

Your Business

New York | Spring/Summer 2023

PIONEERSM

652 Albany Shaker Rd., Albany, NY 12211
p: 518.730.3200 | f: 518.730.3199

*Pioneer is a marketing name of Anchor Agency, Inc.,
a wholly-owned subsidiary of Pioneer Bank.*

In this issue

2 Post-pandemic business travel

3 What's EPLI got to do with it?

4 What is company vehicle insurance?

4 News from our agency

What you should know about certificates of insurance

Consider this scenario: Your business has entered into an agreement with another business and now you have been asked to provide a certificate of insurance. Rather than give the other business your entire policy, it simply wants documentation that you currently have the agreed upon amount of insurance.

Just as the insurance policy is closely regulated, New York has strict laws regarding the preparation of certificates of insurance. You need your licensed, insurance agent to complete the certificate because we know the terms of the policy it represents—the limits and coverages listed on the certificate only can be what is actually in the policy. By law, we are required to complete the certificate accurately—we also have a professional responsibility to see it's done right.

If the limits represented on the certificate do not meet the requirements of the party your business has a contract with, you need to discuss the policy limits with us. Even requesting that an agent completes a certificate of insurance with inaccurate information would violate New York state law.

Increasingly, businesses are requesting that certificates of insurance be submitted through online portals or certificate management services. New York state strictly regulates the format of a certificate of insurance to ensure its legitimacy and prevent fraud. If you need a certificate of insurance to be completed through an

online portal, we may have additional questions we need to ask to ensure we meet our professional duties when signing off on a certificate.

If you proffer a certificate of insurance to another business and then are asked additional questions about the policy coverage, you should share those questions with us. We can help answer questions about your policy and prepare an addendum to the certificate to offer further explanations about the policy coverage.

Any information provided in a certificate of insurance and an addendum only represents what the policy covers at the time the certificate is issued—it's like a snapshot. Nothing in the certificate or additional material from your insurance agent changes the underlying coverage. Independent agents cannot make guarantees about future policy coverage.

Due to the importance of the certificate of insurance accurately reflecting the coverage in the insurance policy, the professional insurance agent who placed the policy should complete any accompanying certificates of insurance. Ensuring an accurate certificate and policy that meets your contractual requirements is worth the effort should you face any issues in the future. If you have any concerns about your certificates of insurance and commercial policies, make sure to discuss them with us.



Post-pandemic travel



**80% of
business
travelers**

feel that without the
in-person element
something is
significantly lacking.

**74% of
business
travelers**

think they are
less effective
because of
the COVID-19
pandemic.

Travelers are
50% more
likely to travel
for business than
for recreation.

Business operations have begun to accept the lasting effects of COVID-19 on travel. Globally, most companies recognize that business travel will not simply revert to pre-pandemic habits. Companies are reassessing the value of work trips. In many instances, old practices of day travel for an hour work meeting have been realized as unnecessary, especially with the emergence of web conferencing not only as an essential tool, but often the preference.

Typically, business insurance plans cover both domestic and international trips. Travel insurance includes emergency medical expense coverage, trip cancellation/interruption coverage due to work reasons and involuntary job loss, 24/7 travel assistance services, and more. Coverage varies based on the company and plan selected. More than anything, travel insurance offers customers peace of mind.

Companies can offer employees what is known as accidental death & dismemberment insurance coverage. AD&D insurance can assist financially if a serious accident occurs and can even offer supplement payments to disability insurance.

Business travel will appear much different on the other side of the COVID-19 pandemic. Those who once were accustomed to commercial-traveler

lifestyles and living out of suitcases will find that they will not just resume pre-pandemic business travel. According to Bill Gates, at least 50% of business travel has been permanently eliminated, as has 30% of days spent in the office working. Aside from travel restrictions imposed, changes to business travel reflect the concerns about contracting COVID-19. Plus, most business travelers anticipate significant business travel budget trimmings to occur as a way for companies to reduce overall expenditures.

One positive outcome of the pandemic was that the travel managerial compensation has increased by 11% each year since 2020. Initially, the 2020 onset of COVID-19 capsized the travel management industry. This included layoffs, transfers, outsourcing, and adjustments of responsibilities. Those who remain in the travel management role have been compensated generously. Travel management and hotels grappled with labor shortages. Finding, training, and retaining employees is still an area that the industry is looking for effective solutions in.

Are you thinking of resuming travel for your employees? Give our agency a call, we can review your travel-related insurance policies to help you determine the coverage you may need to help keep your employees protected while they are on the road.

What's EPLI got to do with it?



Employment Practices Liability Insurance protects a business when it is acting as an employer. Broadly, it provides an employer with liability coverage against claims by workers who allege that the employer violated their rights. Specifically, it provides protection to employers in a variety of increasingly common situations, such as:

Discrimination. Discrimination occurs when an employer takes an adverse action against a worker based on a worker's protected characteristic (e.g., age, religion, or sexual orientation). There were more than 61,000 discrimination charges filed with the U.S. Equal Employment Opportunity Commission in 2021. Employers paid over \$483 million in discrimination settlements in 2021.

Retaliation. Retaliation is the claim that an employer took some adverse action against a worker due to that worker exercising some protected right (e.g., filing a sexual-harassment claim). According to the EEOC, retaliation

claims accounted for more than half of the claims filed with the agency in 2021.

Website access. The Americans With Disabilities Act requires businesses to make their facilities accessible to those with disabilities. Guidance from the U.S. Department of Justice, as well as courts around the country, makes clear that the

Nearly 3,000 website accessibility lawsuits were filed in 2021.

ADA's accessibility requirements include ensuring that a business's website can be accessed by all. Nearly 3,000 website accessibility lawsuits were filed in 2021. That represents more than a 150% increase since 2017.

Overtime violations. Under current law, all employees must be paid overtime for any hours they work over 40. There is an

exception for employees who are paid on a salary basis; earn a salary that is at least \$35,568; and perform certain duties for the employer. The U.S. Department of Labor has announced that it is revising its regulation related to overtime pay and it likely will increase the salary threshold for the qualifying overtime exemption.

This potential change, coupled with the increase in remote work, could create massive headaches for employers who lack an efficient way to track employee hours or lack a clear policy on overtime work. As a result, those employers that run into issues are likely to face a wage-and-hour claim.

Whether it is a claim of discrimination, retaliation or a wage and hour, a business owner will not find insurance coverage for these claims in a commercial general liability policy. Business owners looking to protect themselves in situations such as these, and others (e.g., sexual harassment), should consider an EPLI policy. Have questions? Contact our office.

izations, and because different companies' policies contain slight differences, please refer to your specific policy. Call our office before making any judgments or decisions concerning your particular situation and coverage that may, or may not, apply.



What is company vehicle insurance?

According to Harvard Health Watch, humans devote 38,000 hours of their lives to driving. A business that owns vehicles needs to obtain a commercial auto policy for its company vehicles. When employees use their own vehicles in the business of the employer, the business also needs a commercial auto policy for the exposure created by the employees.

Typically, company vehicle insurance premiums include bodily injury liability, property damage liability, combined single limit, medical payments: no-fault or personal injury, uninsured motorist, comprehensive physical damage, and collision. Commercial auto policies cover any permissive operator of the business-owned vehicles, but the insurance

company is going to want driving information for regular operators of the vehicles.

You need to review your specific commercial auto needs to see which limits are best for your business. Give our agency a call, we can help you navigate your insurance needs.

News from our agency

Make sure you're covered

Businesses have a lot of insurance scenarios to contemplate. Some insurance coverage may come to mind readily, while others may not. It's better to know and be prepared for a claim, rather than discover that you are not fully protected.

We are more than happy to review your business's insurance policies—even policies that you may have with another agency—to help determine if there are any gaps in your business's coverage. Give our office a call. As a valued customer, we want to offer you this in return.

