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Application for Business and Management (BAM) Indemnity Insurance

NOTICE: THE CLAIMS MADE AND REPORTED LIABILITY COVERAGE SECTIONS OR PROVISIONS OF THIS POLICY FOR WHICH THIS APPLICATION IS BEING MADE, WHICHEVER ARE APPLICABLE, COVER ONLY CLAIMS FIRST MADE AGAINST THE INSURED DURING THE POLICY PERIOD OR, IF APPLICABLE, ANY DISCOVERY PERIOD AND REPORTED TO THE INSURER PURSUANT TO THE TERMS OF THE POLICY. THE AMOUNTS INCURRED TO DEFEND A CLAIM REDUCE THE APPLICABLE LIMIT OF LIABILITY AND ARE SUBJECT TO THE APPLICABLE RETENTION OR DEDUCTIBLE.

Instructions: Please read carefully and answer all questions. If a question is not applicable, so state. This Application and all exhibits shall be held in confidence. Please read the Policy for which application for coverage is made (the "Policy") prior to completing this Application. The terms as used herein shall have the meanings as defined in the Policy.

Applicant means all corporations, organizations or other entities set forth in Question 1. of the **General Information** section of this **Application**, including any subsidiaries, proposed for this insurance.

I. General Information

1. Name of **Applicant**: _____

Address: _____

(Number)

(Street)

(City)

(State)

(Zip Code)

2. North American Industry Classification System Code (NAICS): _____

3. Nature of Operations: _____

*Note – please include description of all **Applicants**, including any subsidiaries.

4. Website: _____

5. Has the **Applicant** been in business longer than three (3) years? Yes No
6. Is the **Applicant** publicly-held or a public reporting company under the Securities Exchange Act of 1934, as amended? Yes No
7. Has the **Applicant** been involved with, negotiated, attempted or transacted any merger, acquisition, asset sale or divestment in the past eighteen (18) months where such merger, acquisition, asset sale or divestment involved more than twenty five percent (25%) of the total assets or securities of the **Applicant**? If yes, please provide details on a separate page. Yes No
8. Does the **Applicant** contemplate transacting any merger, acquisition, asset sale or divestment in the next twelve (12) months where such merger, acquisition, asset sale or divestment would involve more than fifty percent (50%) of the total assets or securities of the **Applicant**? If yes, please provide details on a separate page. Yes No

III. Prior Insurance Information

1. Describe any current insurance maintained.

<u>Coverage</u>	<u>Limit of Liability</u>	<u>Retention</u>	<u>Premium</u>	<u>Expiration Date</u>
Employment Practices <input type="checkbox"/> Yes				
Name of Current Insurer:		Date Coverage First Purchased:		

2. Has any insurer made any payments, taken notice of claim or potential claim or non-renewed any management liability or similar insurance at any time in the last three (3) years? If yes, please provide details on a separate page. Yes No

IV. Prior Activities Information

1. Within the last three (3) years, has the **Applicant** or any person proposed for this insurance in his or her capacity as an employee, officer, or director of the **Applicant** or another entity been the subject of or involved in any:
- a. litigation, civil, arbitration, administrative or criminal proceeding, civil or criminal charge or hearing, or a written demand seeking monetary or non-monetary damages? Yes No
- b. formal or informal investigation, proceeding or inquiry by any federal, state or local governmental agency or regulatory body, including without limitation, the U.S. Department of Justice, the U.S. Department of Labor, or any federal or state office of the Attorney General? Yes No
- c. notice of charges or other proceeding from the Equal Employment Opportunity Commission or any similar state or local agency or regulatory body? Yes No
- If yes, please provide details on a separate page.
2. Within the last three (3) years, has the **Applicant** had any commercial crime losses? If yes, please provide details on a separate page. Yes No

V. False Information

FRAUD WARNING: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties. **(Not applicable to Oregon).**

NOTICE TO ALABAMA APPLICANTS: Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or who knowingly presents false information in an application for insurance is guilty of a crime and may be subject to restitution fines or confinement in prison, or any combination thereof.

NOTICE TO COLORADO APPLICANTS: It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policy holder or claimant for the purpose of defrauding or attempting to defraud the policy holder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

WARNING TO DISTRICT OF COLUMBIA APPLICANTS: It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

NOTICE TO FLORIDA APPLICANTS: Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony of the third degree.

NOTICE TO LOUISIANA APPLICANTS: Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

NOTICE TO MAINE APPLICANTS: It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties may include imprisonment, fines or a denial of insurance benefits.

NOTICE TO MARYLAND APPLICANTS: Any person who knowingly or willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly or willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

NOTICE TO MINNESOTA APPLICANTS: A person who files a claim with intent to defraud or helps commit a fraud against an insurer is guilty of a crime.

NOTICE TO OHIO APPLICANTS: Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

NOTICE TO OKLAHOMA APPLICANTS: Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.

NOTICE TO RHODE ISLAND APPLICANTS: Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

FRAUD WARNING (APPLICABLE IN VERMONT, NEBRASKA AND OREGON): Any person who intentionally presents a materially false statement in an application for insurance may be guilty of a criminal offense and subject to penalties under state law.

FRAUD WARNING (APPLICABLE IN TENNESSEE, VIRGINIA AND WASHINGTON): It is a crime to knowingly provide false, incomplete, or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines, and denial of insurance benefits.

NEW YORK FRAUD WARNING: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime, and shall also be subject to civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

VI. Other Information

1. The undersigned declares that to the best of his/her knowledge the statements herein are true. Signing of this Application does not bind the undersigned to complete the insurance, but it is agreed that this Application shall be the basis of the contract should a Policy be issued, and this application will be attached to and become a part of such Policy, if issued. The Insurer hereby is authorized to make any investigation and inquiry in connection with this Application as they may deem necessary.
2. It is represented that the particulars and statements contained in the Application for the proposed Policy and any materials submitted herewith (which shall be retained on files by Insurer and which shall be deemed attached hereto, as if physically attached hereto), are the basis for the proposed Policy and are to be considered as incorporated into and constituting a part of the proposed Policy.
3. It is agreed that in the event there is any material change in the answers to the questions contained herein prior to the effective date of the Policy, the **Applicant** will notify the Insurer and, at the sole discretion of Insurer, any outstanding quotations or binders may be modified or withdrawn.
4. It is agreed that in the event of any misstatement, omission, or untruth in this Application or any material submitted along with or contained herein, the Insurer has the right to exclude from coverage any claim based upon, arising out of, attributable to, directly or indirectly resulting from, in consequence of, or in any way involving such misstatement, omission or untruth.

Signed: _____

Date: _____

(must be signed by an Executive Officer of the **Applicant**)

For purposes of creating a binding contract of insurance by this application or in determining the rights and obligations under such contract in any court of law, the parties acknowledge that a signature reproduced by either digital signature, electronic signature, facsimile or photocopy shall have the same force and effect as an original signature and that the original and any such copies shall be deemed one and the same document.

Please fully complete and attach the Information for the Coverage Section(s) being sought or bound.

Any coverage part information section(s) of this Application are deemed signed and dated by the signatory in this section VI. of the Application, unless otherwise specifically signed and dated.

Employment Practices Coverage Section Information

Is the **Applicant** seeking Employment Practices coverage? Yes No

If yes, please answer the following questions.

1. Employee and employment compensation information:

Full Time: _____ Part Time: _____ Seasonal: _____ Contracted (leased, independent or otherwise): _____

- a. Estimated annual remuneration of all employees, including officers, owners, or partners: \$ _____
- b. Number of employees with estimated annual remuneration exceeding \$100,000: _____

* **Note: Remuneration above includes salary, commissions, bonuses and other incentives and does not include any dividends or security based distributions.**

2. Have more than twenty five percent (25%) of the officers or management voluntarily left the employ of the **Applicant** or had employment with the **Applicant** terminated within the last eighteen (18) months? If yes, please provide details on a separate page. Yes No

3. Does the **Applicant** anticipate in the next twelve (12) months, or has the **Applicant** transacted in the last twelve (12) months, any plant, facility, branch or office closing, consolidations or layoffs affecting twenty percent (20%) or more of the employees of the **Applicant**? If yes, please provide details on a separate page. Yes No

4. Describe the internal controls the **Applicant** maintains for Employment Practices.

- a. Have all management staff and officers attended training and education programs on sexual harassment within the last eighteen (18) months? Yes No
- b. Does labor relations counsel review the employment policies/procedures at least annually? Yes No
- c. Is there a separate Human Resources Department? Yes No
- d. Does the **Applicant** publish and distribute an employee handbook to every employee? Yes No
- e. Are there written procedures for handling employee complaints of discrimination or sexual harassment? Yes No
- f. Are there written procedures for handling employee grievances or complaints? Yes No
- g. Does the **Applicant** compensate all interns? Yes No
- h. Has the **Applicant** had in place for the past three years or since formation, whichever is the shorter time period, written procedures and guidelines to classify the status of each employee as Non-Exempt or Exempt under the rules and regulations of the Fair Labor Standards Act of 1938, as amended? Yes No

Contact information for EPL risk management services

Name: _____ Email: _____ Phone: _____ Fax: _____

This coverage part information section of the Application is deemed signed by an Executive Officer of the Applicant and dated as of the date set forth in section VI. of this Application.



EMPLOYMENT PRACTICES RISK MANAGEMENT SERVICES

E-Risk Services, LLC is proud and excited to now offer a state-of-the-art **EPL Risk Management service** that provides Insureds the ability to ask specific human resource and employment law questions directly to employment **law attorneys**, access to an **Online Resource Portal** and more.

Below please find information on the *E-Risk EPL HELPLINE* or go to

www.eriskeplhelpline.com

Why the E-Risk EPL HELPLINE?

As employers, your organization faces changing employment laws and ongoing employee issues. You have questions about [Wage/Hour](#), [Workers' Compensation](#), [Discrimination](#), [Wrongful Termination](#), [Benefits](#), [ADA](#) and more.

E-Risk Services, LLC recognizes these challenges and provides the *E-Risk EPL HELPLINE* to deliver best practice advice and counsel on many of the human resource and employment law issues that our clients face. **Access** to employment law **attorneys** and a state-of-the-art Online Portal is available **as often as needed**.

The *E-Risk EPL HELPLINE* attorneys are from a **national law firm**. They are experts on both basic and complex human resource and employment law issues and will respond to users' inquiries no later than the end of the next business day. Their responses are documented and always kept strictly **confidential**.

What is the E-Risk EPL HELPLINE?

The *E-Risk EPL HELPLINE* is a value-add and loss reduction service package which is automatically included with all BAM® policies. The service includes the following features for each insured.

- **Employer HELPLINE**
 - Unlimited phone and email access to personalized advice & best practices counsel on over [50 different human resources and employment law issues](#) from a national law firm.
 - Real, documented, confidential answers to an insured's *specific* questions and detailed and confidential responses by the end of the next business day.
- **The E-Risk EPL HELPLINE Online Portal**
 - Daily updated Federal & State HR and employment law news and regulation changes, Regulation Comparison Charts, over 75 job descriptions, over 90 customizable model policies, forms and posters and much more...
- **Monthly HR Express Updates**
 - Users can stay current with information sent directly to an email inbox. Each HR *Express Update* includes a Question of the Month, Case Digest of the Month and periodic HR Alerts.

What Can Users Ask?

HELPLINE responds to over [50 different](#) human resource and employment law issues. Listed below are some examples of questions asked.

Note: These services are utilized by organizations of all sizes and in all states... small, large or anywhere in between, employers see the value of HELPLINE. All employers have questions and we provide the answers.

1. What are the major laws and restrictions that limit your right to fire?
2. Do I have to pay overtime?
3. Does my organization have to comply with the Family & Medical Leave Act (FMLA)?
4. How do you confront a troubled employee?
5. Do you have to pay an exempt employee for sick days?

50 Different HR Issues

Affirmative Action Plans	Payroll
Age Discrimination (ADEA)	Performance Management
Americans with Disabilities Act (ADA)	Personnel Files (Content & Handling)
Background and Employment Screening	Physical Appearance Issues
Benefit Continuation (COBRA)	Policies & Procedures
Compensation	Pregnancy
Disability Claims and Issues	Privacy (General and HIPAA Issues)
Discrimination	Progressive Discipline
Drug Testing	Racial Issues
Employee Benefits	Recognition Programs
Employee Handbooks	Regulatory Compliance (State & Federal)
Employee Turnover	Religious Issues
Exempt/Non-Exempt	Retaliation
Facility Closure	Safety Procedures & Practices
Family and Medical Leave Laws (FMLA)	Sexual Harassment
Fraud/Theft/Shrinkage	Sexual Preference & Orientation Issues
Gender Issues	Termination & Discharge
General Harassment	Training
Hiring Practices	Unemployment Compensation
Immigration Laws and Issues	Union Relations - General Inquiries
Interviewing	Wage/Hour (Federal)-Fair Labor Standards Act (FLSA)
Layoffs	Wage/Hour (State)
Management & Employee Development	Workers Compensation
Marital Status	Workplace Violence
Military Leave (USERRA)	
National Origin and Language Issues	

Who Uses the HELPLINE?

Insureds who use the HELPLINE range in size from small organizations with under 10 employees to medium-sized organizations with human resource departments all the way to large organizations with in-house legal resources and many employees. Access to the attorneys for initial guidance or second opinions is always unlimited and included in the ***E-Risk EPL HELPLINE***.

Primary employer questions are typically "crisis" situations requiring immediate attention. The HELPLINE attorneys will provide documented advice **no later than the end of the next business day** to support insureds in these situations. Beyond these types of issues, we encourage users to be proactive and ask questions before problems arise. By using the HELPLINE for advice and counsel, insureds can **save thousands of dollars** in legal fees!

Large, or small, or somewhere in between, insureds can use the ***E-Risk EPL HELPLINE*** as often as they have questions.

Why small organizations?

- Small employers typically don't have HR expertise on staff and need somewhere to turn for initial guidance

What about a mid-size organization?

- Busy HR professionals use HELPLINE to save time and get a legal (second) opinion

Large organizations, too?

- Yes! HELPLINE's attorneys are specialized in the field of Employment & Labor Law so even when an organization has HR expertise and their own General Counsel on staff the ***E-Risk EPL HELPLINE*** allows for time savings and gives second opinions in this specific area of law.

Find out more at www.eriskeplhelpline.com

Please make sure to include your contact information in the Employment Practices Coverage Section Information section of the BAM Application so our representatives can reach out to you and you can benefit from our state-of-the-art EPL Risk Management Services.