

# ERRORS & OMISSIONS

## RISK MANAGEMENT ALERT

### Addressing Potential EPLI Concerns as States Relax Business Restrictions Related to COVID-19

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As states relax restrictions on businesses and start to reopen commerce in phases, you may feel the need to bring staff back to your brick-and-mortar storefront to resume your ordinary business processes. Whenever you decide that it is the appropriate time to have staff return to your business location, you will want to take precautions to ensure that you are not unduly exposing your staff to a harmful situation and that you are not inadvertently creating an employment-related practice liability (EPLI) for your agency.

Here are some steps to take when you are considering reopening your business location:

- 1. Review your state's reopening guidelines.** Ensure that you are only bringing back employees that are permitted during the appropriate phase in your jurisdiction.
- 2. Review your state and local health department guidelines regarding safeguarding against the Novel Coronavirus (COVID-19).** Each jurisdiction may have nuanced guidance based on the rate of exposure and the perceived risk. Your safety precautions can be more stringent, but should follow the suggested precautions at a minimum.
- 3. When making decisions on requiring workers to return to the office, do so in a manner that does not single out anyone based on a protected class.** Be understanding of your employees' unique situations and limitations in regard to returning to the office to work and make adjustments, where appropriate.

If you have specific questions regarding EPLI, the companies of the Utica National Insurance Group have a hotline operated by the law firm of *Jackson Lewis PC*, who has offices in numerous jurisdictions and can respond to your query in a timely manner. There is no cost to our E&O policyholders for the consultation. **The hotline number is 1-844-635-8696, and you will need to provide your E&O policy number.** Refer to publication 9-A-2611 for more detail.

Jackson Lewis PC is not a contact for reporting claims. **To report a claim call 1-800-598-8422, or send a notice of loss to [claimsnewreport@uticanational.com](mailto:claimsnewreport@uticanational.com).**

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