

COPIC Financial Service Group, Ltd.

We are available for in-person meetings. Our team is fully vaccinated and ready to serve you. Let us know what form of communication is best for you (in-person or virtual).

COPIC FSG represents multiple carriers and each policy will have different policy provisions. The information below is provided for general information purposes only. If you feel you have a covered loss, the claims adjuster assigned by the carrier that issued your policy will be the authorized person to answer specific claims questions.

Thank you for choosing COPIC FSG to assist you with your insurance needs. Please reach out to us to review and discuss any coverage questions or concerns you have.

COPIC FSG CONTACT BY COVERAGE AREA:**Business Retirement Plan Services:**

Brad Radochonski, 720.858.6279 or bradochonski@copic.com

Group Benefits (includes Health, Dental, and Vision Benefits):

John Kaufman, 720.858.6287 or jkaufman@copic.com

Individual Life & Disability Insurance, CDA Benefits, Investment & Retirement Strategies:

Jeff Feakes, 720.858.6285 or jfeakes@copic.com

Property and Casualty Insurance (includes Cyber Liability and Employment Practices Liability):

Mitch Laycock, 720.858.6297 or mitchl@copic.com

Here are some of the COVID-19 hot topics business owners and practice managers are currently facing:

Can I require my employees to be fully vaccinated?

- There is legal precedence occurring around the country to support a company's decision to mandate vaccination as a requirement of employment. Many companies have publicly declared that they will implement this required vaccination policy, yet they have not followed through. Most business, requiring employee vaccination, are waiting for greater legal footing before implementation. The following article by the Polsinelli Law Firm highlights an important case in Texas.
- *Texas Bellwether Case Affirms the Legality of an Employer's Mandatory Vaccination Policy* www.covid19.polsinelli.com/blog/texas-bellwether-case-affirms-the-legality-of-an-employers-mandatory-vaccination-policy

What should I be paying attention to if I use employee incentives to promote vaccination?

- According to the Equal Employment Opportunity Commission (EEOC), employer incentives to drive employee vaccination is allowed. A couple touchpoints include the following: the incentives cannot be so large as be considered "coercive," any employee proof of vaccination must be securely held by the employer separate from the employee's personnel file, and the employer cannot mandate or offer incentives to have employee family members vaccinated. The following article by the Polsinelli Law Firm highlights these and other considerations.
- *EEOC Issues Guidance on COVID-19 Vaccine Incentives* www.covid19.polsinelli.com/blog/eec-issues-guidance-on-covid-19-vaccine-incentives

COPIC Financial Service Group, Ltd.**Should my fully vaccinated employees wear masks at work?**

- As of May 13, 2021, the CDC no longer required fully vaccinated employees to wear face masks. However, the CDC's wording is a little more precise when listing exceptions: "Fully vaccinated people can resume activities without wearing a mask or physically distancing, except where required by federal, state, local, tribal or territorial laws, rules, and regulations, including local business and workplace guidance." As of today, employers get to decide if fully vaccinated employees wear masks or not wear masks at the office. The following article by the Polsinelli Law Firm discusses employee mask use and other pressure points.
- *To Mask or Not to Mask, That is the Question* www.covid19.polsinelli.com/blog/to-mask-or-not-to-mask-that-is-the-question

Cyber Threat/Cyber Breach

According to President Biden, the number one threat to the U.S. National Security is the cyber threat to our citizens, businesses, and government. The cyber liability insurance industry is mobilizing in three distinct areas:

1. Cyber insurers are rushing to hire top cyber security talent in preventing, detecting, and neutralizing attacks. Insurers are also busy building up their cyber products, underwriters, claims adjusters, and ransom negotiators to name a few.
2. Cyber insurers are requiring their customers to implement aggressive anti-cyber threat protocols to prevent cyber-attacks.
3. Cyber insurers are requiring their customers to create aggressive recovery plans (before a breach occurs) to be implemented upon breach.

We cannot urge you enough to put safety protocols in place along with powerful cyber liability protection for your business. Mitch Laycock, 720.858.6297 or mitchl@copic.com, is COPIC FSG's expert on cyber and guide you through this process.

ADDITIONAL RESOURCES:

What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws

<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

Reopening Resources for Outpatient Healthcare and Other Work Settings - The Hartford

<https://www.thehartford.com/coronavirus/business-industries>

Helping Employees Reintegrate at Work - Travelers Insurance

[https://www.travelers.com/iw-documents/business-insurance/20-CLAIM-81151-Risk Control Whitepaper M-18550 COVID \(NS\) 200515\(REV3\) EC.pdf](https://www.travelers.com/iw-documents/business-insurance/20-CLAIM-81151-Risk%20Control%20Whitepaper%20M-18550%20COVID%20(NS)%20200515(REV3)%20EC.pdf)

COVID-19 Resources About Managing Workplace Infections and Vaccination Policy Template - The Hartford

https://s0.hfdstatic.com/sites/the_hartford/files/coronavirus-responding-to-infection.pdf

Recognizing Signs of Distress in Employees Post COVID-19 from Travelers Insurance

<https://www.travelers.com/resources/business-topics/workplace-safety/recognizing-signs-of-distress-in-employees>

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COVERAGE OVERVIEW

We have had many calls from concerned insureds regarding insurance coverage that may apply in this COVID-19 situation.

While the majority, if not all, policies exclude coverage for losses that are associated with a virus-caused pandemic, due to the uncertainty of any actions or waivers that may be put in place during the pandemic, we are advising all clients who are experiencing a loss of business income or who are unable to work as a result of the COVID-19 pandemic, to notify your carrier of a potential covered loss.

Business Owner's Policy – Most business owner's policies include coverage for loss of income. To trigger a loss of income claim under most policies, there has to be a sudden and accidental physical-covered cause of loss as defined in the policy. Unfortunately, viruses are excluded as a covered cause of loss, so there would be no coverage available under a business owner's policy. Some policies also include coverage for civil authority that would apply if a government agency stepped in and closed off access to your building, however, the closure has to be the result of a covered cause of loss (usually fire, wind, hail, etc.) and a pandemic is not a covered cause.

Workers' Compensation coverage – This is still being debated by our insurance carriers regarding coverage. A claimant would have to be able to prove that they received the COVID-19 virus at/through work and not any other sources. Generally, there are two areas examined before any illness or disease, including the coronavirus, qualifies as occupational and thus compensable under workers' compensation:

- **The illness or disease must be occupational**, meaning that it arose out of and was in the course and scope of the employment; and
- **The illness or disease must arise out of or be caused by conditions specific to the work.**

The evaluation of these two areas and whether coverage will apply is determined by the carrier that provides the policy. We anticipate that the discussion will focus on determining whether people who test positive acquired the virus in the workplace setting.

Business Overhead Insurance – This policy is designed to step in if the owner/physician/dentist is unable to work due to an injury or illness. There may be coverage, however, there is also generally a waiting period of 60–90 days prior to coverage being available after the onset of the injury or illness to apply.

Short-Term Disability Insurance – This policy is designed to pay if you are injured/sick and cannot work for a period of time. There is a waiting period that can range from 0–15 days or more before coverage applies.

Group Benefits – We are receiving many questions regarding the laying off, furloughing or rehiring of employees and how this will affect the employees' benefits. Most of the medical insurance providers (and life and disability carriers) have "relaxed" their active at work policies for the short term. What this means is that employees can be furloughed or laid off (even file for unemployment in most instances) yet still keep their group coverage in place. The only thing that needs to remain constant is the employer continues to pay its monthly premiums. Since the COVID-19 situation is rapidly changing, please contact FSG or your group benefits agent for information regarding your specific policy.