

# Directors and Officers Liability with Employment Practices Liability

## Highlighted Features

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- Deductible options available including \$0
- Policy limit \$1 million with aggregate limits to \$2 million available
- Umbrella limits to \$10 million available
- Defense costs outside the policy limits
- Prior Acts Coverage available
- Event-trigger form
- Broad definition of member-insured that includes the nonprofit organization as well as directors, trustees, officers, employees, volunteers, committee members, interns, students-in-training, and spouses
- Coverage extends to third-party harassment
- Attorney fees and expert fees awarded pursuant to a contract, statute, or law are included as damages
- Fiduciary Liability Coverage included at full policy limit
- ERISA sublimit of \$250,000 included with \$500,000 available for additional charge
- Breach of Contract limit \$250,000 for defense
- Wage and Hour law violation limit \$250,000 for defense
- Punitive damages covered in states where insurable
- Individual member vs. individual member coverage included
- Broad Employment Practices Liability (EPLI) including any actual or alleged wrongful termination, either actual or constructive; wrongful failure to employ or promote; wrongful discipline; alleged sexual harassment arising out of the employment relationship; alleged unlawful discrimination as defined by Title VII and/or the Unruh Civil Rights Act, or similar state law, whether direct, indirect, intentional or unintentional; or a failure to provide adequate employee policies and procedures

## Coverage in Action

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Four employees claim they had been wrongfully terminated for complaining about unpaid wages. Legal discovery reveals that the unpaid wage claims have some merit, and the terminations based on performance problems would be difficult to establish. Retaliation claims are currently the most significant employee practice liability exposure to employers, for both nonprofit and for-profit organizations.



The insurance policy, not this brochure, forms the contract between the insured and the insurance carrier. The policy may contain limits, exclusions, and limitations that are not disclosed in this brochure. Coverages may differ by state.

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