



## DIRECTORS AND OFFICERS / EMPLOYMENT PRACTICE LIABILITY

Directors and Officers (D&O) coverage is designed to protect the decisions made by an organization's management. The policy can also cover defense costs and mitigate the risk of individual directors' personal assets being exposed during a lawsuit. Directors and Officers claims have an average cost per claim of over \$100,000.

An employer is more likely to have an Employment Practice Liability claim than a General Liability or Property claim. Sixty percent of companies have been named in a discrimination or harassment lawsuit in the past five years. The average cost to defend an Employment Practice claim is \$150,000.

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### RECENTLY WRITTEN BUSINESS:

- |  |  |
|--|--|
| 1. Foundation (\$55,500)                         | 5. Counseling Organization (\$3,984.00)              |
| 2. Church (\$14,645.00)                          | 6. Adult Day Care (\$3,086.00)                       |
| 3. Homeowners Association (\$6,288.00)           | 7. Disability Assistance Nonprofit (\$1,117.00)      |
| 4. Rural Legal Assistance Nonprofit (\$5,891.00) | 8. Law Enforcement Education Organization (\$890.00) |

### CLAIM EXAMPLES:

A club secretary sued the country club's governing board, alleging that the board of directors were negligent in failing to supervise the club manager, who she claimed sexually harassed her.

A lawsuit was brought against a nonprofit board of trustees for failing to supervise the executive director. When they submitted their legal bill to their D&O carrier, they learned for the first time that no payments would be made until a settlement had been reached. Legal costs piled up until a settlement was reached, five years later. The prohibitive costs caused the organization to close its doors forever.

# NON PROFIT DIRECTORS AND OFFICERS AND EMPLOYMENT PRACTICES LIABILITY PRODUCT

- ⦿ Organizations with up to 500 employees
- ⦿ Eligible classes include, but are not limited to:



Assistance care center	Developmentally disabled facility	Lobbyist	Research organization
Assisted living facility	Dining club	Low income housing	Retirement home
Big Brother/Big Sister	Economic development corporation	Membership organization (Jaycees, VFW)	Scouting organization
Boys and Girls club	Environmental group	Mental health center	Social service organization
CASA	Exhibition (auto show, fair, festival)	Montessori school	Substance abuse center
Cemetery	Food bank	Museum	Swim club/Tennis club
Chamber of commerce	Foundation	Nursing home	Trade association
Charity group	Golf club	Performing arts organization	United Way chapter
Church/Temple/Synagogue/Mosque	Handicapped service	Pregnancy center	Visitors/Tourist bureau
Community college/Junior college	Health care provider	Preschool	Vocational training/school
Community center/Civic center	Historical society/preservation	Private industry council	Yacht club
Convention center	Homeless shelter	Private school	YMCA/YWCA
Country club	Hospice	Professional association	Youth sports association
Crisis center	Humane society	Public broadcasting	Zoo
Day care center	Library	Regional planning commission	

## PRODUCT ADVANTAGES

- ▶ Data & Security+ endorsement – \$50,000 sublimit each for data breach, identity theft, workplace violence and kidnap expenses plus free identity theft services for directors and officers who become victims of identity theft (available in most jurisdictions)
- ▶ Fair Labor Standard Act (FLSA) – \$100,000 sublimit including defense and loss (back wages) - available in most jurisdictions
- ▶ Separate limits of liability for directors and officers and employment practices liability claims (Note: employment practices liability is an optional coverage which can be purchased in addition to directors and officers but not on a monoline basis)
- ▶ Defense outside the limits
- ▶ Lifetime occurrence reporting provision for former directors and officers
- ▶ Third-party sexual harassment and third-party discrimination coverage
- ▶ Coverage for both monetary and non-monetary claims included
- ▶ 100 percent allocation wording for defense costs
- ▶ Excess benefit transaction excise tax coverage – \$20,000 sublimit (available in most jurisdictions)
- ▶ Defense and settlement provision (hammer clause) – 75/25 in favor of the insured
- ▶ Most favorable venue wording
- ▶ Final adjudication wording



## PRODUCT ADVANTAGES (CONT.)

- ▶ Individual director or officer payment protection “order of payments”
- ▶ Breach of contract coverage
- ▶ Pre/post judgment interest included in the definition of loss
- ▶ Debtor in possession included in the definition of organization
- ▶ Optional fiduciary liability coverage
- ▶ Outside directorship liability coverage
- ▶ Duty to defend with affirmative allocation wording
- ▶ Full prior acts coverage
- ▶ Free and substantially discounted background check services
- ▶ Standard form option (available in most jurisdictions): Combined directors and officers and employment practices liability limit, defense inside the limit, no employment practices liability risk management services and excludes coverage for Data & Security+, Fair Labor Standards Act and Excess

## AVAILABLE LIMITS

- ▶ Directors and officers liability up to \$5,000,000
- ▶ Employment practices liability up to \$5,000,000

## RETENTIONS

Retentions start at \$0

## 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.usli.com/brc](http://www.usli.com/brc) for a full list of available business solutions.

## MOST COMMON INELIGIBLE RISK CHARACTERISTICS

- ▶ Located in LA or WV

Activist group	Charter school	Sorority/Fraternity	Public school
	Church governing body	Gaming commission	School district
Athletic conference	Credit counseling/reporting	Hospital	Third-party administrator
Better business bureau	College/University (four-year or higher)	Legal bar association	Union
Blood bank	Foster care	Municipality	Urban league
Board of realtor			



# NOT-FOR-PROFIT MANAGEMENT LIABILITY

Not-for-profit organizations face an ever-increasing number of exposures. Entities and their board members are at risk of lawsuits from regulatory proceedings, whistleblowers actions, and civil suits alleging organizational mismanagement, misuse of assets, fraud, donor disputes, employment practices liability and employee benefit disputes.

It's more important than ever to make sure you are offering the best insurance solution to your clients. Westchester Binding Not-for-profit Management Liability product offers competitive pricing for a wide array of non-profit organizations and broad coverage, including:

- Duty to Defend
- Defense outside the limit
- Non-Rescindable and Non-Cancellable policies
- No consent to settlement provision – (Hammer Clause)
- Unlimited extension for claim reporting endorsement
- EPLI includes claims by non-employee third parties
- \$100,000 FLSA defense sublimit (available in most jurisdictions)
- Fiduciary coverage option

## Limits Available

### Directors & Officers and Employment Practices

- \$5,000,000 primary coverage
- \$5,000,000 excess layer

### Business Owners Package for office exposure

- General Liability – \$1,000,000/\$2,000,000 limits available
- Business Personal Property – \$300,000

## Common Classes

- Social Service/Welfare Organizations
- Charities
- Professional/Trade Associations
- Foundations
- Religious Organizations
- Private Schools
- Healthcare Related Institutions
- Chambers of Commerce
- Membership Organizations
- Civic Organizations
- Assisted Living Facilities
- Youth & Rec Sports Associations
- Booster Clubs
- Day Care Centers
- Historical Societies
- Low Income Housing
- Humane Societies
- Libraries
- ...and many more!

## FOR-PROFIT MANAGEMENT LIABILITY PACKAGE

Operating a business in today's environment is challenging enough without having to worry about coverage for your client's Directors and Officers. Litigation against a company's management doesn't just affect large, public companies; it also affects small private companies. Many privately-held smaller companies may underestimate, or not even recognize, their need for such coverage.

At Westchester Binding, we've made a commitment to this market. We've invested in a sophisticated underwriting platform to quickly rate, quote, bind and issue policies using our online tool. Backed by financial stability and a team of superior underwriters, this product offering provides the broadest coverage available in the small business marketplace.

### Our Products

- Directors, Officers and Organization Liability Insurance
- Employment Practices Liability Insurance
- Fiduciary Liability Insurance
- Crime Insurance

### What Westchester Binding Offers

- Duty to Defend
- Non-Rescindable & Non-Cancellable policies
- Most favorable venue punitive damage coverage
- Additional \$1 million of Side A\* D&O coverage
- Limited definition of "Application" (36 months)
- Retention waiver for early settled claims
- \$100,000 sub-limit for class-action wage and hour claims defense. Single plaintiff claims not sub-limited (non CA & FL risks, by endorsement).
- EPLI includes third party coverage and additional \$1 million of defense cost coverage\*
- HIPPA fines and penalties coverage (by endorsement)
- Defense in addition to limit of liability in many cases (fiduciary only)
- Fiduciary includes Voluntary Compliance and Delinquent Filer Penalties coverage

*\*When at least a \$1 million limit is purchased and financial standing is proven.*

### Additional Facts

- Up to \$5 million in Limits
- No Minimum Premium
- A++ (Superior) rating by A.M. Besh
- Private companies with annual revenues less than \$25 million and fewer than 500 employees are typical clients
- Financial Institutions are not eligible

### Restricted Classes

- HOA/COA
- PAC's
- Labor Unions
- Financial Services
- BioTech
- Abortion Clinics
- Churches
- Family Planning Centers
- Schools
- Companies with primary operations outside the US

## **Why Westchester?**

Westchester writes the simple to the most complex companies, with few restrictions, including the following classes (additional classes may be also qualify):

- Retail
- Healthcare
- Business Services
- Manufacturing
- Staffing Agencies
- Energy
- Aerospace

# GREENLIGHT YOUR SUCCESS WITH MONITOR

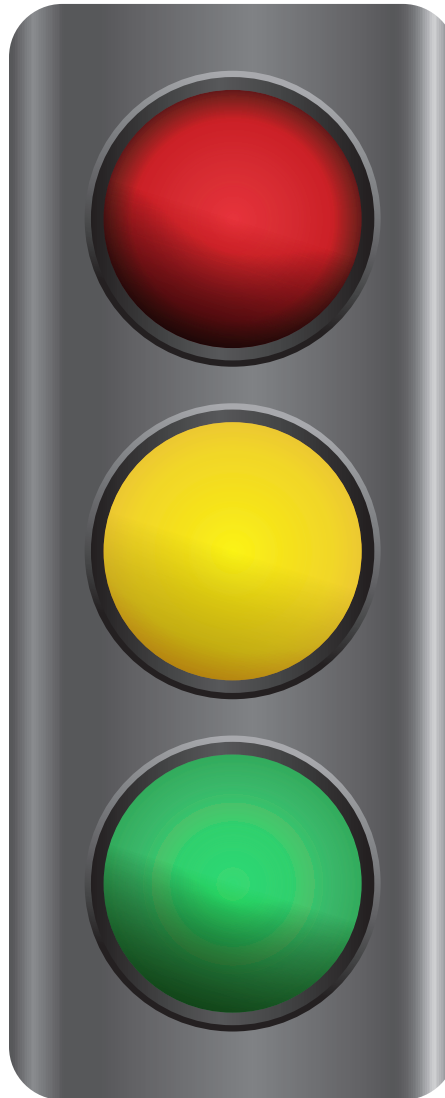
Follow the signs to improve your nonprofit quote-to-bind ratio.



- Adoption/Foster care
- Bar associations
- Fraternities/Sororities
- Governmental entities
- Hospitals or nursing homes
- Human rights/Civil liberties organizations
- Labor unions
- Nonprofits primarily involved with providing loans
- Political organizations
- Homeowners associations in Florida, Texas, California, Louisiana, New York City & Cook County, Illinois



- Cooperatives
- Country clubs
- Day care facilities
- Economic development (nongovernmental)
- Health care providers (no overnight stays)
- Job training/placement facilities
- Libraries
- Medical societies
- Museums
- Rehabilitation facilities (no drug assisted rehab/detox)
- Schools (private/religious/charter)
- Homeowners associations outside of Florida, Texas, California, Louisiana, New York City & Cook County, Illinois



- Nonprofits with less than \$1 million in assets
- Nonprofits with a distressed claim history requesting Nonstandard terms
- Excess quotes
- Arts/Humanities/Theater organizations
- Advocacy groups
- Alumni/Booster clubs
- Boys and Girls clubs
- Churches
- Food banks
- Foundations
- Hobby/Recreational organizations
- Human services
- Humane societies/Animal shelters
- Trade associations (Errors and Omissions coverage option available)
- YMCA's
- Youth organizations (including athletic leagues)

## ExecPro® D&O Liability

While choosing a Nonprofit Insurer you need three things:

- Competitive Terms
- Quick Turnaround Time
- A Long Term Partner

Great American's Nonprofit D&O product will exceed your expectations in all three areas.

With over two decades of exceptional service, the ELD proudly offers Nonprofit Liability Insurance protection for Nonprofit organizations.

### Competitive Terms

- Defense Costs are in addition to the Limit of Liability at no additional charge
- The policy is Duty to Defend
- The Definition of Insured Person includes all Past, Present and Future Directors, Officers, Trustees, Employees, Volunteers, and Committee Members
- Minimum Premium of \$700
- Admitted Insurer in all **50 states** and **D.C.**
- Limits up to \$10,000,000 for Primary and Excess Coverage
- Retentions as low as \$0 for both the organization and individual insureds
- Retentions do not apply to Costs of Defense for qualifying accounts
- **Quick Turnaround Time**
- For immediate service, quote Nonprofit business online at ExecProQuote.com
- The average quote turnaround time by an underwriter is 24 hours
- You will be assigned one underwriter for both new and renewal business
- Financial Statements are waived on many risks
- Policies can be bound online and emailed in just minutes
- **Long Term Partner**
- Over two decades of experience insuring Nonprofit Organizations
- Rated "A" (Excellent) by A.M. Best for over 100 years
- On-staff Attorneys and Claims Handlers
- Very Competitive Commissions

At the Executive Liability Division, we are committed to providing industry leading service with rapid turnaround to our business partners. Our underwriters, marketers, and claims attorneys are experienced, dedicated professionals prepared to take an active role in helping you grow your clientele. We take pride in providing the responsiveness, expertise, and market knowledge you need to be successful.

When you call one of us,  
you get all of us.





## Policy Features

- **Costs of Defense are in addition to the limit for no additional charge**
- Duty to Defend
- **First Dollar Defense for Qualifying Accounts**
- 22 named EPL Wrongful Acts
- Volunteers and Leased, Seasonal, and Part-Time employees are included as Insured Persons
- **Employed Lawyers Coverage**
- Prior Acts Coverage
- Third Party Coverage
- Definition of Claim includes non-monetary relief
- Definition of Claim includes tolling
- Coverage for suits brought by Qualifying Independent Contractors for EPL Claims
- **\$150,000 sublimit for defense of Fair Labor Standards Acts (FLSA) Claims**
- Personal Injury Coverage
- Copyright/Trademark Coverage
- Crisis Fund for reputational damage done due to lost or stolen donor data
- Order of Payments wording
- Punitive Damages Coverage for Qualifying Accounts
- 90-day complimentary Discovery Period if the Insurer non-renews
- Definition of loss includes Pre/Post-judgment Interest and Front/Back Pay
- Spousal & Domestic Partner Coverage
- Worldwide Coverage
- Excess Benefit Transaction
- Outside Directorship Coverage for service on other Nonprofit Boards
- Severability of the Exclusions
- A-side carve-out for the Pollution Exclusion
- Retaliation Coverage for Claims related to workers compensation and other benefits issues
- Executive Officer Claim Notice Trigger
- Broad Severability wording
- Broad Subrogation wording
- 35% Automatic Subsidiary Coverage

## Optional Coverages available

- Separate limits of liability for EPL and Fiduciary Liability Coverage are available
- Workplace Violence Coverage available
- One, two, and three year Discovery available at 40, 75, and 100% additional premium respectively

At  
[GreatAmericanELD.com](http://GreatAmericanELD.com)  
you can find:

- [Specimen Policies](#)
- [Applications](#)
- [Underwriter Contact Info](#)
- [Marketing Brochures](#)

At  
[ExecProQuote.com](http://ExecProQuote.com)  
you can find:

- [Quote New Business Online](#)
- [Bind New Business Online](#)
- [Check the Status of Your Accounts](#)

## Acceptable Classes

(indented items are common examples in a particular class)

Animal Related <ul style="list-style-type: none"><li>• Humane Society</li><li>• Zoo</li></ul>	Communications / Public Broadcasting	Religious Organizations <ul style="list-style-type: none"><li>• Church / Temple</li><li>• Missions Organization</li><li>• Religious Service Organizations</li></ul>
Apprenticeship Training Trusts	Environmental Issues	Retirement Communities and Assisted Living
Art, Culture, and Humanities <ul style="list-style-type: none"><li>• Art Gallery</li><li>• Historical Society</li><li>• Library</li><li>• Museum</li><li>• Performing Arts</li></ul>	Food or Nutrition <ul style="list-style-type: none"><li>• Food Bank</li><li>• Meals on Wheels</li></ul>	School – Other Educational Facilities (non-public)**
Authorities (port, transit, etc.)	Foster Care / Adoption	School-Related Activities and Groups*
Camps or Day Care Facilities <ul style="list-style-type: none"><li>• Headstart</li><li>• Kids Camp</li></ul>	Foundation or Grant Making Association	Scientific Technology / Research & Development
Cemeteries	Fraternal Benefit Groups <ul style="list-style-type: none"><li>• Elks, Jaycees, Kiwanis, etc.</li></ul>	Temporary Housing / Shelters <ul style="list-style-type: none"><li>• Homeless Shelter</li><li>• Rescue Mission</li></ul>
Certification Boards	Home / Condo Associations*	Testing Facilities for Public Safety
Clubs <ul style="list-style-type: none"><li>• Swim Club</li><li>• Garden Club</li><li>• Social Club</li></ul>	Legal Services	Trade Association
Chamber of Commerce / Business Leagues <ul style="list-style-type: none"><li>• Convention Center</li><li>• Exhibition</li><li>• Visitors Bureau</li></ul>	Job Training or Placement	Veterans Group <ul style="list-style-type: none"><li>• American Legion, VFW, etc.</li></ul>
Charitable Organizations / Human Service / Community Education <ul style="list-style-type: none"><li>• Goodwill</li><li>• Junior League</li><li>• Mentoring</li><li>• Social Service</li><li>• United Way Chapter</li></ul>	Low Income Housing / Community Redevelopment <ul style="list-style-type: none"><li>• Economic Development Corp</li><li>• Improvement Districts</li><li>• Low Income Senior Housing</li><li>• HUD Housing</li></ul>	Volunteer Fire / Medical
Civil Rights or Social Action	Medical Services <ul style="list-style-type: none"><li>• Clinics</li><li>• Small Hospitals</li><li>• Nursing Homes</li></ul>	Water Supply Company / District
College Fraternities	Mentally Handicapped <ul style="list-style-type: none"><li>• Developmentally Disabled Facility</li></ul>	
College Sororities	Police & Fire Associations	
Consumer Credit Counseling	Public Safety / Disaster Relief <ul style="list-style-type: none"><li>• Safety Council</li></ul>	
Cooperatives (Under \$50MM in assets)	Recreation / Leisure / Sporting <ul style="list-style-type: none"><li>• Big Brothers Big Sisters</li><li>• Boys &amp; Girls Club</li><li>• Scouting Organization</li><li>• Yacht Club</li><li>• YMCA / YWCA</li><li>• Youth Sports Association</li></ul>	
	Rehabilitation or Counseling <ul style="list-style-type: none"><li>• At-Risk Youth Facility</li><li>• Crisis Center</li></ul>	

\*Home/Condo Associations are quoted through our partner, Distinguished Programs (distinguished.com)

\*\*Private/Charter Schools are quoted through our partner, ISM Insurance (isminc.com)



**Restricted Classes**

Blood / Organ Banks	Labor Unions
Collegiate Sports Conferences	Municipalities / Public Entities
Country Clubs / Golf Clubs	Pension Benefit Trusts
Family Planning Clinics	School – Colleges & University
Financial or Insurance Related	School – Public
High Profile Activist Groups	Tobacco Related

**Target Markets**

Great American insures accounts of all sizes. However, our general appetite can best be described as follows:

<b>Employees</b>	<b>Appetite</b>
0-50	Sweet Spot
51-250	Very Competitive
251-1000	Competitive
1001 and more	Excess Coverage Only

**Small Account Advantage**

Qualifying small Nonprofit accounts receive the following advantages:

- Financials Not Required
- Renewals Underwritten every third year
- Renewals quoted 60 days in advance of the expiration date
- Just nine questions to receive an online quote at ExecProQuote.com
- Average New Business Turnaround Time is 24 hours
- Minimum retention of \$0
- Minimum premium of \$700

The *ExecPro*® product suite also includes:  
 Employment Practices Liability Insurance  
 Fiduciary Liability Insurance  
 A-Side DIC Liability Insurance  
 Private Equity Liability Insurance  
 Miscellaneous Professional Liability Insurance





VICTOR O.  
SCHINNERER  
& COMPANY, INC.



# NON-PROFIT ORGANIZATIONS

## WE UNDERSTAND NON-PROFITS

Any non-profit organization is vulnerable to the same kinds of lawsuits brought against for-profit organizations. Some well-funded non-profit organizations can even be targets for litigation simply because of their perceived deep pockets. Victor O. Schinnerer & Company's Non-profit Management Liability program can protect the non-profit's directors, officers, employees, volunteers, committee members, trustees and the organization itself.

## TARGET MARKETS

- Trade and professional associations
- Charities/foundations
- Museums
- Faith-based organizations
- Chambers of commerce
- Adoption agencies
- Performing arts/theater groups
- Art galleries
- Animal shelters
- Social clubs
- And many more

## COVERAGE OPTIONS

- Directors & officers liability
- Employment practices liability
- Fiduciary liability
- Crime
- Kidnap, ransom & extortion
- Excess D&O, EPL and fiduciary

## THE SPECS

**AVAILABILITY:** In all 50 states and D.C.

**MINIMUM PREMIUM:** \$500

**LIMITS:** Up to \$10 million

**COVERAGE:** Admitted (except VT) with an A rated carrier

## CHOOSE SCHINNERER

### COVERAGE:

- Shared and separate limit options
- Defense coverage for wage and hour claims
- No D&O hammer clause
- Softened EPL hammer clause (70/30)
- Two year policy terms available
- Defense outside the limits available



**IRONSHORE**  
*your safe harbour*



## Not-For-Profit D & O Highlight Sheet

### COVERAGE FEATURES

- Full Entity Coverage
- Broad definition of Claim including civil, criminal, governmental, regulatory, administrative and arbitration proceedings
- No panel counsel requirement
- Expansive definition of Employee including part time, seasonal and temporary employees and leased and contract employees
- Expansive definition of Insured Person including any director, officer, trustee, trustee emeritus, executive director, department head, committee member, staff or faculty member, or volunteer
- Expansive definition of Wrongful Act to include non-employment discrimination, violation of anti-trust laws, libel, slander, defamation, violation of right of privacy, wrongful entry, false arrest, plagiarism and copyright/trademark infringement
- Notice for a Claim made during the Policy Period permitted until 30 days after Policy expiry
- Coverage for a Claim brought anywhere in the world
- Automatic Outside Entity coverage for any not-for-profit entity
- Automatic Subsidiary coverage with 30% asset threshold and management control
- Coverage for a lawful spouse or domestic partner for a Wrongful Act of an Insured Person
- Coverage for estates and legal representatives in the event of death, incapacity or bankruptcy of an Insured Person
- Coverage for Debtor in Possession
- Protection from a Claim brought by bankruptcy trustee, former directors of 4 years and whistleblowers
- Protection from a Claim brought by an attorney general or other representative party
- Broad Definition of Loss including coverage for punitive or exemplary damages and the multiplied portion of multiplied damages, where permitted
- Loss definition includes pre- and post-judgment interest
- Conduct exclusions subject to final adjudication
- Full severability among Directors and Officers with respect to the application
- Full severability among all Insureds with respect to conduct exclusions
- Ability to settle within the Retention without prior consent of Insurer
- Enhanced and Improved Dispute resolution provision that after mediation allows the Insured to choose between litigation or arbitration

### EXPANSIVE EMPLOYMENT PRACTICES CLAIM COVERAGE

- Employment Practices Coverage for the Company and Insured Persons
- Coverage for 24 enumerated Employment Practices Acts
- Coverage for discrimination, harassment and civil rights Claims brought by any student, patient, member, customer, client or supplier
- Whistleblower protection

### OTHER FEATURES

- Insured has option to tender the defense of a Claim to the Insurer
- Automatic conversion to run-off coverage if there is a change in control of the Corporation
- A single retention for Related Wrongful Acts
- Bilateral discovery provision
- Insurer may not cancel policy except for non-payment of premium
- Priority of Payments provision
- No "Hammer Clause"

## Executive ViewPoint (EVP)

### A Management Liability Product

Executive ViewPoint (EVP) is a Management Liability policy designed to cover private companies with 201 up to 1,500 employees. We offer the following coverage parts and policy features:

#### Key Policy Features

- Non-rescindable policy
- Duty to defend policy with 100 percent allocation
- No hammer clause
- 12-month application look-back
- Limits of up to \$5,000,000 available for each coverage part
- Timely Notice and Resolution Incentive

#### Directors and Officers Liability

- Lifetime Occurrence Reporting Provision (LORP) for former directors and officers
- Additional Side A Limit of \$1,000,000 automatically included
- \$100,000 sublimit for:
  - ◆ HIPAA fines and penalties
  - ◆ Foreign Corrupt Practices Act (FCPA) fines and penalties
- Carveback in the definition of "loss" for taxes imposed in bankruptcy on directors and officers for Side A Loss
- Broad definition of "claim," including extradition costs
- \$250,000 sublimit for "shareholder derivative demand investigation costs"
- Broad definition of "insured," including:
  - ◆ Advisory board
  - ◆ In-house general counsel
  - ◆ Independent contractors
- Conduct exclusion includes final non-appealable adjudication in the underlying action language
- Severability of the application and conduct exclusions for "insured persons"

#### Coverage available via endorsement:

- ◆ Privacy Breach Expense
- ◆ Workplace Violence Expense
- ◆ Kidnap and Ransom Expense
- ◆ Identity Theft Expense
- ◆ Defense outside limits up to \$1,000,000

#### Employment Practices Liability

- "Loss" includes:
  - ◆ Claimant's attorney fees, as awarded by the court
  - ◆ Front and back pay
- Broad definition of "employee," including:
  - ◆ Interns
  - ◆ Volunteers
  - ◆ Independent contractors
- Broad definition of "wrongful employment act," including:
  - ◆ Gender identity discrimination
  - ◆ Invasion of privacy (includes unauthorized use or disclosure of "confidential employee information")
  - ◆ Acts committed via Internet, email or social media
  - ◆ Harassment including workplace bullying
- Sublimit for \$100,000 (defense and indemnity) for Wage and Hour claims, available by endorsement
- Third-party coverage included for most classes

#### Fiduciary Liability

- \$150,000 sublimit for "voluntary settlement program costs"
- \$25,000 sublimit for 502c fines and penalties
- \$25,000 sublimit for fines and penalties under the Pension Protection Act of 2006
- \$150,000 sublimit for HIPAA fines and penalties
- Investment loss carveback to the Benefits Due exclusion

## Why Purchase an EVP Policy?

- Directors' and officers' personal assets are at risk; they may be personally liable for their business decisions and may be sued as individuals
- A private company is more likely to have an employment practices claim than a general liability or property claim
- By law, fiduciaries of pension and benefit plans are personally liable for their decisions even if they outsource their employee benefit plan to third parties
- Private companies face claims from their employees, customers, suppliers, competitors, creditors and shareholders

## Additional Advantages

- A Berkshire Hathaway Company
- Competitive pricing with superior service
- Unlimited, free Employment Practices Liability Helpline
- Online Human Resources Center
- Access to our Business Resource Center

