

Risk Management Program FAQ's

Question 1: What risk management program is offered by Euclid Exec?

Answer: To assist companies insured by Euclid Exec and to reduce the risk of employment claims by employees, Euclid Exec has developed a valuable and cost-free risk management program in conjunction with Jackson Lewis P.C., a national law firm with 55 offices and over 780 attorneys across the U.S.

For over 50 years, Jackson Lewis has assisted employers in developing preventive programs and defending workplace legal claims. Jackson Lewis represents employers in all aspects of workplace law, including employment litigation, disability and leave management, reductions in force, affirmative action, benefits, immigration, wage-hour, trade secrets and restrictive covenants, drug testing and labor relations. For more information, visit www.jacksonlewis.com.

In addition, Jackson Lewis offers a telephone helpline for companies insured by Euclid Exec for questions about workplace concerns. To contact the Helpline, call 1-866-758-6874.

Question 2: When I use the Helpline, how should I identify myself?

Answer: To verify that callers are insured through the Euclid Exec program, the caller must identify themselves as an insured through Euclid Exec and provide his or her name, the name of the insured company, the policy number, and the caller's e-mail address, mailing address and telephone number. A Jackson Lewis attorney for the applicable jurisdiction will then be in touch with the caller to discuss the issue posed.

Question 3: After I call the Helpline, when can I expect to receive a response?

Answer: Calls are usually responded to the same day, and almost always within 24 hours. While there may be slight delays due to a particular attorney's trial or travel schedule or other commitments, Jackson Lewis' long-standing policy is to return calls on the day they are received or within 24 hours of receipt of that call.

Question 4: If there is any problem or delay in receiving a Helpline call, what should I do?

Answer: Please contact Theresa M. Marchlewski should you have any questions or concerns about the Helpline. You can reach Ms. Marchlewski at 213-630-8248 or at marchlet@jacksonlewis.com.

Question 5: What questions are appropriately presented through the Helpline (and which are not)?

Answer: The Helpline offers general information on a broad range of subjects. For example, you can ask about factors for consideration when evaluating possible claims relating to denial of promotion. However, you cannot use the Helpline to determine whether it would be discriminatory for a particular individual to be denied a promotion. Similarly, the Helpline can be used to provide information about when the law requires that a medical or *Family Medical Leave Act* (FMLA)-covered leave be granted and factors to consider when evaluating reinstatement, but the Helpline cannot be used to determine whether a particular individual must be reinstated after a medical or family medical leave. Simply stated, the Helpline is for general legal overview information. Detailed case-specific information is outside the purview of the helpline.

Question 6: Can the Helpline be used to inquire about sexual or other forms of harassment?

Answer: Yes. The Helpline can address issues that the Equal Employment Opportunity Commission and courts generally consider to be harassment. You can also inquire about the appropriate steps to take when investigating reports of harassment, including suggestions for witness interviews; documentation of a complaint and witness interviews; development of a sexual harassment policy; and other preventive actions. The Helpline is not the appropriate vehicle for determining what to do after the investigation is conducted. Consideration of adverse personnel actions should be addressed with counsel.

Risk Management Program FAQ's

Question 7: Can the Helpline be used to discuss what the company believes are acts of insubordination and refusal to comply with a supervisor's instructions?

Answer: Yes. An overview of your company's rights can be obtained as it relates to the types of actions the company could consider when an individual fails to, or refuses to, perform his or her job duties. However, as noted above, the Helpline cannot determine whether an individual should be discharged because he or she did not perform a specific task.

Question 8: How long can I speak to the attorney during a Helpline call?

Answer: Most Helpline calls last about 10 to 15 minutes. You can call as often as you wish, but the Helpline does not replace the need for counsel. Only your counsel will have access to personnel policies, personnel files, past practice information and similar information needed to make recommendations about what should be done. The Helpline is an excellent place to initiate a risk management decision or program. It is not intended to replace the relationship your company should develop with experienced employment counsel.

Question 9: Can wage hour issues be discussed during a Helpline call?

Answer: The Helpline provides a limited opportunity to inquire about when wages must be paid under state law, what sort of records should be maintained and the like. The Helpline is not intended to determine whether your company is complying with wage hour laws or the manner in which any particular individual should be paid. Those issues are best left to the relationship your company has with its employment counsel.

Question 10: Can we ask questions about leave of absence and when they should be given?

Answer: Yes. Questions as to whether a particular individual is entitled to leave, or to be reinstated after a leave, are matters that require evaluation of an employer's past practices and its own personnel policies. Nonetheless, determination of whether the FMLA or state leave laws apply to your company and how they generally should be administered are appropriate subjects to discuss during a Helpline call. Similarly, whether employees on leave can be required to use accumulated paid time off (e.g., sick days, vacation days, personal days, etc.) also can be addressed during a Helpline call.

Question 11: Can we use the Helpline call to discuss the development of policies to preserve the at-will nature of employment?

Answer: Yes. Almost all states presume that employment is terminable on an at-will basis unless the employer has adopted personnel policies that limit the right to discharge on an at-will basis. However, whether your company has, intentionally or unintentionally, entered into an employment agreement or other limitation upon the right to discharge on an at-will basis, is beyond the scope of the Helpline. Limitations on the at-will status of employment may arise from personnel policies, handbook provisions, offer letters or other corporate actions.

Question 12: Can I use the Helpline to inquire about how benefits programs should be administered or how immigration processes operate?

Answer: No. The Helpline is for employment-related issues, not benefits, fiduciary or immigration law questions. Those questions are beyond the scope of the Helpline. However, we have negotiated discounted rates with Jackson Lewis for benefits and immigration-related representation. As a company insured by Euclid Exec, you will receive a 10% discount if you retain Jackson Lewis to address benefits or immigration issues.

Question 13: Can I use the Helpline to inquire about employment law issues relating to workers who are engaged by our company outside of the United States?

Answer: No. Jackson Lewis limits its practice to employment law solely within the United States. However, Jackson Lewis is a founding member of L&E Global, an international alliance of employment law firms and can provide an introduction to an L&E member law firm who may assist you.



Risk Management Program **FAQ's**

Question 14: Can the Helpline be used to report a discrimination claim or a lawsuit?

Answer: No. The Helpline is for general human resources and employment issues. It is not to be used to report the filing of administrative charges, arbitration demand letters, and service of lawsuits or other notices of claim to Euclid Exec. Providing such information to Jackson Lewis does not obligate the firm to provide notice in your company's behalf to Euclid Exec. It is your responsibility to notify your broker and Euclid Exec in accordance with the terms of the insurance policy. If you have any questions about how to report a claim, you should contact your broker or Euclid Exec.

Question 15: Will the questions that I ask and the answers that I receive be disclosed to Euclid Exec?

Answer: No. Each month, Euclid Exec will receive a narrative statement from Jackson Lewis to indicate, for each call, the name of the caller and the insured company, the policy number and the time spent on that call. Euclid Exec will not be advised of the nature of the discussion during that telephone call (e.g., inquiry about harassment, at-will status, wage-hour issues, etc.).

Question 16: Will my use of the Helpline result in a higher premium if I use it more than others?

Answer: No. The Helpline is intended to provide risk management services and to assist your company in avoiding claims and workplace disputes. We encourage you to use the Helpline. No company will be penalized for using the Helpline when renewal discussions take place. However, the Helpline is not a substitute for a relationship with experienced employment counsel. While you can call to obtain general information and an overview of issues to consider, you should not use the Helpline as a substitute for a relationship with counsel.