



# PRODUCER'S POINTERS

**JUNE, 2020**

Phone 708-424-0100  
Main Fax 708-425-5077

Specialty  
Auto Binder Fax 800-427-2463

## COMMERCIAL LINES

### We are your Transportation Specialists

- Long-haul to local
- For-hire trucking
- Intermodal
- Fleet & non-fleet
- Contractors
- Public auto
- School buses
- Taxis/Limousines
- Tow trucks
- Truck driving schools
- Distressed accounts
- New ventures



Call our Transportation Specialist  
Scott Handelman at **708-741-4592**  
for more information or send your  
submissions to  
[shandelman@buschbach.com](mailto:shandelman@buschbach.com)

## EMPLOYMENT PRACTICES LIABILITY

We can offer coverage from an A ++  
rated professional liability Company  
for many classes of business.

Features include:

- Limits up to \$5 million
- Up to 500 employees
- **Fair Labor Standards Act (FLSA) included at \$100,000 in most jurisdictions (defense and indemnity)**

Please see the attached materials or  
call our commercial department for  
more information **708-424-0100**  
Option 3

## RESTAURANT AND LIQUOR LIABILITY

Our 'A' rated carriers have expanded  
its appetite for small to medium  
hazard accounts. Features include:

- Increased limits options
- Deductible options
- Products/Completed Operations available
- Low minimum premiums
- Package policies available
- Quick policy issuance
- Premium financing

## CONTRACTORS PROGRAM

Immediate telephone quotes are  
available with our 'A' rated carriers  
for all types of contractors including:

- Concrete Construction
- Carpentry
- Door & Window Installation
- Electrical Work
- Fence Erection
- HVAC Contractors
- Landscaping
- Tree Trimming
- Masonry Work
- Painting
- Plumbing
- Roofing
- Siding Installation
- Swimming Pool Installation, Maintenance, Repair
- *And many other classes*



Call us at **708-424-0100**, Option 3,  
for more information or for a quick,  
competitive quote.

**THANK YOU**

**We understand that the last few months have been difficult for many businesses. We are open and here to assist you during these uncertain times. We want to assure our broker partners that we are available by phone, fax, or email to meet your needs. Thank you for being a valued business partner!**

## WE WANT YOU HEAR FROM YOU!

The Non-Standard Auto department has 6 employees here to service your insurance needs. Please call or email us. We would love to hear from you. Our Nonstandard auto employees are... Cathy, Aimie, Leslie, EuGina, Esmeralda & Heather.

**708-424-0100** Option 1 or  
[autofax@buschbach.com](mailto:autofax@buschbach.com)

## AUTO RIDESHARE COVERAGE

We have carriers that will provide Personal Auto coverage for drivers using their personal vehicle to transport passengers for compensation. Note that the Rideshare Company's commercial coverage applies while the auto is being used for Rideshare purposes.



This exposure must be disclosed on the application for coverage to apply. For any questions please call **708-424-0100** Option 1 or email [autofax@buschbach.com](mailto:autofax@buschbach.com)

## Why You Need Employment Practices Liability Insurance

- ▶ Charges against employers for discrimination, harassment, wrongful termination, retaliation and wage and hour violations are at all time highs
- ▶ The legal landscape for employers continues to change with the passage of laws like the Lilly Ledbetter Fair Pay Act of 2009 and The Americans with Disabilities Act Amendments Act of 2008
- ▶ Layoffs, downsizing, salary freezes and reductions in benefits can be used by past and present employees as evidence of tangible adverse employment actions to file charges of discrimination, harassment, retaliation and wrongful termination against employers

### What Can You Do To Protect Yourself?

- ▶ Purchase employment practices liability coverage from an A++ rated professional liability insurance company
- ▶ Look at the cost of transferring the risk:
  - \$150,000 = the average cost of defense
  - \$250,000 = the average jury award if the case goes to a verdict
  - \$???,??? = settlements are private and not a matter of public record

COVERAGE FEATURES	USLI	COMPETITORS
Broad definition of Wrongful Employment Act – We cover discrimination, harassment, retaliation, wrongful termination, workplace torts and negligent violations of certain employment laws.		
\$100,000 sublimit for defense and loss for wage and hour claims (not available in CA and FL or on accounts with prior claims)		
Unlimited defense costs outside the limit (for accounts with up to 200 employees if a limit of \$500,000 or greater is chosen)		
Duty to defend – We investigate, defend and with your consent ,negotiate the settlement of any claim		
Business Resource Center – free HR hotline with unlimited number of calls and no time limits plus discounted HR services such as background checks and online HR training modules		

### If you have elected not to purchase EPL coverage, please read and sign below.

1. We acknowledge that our agent has fully explained the potential employment practices liability risks associated with the operation of our company/organization.
2. We understand that we have the option of purchasing employment practices liability insurance that can protect our company/organization against the potential for significant monetary loss, including cost of defense from employment practices liability claims. We further acknowledge that our agent has recommended that we purchase the coverage and has provided us with one or more quotes.
3. We understand that by electing not to purchase such insurance, we are foregoing valuable protection which means our company/ organization will be responsible for paying the cost of defending and settling any and all employment practices liability claim(s) made against us.

Name			
Title		Date	
Signature			

# EMPLOYMENT PRACTICES LIABILITY



- ⦿ Up to 500 employees (part time and seasonal count as half an employee; applicant must have a minimum of three employees to be eligible)
- ⦿ Eligible classes include, but are not limited to:
- ⦿ Eligible risks

Accounting firm	Church	Hair salon	Recreation/Membership organization
Advertising firm	Condo/Homeowner associations	Hotel/Motel	Rental car agency*
Air/Heat contractor	Consultant	Insurance agent	Restaurant (fast food)
Ambulance service	Convenience store	Insurance company*	Retail store
Architect	Counseling center	Janitorial	Sales/Distributor
Artisan contractor	Country club*	Landscaper	Security guard firm*
Assisted living	Credit operation*	Law firm (< 50 employees)	School
Auto dealer* (< 200 employees)	Day care center (commercial)	Maintenance	Supermarket
Bank*	Doctor/Dentist*	Manufacturer	Technology
Bowling lane	Drug rehab center (outpatient only)	Nursing home*	Transportation/Trucking
Camp	Employment agency	Plumber	Travel agent
Car wash	Engineer	Printer/Publisher	Veterinary clinic
Caterer	Fitness center	Property manager	
Cemetery/Funeral home	Furniture rental*	Real estate agency*	

- ▶ Past or future plans for downsizing, layoff, merger or acquisition activity
- ▶ One or two employment practices claims or circumstances in the past five years

\* Not eligible for third-party coverage option

## PRODUCT ADVANTAGES

- ▶ Fair Labor Standards Act (FLSA) – \$100,000 sub-limit for defense costs and loss (available to most accounts in most jurisdictions)
- ▶ Defense and Settlement Provision (“hammer clause”) softened to cover 75 percent of defense costs and loss after insured’s final refusal to consent to settle a claim
- ▶ Defense outside the limit up to 200 employees if a \$500,000 limit or higher is chosen (does not apply to violations of FLSA)
- ▶ Full prior acts coverage for claim-free accounts in most states and for most classes
- ▶ Punitive damages with most favorable venue wording included in the definition of loss (available in most jurisdictions)
- ▶ Front and back pay included in the definition of loss
- ▶ Wrongful act definition expanded to included coverage for the negligent violation of the Uniformed Services Employment & Reemployment Rights Act (USERRA)
- ▶ Independent contractors are included in the definition of employee



## PRODUCT ADVANTAGES (CONT.)

- ▶ Modified severability
- ▶ Spousal liability extended to domestic partners
- ▶ Defense costs coverage for breach of express employment contract
- ▶ Defense costs coverage for claims involving the modification of real property
- ▶ Retaliation carve backs for many exclusions

## AVAILABLE LIMITS

- ▶ Employment practices liability up to \$5 million
- ▶ Fair Labor Standards Act (FLSA) included at \$100,000 in most jurisdictions (defense and indemnity)

## RETENTIONS

- ▶ Retentions start at \$1,000 and vary by state, city and class

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

## MOST COMMON INELIGIBLE RISKS CHARACTERISTICS

- ▶ Over 500 employees
- ▶ More than two employment practices claims or circumstances in the last five years
- ▶ Applicants located in LA and WV
- ▶ The following classes of business:

Adult entertainment	Construction company	Municipal (police and fire)	Repossession service
Agricultural/Farm	Courier service	Pawn shop	Restaurant (full service)
Aviation	Day care center (residential)	Personal financial planner/ Investment advisor	Stock brokerage and S.E.C. firm
Bar/Tavern	Entertainment industry (radio, television, film)	Personal staff/Family trust	Talent agency (including social media influencer)
Cannabis industry	Foster care	Pension/Other ERISA plans	Taxi/Limousine service (including ride- sharing service)
Casino/Resort	Garment maker	Pharmaceutical company	Union
Coal mine	General contractor	Professional employer organization (PEO)	Venture capital management
College and university	Government agency	Public school/School district	Video game and social media developer (including eSports gaming)
Companion care service	Hospital	Publicly traded company	

**CONTACT YOUR UNDERWRITER FOR MORE INFORMATION AT 888-523-5545 OR VISIT USLI.COM.**

This document does not amend, extend or alter the coverage afforded by the policy. For a complete understanding of any insurance you purchase, you must first read your policy, declaration page and any endorsements and discuss them with your agent. A sample policy is available from your agent. Your actual policy conditions may be amended by endorsement or affected by state laws.



# RESTAURANTS AND BARS DURING THE COVID-19 PANDEMIC



The purpose of this tool is to assist businesses in the food service industry, such as restaurants and bars, in making (re)opening decisions during the COVID-19 pandemic. It is important to check with state and local health officials and other partners to determine the most appropriate actions while adjusting to meet the unique needs and circumstances of the local community.

## Should you consider opening?

- ✓ Will reopening be consistent with applicable state and local orders?
- ✓ Are you ready to protect employees at higher risk for severe illness?

**ALL YES**



## Are recommended health and safety actions in place?

- ✓ Promote healthy hygiene practices such as hand washing and employees wearing a cloth face covering, as feasible
- ✓ Intensify cleaning, sanitization, disinfection, and ventilation
- ✓ Encourage social distancing and enhance spacing at establishments including by encouraging drive-through, delivery, curbside pick up, spacing of tables/stools, limiting party sizes and occupancy, avoiding self-serve stations, restricting employee shared spaces, rotating or staggering shifts, if feasible
- ✓ Train all employees on health and safety protocols

**ALL YES**



## Is ongoing monitoring in place?

- ✓ Develop and implement procedures to check for signs and symptoms of employees daily upon arrival, as feasible
- ✓ Encourage anyone who is sick to stay home
- ✓ Plan for if an employee gets sick
- ✓ Regularly communicate and monitor developments with local authorities and employees
- ✓ Monitor employee absences and have flexible leave policies and practices
- ✓ Be ready to consult with the local health authorities if there are cases in the facility or an increase in cases in the local area

**ALL YES**



**OPEN AND MONITOR**

**ANY NO**



**DO NOT OPEN**

**ANY NO**



**MEET SAFEGUARDS FIRST**

**ANY NO**



**MEET SAFEGUARDS FIRST**

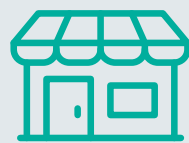


# Insurance for your Restaurant

**Taking  
reservations now!**

We design customized insurance packages for business owners that meet your everyday needs. **Whether you offer fine dining or fast food service, InsureOne is here for you.**

**Our experienced agents** will tailor your policy to meet your restaurant and your budget needs.



Call now for your **FREE** no obligation quote

**708-423-2000**

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CL@Buschbach.com

5615 W 95th Street  
Oak Lawn, IL 60453

Total coverage. One source

Buschbach.com



# Commercial Insurance

Protecting your  
business and  
investments

## What do we offer?

- Commercial Auto
- Workers Compensation
- General Liability
- Garage Liability
- Inland Marine
- Business Property / Contents
- Excess / Umbrella
- Wind & Flood
- Bonds

Let's discuss your business operations today to get the insurance you need at a price that won't strain your budget.

Call us today for your **FREE**, no obligation quote!