

Open Employment Practices Liability (EPL) Claims

Employee A was terminated due to documented performance issues and failure to clock in and out. Employee A hired an attorney and sent a letter to the practice alleging that the termination was due to age and gender discrimination and demanded compensation. Employee A later filed suit. The practice reported an EPL claim, and the insurance carrier provided legal counsel. To date, \$2,170 has been paid in defense costs.

Employee B was terminated after working as the practice's office manager for thirteen years. The practice declared that the termination was executed to promote a friendlier working atmosphere; Employee B belittled coworkers and promoted gossip. Employee B filed a disability discrimination charge with the state's human rights council commission. The practice's insurance carrier provided defense counsel and investigated the allegation. The practice's defense counsel submitted a position statement to the state's human rights council commission and is awaiting a response. To date, \$13,732 has been paid in legal defense costs.

More on EPL—Why Every Practice Owner Should Have Coverage

The number of employment-related charges reached a record high in 2010. The U.S. Equal Employment Opportunity Commission (EEOC) reported that 99,922 workplace discrimination charges were filed last year, beating 2008's previously held record of 95,402

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BUSINESS INSURANCE



news for you

PRODUCED BY HUB INTERNATIONAL MIDWEST LIMITED
FOR THE AAHA BUSINESS INSURANCE PROGRAM

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How do you get your employees back to work after an injury?



Implement an effective return-to-work program at your practice. And to help you learn how to develop and run your program, download this new booklet at www.aahainsurance.org (click on 'AAHA Business Insurance Program' and then

'safety resources' on the left-side navigation). Successful programs can lead to better results in workers' compensation and short- and long-term disability claims, and can enhance human resource benefit programs. Risk management consultants for the AAHA Business Insurance Program and The Hartford worked together to tailor this publication for the veterinary industry.



More on EPL—Why Every Practice Owner Should Have Coverage *continued from page 1*

charges. The commission offered some possible explanations for the increase in charges including the changing economic climate, demographic shifts in the labor force, employees' expanded understanding of employment laws and regulations, and the EEOC's accessibility to the public. It is important to recognize that as the frequency of the charges continue to rise, so does your susceptibility to them as a practice owner.

In addition, you need to be aware of the rising cost in settlement of these claims. The EEOC reports that in 2010 they secured more than \$404 million in monetary benefits from employers—surpassing all previous years' monetary relief totals. Of plaintiff verdicts that were collected from 2003 to 2009, those that were awarded over \$100,000 have risen from 66% to 75%¹.

These recent trends demonstrate that employment-related allegations are occurring more frequently and are increasingly more expensive to defend against. The AAHA Business Insurance Program offers a stand-alone employment practices liability (EPL) policy that will respond to employment-related claims you may face in the future. We also offer several EPL resources along with this coverage, including an online database for policyholders. Once registered, you can access employee training courses, EPL-related news articles and tips to improve your practice's written policies and their enforcement. You will also have access to a toll-free helpline, where you can access advice regarding EPL issues from qualified attorneys.

Employment-related charges continue to pose a significant risk for employers. Take this opportunity to contact us about EPL coverage—obtaining this coverage is a necessary precaution in order to adequately protect your practice. Call 866-380-2242 or complete and return the enclosed application.

¹Employment Practice Liability: Jury Award Trends and Statistics, 2010 Edition.

Visit www.aahain-surance.org for the New Edition of the Business Owner's Playbook!

Whether you have just opened your doors, are established and growing, or are thinking of selling your practice or passing it on to your heirs, this guide will help with practical examples, advice, and solutions.

Stop at the AAHA Business Insurance Program Booth 920 and Enter to Win a Flip™ Video Camera!

Lori Shaffer, HUB International Midwest Limited Senior Program Account Manager, will represent the AAHA Business Insurance Program at the AAHA/OVMA Toronto 2011 Yearly Conference March 24-27 in Toronto, Ontario. "It's a pleasure working with AAHA practice owners and managers, and I'm excited to attend this event. I encourage you to stop at our booth for a business insurance coverage evaluation, and you'll have a chance to win a fabulous Flip video camera!" Lori suggests bringing a copy of your insurance declaration pages for an in-person review. You can also pick-up AAHA Business Insurance Program premium items and materials.

For immediate service, please call 866-380-2242.



Lowstress Handling

Article provided by Sophia Yin, DVM, MS

Whether you are interested in behavior or not, behavior is a part of every visit. Your ability to recognize the body language of your patients and understand how your every movement and interaction affects the pet's emotional state are essential for your staff's safety. The goal of low stress handling is to create an atmosphere where the pet feels comfortable and understands what you want so that it is willing to cooperate and not injure you or your staff.

"Technician to room 1," you hear over the intercom. A technician disappears into the exam room. A minute later you hear screaming. "Aeehaahehha." It stops for a moment, then again. "Technician to room 1," and a second technician enters the exam room. "Aeehaae" the scream pierces through the entire hospital. After several seconds, the exam door opens and out comes a veterinarian ("Dr. Extreme") carrying a dog pawing at his muzzle, followed by two technicians—one bleeding from a bite. The staff entourage enters the room, where they are joined by a third technician. Now there are three people to hold and one person to trim the nails. "Aeehaa," The screams put everyone on edge until the procedure is finally over.

The entire ordeal has taken 15 minutes, three technicians, and one veterinarian and resulted in one injury. (www.lowstresshandling.com/dvd/videos.php shows an alternate nail trim method.)

Meanwhile the client exclaims to her friend, "That's odd. Dr. Mello only needed one technician during our last visit to help and Oscar didn't struggle."

What's the difference between this visit and the last? During the previous visit, Dr. Mello recognized that Oscar was fearful and adjusted the technique accordingly. Dr. Mello knew that to gain Oscar's trust, it would go a long way to make a good first impression upon greeting and to make the exam

room more comfortable by placing a washable throw rug on the floor or a towel on the cold metal table.

When Dr. Mello entered the room, instead of walking right up and grabbing Oscar to do an exam, Dr. Mello first greeted Oscar's owner while simultaneously assessing Oscar's emotional state. Oscar was focused intently on Dr. Mello but would not approach. Once Dr. Mello got down to Oscar's level from the other side of the room and turned sideways instead of facing head on, Oscar trotted right up to take a few treats and solicited petting.

By greeting Oscar in a non-threatening way and offering a treat, Dr. Mello had put him at ease. On this second visit however, Dr. Extreme reached for Oscar without noticing that this made Oscar duck slightly, pull his ears back, furrow his eyebrows, and lick his lips. These are all signs of fear. Dr. Extreme also failed to notice that as soon as Oscar was placed onto the cold exam table, the dog yawned and moved in slow motion—additional signs of fear.

During the previous visit, Dr. Mello avoided sudden movement. Oscar was relaxed until Dr. Mello handled his tail to take a temperature. Reading the clear signs that Oscar was at a breaking point, rather than forging ahead, Dr.

Mello stopped and got Oscar back into a happy, play state. Then Dr. Mello spent two minutes training Oscar that he'd get treats when the technician touched the tail base. Then when it was



time to stick the thermometer in, Dr. Mello held Oscar's collar and gentle leader head collar to control his head and front end and simultaneously petted him excitedly so he would focus on the petting rather than the fact that the technician was inserting the thermometer. This minimal comfortable restraint worked.

With Dr. Extreme, Oscar was already at his limit before the toenail trim and then the technician lifted him and flopped him on his side so that he hit his head (www.lowstresshandling.com/dvd/samples/dogside.php for correct and incorrect placement). Then the technician tried to place a muzzle, something unknown to Oscar, so he bit the technician while he struggled to escape.

On the other hand, Dr. Mello started with Oscar in a calm, happy state and let Oscar stand during the toenail trim since this was a more comfortable position than lying laterally. The technician also quickly trimmed the nails in this potentially awkward position. After his visit with Dr. Mello, Oscar left the hospital happy.

** This article is provided for reference purposes only.*



Questions to Ask When Buying Commercial Auto Insurance

Purchasing commercial auto insurance is an important decision for a veterinary practice owner. To get the best coverage at the best rate, ask yourself the following questions:

Do You Know What Defines Commercial Vehicle Usage?

Although you may infrequently use a vehicle for conducting business, your personal auto coverage excludes using a vehicle for commercial purposes. Insurance policies clearly define commercial use of a vehicle. It is important to understand the differences so your claim is not denied.

If your employees are using their own autos to conduct practice business, make sure they are covered for liability under your commercial policy. You could be held partially responsible for damages even when a vehicle is not company-owned. Employees may not inform their personal insurance agent that they drive for business because this would increase their insurance premium.



How Many Total Drivers and Vehicles Does your Business Require?

Insurance companies base their rates on number of drivers, number of vehicles, and class of vehicles. If you have multiple vehicles and drivers, consider purchasing fleet insurance.

Do You Know Your Driver's Records?

Drivers with multiple claims or traffic violations are going to cause your premium to increase. Ensure that you are aware of the driving records of any new or current employees. Have all employees who drive for your practice report any and all accidents or driving infractions immediately. Make it a written policy.

You may also want to consider requiring proof of insurance every six months for employees who use their auto for business purposes. Ask your employees to provide the declaration page of their personal policy to confirm that they have the required insurance limits plus an endorsement that removes the exclusion of driving for the practice.

What Kind of Car Are You Buying or Leasing?

Having a luxury or sports car makes a statement, but you will pay more for insurance. Instead, consider a mid-sized sedan with a superior safety rating.

What Anti-Theft and Safety Devices Will the Vehicle Have?

When insuring your vehicle, an insurer is going to consider:

- ✓ Location of your practice. Higher crime areas will most often lead to higher premiums.
- ✓ Presence of alarms, GPS devices, air bags, and other safety devices in the vehicle. Make sure that you tell your insurance broker about these devices.

What Deductible Can You Afford?

The amount of deductible you are willing to absorb can have a dramatic impact on your premium because all insurers pretty much adhere to a simple formula: **the higher the deductible—the lower the premium.**

Will Federal or State Laws Impact Your Coverage?

Certain vehicles and what they transport can also be affected by federal laws and, in some instances, can be state-specific. Investigate any legislative requirements that may impact you.

For more information on how to reduce or transfer the risks associated with practice-owned vehicles and employees who drive for business purposes, contact the AAHA Business Insurance Program.

AAHA Business Insurance Program

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

P.O. Box 1629, Chicago, IL 60690-1629

Fax: 866-381-AAHA

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