possible.

My questions are as follows:

1. If a first responder becomes ill from COVID-19 after being exposed at work, is it a compensable illness under the Workman's Compensation Act?
2. If COVID-19 is an upper-respiratory condition, does it fall under the heart and lung presumption of the Act for first responders?
3. If the answers to those questions is yes, what is the burden of proof and who does it fall on? I'm concerned that if COVID-19 isn't covered under the heart and lung bill, we will never be able to prove that a first responder became ill as a result of performing their duties. That leaves them in financially susceptible.
4. If a first responder dies as a result of COVID-19 or complications from COVID-19, does that first responder and their survivors qualify for Life of Duty Act benefits?

We have a limited time to act responsibly on this issue. The veto session is just around the corner and will be our first opportunity for the governor and General Assembly to address this issue. We cannot afford to wait until the 2021 session.

As a separate issue, I would also like to express my concern with available Workers' Compensation coverage for healthcare workers. I believe our government has a responsibility to look after their interests and extend some form of coverage in the event they become ill or die because of exposure to COVID-19 on the job. That may be a discussion for another day, but it is one we need to have.

I respectfully request your response prior to the April 22 veto session. Your assistance and leadership in this matter is greatly appreciated.

Thank you for your time and attention to this important issue.

Yours,

A handwritten signature in black ink, appearing to read "Ken Stolle". The signature is written in a cursive style with a large, stylized "K" and "S".

Ken Stolle
Virginia Beach Sheriff/High Constable