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Spring is on the Way!

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Spring is on the Way!

The holiday season is behind us, the election is over and 2020 is in the rear-view mirror! 2021 is here and hopefully the year is off to a strong and fast start for everyone. Springtime is coming soon and with the vaccinations getting out to the America people, there is hope of a return to normal, or at least close to normal!

The turning of the calendar to 2021 has brought a tremendous amount of hope to me. At the association, we hope to see all of you again soon. We hope that we can be in person for some sort of a convention. We hope that we can see our fellow insurance agency friends. We hope we can meet with all our marketing reps from our insurance companies. We hope to have some continuing education in person. While virtual meetings, phone calls and emails have provided us a good resource to continue to conduct business, the hope to return to a somewhat normal should get us excited for 2021! I hope you are as excited about that possibility as I am.

Springtime brings spring cleaning to many of us. In the office, it is a good time to go through all your old emails and clean up your computers. Old emails and unused programming on a computer can take up space and really affect the speed of your machine. We are all looking for ways of being more efficient, and these small things on a computer can help. Of course, the regular cleaning up of closets, desks and files is also something to think of in the Spring. Getting those things in order in addition to your computer can take a lot of stress away from your office and make functioning much easier. While not a lot of fun, spring cleaning is something we are used to in Minnesota!

As a sports fan, Springtime is also one of the best times of the year in sports, many of which did not happen a year ago. I am very much looking forward to the NCAA's March Madness, the Masters golf tournament, and baseballs opening days; all of which are on track in 2021! With these events slated to continue and be played, it gives us all hope that we are one step closer to normal!

Enjoy your Spring!

Your President,

Chad W. Ostermann





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COVID-19 – Are We Seeing the Light at the End of the Tunnel

2020 was a crazy year for all of us in the insurance industry in dealing with the pandemic on a business and a personal level. I remember talking to my staff in mid-January of last year discussing whether this pandemic would ever reach our shores and have the impact that it was having to the population in China. We all thought that there was no way that this type of virus could spread to the United States and impact our families and businesses. Little did we know that two months later, our lives and our businesses would be disrupted so greatly. Your association and its board of directors decided to take quick action to try to ensure that our business lives would not have a negative effect on the way we conducted business with our staff and our clients.

The MIIAB education staff jumped into action to convert all our education to webinars and worked with the department of commerce to ensure that your insurance licenses would remain intact during this crisis so that you could continue to serve your customers.

The MIIAB executive committee, legislative committee, and our lobbyist, Robyn Rowen, were constantly communicating with the department of commerce and the commerce commissioner on how the industry could remain in business serving the public. Your lobbyist, Robyn Rowen, had the background and experience that we needed during this pandemic to work with the state and federal legislators to protect our businesses. She has done an outstanding job ensuring the independent agency system did not miss a beat.

We all know MIIAB is known for its professional continuing education and our lobbying efforts. I believe the association and its leadership and staff were on point in shifting our efforts to make the necessary changes to keep our association and members in business.

We thank all our members and the insurance company partners for working together through this uncertain time and we hope that we are seeing the light at the end of the tunnel.

Finally, a bit of exciting news...we will be holding our annual MIIAB EXPO live and in-person on August 10th at Mystic Lake and we are hoping to see all of you there re-connecting!



ReWire & ReConnect

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The poster features a purple header with the text 'ReWire & ReConnect' in white. Below the header is a central image showing silhouettes of several people standing in a line, with glowing blue and white light trails connecting them, suggesting a network or digital theme. At the bottom, a black banner contains the text 'Save the Date' in a white, cursive font. Below the banner, a purple footer contains the event details: 'MIAB EXPO • 2:00-7:00p.m. • 8/10/21' and 'Mystic Lake Center' in white text.





Five Me

Sometimes work seems like, well, drudgery kind of work. What to do to find meaningful work.

Finding meaning is like building a bridge to be. You're spanning a river of meaning at work:

1. Find Your "Why"

Everyone has a "why" they work for. The excitement and anticipation of the invitation to interview and the moment that job? What was it about that job? Answering these questions and finding

Your why might be the prestige of the vision of which you wanted to be a part, care of your family or travel more

Five Ways to Find Meaning at Work

By Dr. Maria Church, CSP, CPC

...l, it's work. It's not the fun, fulfilling, or rewarding kind of work that we look forward to tackling but the life-sucking, do when work drains the soul and seems like a waste of a life? Find the meaning in the work you do and you will

a bridge from one shore to another. It is a connection of two places – where you currently are and where you want of various challenges that can impede your efforts. The following five steps will help you build the bridge to find

...k and it just gets buried in the day-to-day grind. Remember when you applied for the position in the first place? ...n you had filling out the application and sending it off with your resume? Remember the endless waiting for the nervousness you felt when you interviewed? Why were you so excited, anxious, and nervous? Why did you want ...t organization or position that excited you so? This was your why! Connecting with your why may be as simple as feeling your response.

...of the position, or the challenge of the projects. Your why might be because it is a great company with a mission or ...e a part. Or, your why could be the salary and benefits the position provided you. Your why could have been to take ...e. Whatever that is, reconnect with it. If your why has changed, then build the bridge to your new why.

2. Help Someone

If you want to find meaning, try helping someone else. Humans are helpers, it is in the DNA. Winston Churchill said, “We make a living by what we get, we make a life by what we give.” Helping others takes the focus off yourself and puts it onto another.

Not only will it help you focus on someone and something else than hating your job, it will also feel darn good while you are at it. Perhaps you could mentor someone, or give a tour to a new employee. You could volunteer for a committee and meet some new people in the organization at the same time.

3. Leverage Your Skills

When you leverage your skills with what you enjoy doing, you are bridge-building a task with meaning. For instance, you may enjoy photography, but that may not be required for your job. Chances are that someone in the organization may need some photographs taken for a project they are working on, employee badges, annual report, or many other possibilities. Let key contacts within the organization know that you have this skill and would love to help out.

You will not only get to do something you love at work, but you get the added bonus of helping as well – a win-win!

4. Take a Break

Sometimes you just need to walk away for a little while. After all, “absence makes the heart grow fonder.” Vacations are designed to give a break, refresh the mind, and replenish the soul. Take your vacations! If you need to take a day to do a mini-vacation to refresh and rejuvenate, then do so. While you are at it, take your lunch break too, and a mid-morning or mid-afternoon break to walk around outside and take in some fresh air.

Burnout happens when we don’t take those mini-breaks and longer respites from work. Oftentimes when you just keep plugging away at work, you could lose concentration and focus. This practice is extremely unproductive in the long run. You are not the Energizer Bunny! Feed your soul with a break from work.

5. Be Authentic

It is exhausting trying to be someone else – the person your boss thinks you should be, the team member your colleagues think you ought to be, or the super-worker you think you should be. Be YOU. When you live and work in a place of authenticity, you tap into your own creativity, joy, and meaning.

Remember that meaningful work is just a bridge away. You can reconnect anytime you stop, pause, and remember what brought you here in the first place.



ABOUT THE AUTHOR:

Dr. Maria Church, CSP, CPC, is a speaker, consultant, and executive coach. As CEO of Dr. Maria Church International, including Government and Corporate divisions, and Leadership Development University, she specializes in organizational culture, change agility, and leadership development with over 25 years working for Fortune 500, local government, non-profit, and academia. Her 10th Anniversary Edition of Love-Based Leadership will be released in December 2020. She may be reached at www.DrMariaChurch.com

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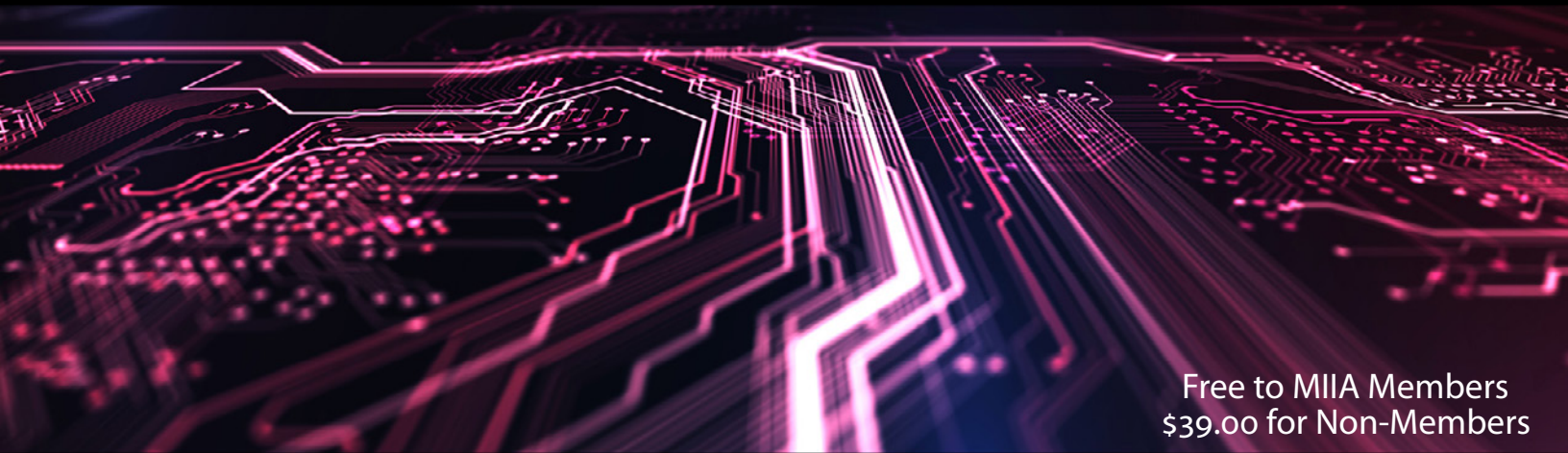
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3/10/21 NFIP-Summary of Coverage Review

Nina Do, Sr. Flood Territory Manager-Midwest, Selective Flood

The purpose of this class is to familiarize agents with the eligibility, rules and coverage of the National Flood Insurance Program (NIFP). The discussion will include a review of the need for flood insurance and the perils and property covered by the dwelling and general property flood policy forms.

NOTE: THIS IS NOT THE 3 HOUR REQUIRED COURSE TO COMPLETE IN ORDER TO SELL THE NFIP POLICIES.

[REGISTER](#)

3/24/21 The Family First Coronavirus Response Act Impact on Insurance

Jessica Richardson, Attorney, Tomsche, Sonnesyn, & Tomsche

Jessica Richardson will give detailed background on the genesis, progress, outcome and impact of Family First Coronavirus Response Act on insurance agencies and employees. She will also discuss whether the Act will be reauthorized due to continued Coronavirus outbreaks and Covid 19 concerns.

[REGISTER](#)

4/21/21 Who, What, When, Where, How and "So What?" of industry Data for Minnesota Independent Agents

Paul Buse, Consultant, Real Insurance Solutions Consulting

The 2020 MN Property-Casualty Marketplace Report highlights top lines of business, agent penetrations, loss ratios, percentage of surplus lines, and the biggest writing insurers. The goal is to provide a baseline of our state's marketplace that can be very useful in your agency for planning purposes.

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Challenges and Opportunities for Agents and Agencies as we enter into 2021

By Aaron Simon¹

As we move into 2021, insurance agents and agencies are faced with new challenges and opportunities in this new and ever changing world we live in. Over the last year I have heard from many agents that their customers, like all of us, have completely changed how they are living their lives and how they are operating their businesses. Now is the perfect time for agents to touch base with their customers and see if any changes are needed in their insurance coverage.



Some questions to go over with your agents include:

Personal Lines Changes

- Any new vehicles, boats, etc...?
- Has vehicle use changed and does this warrant a change to coverage?
- Any new purchases of cabins or secondary homes?
- Due to remote working where is insurance customer living?
- Any moves to out of state to vacation properties?
- Operating home office now and any need for additional business coverage to personal lines coverage?
- Is separate business coverage now needed because of working at home?
- Should coverage amounts be adjusted as a result of economic changes?

¹**Aaron Simon** is a litigation attorney with the law firm of **Meagher + Geer, PLLP**. He is admitted to practice law in State and Federal Court in Minnesota, Wisconsin, and North Dakota. A large focus of Mr. Simon's practice involves representing insurance agents and agencies and handling insurance coverage matters. Mr. Simon is also an approved insurance agent CE instructor and approved insurance agency risk management auditor. Mr. Simon is a member of the Minnesota State Bar Association, the Hennepin County Bar Association, the Wisconsin State Bar Association, the Minnesota Defense Lawyers Association, the Defense Research Institute, the Professional Liability Defense Federation, and the Professional Liability Underwriting Society. To learn more about Aaron, go to: <https://www.meagher.com/our-people/aaron-m-simon/>

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Commercial Line Changes

- Employee changes?
- Commercial vehicle changes?
- Shift from employee to independent contractor status and coverage implications to this?
- Are physical workplaces being staffed and if not should coverage changes be made?
- Commercial Property changes in general?

Suggestions

As always run through your checklists with your customers and adapt these checklists for the post-COVID-19 world.

Keep up to date and informed on your insurance customers' changing circumstances and offer to provide or adjust coverage for those changing circumstances.

In addition to representing professionals in litigation matters, Mr. Simon also represents agents and agencies (and other business owners) in transactional matters such as policies and procedures review, contract review, business structure, business sale and/or transfer, and related matters. This time of year is a great time to take a look at these things and make sure you are set up for success in the new year. Thus, if you have a legal question or need some legal transactional consulting advice please feel free to reach out to Mr. Simon at 612-386-4617 or asimon@meagher.com. Initial consultations are always no charge.

The information in this article is intended only for general informational purposes. No attorney-client relationship is created by presenting this information. You should always consult with your own attorney regarding your own specific circumstances.

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Thank You! Agents

We appreciate your support in 2020 and wish you all the very best for the new year.



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Selling? There Is No Time Like the Present.

I am very fortunate to work with business owners across multiple industries, and I can assure you that no business owners are more connected to their clients than a family-owned insurance agency. Owners invest their careers in the personal work of creating relationships with clients and providing financial protection for all the things that are important to them. It's important and noble work.

It's no surprise that starting to think about selling, or transitioning out of, an insurance agency can be an intimidating, daunting thought. It's an intensely personal life's work.

It is important to note that agency owners who have thought about, or who are starting to think about, selling their agency are in the middle of what is an amazing time for transitioning. If you are one of these owners, here are things you need to know as you move your business into 2021.

First, if you are thinking about selling your agency, it's a seller's market.

As a business consultant and broker specializing in the Insurance Industry, I can tell you we have just had another month with a record number of closings – in just about every industry. There has never been a better time at least to consider what selling your agency could mean to you.

Second, the business brokerage market currently weighs heavily in favor of business owners seeking to sell. There are too few high-quality businesses for sale to meet buyer demands.

Third, overall, businesses that sold in the 2nd half of 2020 were valued at higher



multiples than at any other time in recent history. Contributing to this is the fact that interest rates remain at historically low levels, fueling increased buyer activity.

Finally, a significant Buyer-Borrower motivation is being provided by the Small Business Administration's resumption of borrower benefits under the COVID-driven federal funding Section 1112 of the CARES Act-March 2020. Buyers can have access to the opportunity to borrow and have loans forgiven.

If you are an agency owner contemplating the sale of your business, there is no better time than right now to get the homework done, and, as a professional insurance advisor, I would encourage you to connect with a professional broker to help you think through your options.



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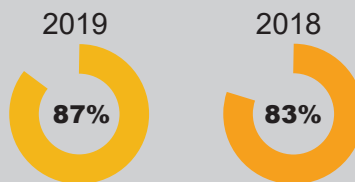
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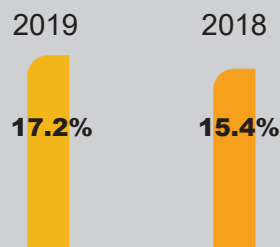
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Please be aware of the friendly competitor who approaches you with an offer to help you transition out of the business! Frequently, there is another insurance agency owner who may be making an offer on your agency. And while the transition sounds simple and good for your clients, these situations should always be discussed with an outside resource.

Getting outside help to think through all the options is smart. After investing a lifetime in building relationships and your agency, make sure you have all the options for you, your family, your legacy, your perpetuation plan or anything else that is important to you.

You may feel too busy to think about what your agency might be worth right now. Maybe you do have a lot going on. Maybe you are a little worried about what your agency might actually be worth. Let's face it: The thought of transitioning away from your agency can be intimidating.

You owe it to yourself to see just what your agency is worth. I believe you might be surprised. Whether you decide to sell your agency outright and take your cash to the bank, sell a portion of the agency, or

find a business partner and create more upside, you should know your options.

Let's face it: 2020 was a tough year for everyone for a number of reasons. Knowing that you've created a successful agency in one of today's hottest industries – insurance – it might be time to take advantage of all the hard work.



Keith Payne

***Business Advisor, Broker and
Insurance Industry Expert***

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UFG Insurance celebrates 75 years

In celebration of our 75th anniversary, we at UFG reflect on all the people who have had a hand in our success over the years. After all, our company was founded on the belief that the insurance business is a people business — and that remains at the heart of who we are today.

As we begin our next 75 years, we give our most humble thanks to our independent agents. We owe our success to you.



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Diamond Profile



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*IMT Insurance President & CEO
Sean Kennedy, FCAS, MAAA, CPCU*

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ABOUT IMT

IMT is proud of our heritage and will never forget where our roots are firmly planted. Locally run from our home office in West Des Moines, Iowa, IMT has been a Midwest company since it was founded in Wadena, Iowa in 1884. That's more than 130 years!

Today, IMT continues to offer the strong line of personal and commercial insurance products for which it has always been known through Independent Agents throughout our six-state territory – Iowa, Illinois, Minnesota, Nebraska, South Dakota and Wisconsin.

For more information about IMT Insurance, visit imtins.com.



Managing human resources and benefits can be challenging and time consuming for your small business clients.

By Chuck Olson **OCI**

Ever wonder what keeps your small business clients up at night? I can provide you with some insight from the point of view of a small business owner and a professional agent from a health insurance perspective. Let me give you some background. I began my insurance career as a captive agent with Mutual of Omaha, working with small businesses and individuals in 1988. In 2002, I founded OCI Insurance Services with five employees. Today, I serve as CEO and we have grown to over 75 employees. OCI is technology and back-office support for professional independent insurance agents. My background as an agent and as a business owner for the last 18 years allows me a unique insight to benefits, challenges, and solutions on both sides of the equation.

As a business owner, employees are a company's greatest asset and usually the costliest part of running a business. As a small business owner, it is vitally important to be able to compete in the market in finding, retaining, and motivating employees. Study after study shows that employees are most productive when their personal needs are taken care of. This is precisely where the independent agent can set themselves apart.

“Study after study shows that employees are most productive when their personal needs are taken care of. This is precisely where the independent agent can set themselves apart.” - Chuck Olson

A small business owner most likely does not have the services of a dedicated Human Resources (HR) manager or team. The owner also does not have the time, or often the inclination to study and review all the information out there on benefit and insurance options for their employees. This is truly where the value of the independent agent can be observed. Agents study and know the market, understand the best

solutions for employees' unique situations, and tailor their recommendations acting on behalf of the business owner. The independent agent provides wisdom, not just information. Today, information is everywhere, but a business owner does not just want more information...they want to tap into the expertise and wisdom that an agent has acquired through their education and experience. They need the agent to bring the solution to their problem. Trust is built on that agent's ability to find the best solutions.

“The independent agent provides wisdom, not just information.”

Independent Agents' Value is in Helping Businesses Show the Value of Their Benefits Offerings

Another service the agent can and should provide that will set them apart is meeting and explaining benefits with each of the business's employees. The employer likely does not have the time to do this, and even if they do, the agent brings the knowledge and enhances value in a way that the employer is not able to do on their own. If the employer tries to show the value of the benefits, it can seem self-serving. When the agent shows the value of the benefits, it reflects positively on the business. This type of above and beyond service by the agent allows small businesses to compete with larger companies and competitors to attract and retain quality employees. A large company does not have the ability to meet with each employee and explain the benefits. The thing about employee benefits is, they are only seen as valuable to the employee receiving them when they fully understand how to utilize them and know the total impact the benefits have on their overall physical, mental, emotional, and financial well-being.

“This type of above and beyond service by the agent allows small businesses to compete with larger companies and competitors to attract and retain quality employees.”

How Solving for Your Clients Helps You, the Independent Agent

The ironic piece to this scenario is that a professional independent agent can not only provide exactly what the small business owner wants and needs, but the agent can benefit themselves by providing this type of service. As an agent, finding new prospects is one of the most difficult aspects of the business. I have heard very few agents say that they have trouble talking with people and providing solutions to their problems. What I do know to be true is the most challenging aspect of being an agent is finding and getting in front of good prospects. Agents often buy lead lists and advertise through various channels in hopes of getting one or two leads, however, when you work with a small business it opens the door to new networking and prospect opportunities.

For example, let's see how this plays out with a 15-employee company. The initial priority is for the agent to gain the trust of the employer/owner. This may be done through developing a personal relationship or via an introduction by a third party. The trust may be tentative at first, but by doing the work to uncover the employer's needs and by providing the knowledge and insight to find and recommend the best suited solutions for their situation, the trust will grow.

Once you have earned the business owner's trust, they accept your recommendation, and the ink is dry, this is where the independent agent can make a difference. While some agents may disappear until the following year when it's time for renewal, agents that want to set themselves apart will stick around to support the business in the complexities of managing employee benefits, managing costs and mitigating risk.

Agents have an opportunity to work with the business owner and apply for the human resources position. They can suggest to the owner that they will meet with each employee to demonstrate the value of the benefits as well as explain how to access the benefits when needed most. At the same time, they are explaining what the employer is providing, they can identify gaps employees may have in setting themselves and their families up for success for overall wellness and protection. These could include income replacement solutions, life insurance, long-term care or many other products that come to mind. In this example scenario, the agent now has 15 prospects to meet with, and generally many more with the inclusion of spouses and/or family. This leads not only to additional sales, but also additional referrals. The independent agent is the person best positioned to help small business owners take care of their greatest asset, their people.

Today, Main Street America is inundated with information. What Main Street America needs is the knowledge and wisdom that the independent agent can provide to help them sort through the noise.

The independent agent is a key solution to the small business community.



About the Author:

Chuck Olson is the founder and CEO of OCI Insurance and Financial Services, Inc., a technology service company that specializes in employee benefits and individual health insurance at the wholesale level. In addition, OCI is changing the way brokers do business in Life, Disability and Long-Term Care product lines. Working with approximately 3,500 professional agents in Nebraska, Minnesota, Iowa, Kansas, Missouri, and South Dakota, OCI currently employs 75 talented people.



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Swiss Re



RISK MANAGEMENT AND THE CORONAVIRUS (COVID 19)

By Swiss Re Corporate Solutions



You are all very aware of the events of the last several weeks and the Coronavirus. We are not health experts and there are many others more qualified to give you that advice. We CAN however give advice regarding how to reduce the likelihood of an errors and omissions exposure as result of this event. We have already become aware of some attorneys who are trying to take advantage of this situation for monetary gain against insurance agents. Our advice during this event is no different from what we have said in the past. If your agency has developed good practices, you will be better positioned to avoid problems. Here are the practices of a good insurance agency:

- DON'T MAKE CLAIMS DECISIONS! Let the insurance carriers do that.
- DON'T ADVISE YOUR CUSTOMERS IF CORONAVIRUS related claims are COVERED OR NOT! Let the insurance carriers do that.
- If a carrier takes the position that losses arising from the Coronavirus are not, or may not be covered, do not engage in advocacy asserting that "**We** thought it was covered..." That will simply be used by your client to prove that you **knew** the client wanted coverage for perils like the Coronavirus, but you failed to procure coverage.
- Report all claims and potential claims to EACH AND EVERY CARRIER that could potentially have a policy that could apply. This includes CGL, Personal lines, Umbrella, Excess, Workers Compensation, Specialty and any other policy in place for your customers.
- USE THE RESOURCES PROVIDED TO YOU BY THE IIABA. Follow this link to the [Coronavirus webpage](#). It is a valuable resource for you, your staff and your agency that provides many sources of information.
- Be empathetic, but don't tell anyone that something is covered or not. You can continue to tell them you feel sympathy for all affected by the Coronavirus, but customers MUST report a claim to their insurance carrier to determine if there is any coverage for the event.
- Remember, if you executed an agency agreement with one or more insurance companies you MUST report all claims or potential claims as required by that agreement, even if your customer tells you not to do so.
- Maintain vigilant contact with your insurance carriers to determine what action THEY want you to take.
- DOCUMENT DOCUMENT DOCUMENT!!! This continues to be the foundation of sound E&O risk management. DOCUMENT EACH AND EVERY TELEPHONE CONVERSATION, EMAIL, TEXT, TWEET, OR ANY OTHER TYPE OF COMMUNICATION WITH YOUR CUSTOMERS!
- Assume that if you have any telephone conversation with your customers or carrier claims representatives, THAT YOU ARE BEING RECORDED. While some states prohibit recording of telephone conversations without advising that they are doing so, IT DOESN'T STOP SOME PEOPLE FROM DOING SO.



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Personal Lines
Underwriter



Meng L.,
Specialty Lines
Underwriter



Kevin S.,
Farm & Agribusiness Lines
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Katrina P.,
Commercial Lines
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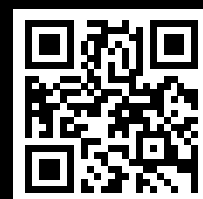
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- If you use social media for your business, make sure it is up to date! Do not make any promises that something may or may not be covered by insurance companies and policies.
- DO NOT GIVE ANY STATEMENTS, RECORDED OR OTHERWISE, WITHOUT FIRST CONTACTING YOUR E&O PROVIDER. The Swiss Re Corporate Solutions/Westport Insurance Company/First Specialty Insurance Company claims staff are available if you have any questions about any communications you receive.
- If you have a conversation with your customer that leads you to believe they may be fishing to make a claim against you, DO NOT HESITATE to contact our claims department.
- DON'T MAKE CLAIMS DECISIONS! DON'T ADVISE YOUR CUSTOMERS IF SOMETHING IS COVERED OR NOT! Let the insurance carriers do that. We know this was stated before, but it must be ingrained in your mind.
- If the Coronavirus ends up being declared a "catastrophe" by the ISO Property Claims Service, you may be eligible under your Westport policy for "Cat Extra Expense" benefits:

"CATASTROPHE EXTRA EXPENSE. We will pay up to \$25,000 per catastrophe subject to a per POLICY PERIOD aggregate limit of \$50,000 for the actual extra expenses incurred by you as a result of a catastrophe during the POLICY PERIOD beginning on the date of a catastrophe and for thirty (30) days thereafter. The extra expense incurred must be incurred by you only to assist in the insurance claims processing needs of your customer(s) who have been affected by the catastrophe. The catastrophe must be a declared catastrophe by the Property Claims Services. A \$500 deductible for each catastrophe shall apply. Limits provided by this paragraph are part of and not in addition to the limits provided by this POLICY."

We hope that this will help you as this event progresses. If you should have any questions, please let us know.

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E&O Q&A

By Mary LaPorte, CPCU, CIC, LIC, CPIA

Agent's questions about Errors and Omissions, and how E&O losses can be prevented.

Q: Recently, our E&O carrier recommended that we have an E&O audit of our website performed. When the audit was complete, we received a list of recommended changes to the site. We are working on making these changes, but realistically don't really see how our website could cause E&O litigation. Do you really see E&O-related lawsuits against agencies based on what is in their website?

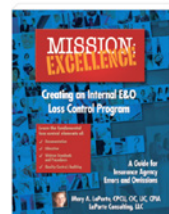
Brent, Minnesota

A: Brent, would you believe that the interest in website E&O audits has increased over the last few years? Part of the reason may be related to premium credits which some carriers are offering to have the audits performed. But what is the reason that E&O carriers find this so beneficial?

When an agency develops their website, they want to put their best foot forward. It is no surprise that they will often use superlatives to describe what they do for their customers. In doing so, they may create an expectation that a higher level of expertise and/or service will be provided than what is required by law. Attorneys and expert witnesses have learned that by reviewing an agency's website, they can often support their argument that the agency created a "special relationship" with their customer, or at least should be held to a higher standard of care. Here are a few basic tips:

- Avoid any claims of expertise related to a specific coverage or type of customer such as "expert" or "specialist".
- Avoid superlatives such as "fully covered", "most comprehensive", "all carriers", "all lines of insurance", "immediate responses", "all risk", "all of your coverage needs", or "fully covered".
- Do not offer to act as a risk manager or offer risk management services (even if you have a risk management professional designation). If you claim you are going to "manage their risk" and later an uncovered loss occurs, they could accuse you of failing to manage their risk. Stating "we can help you manage your risk" is preferred and can make a huge difference in defending an E&O allegation. (Ultimately, your customer is responsible for managing their own risk).
- Use caution making any statements or explanations of coverage. Policy language can vary dramatically between carriers. If posting blogs, include disclaimer language explaining that the material is provided only for general information purposes, and that the actual policy must be reviewed to determine coverage.
- When posting articles or testimonials from others, assure that written permission is received from the contributing party.
- If your site allows a party to enter information into text boxes, make sure that these areas are properly encrypted.
- Review your site often to assure that the information is correct and up to date. Confirm that the site always is an accurate representation of your services, markets, employees, and where you are licensed to do business.
- Consider making your site ADA (Americans With Disabilities Act) compliant. The Agents Council for Technology (ACT) has put together information which is a good resource for agencies.

As agencies become more aware of their vulnerability in this area, I have seen more requests for website reviews. Consider contacting your E&O carrier to see if they offer any incentives for having a website audit performed.



See Mary's new book: "**Mission: EXCELLENCE – Creating an Internal E&O Loss Control Program**"

For more information, go to Mary's website at www.lpinsuranceconsult.com

Mary LaPorte is a consultant and educator with a strong background in Errors & Omissions loss prevention. Forward your E&O questions to marylp@lpinsuranceconsult.com

RE-OPENING OFFICE

THE PANDA



WORKPLACES CLOSED IN

EMERGENCY



The Governor's Executive Orders continue to require people who can work from home to do so. Most experts believe that it will take months, or perhaps even a year, before vaccinations create sufficient "herd immunity" to keep COVID-19 at bay. Until that happens, employers—and everyone else—must be vigilant in containing the virus and keeping our communities safe. That said, many employers need to have at least some personnel working in the office. Some employers are starting to formulate plans for when the time comes when employees can safely return to the workplace. The following are some practical "stay safe" tips for employers before sufficient vaccinations create widespread herd immunity.

Face Coverings:

- Employees and workplace visitors should wear masks that securely cover the nose and mouth. Any exceptions (such as while in enclosed offices or while eating) should be clearly delineated, and employees and visitors should be reminded not to remove masks in other settings.
- Face coverings should be required outdoors too when social distancing is not possible.
- Sharing of face coverings should not be allowed.
- Masks should be provided when possible to encourage their use.

Social Distancing:

- Employees should be required to frequently wash their hands with soap and water for 20 seconds. If handwashing is not possible, they should use 60% alcohol-based hand sanitizer. People arriving in the building should be required to wash or sanitize their hands upon arrival.
- Signs should be placed throughout the building reminding people about good hygiene, such as not touching their eyes, nose or mouth and to cough or sneeze into a towel or tissue.
- Employees should be discouraged from sharing personal devices or supplies. If using shared equipment such as copy machines, employees should wipe the equipment with



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disinfectant thoroughly, and the employer should cleanse any shared devices frequently.

- Employers should frequently sanitize “high-touch” areas, like elevator buttons, bathrooms, and door handles.
- Desks and workstations should be kept as clean as possible during the day and cleaned at day’s end.
- Extraneous porous items should be removed from desks/workstations when possible.
- Consult with industrial design experts about ways to protect the air in the workplace, such as enhanced filters and better ventilation.

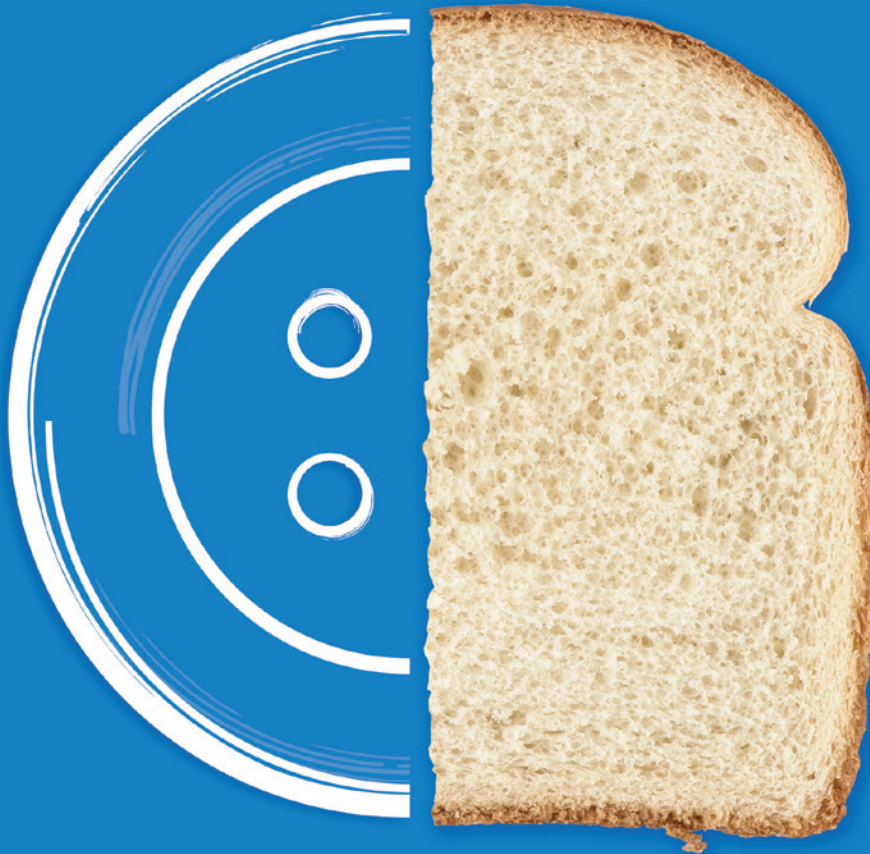
Screening and Reporting:

- Employees and visitors should be screened for fever and signs and symptoms of illness when arriving at work.
- Employees who have symptoms of illness should be required to stay home. Employers should make sure employees understand they will not be penalized by staying home when ill.
- Employers should consider incentivizing employees to stay home when ill, such as by providing paid sick leave.
- Employees should be made aware that they are responsible for fully supporting the employer’s COVID-19 policies, protocols, expectations, and requirements to promote a safe work environment. If an employee is not complying with these policies, he or she should be reported to Human Resources immediately. Anyone retaliating against an employee for reporting non-compliance in good faith should be disciplined, up to and including termination.
- Employees should be required to report to the employer if they develop COVID-19 symptoms or test positive for the virus after being at work, so that the employer can consider contact tracing and other steps to keep the workforce safe.
- Employees who have had close contact as defined by the Centers for Disease Control with a confirmed-positive person should be directed to self-quarantine for the CDC-recommended period.
- Employers should protect the privacy of people who fall ill with COVID-19.

Even with the promise of new vaccines on the horizon, we will be living with COVID-19 for a long time to come. Employers should be proactive in taking steps to keep their workplaces and communities safe and healthy.

The law firm of Swanson Hatch, P.A. represents businesses and individuals in complex legal matters, including the requirements of State of Minnesota Executive Orders pertaining to workplace operations. Former Minnesota Attorneys General Lori Swanson and Mike Hatch have decades of legal experience in the application of state laws to businesses and regulated professionals. Mike Hatch previously served as Commissioner of the Minnesota Department of Commerce for eight years. Prior to her twelve years as Minnesota Attorney General, Lori Swanson previously served as Solicitor General and Deputy Attorney General of the State of Minnesota and chaired the Federal Reserve Board’s Consumer Advisory Council in Washington, D.C. Lori Swanson can be reached at lswanson@swansonhatch.com or at 612-315-3037. Mike Hatch can be reached at mhatch@swansonhatch.com or at 612-315-3037. The firm’s website is www.swansonhatch.com

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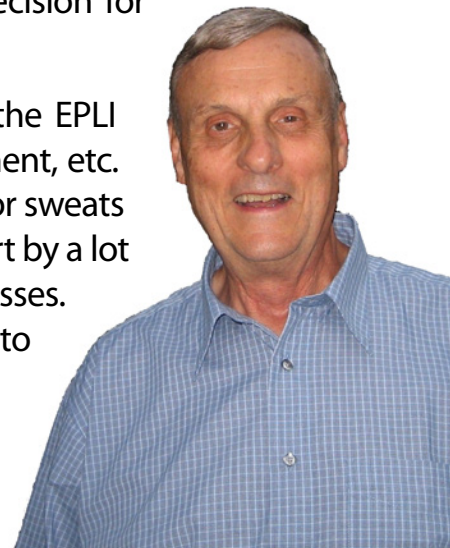
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COVID – 19, Possible Effects on the Insurance Industry

Well, we are now one year, give or take, into the pandemic. Something that affects every one of us – how we do our job, where we do our job, or worst of all, no job at all. The following points are the result of working with insurance agents and company people, articles in various publications, helping out with claims – and just staying at home. My own insurance career with CIC institutes and continuing education classes came to an abrupt halt last March. But, like many of you, I can work remotely. Here are a couple of areas that will have an effect on our business and our insurance future.

1. Business Interruption Claims: millions of businesses had to shut down due to the COVID-19 virus. The really big question that the courts are looking at right now is whether there is BI coverage for the resulting loss of income and maybe some extra expenses. At the heart of the matter is the usual wording found in our **“Risks of Direct Physical Loss”** policies: that is, that the policy will pay for **“direct physical loss of or damage to real property”**. The insurance industry’s reply is no coverage, because there was no direct damage to the real property (the building or the personal property). The real property was fine, it just had to be shut down by an order from the state – which is not a direct loss nor an insured cause of loss. Some courts have agreed with that, but others have not. Here is one argument that I am seeing. The plaintiffs are arguing that the physical **loss of** the real property is different from **damage to** the real property. They claim that the use of the conjunction **“or”** separates the coverage into two distinct categories. And they argue that their clients lost the use of their business (real property) when ordered to be shut down by the various state governments. Not a bad argument, and I think a lot of court decisions will be made, based on how they view the word **“DIRECT”**. For example, I have been reading that one federal judge in the state of Ohio has asked the Ohio Supreme Court to consider whether COVID-19’s presence can be considered a direct physical loss or damage under their state law. The idea is that all courts in Ohio, at least, can then use this decision as a model. Considering all the businesses in that populous state, a decision for coverage could cause a huge increase in successful claims.
2. Employment Practices Claims: At first glance, you would think that the EPLI exposure for claims like discrimination, wrongful termination, harassment, etc. would be minimized as workers stay home and work in their pajamas or sweats (my favorite). But here are a few thoughts to the contrary, caused in part by a lot of claims recently brought against businesses, especially small businesses. First of all, discrimination claims have surfaced. “Why was she allowed to





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work remotely, but I have to come in?? We do the same thing!” “How come he was invited back to work, and not me”? Second, claims for failure to promote. “Why was she promoted and not me? Is it because I chose to work remotely”? Or, “why was I not considered for advancement? Is it because I was once ill with COVID”? Then there are invasion of privacy claims. “I have the right NOT to wear a mask at work! I had COVID and I got over it!” There are also claims arising out of sick leave, especially when a family member gets infected and has to have home care. This goes to two different federal laws: the 1993 Family and Medical Leave Act or the March 18, 2020 Families First Coronavirus Response Act. Some people who have survived the virus are taking a very long time to recover.

3. Life and Health Insurance Coverages: Lots of losses here as you can imagine. As I write this, we are approaching 475,000 deaths from the virus. Many of those people had to utilize their health insurance, and many of them had life insurance as well.
4. Cyber Liability: Here is another obvious exposure as many of us work remotely. Are we as vigilant about this as we work at home in our pajamas, versus working at the office in our various “uniforms”? The hackers are out there in force.
5. Personal Injury: A couple of claims came to my attention. The first involved two employees who were working together, got into a fight while ZOOMING with the boss and other employees, and one, in a fit of rage, blurted out some very personal and sensitive facts about the other. Facts that the employee had promised to keep secret (they were friends). The other involved a gentleman who forgot his computer camera was on. While the sound was muted (on ZOOM, waiting for the meeting to start), the video was not. His female love came in, they became “inter-twined” shall we say, on the kitchen table in full view of others who were coming in remotely to attend the meeting, and the show was on. The boss was not pleased, the gentleman lost his job, and he blamed the firm he was working for. He claimed “invasion of privacy”. You could not make this up! But the insurance carrier still had to investigate and defend(?) the claim.

A final note that I believe needs to be stated. Don’t forget this coverage as we go through these troubled times. And watch those limits. Anything less than \$300,000 is nothing more than a defense contract in my insurance world. Remember, in most EPLI policies, the defense costs will use up your client’s limits. And these claims can be among the most expensive claims in our industry. If there is a claim for discrimination or sexual harassment, for example, EVERY employee may have to be interviewed to see if there is a pattern going on in that business. And the defense cost meter will be running. I see a lot of high-end BOP contracts that will provide this coverage automatically, but often the limits are \$25,000, \$50,000, etc. Better than nothing, but not enough.

Stay safe, and I hope to see some of you back in a classroom real soon. Any questions or comments, email me at neffbj@aol.com.



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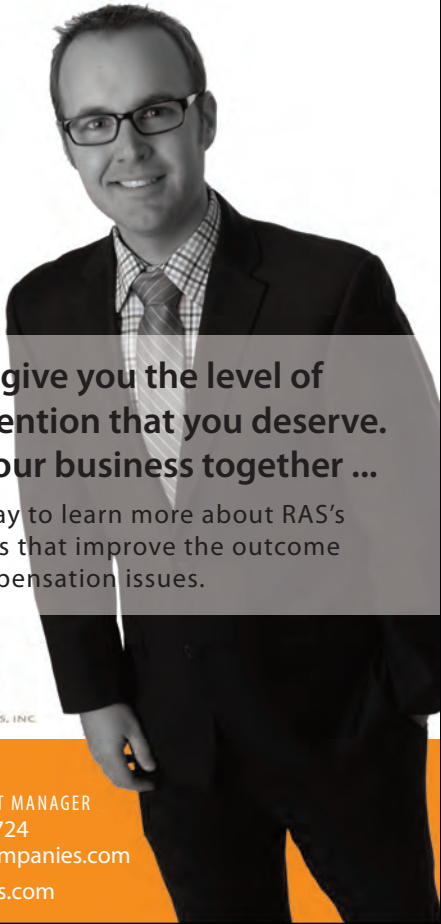
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