

Management Liability Highlights

Management Liability

Directors and Officers

Employment Practices

Fiduciary

Professional Liability

Media

Miscellaneous

Network Security and Privacy Injury

Technology and Telecommunications

Crime

Epack Extra[®] is a package policy that provides flexibility and key benefits.

- The following coverages can be combined on one policy form:

- **Management Liability**

- Directors and Officers Liability

- Employment Practices Liability

- Fiduciary Liability

- **Professional Liability**

- Miscellaneous Professional Liability

- Media Liability

- Technology and Telecommunications E&O

- Network Security and Privacy Liability

- **Crime (Employee Theft)**

- Policy limits can be shared among coverages or provided on a scheduled limit basis

Epack Extra[®] provides broad policy language including:

- Duty to Defend policy
- Claims made form with a 90 day post-policy reporting window
- Mediation Provision, which could reduce the policy retention by 50% or \$10,000, whichever is less
- Worldwide Coverage - claims can be brought anywhere in the world
- Spousal Coverage including Domestic Partner
- No threshold for coverage for newly created or acquired entities or plans
- Pre-Claim Assistance for investigation costs related to reported circumstances
- Punitive Damages coverage (most favorable venue)
- Predetermined Extended Reporting Period percentages for 1, 2 and 3 years
- Supplemental Payments: \$250 per day per person up to \$2,500 per claim per policy year for attending trials, hearings, arbitrations, or mediation at the insurer's request
- Consent to Settle provision set at 80/20
- Policy is non-rescindable with respect to insured persons for non-indemnified loss

Qualifying risks may also be eligible for the following additional features:

- Automatic renewal
- Two year policy term with annual installments and fresh aggregate limit for the second year
- Capped defense outside the limit of liability
- \$0 D&O retention for indemnified loss
- A Multi-Coverage Discount is available when more than one coverage is purchased within a coverage group (e.g. D&O and EPL)
- Package Discount is available when more than one coverage group is purchased (e.g. Management Liability and Crime)

Management and Professional Liability



Coverage highlights specific to individual coverages:

Directors and Officers Liability

- Additional \$1 million Limit for Non-Indemnified Loss (Side A)
- \$250,000 Investigative costs sublimits arising out of all Shareholder Demands
- Waiver of retention for Insured Persons for a finding of No Liability
- Coverage for Outside Entity Executive extended to non-profits beyond 501c(3) entities to include 501c(3)(4)(6)(7) and (10)
- Carveback to Insured v. Insured exclusion for whistleblower activity
- "Final Adjudication" language in the fraud and illegal profit exclusions
- Affirmative private placement coverage
- Carveback to public offering exclusion for failure to go public
- HIPAA fines and penalties sublimit of \$100,000
- Definition of Insured Person includes a trustee, governor, management committee member of a joint venture, and employees
- Carveback to the insured v. insured exclusion for claims brought by former Directors and Officers who have not been a Director or Officer for at least 3 years
- Severability of the personal conduct exclusions

Employment Practices Liability

- Risk Mitigation Credit which can reduce the retention by 50% up to \$10,000, whichever is less
- Definition of claim includes non-monetary relief
- Coverage for wrongful demotion; failure to grant tenure; negligent hiring, supervision and training
- Coverage for employment-related libel, slander or humiliation
- Definition of Employee includes volunteers and independent contractors
- Retaliation carveback to the ERISA, COBRA, Workers' Compensation, OSHA, WARN, NLRA exclusion
- No personal conduct exclusions for fraud or illegal profit

Fiduciary Liability

- Sublimit of \$150,000 for fines and penalties imposed by the IRS' Voluntary Compliance Program
- Coverage for Plans under development
- Waiver of retention for Insured Persons for a finding of No Liability
- HIPAA fines and penalties sublimit of \$100,000
- Benefits Due exclusion amended to provide investment loss carveback
- Coverage for failure to provide COBRA notices
- "Final Adjudication" language in the fraud and illegal profit exclusions
- Severability of the personal conduct exclusions

Qualifying Risks may also add coverage for Network Security and Privacy Injury Liability to an Epack Extra[®] Management Liability policy.

Coverage Highlights of Network Security and Privacy Injury Liability:

Network Security Liability

- Suspension or interruption of the insured's network
- Destruction or alteration of any third party's information residing on the insured's network
- The inability of an authorized user to gain access to the insured's network

Privacy Injury

- Failure to comply with any privacy law as well as the Insured's own privacy policy
- Claims from customers, employees or other 3rd parties alleging the violation of privacy rights

To learn more about CNA's Management and Professional Liability offerings, contact your agent or broker.