

**Houston Casualty Company, or  
U.S. Specialty Insurance Company**

**Employment-Related Practices Liability  
Insurance Program Application  
Claims-Made Coverage**

**NOTICE: THIS INSURANCE PROVIDES THAT THE LIMIT OF LIABILITY AVAILABLE TO PAY JUDGMENTS OR SETTLEMENTS SHALL BE REDUCED BY DEFENSE COSTS, CHARGES AND EXPENSES. FURTHER NOTE THAT SUCH DEFENSE COSTS, CHARGES AND EXPENSES SHALL BE APPLIED AGAINST THE APPLICABLE DEDUCTIBLE(S)/RETENTION(S).**

**INSTRUCTIONS:**

1. Answer all questions and attach all additional information as required.
2. If a question is not applicable, indicate N/A.
3. If a question requires a comment or explanation, indicate it on the application in the space provided or in Section XII, REMARKS of this Application.
4. This application must be dated and signed by one of the organization's principals, partners or officers. **IT IS IMPORTANT THAT THIS INDIVIDUAL READ SECTION X. IMPORTANT NOTICES AND SECTION XI. APPLICANT'S REPRESENTATIONS AND SIGNATURE OF THIS APPLICATION CAREFULLY.**

**NOTE:** The special meaning of words and phrases that appear in quotation marks (" ") are defined in Section XIII. DEFINITIONS of this Application.

**Section I. GENERAL INFORMATION**

1. Name of Applicant: \_\_\_\_\_  
\_\_\_\_\_
2. Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Contact Person: (Name) \_\_\_\_\_ (Title) \_\_\_\_\_  
(Telephone) \_\_\_\_\_ (Fax) \_\_\_\_\_  
Email address: \_\_\_\_\_ Website: \_\_\_\_\_
4. Form of organization:        \_\_\_ Corporation \_\_\_ Partnership  
      \_\_\_ Individual Proprietor        \_\_\_ Joint Venture        \_\_\_ Public Entity  
      \_\_\_ Non-Profit Organization        \_\_\_ Other (specify) \_\_\_\_\_
- 4A. Is your organization a franchise? \_\_\_ Yes \_\_\_ No  
      If yes, please indicate which franchiser: \_\_\_\_\_
5. Indicate Primary SIC Code: \_\_\_\_\_

EP 0020 (02/02)

6. Nature of Business: \_\_\_\_\_

7. How long has your organization been in business? \_\_\_\_\_ years.

8. Indicate your organization's annual receipts and payroll for the following financial years:

|                             | <b>Receipts</b> | <b>Payroll</b> |
|-----------------------------|-----------------|----------------|
| (1) Last Financial Year-    | \$ _____        | \$ _____       |
| (2) Current Financial Year- | \$ _____        | \$ _____       |
| (3) Next Financial Year-    | \$ _____        | \$ _____       |

**Section II. COVERAGE REQUESTED**

1. Indicate the lowest and highest limits of liability you would like quoted.

\_\_\_ \$250,000 \_\_\_ \$500,000 \_\_\_ \$1,000,000 \_\_\_ \$2,000,000 \_\_\_ \$3,000,000

2. Indicate the lowest and highest deductibles you would consider.

\_\_\_ \$2500 \_\_\_ \$5,000 \_\_\_ \$7,500 \_\_\_ \$10,000 \_\_\_ \$15,000 \_\_\_ \$20,000 \_\_\_ \$25,000 \_\_\_ \$50,000

3. What date would you like this insurance to be effective? \_\_\_\_\_

**Section III. PRIOR EMPLOYMENT-RELATED PRACTICES LIABILITY INSURANCE COVERAGE**

1. A. Do you currently have an Employment- Related Practices or Employment Practices Liability Insurance Policy or Coverage in force? \_\_\_\_\_ Yes \_\_\_\_\_ No

B. If Yes, indicate the insurer: \_\_\_\_\_,  
the expiration date: \_\_\_\_\_, and limits \$ \_\_\_\_\_

2. Has an insurer ever canceled or non-renewed this type of insurance? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If Yes, explain in the Remarks Section. (Question not applicable to Missouri applicants).

**Section IV. LOSS HISTORY**

1. **Complete a SUPPLEMENTAL CLAIM FORM for each employment practice claim (i.e., wrongful termination, discrimination, sexual harassment, etc. lawsuit or "incident") you have had in the past three (3) years, and attach it to this application.** If you have had no claims of this type in the past three years, indicate none. \_\_\_\_\_ None, or if you have had claims indicate the number \_\_\_\_\_

2. Other Pending "incidents"  
Is any "management or supervisors" aware of any other pending "incidents" during the past two (2) years, which may result in claims being made against you? \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, provide details in the Remarks Section.

3. Has your organization been involved in any grievance or other administrative hearing before or under any of the following agencies or legislative acts? Explain any Yes answer in the Remarks Section.

|   | Yes | No |   | Yes | No |
|---|-----|----|---|-----|----|
| National Labor Relations Board            |     |    | Civil Rights Act of 1991  |     |    |
| Equal Employment Opportunity Commission   |     |    | Age Discrimination In Employment Act  |     |    |
| Federal Labor Standards Act               |     |    | Americans With Disabilities Act   |     |    |
| Fair Labor Standards Enforcement Act      |     |    | U.S. Department of Labor  |     |    |
| Title VII of the Civil Rights Act of 1994 |     |    | Any state or governmental agency (i.e., Labor Department or Fair Employment Agency) |     |    |

**Section V. CORPORATE HISTORY/PLANS**

(Provide details in the Remarks Section for any Yes answers.)

- A. Has your organization acquired any other organizations within the past two (2) years? \_\_\_Yes \_\_\_No

If Yes, were any of the "employees" or "officers" of the acquired organization terminated? \_\_\_Yes \_\_\_No

- B. If Yes, do you plan in the next eighteen (18) months to terminate any of the "employees" or "officers" of the acquired organization? \_\_\_Yes \_\_\_No

- C. Does your organization anticipate any of the following in the next twelve (12) months?

Selling, closing, consolidation, or spinning-off any plants, offices, subsidiaries, or divisions? \_\_\_Yes \_\_\_No

Downsizing, rightsizing, layoffs, or any other reduction in number of "employees"? \_\_\_Yes \_\_\_No

Acquiring or merging with any other organization? \_\_\_Yes \_\_\_No

Creation of any new business, subsidiary, division, or location? \_\_\_Yes \_\_\_No

Increase in the number of "employees" by more than 20%? \_\_\_Yes \_\_\_No

**Section VI. EMPLOYEES**

1. Indicate the total number of workers currently on your payroll below (all employees who will receive a W-2 form should be included). **Do not include "leased workers".**

| Type of Individual   | No. |
|--|-----|
| Full-time, regular and temporary workers working a standard workweek |     |
| Part-time, regular and temporary workers working a standard workweek |     |
| "Interns"  |     |
| "Seasonal Employees"   |     |
| "Volunteers"   |     |
| <b>Total</b>   |     |

Of the total number of workers, indicate the number who are union members \_\_\_\_\_

Please provide a breakdown by state or foreign country of the number of workers for each category.

| State/Foreign Country | Full-time | Part-time | Interns | Seasonal | Volunteers |
|-----------------------|-----------|-----------|---------|----------|------------|
|                       |           |           |         |          |            |
|                       |           |           |         |          |            |
|                       |           |           |         |          |            |
|                       |           |           |         |          |            |

2. A. Does your organization use "leased workers"  Yes  No  
 B. Does your organization use independent contractors  Yes  No  
 C. If yes, would you like to cover them under this policy?  Yes  No  
 If yes, indicate the total number of "leased workers" to be covered \_\_\_\_\_  
 If yes, indicate the total number of independent contractors to be covered \_\_\_\_\_  
 (Please attach a copy of your employee leasing agreement and or independent contractor agreement)

(Do not include "leased workers" or independent contractors in any categories listed above)

3. Of the total number of "employees" indicated in 1 above, indicate how many are in each of the following categories.
- A. Salary and bonus less than \$50,000 \_\_\_\_\_  
 B. Salary and bonus between \$50,000 and \$100,000 \_\_\_\_\_  
 C. Salary and bonus between \$100,000 and \$250,000 \_\_\_\_\_  
 D. Salary and bonus in excess of \$250,000 \_\_\_\_\_

4. What is your organization's annual employee turnover for each of the last three (3) years:

| Years   | 19____ | 19____ | 19____ |
|---|--------|--------|--------|
| <b>*Number of "Employees"</b>                 |        |        |        |
| <b>Involuntary Termination</b>                |        |        |        |
| <b>Voluntary Termination (non-retirement)</b> |        |        |        |
| <b>Retired</b>                                |        |        |        |

\* Highest Number of "Employees" employed at any one time during the year.

5. Are there any written employment agreements with:
- A. Non-Officer Employees  Yes  No  
 B. Officers/Partners  Yes  No

## Section VII. HUMAN RESOURCES AND CORPORATE POLICY

1. A. Do you publish an employment handbook?  Yes  No  
 If Yes, please attach a copy, and answer the following:
- B. Do you distribute it to all "employees"?  Yes  No  
 C. Does it contain an "at will " statement?  Yes  No  
 D. Do you obtain a signed acknowledgment from your "employees" that they have received it?  Yes  No  
 E. When was it last updated? \_\_\_\_\_
2. Have you adopted and implemented anti-sexual harassment policies and written procedures?  Yes  No

3. Do you have any written "employee" grievance or complaint procedures?  
If yes, please attach a copy. \_\_\_Yes \_\_\_No
4. Do you have an EEOC Statement or have you adopted anti-discrimination policies and developed written procedures for the selection of "employees" for hiring, promotion, transfer, layoff, salary increases, work assignments and other employment related practices? \_\_\_Yes \_\_\_No
5. A. Do your managers and supervisors attend training, education programs or seminars on employer-employee relations and conflict resolution? \_\_\_Yes \_\_\_No
- B. If Yes, was such training conducted during the last year? \_\_\_Yes \_\_\_No
6. Does your organization have a formal Human Resources/Personnel Department? \_\_\_Yes \_\_\_No
- If Yes, how many employees are in this department? \_\_\_\_\_
- If No, explain in the Remarks Section who handles this function and their title:  
Name: \_\_\_\_\_ Title: \_\_\_\_\_
7. Who of the following must review terminations **prior** to any action being taken? Check all that apply.
- \_\_\_ owners/upper management/managing partners  
 \_\_\_ HR manager or person in charge of HR  
 \_\_\_ Outside legal counsel experienced in employment law  
 \_\_\_ In-house counsel  
 \_\_\_ Other – please explain \_\_\_\_\_
8. Does your organization have in-house counsel that consults in employment related matters? \_\_\_Yes \_\_\_No
9. A. Does your organization have a labor law firm with which you regularly work? \_\_\_Yes \_\_\_No  
If Yes, what is the name of the firm? \_\_\_\_\_
- B. Does this firm periodically review your employment policies and procedures? \_\_\_Yes \_\_\_No
10. Do you use an employment application for all job applicants? \_\_\_Yes \_\_\_No
- A. If Yes, please attach a copy. If No, explain in the Remarks Section how this is handled.
- B. If Yes, does it contain an "at will" statement? \_\_\_Yes \_\_\_No
11. Do you provide a formal training program for all new "employees"? \_\_\_Yes \_\_\_No
12. A. Do you provide all "employees" with regular, written performance evaluations? \_\_\_Yes \_\_\_No
- B. If Yes, are they evaluated at least annually? \_\_\_Yes \_\_\_No

13. A. Do you provide periodic education on illegal discrimination and harassment to your "employees"? \_\_\_Yes \_\_\_No
- B. If Yes, is it provided at least annually? \_\_\_Yes \_\_\_No
14. Do you have written job descriptions for each position? \_\_\_Yes \_\_\_No
15. Do you have any written arbitration procedures? \_\_\_Yes \_\_\_No  
If Yes, describe in Remarks.

**Section VIII. CHECKLIST**

Have you included the following items with this application:

1. Employee Leasing Agreement (If you answered Yes to Question VI.2.B) \_\_\_Yes \_\_\_No
2. Employment Handbook? (If you answered Yes, to Question VII.1.A.) \_\_\_Yes \_\_\_No
3. Written Complaint Procedure? (If you answered Yes, to Question VII.3.) \_\_\_Yes \_\_\_No
4. Employee Application? (If you answered Yes, to Question VII.9.A.) \_\_\_Yes \_\_\_No
5. Please provide EEO-1 Report for the last calendar year (if applicable)? \_\_\_Yes \_\_\_No
6. Please provide latest 10K Report and Annual Report (if applicable)? \_\_\_Yes \_\_\_No

**Section IX. IMPORTANT NOTICES**

1. If the inception date of the policy period is more than thirty (30) days after the date of this application, a signed declaration that statements and information provided in this application have not changed or a new signed and dated application will be required.
2. If you are signing this application in one of the states indicated below note the following.

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 policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder 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."

NOTICE TO KENTUCKY APPLICANTS: "Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance 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."

NOTICE TO NEW JERSEY APPLICANTS: "Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties."

NOTICE TO NEW YORK APPLICANTS: "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 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 a civil penalty not to exceed \$5,000 and the stated value of the claim for each such violations."

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

NOTICE TO OKLAHOMA APPLICANTS: "WARNING: 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 PENNSYLVANIA APPLICANTS: "Any person 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."

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

**Section X. APPLICANT'S REPRESENTATIONS AND SIGNATURE**

- A. The Applicant represents to the best of its knowledge and belief that the statements set forth herein are true and complete.
- B. The Applicant further represents that if the information supplied on this application changes between the date of the Application and the inception date of the policy period, the Applicant will immediately notify the Insurer of such change, and the Insurer may modify or withdraw any outstanding quotation.
- C. Signing of this Application does not bind the Insurer to offer nor the Applicant to accept insurance, but it is agreed that this Application shall be the basis of the insurance and will be attached to and made part of the policy should a policy be issued.

|   |             |
|---|-------------|
| <b>Applicant's Authorized Signature of a Principal, Partner or Officer.</b> |             |
| Printed Name:_____  | Title:_____ |
| Signature:_____   | Date:_____  |

**THIS APPLICATION MUST BE SUBMITTED TO:**

**NOTE: Pages 8 and 9 follow which include space for remarks concerning your answers and definitions that apply to this application.**



The words and phrases in this Application that appear in quotation marks (“ ”) have special meaning and are defined below.

1. “At will” defined as an explicit statement of the employer-employee relationship in that either party may terminate the relationship at any time for any reason and without notice.
2. “Employee(s)” are defined as all individuals currently on your payroll or who you anticipate will be on your payroll during the year who will receive a W-2 form from you, including:
  - a. “Part-time employees”
  - b. “Seasonal employees”
  - c. Temporary “employees”
  - d. “Interns”
3. “Incident” means any complaints, suits or other actions by any employee(s), or former employee(s), against your organization where:
  - a. A third party (such as a government agency, lawyer, union, etc.) was involved, and/or
  - b. A termination settlement was non-standard and extra compensation or benefits were paid. (i.e., The “ employee” or former “employee” wants financial compensation, and/or a change in work status from you for alleged injuries or damages relating to his/her employment, work environment, or termination. This includes all incidents relating to such actions regardless of the merits, findings, or payments.)
4. “Interns” are defined a person who is an advanced student or recent graduate in a professional field who provides services to you or is receiving practical experience from you without any express or implied promise of remuneration.
5. “Leased Workers” are defined as individuals leased to you by a labor-leasing firm under an agreement between you and the labor-leasing firm, to perform duties related to the conduct of your business. Leased worker does not include a temporary employee.
6. “Management and Supervisors” means a director, owner, partner, principal, officer, in-house attorney, or shareholder of the insured, the personnel or human resources director, risk management personnel or any other “employee” of the insured having management-level responsibility for personnel matters (i.e., ability to hire, terminate, demote or prepare a written evaluation of employees).
7. “Part Time Employees” are defined as “employees” who work less than 20 hours per week.
8. “Salary and bonus” is defined as including all remuneration to an “employee” including:
  - a. Wages or salaries;
  - b. Commissions and draws against commissions;
  - c. Bonuses including stock bonus plans;
  - d. Extra pay for overtime work;
  - e. Pay for holidays, vacations, or periods of sickness.
9. “Seasonal Employees” are defined as “employees” who work less than 1,000 hours per year.
10. “Volunteer” is defined as a person who provides services to you without any express or implied promise of remuneration.