

# EMPLOYMENT PRACTICES LIABILITY



- ⦿ Up to 500 employees (part time and seasonal count as half an employee; applicant must have a minimum of three employees to be eligible)
- ⦿ Eligible classes include, but are not limited to:
- ⦿ Eligible risks

Accounting firm	Church	Hair salon	Recreation/Membership organization
Advertising firm	Condo/Homeowner associations	Hotel/Motel	Rental car agency*
Air/Heat contractor	Consultant	Insurance agent	Restaurant (fast food)
Ambulance service	Convenience store	Insurance company*	Retail store
Architect	Counseling center	Janitorial	Sales/Distributor
Artisan contractor	Country club*	Landscaper	Security guard firm*
Assisted living	Credit operation*	Law firm (< 50 employees)	School
Auto dealer* (< 200 employees)	Day care center (commercial)	Maintenance	Supermarket
Bank*	Doctor/Dentist*	Manufacturer	Technology
Bowling lane	Drug rehab center (outpatient only)	Nursing home*	Transportation/Trucking
Camp	Employment agency	Plumber	Travel agent
Car wash	Engineer	Printer/Publisher	Veterinary clinic
Caterer	Fitness center	Property manager	
Cemetery/Funeral home	Furniture rental*	Real estate agency*	

- ▶ Past or future plans for downsizing, layoff, merger or acquisition activity
- ▶ One or two employment practices claims or circumstances in the past five years

\* Not eligible for third-party coverage option

## PRODUCT ADVANTAGES

- ▶ Fair Labor Standards Act (FLSA) – \$100,000 sub-limit for defense costs and loss (available to most accounts in most jurisdictions)
- ▶ Defense and Settlement Provision (“hammer clause”) softened to cover 75 percent of defense costs and loss after insured’s final refusal to consent to settle a claim
- ▶ Defense outside the limit up to 200 employees if a \$500,000 limit or higher is chosen (does not apply to violations of FLSA)
- ▶ Full prior acts coverage for claim-free accounts in most states and for most classes
- ▶ Punitive damages with most favorable venue wording included in the definition of loss (available in most jurisdictions)
- ▶ Front and back pay included in the definition of loss
- ▶ Wrongful act definition expanded to included coverage for the negligent violation of the Uniformed Services Employment & Reemployment Rights Act (USERRA)
- ▶ Independent contractors are included in the definition of employee



## PRODUCT ADVANTAGES (CONT.)

- ▶ Modified severability
- ▶ Spousal liability extended to domestic partners
- ▶ Defense costs coverage for breach of express employment contract
- ▶ Defense costs coverage for claims involving the modification of real property
- ▶ Retaliation carve backs for many exclusions

## AVAILABLE LIMITS

- ▶ Employment practices liability up to \$5 million
- ▶ Fair Labor Standards Act (FLSA) included at \$100,000 in most jurisdictions (defense and indemnity)

## RETENTIONS

- ▶ Retentions start at \$1,000 and vary by state, city and class

## BUSINESS RESOURCE CENTER

Provides centralized access to business solution vendors for all policyholders. Solutions include:

- ▶ Human resources services
- ▶ Pre-employment and tenant screenings
- ▶ Identity theft protection
- ▶ Marketing resources

See [www.bizresourcecenter.com](http://www.bizresourcecenter.com) for a full list of available business solutions.

## MOST COMMON INELIGIBLE RISKS CHARACTERISTICS

- ▶ Over 500 employees
- ▶ More than two employment practices claims or circumstances in the last five years
- ▶ Applicants located in LA and WV
- ▶ The following classes of business:

Adult entertainment	Construction company	Municipal (police and fire)	Repossession service
Agricultural/Farm	Courier service	Pawn shop	Restaurant (full service)
Aviation	Day care center (residential)	Personal financial planner/ Investment advisor	Stock brokerage and S.E.C. firm
Bar/Tavern	Entertainment industry (radio, television, film)	Personal staff/Family trust	Talent agency (including social media influencer)
Cannabis industry	Foster care	Pension/Other ERISA plans	Taxi/Limousine service (including ride- sharing service)
Casino/Resort	Garment maker	Pharmaceutical company	Union
Coal mine	General contractor	Professional employer organization (PEO)	Venture capital management
College and university	Government agency	Public school/School district	Video game and social media developer (including eSports gaming)
Companion care service	Hospital	Publicly traded company	

**Quote online or call 888-875-5218**

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