



Genetic Information Discrimination

Since it became effective on November 21, 2009, the Genetic Information Nondiscrimination Act (GINA) has been the basis of many complaints filed with the Equal Employment Opportunity Commission.

GINA affects employers with 15 or more employees. Employees and job applicants are protected by GINA in that employment decisions cannot be made on the basis of genetic information that is voluntarily disclosed to or overheard by an employer.

Information revealed in the genetic testing of individuals or their family members, or the manifestation of a disease in a family

member, also cannot be used to determine an individual's employment status.

One high-profile GINA case occurred in April 2010 when a woman claimed she was discharged after voluntarily disclosing to her employer information about a double mastectomy she received as a preventative measure resulting from a genetic test that showed she was predisposed to breast cancer.

For more information on employee and applicant rights under GINA, visit <http://www.genome.gov/24519851>.

To determine if there is insurance coverage available to protect your firm from claims alleging a GINA violation, call our service team today.



Insuring Your Decision Makers

Who is covered by your firm's directors and officers (D&O) liability insurance policy?

While many policies insure only those individuals classified as directors or officers, other policies allow firms to cover the actions of other categories of individuals. These individuals could be high-ranking employees, executives, managers or supervisors. Since such individuals are often charged with making decisions that may adversely affect the firm's bottom line, it's important to consider bringing these persons into coverage under the policy.

Some companies have people on their boards of directors who are altogether independent of the business. Others have directors or executives who have been involved in crucial decisions but who are now retired. The question arises: Does the firm want to insure those decision makers?

There is no standard D&O policy; it's important to work with a trusted advisor to make sure your firm's policy is constructed to adequately cover those individuals at risk for a D&O claim. Our service team can help create the right policy for your firm; call today.

Professional Liability Insurance for Consultants



Many former and retired executives are choosing to pursue a career as a consultant. Armed with specialized knowledge, consultants operating in a number of fields, from accounting to cosmetics, are in danger of financial harm if their operations are not adequately protected.

Professional liability insurance is designed to cover claims alleging negligence, faulty advice and other actions or decisions that cause financial harm to someone else. Many assume that professional liability insurance is only for larger firms with many employees, but policies are also available for small companies and sole proprietors. Additionally, many insurance companies offer professional liability policies designed specifically for consultants.

For more information on possible exposures in your consultant practice and on insurance designed to protect you from such exposures, call our service team today.

Failure to Act

“Failure to reform a troubled safety record.” That’s the allegation in claims filed by two Louisiana pension plans holding stock in BP against the oil giant’s directors and officers (D&O) insurance policy.

This claim should serve as a warning to firms of all sizes, especially those that are operating without D&O insurance. It’s not only the actions you take; it’s also those that you avoid or neglect that can lead to claims against your directors, officers and executive management. Your leadership’s decisions to act or not to act can be the cause of serious

and expensive lawsuits against your firm.

The purpose of D&O insurance is to offer financial assistance to insured companies if litigation is filed against them due to the acts or decisions of their executives, officers or other categories of employees named in the policy. An “off-the-shelf” policy might not prove to be a good investment. Let our insurance professionals help you structure a D&O policy that will best protect your business against failures to act and other claims against your decision makers. Call us for more information.

Wage and Hour Disputes

The Equal Employment Opportunity Commission (EEOC) has experienced a surge in employment-related lawsuits since 2008, and growth in this area is expected to continue trending upward.

One of the fastest-growing claims segments is wage and hour violations, a category under which employees file complaints against employers for breaches of EEOC rules in areas such as compensation for overtime pay.

Employers must be familiar with and follow guidelines set forth under employment laws, such as the Fair Labor Standard Act (FLSA). The FLSA encompasses a number of rules regarding compensation, including minimum wage, hours worked, overtime, age requirements and other important factors.

The U.S. Department of Labor has created an online resource for employers hoping to learn more about FLSA. The website includes reference materials, guidance on record keeping, fact sheets, state-specific rules and other important information. To access the FLSA resource, visit www.dol.gov/compliance/laws/comp-flsa.htm.

Standard general liability insurance will not cover your firm for expenses related to a wage and hour claim. Only an employment practices liability insurance policy can offer your firm coverage for this and other types of employment-related claims. For more information on this important insurance, call our service team today.



Do You Need Commercial and E&O Coverage?

Many contractual arrangements require both commercial general liability (CGL) insurance and errors and omissions (E&O) insurance. That's because, typically, the two policies cover different areas of liability. A general liability policy will cover claims of property damage or bodily injury resulting from an event that is unintentional or abrupt for which you are legally responsible. An E&O policy is designed to cover claims of financial losses caused by a mistake that does not result in property damage or bodily injury.

For example, a CGL may cover a claim against a computer technician for the improper installation

Your firm might need both types of insurance, depending on the kind of services you provide.

of wiring that causes a fire and damages property. The CGL policy would likely pay for restoring the damaged property, and if anyone

were injured because of the fire, it would probably pay for those claims as well.

But what if your technician failed to inform the users of hazards or proper use or protections needed for the equipment, and, as a result, the equipment failed and required costly replacement? The technician might have to turn to an E&O policy that would cover his omission of that necessary training or advice.

Your firm might need both types of insurance, depending on the kind of services you provide. For more information on these two policies and their roles in protecting your firm, call our service team today.

Reasonable Accommodations for the Disabled

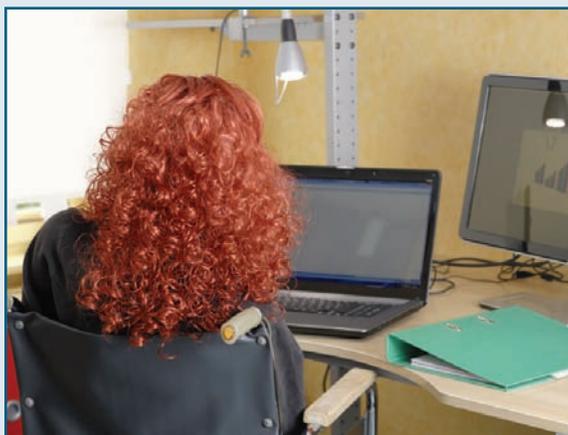
The Americans with Disabilities Act (ADA) requires employers to make reasonable accommodations for employees with disabilities. The goal is for businesses to implement practical solutions that benefit the entire firm, but many business owners and their managers need help in understanding requirements and best practices under the ADA.

Reasonable accommodations include:

- Any modification or adjustment to a job or the work environment that enables a qualified applicant or employee with a disability to participate in the application process or essential job functions; and
- Adjustments that ensure that the rights and privileges of qualified people with disabilities are equal to those

of qualified people without handicaps.

The ADA's list of qualifying disabilities has been expanded over the years, and requirements can be confus-



ing. Legal counsel is one alternative that can help a firm steer clear of violations. There are also free resources, some of which can be found online. These offer expert, confidential advice

on accommodations and best practices relating to disabled employees. For example, on one website, <http://askjan.org/soar/disabilities.html>, employers

can search the database for accommodations based on type of impairment. The Department of Labor offers other information online, as well, including specifics on the ADA itself, enforcement and complaints.

Our insurance professionals are your best resource for information on protecting your firm against claims of unfair employment practices. Our team can help you design an employment practices liability policy and a risk management plan that will reduce your chances of financial loss should an employee file a complaint about your accommodations for the disabled.

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Defense Costs

What does your firm's errors and omissions (E&O) policy say it will do in the event your firm is brought into litigation?

Many E&O policies are not "duty to defend" policies; thus, the insurance company may not fund or control the defense from dollar one. Rather, the policy obliges the insurance company to reimburse attorneys' fees and costs that exceed a policyholder's retained limit or self-insurance retention. Such costs are usually described in the policy as reasonable and necessary.

The costs of litigation could be substantial, and your business needs to be financially prepared to shoulder them to the extent that insurance isn't there to pay up front. There are ways to insure your business against such costs, from the first dollar forward, but it could require amending your policy. Give us a call to explore your options.



Have we got you covered?

Fill out this form and fax it in.

Or give us a call today.

We'd like to provide you with further information about your business insurance needs and other special coverages. And don't forget your friends! We'd be happy to provide them with the same great service.

Name of someone you'd like us to contact:

Name: _____

Phone: _____

E-mail: _____



Professional Insurance

My name: _____

E-mail: _____

My preferred number: (____) _____

Best time to call: _____

Please call me about:

- Employment practices coverage
- Insuring mergers and acquisitions
- Directors and officers coverage
- Environmental liability coverage
- Professional liability coverage