

## ExecSuite®

# Employment Practices Liability

Monitor's Employment Practices Liability Insurance is designed to protect businesses and employees against liability in the event they are the target of a claim or lawsuit alleging employment-related wrongdoing.<sup>1</sup>

### ExecSuite® Features<sup>1</sup>

- Automatic 60-day Extended Reporting Period
- Automatic coverage for subsidiaries up to 35% of assets and/or employees, created or acquired during the policy period and new U.S. locations
- 90 days to report a claim after the policy period
- Pre-determined allocation for costs of defense at 100%
- Coverage extends to any nonprofit controlled by the entity
- Modified settlement clause (80%/20% coinsurance)
- Damages include punitive or exemplary damages up to the limit of liability, where insurable
- Duty to defend policy language
- Full prior acts coverage
- Worldwide coverage
- Broadened definition of claim to include tolling
- Easy-to-read policy form

<sup>1</sup> This coverage overview is not part of an insurance contract and does not supersede the policy. Please read the policy form for complete terms, conditions and exclusions. Premiums and terms depend on the size and type of organization and other factors.

<sup>2</sup> Subject to underwriter approval.

### Coverage Features<sup>1</sup>

- Broad definition for:
  - Claimant
  - Retaliation
  - Wrongful employment act
  - Third party wrongful act
- Third party liability coverage included in policy for claims brought by customers for discrimination and/or harassment (including costs of defense for Americans with Disabilities Act (ADA) and public accommodation claims)
- Coverage extends to the entity, its subsidiaries, employees and directors and officers
- All exclusions include carve-back for retaliation
- Definition of insured includes independent contractor, where indemnifiable
- Definition of employee includes full-time, part-time, leased, seasonal, volunteers, interns and temporary individuals
- Coverage for claims made by current and former employees, and applicants for employment
- Definition of claim includes an administrative or regulatory investigation or proceeding, such as Equal Employment Opportunity Commission (EEOC) charges
- Modified prior and pending litigation exclusion with unemployment benefits carve-back
- Severability of all exclusions

### Optional Coverage Provided by Endorsement<sup>2</sup>

- \$100,000 sublimit for costs of defense for claims alleging violation(s) of the Fair Labor Standards Act (wage and hour)
- \$25,000 sublimit for costs of defense for criminal investigations brought by any government agency for alleged hiring or harboring of illegal aliens
- \$100,000 sublimit for franchisor if named in a claim along with the named insured (franchisee)
- Costs of defense in addition to limit of liability

### Contact Us

Lynette Lyngaas  
Senior Vice President,  
Executive Liability  
llyngaas@monitorliability.com  
(312) 800-6254

# Employment Practices Liability

## Coverage Specifics

- ▶ Limits of liability up to \$5 million, and as low as \$250,000
  - Primary or excess
- ▶ Low minimum premiums and deductibles

## Target Market

- ▶ Public or private companies with up to 2,000 employees

## Risk Management Services

**MyHRHelp™**

- ▶ Toll-free helpline calls that provide basic workplace issue consultation
- ▶ MyHRHelp™ website with employment resources
- ▶ Free monthly risk management webinars and an archived webinar library
- ▶ Two free California AB 1825 compliant online sexual harassment awareness trainings annually

All services are provided by Gordon Rees Scully Mansukhani LLP, a national law firm with extensive experience in employment law.

## Monitor Liability Managers

Monitor is a member company of W. R. Berkley Corporation specializing in executive and professional liability insurance. We have provided insurance to middle market risks on a nationwide basis since 1992. Experienced leadership, comprehensive insurance knowledge and a well-established reputation for solid underwriting standards allow us to provide coverage unsurpassed in the marketplace.

## A+ Rated Insurance Carriers

- Admiral Insurance Company (Nonadmitted)
- Berkley Insurance Company (Admitted)
- ▶ Rated A+ (Superior) by A.M. Best Company

## Claim Management

Monitor's claim management services are the cornerstone of the insurance coverage we offer to our policyholders. Mendes and Mount, LLP is the claim administrator for Monitor. They have the primary claim management responsibility on behalf of Monitor for all active claims. We strive to resolve claims promptly and to provide the best possible outcome for our policyholders and their agent or broker.

Products and services are provided by one or more insurance company subsidiaries of W. R. Berkley Corporation. Not all products and services are available in every jurisdiction, and the precise coverage afforded by any insurer is subject to the actual terms and conditions of the policies as issued. Certain coverages may be provided through surplus lines insurance company subsidiaries of W. R. Berkley Corporation through licensed surplus lines brokers. Surplus lines insurers do not generally participate in state guaranty funds and insureds are therefore not protected by such funds. For additional information concerning W.R. Berkley Corporation's insurance subsidiaries, refer to <https://www.wrberkley.com/>

## Fast Facts

**1 in 10**

Chance an employment charge will be filed against any U.S. company

**1 in 5**

Chance a company with less than 500 employees will face an employment charge

**\$125,000**

Average cost to defend an employment charge for a company with less than 500 employees

**275**

The average number of days it took to resolve an employment matter

**\$200,000**

Median judgment for employment lawsuits that go to trial\*

**1 in 4**

Cases that go to trial result in a judgment of \$500,000 or more\*

\*Employment Practices Liability: Jury Award Trends and Statistics 2013 Edition, Thompson Reuters.