

Current Topic: Employment Practices Liability Insurance

In the time of COVID-19, employers in Maine and across the country have had to make numerous and significant decisions about how to manage their business, developing and implementing policies and procedures addressing remote work, layoffs, furloughs, pay cuts, workplace conditions, and a host of other issues.

Employment Practices Liability Insurance for employers covers employment-related liabilities other than on-the-job injuries. This can include legal fees and damages for suits such as wrongful termination, discrimination, sexual harassment and other alleged violations of employees' legal rights.

Recognizing that smaller companies now need this kind of protection, some insurers provide this coverage as an endorsement to their Business owners Policy (BOP). An endorsement changes the terms and conditions of the policy. Other companies offer EPLI as a stand-alone coverage.

The cost of EPLI coverage depends on your type of business, the number of employees you have and various risk factors such as whether your company has been sued over employment practices in the past. The policies may reimburse your company against the costs of defending a lawsuit in court and for judgments and settlements.

Your EPLI policy could cover legal costs, whether your company wins or loses the suit. Policies also typically do not pay for punitive damages or civil or criminal fines. Liabilities covered by other insurance policies such as workers compensation are excluded from EPLI policies.

The number of lawsuits filed by employees against their employers has been rising, especially during the current pandemic. While most suits are filed against large corporations, no company is immune to such lawsuits.

These are important and complicated matters. We find the best way to address them is by personal conversation. We're here to help.

Source: Insurance Information Institute

SBA Unveils PPP Loan Forgiveness Application

The instructions for the loan forgiveness portion of the Payroll Protection Loans have been released. This document (PDF) provides you with some guidance if you have been able to take advantage of the loan. Your primary resource will be the bank with which you secured your financing. We are providing this as a reference tool only. [Click for a PDF.](#)

Insurance for Aquaculture

Operations

Insurance is just one tool used to manage risk for a business. This basic guide is designed to help make you aware of the various exposures you may have and the types of insurance protection available. Identifying risk and determining methods and techniques to address that risk is the key to our relationships with our clients.

Aquaculture businesses offer a unique combination of activities and exposures which are both land and water based – and results in a unique set of risks. You should always feel free to ask questions of your insurance agent.

THERE ARE POLICIES TO PROTECT

Liability arising out of your operations or the products you sell: Commercial general liability insurance is a standard insurance policy issued to businesses to protect them against 3rd party liability claims for bodily injury and property damage arising out of premises they own, operations they conduct and products they sell.

Your property: Insurance can cover physical assets which can be classified as real property – this includes buildings and structures built on the land and business personal property (contents), which includes furnishings, fixtures and equipment and inventory in/on or adjacent to those structures.

Your equipment: Coverage known as inland marine insurance is property insurance designed to cover the things which can be moved around (mobile equipment, gear, etc.).

Shipment of your property: Transportation insurance is a policy offering coverage on the insured's property while it is in overland transit from one location to another on any necessary

mode of transport, including transport by land, air and water. Coverage applies when insurance is desired on property owned by you, whether the property is shipped in your vehicles or in public conveyances. Coverage can include spoilage arising from overturn or failure of refrigerating equipment

Shipment of your product overseas: Ocean cargo insurance is a type of insurance covering goods being shipped overseas (air or ocean), with coverage provided from the point of origin (your place) to final destination.

Piers/docks/wharves insurance: This provides property insurance for your (owned or leased by you) piers, wharves and docks, floats, platforms, gangplanks, pilings, wiring, pipes, (water lines, gas lines, electrical power, lighting fixtures and equipment permanently affixed).

Your heating-cooling-refrigerating-circulating equipment: Equipment breakdown insurance provides coverage for loss due to mechanical or electrical breakdown of equipment, Coverage applies to the cost to repair or replace the equipment and any other property damaged by equipment breakdown. (Spoilage of your product.)

Your money/your assets: Commercial crime insurance protects a business from losses arising out of business-related crime. Protection through the policy can cover cash, assets, merchandise or other property loss when someone perpetrates fraud, embezzlement, forgery, misrepresentation, robbery, theft or any other type of business-related crime on the company.

Any and all online activities: Cyber insurance is designed to cover consumers of technology services or products. More specifically, these policies are intended to cover a variety of both liability and property losses which may result when a business engages in various electronic activities, such as e-

commerce, collecting confidential data (customers & employees) within an internal electronic network and the myriad of banking activities. An increasing exposure is created by connection to the grid for utility services and the operation of manufacturing equipment with Internet or cloud-based systems.

Damage to your vessel(s) including barges and floating work platforms: Commercial hull insurance provides coverage for physical loss or damage to a vessel's hull and machinery (for those listed on your policy). Trailers can be included on a hull policy as can coverage for simple pollution cleanup.

Liability arising out of your ownership and operation of vessel(s): Protection & Indemnity provides coverage for a vessel owner's or operator's liabilities arising out of the operation of vessels listed on your policy such as damage to third party property, third party bodily injury or injury/death to a crew member.

Clean up and expenses arising out of a pollution event: This is a type of coverage created specifically to manage the costs associated with pollution clean-up (from a vessel) as defined in the Oil Pollution Act of 1990 and or state and local regulations.

Vehicles and trailers you own or lease: A commercial auto policy includes auto liability (injury or property damage to a 3rd party) and auto physical damage coverages (comprehensive & collision) as well as medical payments for passengers within your vehicle (excluding employees).

Injury to your employees: Coverage for injury to an employee may be provided by either your state act workers compensation or the Jones Act. Understanding which applies to your employees is essential to managing this risk.

Employment practices liability: This type of liability insurance covers wrongful acts arising from the employment process. The most frequent types of claims covered under such policies include: wrongful termination, discrimination, sexual harassment and retaliation.

You may want or need a number of insurance policies (including those listed above or others), depending on your operations, activities and your appetite for risk.

Your insurance policies may all come from the same company or they may come from several different companies. As an independent insurance agent, we can help you identify risk, formulate solutions to address those risks and develop insurance coverage appropriate and specific to your business.

Information provided by:

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Post-coronavirus Workplace Preparedness Checklist

By taking workplace preparedness steps such as updating office layouts, encouraging new behaviors and evaluating existing policies, employers can help prevent the spread of COVID-19 and protect the health and safety of employees. To get started, employers can review topics on this checklist. [Click for PDF.](#)

Tips for Avoiding Common Holiday Cyberscams

For many of us, the holiday season is a wonderful time of year. Unfortunately, it can be especially profitable for cybercriminals. Because of the prevalence of online shopping, we almost always see a significant increase in cyberscams during November and December. To help you avoid becoming a victim of holiday cybercrime, here are some of the top scams to watch out for—and tips for avoiding them.

Shady Shipping Notices

During the holiday season, it's very likely that you will ship at least a couple of packages directly to your loved ones or have online purchases sent to your home. This makes the shipping notice scam a popular one for cyberscrooges. Here's how it works: The scammer crafts an email, purportedly coming from UPS or FedEx, notifying you of a problem delivering your package. To resolve the issue, you need only click on a link in the email message or open an attached invoice. Of course, doing so will install malware or ransomware on your computer or device.

Don't fall for it. Be particularly wary of emails claiming to come from any courier service. If you do receive a message like the one described above—whether you believe it to be legitimate or not—go to the website of the company you may have ordered from. You should be able to track your package from the retailer's site. Use the tracking number for the courier service that the retailer provides. You can also go directly to [UPS.com](https://www.ups.com) or [FedEx.com](https://www.fedex.com) and obtain the delivery status there. Whatever you

do, don't click on any links or download any attachments in the original message.

Eye-brow-Raising Refunds

This phishing scam is designed to steal your personal and financial information. Typically, an email claiming to be from an e-commerce company like Amazon, eBay, or Overstock will say that something has gone wrong with your recent order. You will be prompted to click on a link in the message to obtain your refund. Unfortunately, if you do, you will be taken to a dummy website set up to look like a legitimate sender. There, you will be asked to fill out a form with your financial information to let the sender know where it can issue your refund.

Don't fall for it. Again, to check the status of any order you may have placed, go to the company's website directly (e.g., Amazon.com, eBay.com). If the company doesn't offer the ability to check an order's status, verify the transaction by calling the firm at a phone number that you know is legitimate.

Giveaways Galore

The gift card scam is seen year-round but more often during the holidays. These bogus offers are most commonly delivered by cybercriminals through social media, usually through a friend's hacked account or a fake company page set up to look as if it's legitimate. Appearing to originate from an entity like Best Buy, Ikea, or Whole Foods, the offer claims that the company is giving away hundreds or thousands of dollars in gift cards. But if you follow the instructions provided to obtain your gift card, you will likely be led to a phishing form that asks for your personal information.

Don't fall for it. Remember, if something seems too good to be true, it probably is! If the post appears to come from a friend, call or text him or her to ask if it's legitimate. In addition,

be wary if the “official company page” looks a little off. Check how many followers the website has. The retailer’s authentic website may have hundreds of thousands or millions of followers. Further, a huge promotion such as the one described in the offer you received would also be listed on the retailer’s website, so check there directly or call the company’s customer service number.

Website Vendors That Don’t Deliver

Many popular and novelty items may be sold out and on backorder until after the holidays. Or they may be hard to find from mainstream merchants altogether. So it’s not uncommon for consumers to search online for a less well-known vendor that may have the items. But beware! Another favorite holiday scam is staged through sketchy websites claiming to have hard-to-find items in stock. These sites trick you into paying for the items with no intention of delivering them. Often, these entities are based overseas.

Don’t fall for it. Search the Better Business Bureau website for customer reviews and the accreditations of merchants that are unfamiliar to you. In addition, because not all businesses are listed with the BBB, you might want to hunt elsewhere on the web for reviews posted by other consumers. If you can’t find much information on the vendor, stay away!

Still nervous? Below are additional tips to protect yourself from holiday scams:

- If possible, use credit cards for online transactions. If you fall for one of these scams and unknowingly hand over your debit card information, it’s easy for the cybercriminal to drain your bank account quickly. Purchases made with credit cards typically offer more consumer protections.
- If you’re uncertain about the legitimacy of a website, check

its safety rating on Scamadviser.com or URLVoid.com.

- If searching for an item on a lesser-known merchant's website, check for spelling and grammatical errors. If found, these mistakes are a red flag that the site is most likely based overseas—indicating a possible scam.
- Avoid online shopping or conducting any financial transactions over an unsecure Wi-Fi network.

'Tis the Season

With all the merriment and shopping during the holidays, the risk of inadvertently exposing your credit card or bank account details is very real. It's important to take a step back and pay attention to the emails you're receiving and the websites you're using. By following the suggestions discussed here, you can help protect yourself against cyberscams so you can fully enjoy the holiday season.

Accepting Internship Applications for Summer 2020

3/26/2020: We are pausing the application process for this program.

Allen Insurance and Financial is accepting applications for its 2020 summer internship program, which offers a 12-week immersion into the company's three insurance divisions (personal, business and health) and its financial planning/investment management group.

Applications from college juniors and seniors will receive

priority review; all applicants will be considered. This is a paid position, based in Camden.

To receive a copy of the job description and start the application process, please email Jill Lang at jlang@allenif.com. Deadline for applications will be set in early 2020. Interns should expect to start work in late May or early June 2020 and work through mid- to late August.

A Best Place to Work in Maine in 2019

Allen Insurance and Financial was recently named as one of the 2019 Best Places to Work in Maine. The awards program was created in 2006 and is a project of the Society for Human Resource Management – Maine State Council and Best Companies Group. Partners endorsing the program include: Mainebiz, the Maine State Chamber of Commerce and Maine HR Convention.

Allen Insurance and Financial has been a Best Place to Work in Maine every year since 2012.

This statewide survey and awards program was designed to identify, recognize and honor the best places of employment in Maine, benefiting the state's economy, its workforce and businesses. The 2019 Best Places to Work in Maine list is made up of 100 companies in three size categories: small (15-49 U.S. employees), medium (50-249 U.S. employees) and large (250+ U.S. employees).

To be considered for participation, companies had to fulfill the

following eligibility requirements:

- Have at least 15 employees working in Maine;
- Be a for-profit or not-for-profit business or government entity;
- Be a publicly or privately held business;
- Have a facility in the state of Maine; and
- Must be in business a minimum of 1 year.

Companies from across the state entered the two-part process to determine the Best Places to Work in Maine. The first part



**Best Places to
Work in ME**

consisted of evaluating each nominated company's workplace policies, practices, and demographics. This part of the

process was worth approximately 25% of the total evaluation. The second part consisted of an employee survey to measure the employee experience. This part of the process was worth approximately 75% of the total evaluation. The combined scores determined the top companies and the final rankings. Best Companies Group managed the overall registration and survey process in Maine and also analyzed the data and used their expertise to determine the final rankings.

Protecting Your Family and Home from Wood-Burning Stove

Fires

Be smart and stay safe.



We urge you to use and maintain your stove, fireplace and chimney properly.

[Learn more.](#)

Maine Workers Compensation Board Defines ‘Independent Contractor’

There are some new rules in Maine around Workers Compensation Insurance and Independent Contractors. The Maine Workers Compensation Board has issued a newsletter with some important information.

Independent contractors are workers who perform services for remuneration under a verbal or written contract, but who are not under the essential control or superintendence of another person, both under the person's contract of service and in fact. The worker must also meet specific criteria.

In order for a person to be an independent contractor they must meet the test in §102(13-A) of the Workers' Compensation Act. An independent contractor is not required to have workers' compensation insurance; however an independent contractor is required to have workers' compensation insurance for any employees hired by the independent contractor.

[Newsletter from Maine Workers Compensation Board](#) – June 2019

Meet Our Summer Interns



From left: Jack Gallagher
and Daulton Wickenden

Allen Insurance and Financial is hosting two summer interns in 2019. Both are graduates of Camden Hills Regional High School and attend colleges in Maine.

Jack Gallagher of Camden is a graduate of Thomas College in Waterville and will be working in both the insurance and financial divisions at Allen Insurance and Financial before returning to Thomas this fall to study for his MBA.

Daulton Wickenden of Rockport, who will be a fall 2019 graduate of Husson University, is focused more exclusively in the company's personal insurance division.

"These internships will provide a complete immersion into the nature of our work at Allen Insurance and Financial," said company president Mike Pierce. "Jack and Daulton will have the opportunity to put their academic experience to work to complete a variety of business assignments. We look forward to working with them this summer."