

Save the Date at the AAHA Yearly Conference! Friday, March 21, 2014, 8:00 a.m. to 9:40 a.m.

The EEOC is after me? An employee sued the practice? "That Would Never Happen to Me" and Other Employment Practices Liability Myths and Realities

In today's litigious society, all employers are susceptible to employment-related claims. On March 21 at the Yearly Conference in Nashville, Laura Lapidus, Esq., CNA Risk Control Consulting Director, will discuss today's current issues and trends regarding employment practices liability exposures—such as hiring practices and background checks, and the involvement of social media in the workplace. Topics will also include an overview of current trends in law, litigation, and the enforcement activity of agencies like the Equal Employment Opportunity Commission. You'll walk away with practical information and tips you can implement immediately to minimize your employment practices liability risks. Visit www.aahanet.org/AahaNashville2014 to register.

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Can You Fire an Employee for a Facebook Post?

Did you miss our webinar earlier this summer? Visit www.aahainsurance.org for the full recording and presentation slides. This webinar provides practice managers and owners with an understanding of the National Labor Relations Act (NLRA) and who it applies to and what kind of activity is protected—including examples of employers that have violated the NLRA due to disciplining and/or terminating employees for social media activity.



An employee tells you that a medical condition is interfering with his or her job duties.

Do you know what to do? Do you understand your obligations under the disabilities laws?

Information provided by C.N.A

The federal Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, as amended by the ADA Amendment Act (ADAAA), Pub. L. No. 110-325, 122 Stat. 3553 (2008) requires employers to provide reasonable accommodations to “qualified individuals” with disabilities. Under the ADA, a qualified individual with a disability is an individual who satisfies the employer’s requirements for the job and can perform the essential functions of the job, with or without reasonable accommodation. The primary purpose of the ADAAA was to expand the definition of “disability” enabling more individuals to obtain protection under the ADA. As a result, in determining whether an employer has complied with the ADA, the focus has shifted from whether or not an individual is disabled under the law to whether or not the employer has engaged in an “interactive process” to determine what, if any, accommodation should be provided, and whether or not the employee’s disability can be reasonably accommodated without undue hardship to the employer.

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Going to Nashville?

If you're planning to attend the Yearly Conference in March, stop at booth 1005 to chat with representatives from the AAHA Business Insurance Program.

Also pick-up free safety posters and enter our raffle.

Did you know that changes have been implemented to the National Flood Insurance Program?

Visit www.fema.gov/flood-insurance-reform-act-2012 to learn how the recent reform act affects you. And, make sure your practice is protected with a commercial flood policy. The National Flood Insurance Program (NFIP) has reported that from 2008 to 2012, the average commercial flood claim was more than \$75,000. Consider that at least 25 percent of businesses that close after events like a flood, never reopen.

Imagine that your practice sustained flood damage... One of your first tasks is to find a debris removal service... Then you need to replace your biologicals, your medical equipment, your flooring... Thousands and thousands of dollars in expenses... Without a flood insurance policy, all of your expenses are going to be out-of-pocket. Make sure you review your need for flood coverage. Anywhere it rains, there is a potential for flood damage. Call the AAHA Business Insurance Program today at **866-380-AAHA (2242)** for more information or a quotation. Also visit the NFIP website at www.floodsmart.gov for more information on commercial flood coverage.





Hail and wind damage are top causes of loss for large property losses in the AAHA Business Insurance Program

As part of a package policy (business owner's package), property insurance provides coverage for damage to your building and outdoor signs, inventory, computers, and much more. Three of these recently closed claims also involve two key components of property insurance—coverage for business interruption and coverage for off-premises utility service. **Business interruption protects your profit dollar** when physical damage to your property causes an interruption in operations. Off-premises utility service provides coverage when **you experience a financial loss due to damage at a location other than your own practice**, such as the utility generating station or compromised power lines. *In areas that are prone to windstorms, coverage for wind and hail damage may be limited. Check your policy forms for specific coverage information.*



Hail damaged a practice

affecting the roof, gutter, windows, multiple air conditioning units, and several soft metal roof components. The insurance carrier paid more than \$90,000 in property damages.

The practice's 20,000

square foot roof was replaced after sustaining hail and wind damage. The insurance carrier paid more than \$76,000 in property damages.

Extensive hail caused

damage to the practice's roof, and a small amount of water leaked through and stained a few ceiling tiles. The insurance carrier paid more than \$65,000 in property damages.

Hail broke through a

skylight, and the practice sustained interior water damage. The roof was

also compromised. The insurance carrier paid more than \$35,000 in property damages.

Winds from a hurricane

caused a power outage, and the practice temporarily closed. Vaccines and other refrigerated biologics were ruined. The insurance carrier paid more than \$35,000 in damages for off-premises utility service, business interruption, and property loss.

Severe winds caused a

power outage, and the practice was forced to shut-down and temporarily close for business. The outage also damaged an MRI and other medical equipment. The insurance carrier paid more than \$33,000 in damages for off-premises utility service, business interruption, and property loss.

A pipe burst inside the

practice and flooded the facility. Every room sustained water damage including the carpet, baseboards, and some drywall. The insurance carrier paid more than \$32,000 in property damages.

Hurricane winds caused

an eight-day power outage, and the practice was forced to temporarily close for business. Refrigerated biologics and inventory were ruined. The insurance carrier paid more than \$27,000 in damages for off-premises utility service, business interruption, and property loss.

An employee tells you that a medical condition is interfering with his or her job duties.

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Accommodating employees with disabilities may at first appear to be a daunting task, but there are many resources available to assist an employer. The Job Accommodation Network ("JAN"), a confidential service offered by the Office of Disability Employment Policy of the U.S. Department of Labor, provides useful information regarding implementation of the accommodation process.

JAN's website, www.askjan.org, provides employers with a number of resources, both written and multimedia, which can be used to train managers regarding the ADA and the employer's obligation to provide reasonable accommodation. JAN has an online search system, the Searchable Online Accommodation Resource (SOAR), which you can use to research various types of disabilities and potential accommodations.

JAN also provides complimentary telephone consultations to assist employers in understanding the ADA and the accommodation process.

Bookmark www.askjan.org on your computer for useful information and confidential services about workplace accommodations and ADA compliance.

Job Accommodation Network (JAN) Resources:

Contact via telephone, live online chat, email or social media
www.askjan.org/links/contact.htm

SOAR database
www.askjan.org/soar/index.htm

Training, webcasts and podcasts
www.askjan.org/training/index.htm

Online training regarding the interactive process
www.webcast.askjan.org/process

Written handout regarding the interactive process
www.askjan.org/media/eaps/interactiveprocessEAP.doc

Accommodation and Compliance Series: The ADA Amendments Act of 2008
www.askjan.org/bulletins/adaaa1.htm#resources



AAHA Business Insurance Program

Call 866-380-AAHA (2242) today for a coverage evaluation.

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**This newsletter contains only a general description of coverages and does not include all the benefits and limitations found in the policies. Coverages may vary. All references to coverage are subject to the policy's conditions and exclusions. The insurance policy and not this newsletter will form the contract between the insured and the insurance company. Loss control content is provided for information purposes only. It is not intended to be a substitute for individual legal counsel or advice on issues discussed in this newsletter. For resolution of a specific legal issue or business concern, consult your attorney.*