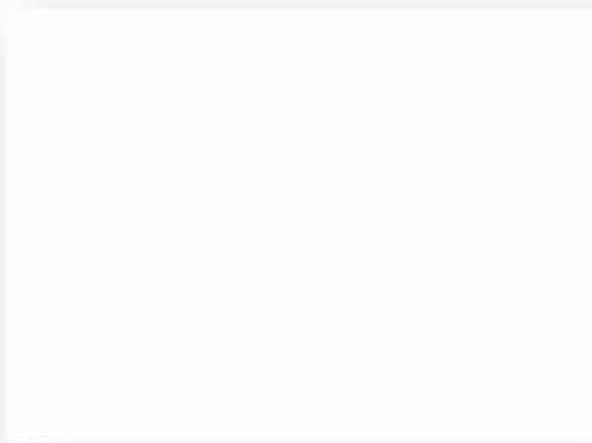


Other Forms of Workplace Insurance



RICHARD M. MITCHELL
rmitchell@maddinhauser.com

Business Risks Beyond the EPL Policy

- Claims beyond Discrimination
- Business exposure created by Employees

Dishonest Employees

- Fidelity Bonds
- Special sub-limits when included in stand alone policies
- Examinations under oath
- Pursuing the employee for missing funds; set-offs?

Injuries Suffered or Caused by Employees

**During the course of
employment**

- Non-owned autos
 - *specifically scheduled vehicles*
- Limitations on general liability policies
 - *Exclusions and Conditions*
- Limitations on property policies
- Reporting the claim
 - *Prejudice to the insurer resulting from late notice*

Cyber Risks

How to Protect Yourself

- Historically, limited coverage
- The development of stand alone policies
- Manuscript policies
- Potential exposure from minor and major security breaches

Potential Exposure and Damages

- Loss of your own data and your disaster recovery plan
- Loss of your customer's data
- Identity theft

Defense Costs from Security Breach Litigation

- Self-insured retentions vs. deductibles
- Who picks defense counsel?
- Who administers the claims?

Exposure to Directors, Officers and Shareholders

- Directors and Officers policies
 - Can Non-competition clauses ever be covered?
- Complaints involving both covered and not covered claims

Professional Liability Claims

- Typically excluded from general liability coverage
- Generally written on claims made basis, not occurrence
 - Excess / Umbrella policies

A Word About Certificates of Insurance

- They are not what you think they are
- Coverage reflected, not provided

Employment Separations

Reducing and Employer's Exposure to Liability

- A. General Considerations
- B. Exit Interview
- C. Economic Reductions in Force (RIFs)
- D. Releases

BREAKFAST SEMINAR SCHEDULE

James M. Reid, IV *Top Five Tips to Update your Employee Handbook* --- April 22, 2014

Kathleen H. Klaus and Richard M. Mitchell *Insurance Issues* --- November 11, 2013

Daniel U. Warsh *Discrimination* --- October 14, 2014

Michael S. Leib *The Impact of Bankruptcy on Employment* --- December 16, 2014

Kate S. Matlen *Workplace Privacy | Background Investigations | Social Media* --- August 6, 2014

Michelle C. Harrell *Non-Compete and Confidentiality Agreements* --- September 23, 2014

Marc S. Wise *Healthcare Compliance* --- July 24, 2014

Gary M. Remer *Wage & Hour* --- May 7, 2014

Ronald A. Sollish *Utilizing Best Practices to Manage Your Workplace* --- June 25, 2014