

# California Teachers Association



2021

## Chapter Insurance Program

A Resource for Chapter Leaders

CTA Chapter Insurance Program Prepared by CTA Risk Management/Business Initiatives & Development Department

# From the President



Dear Colleague:

CTA is here to provide you with important guidance and support for your chapter's business insurance needs.

Protecting and maintaining the financial health of your chapter is vital. For that reason, we have developed resources for chapters to aid in understanding financial responsibilities and integrating smart business practices. I am pleased to present you with the **2021 CTA Chapter Insurance Program** booklet, developed by the CTA Risk Management Department.

This booklet is an important guide that highlights key insurance coverages CTA automatically provides for your chapter as well as other valuable insurance coverages that your chapter may want to consider purchasing.

Together, we will continue to be guided by our shared mission because the health and safety of our members and the students and communities we serve is our top priority. If you have any questions regarding CTA's business insurance coverage, please contact the CTA Risk Management Department at (650) 552-5200 or via email at [RiskManagement@cta.org](mailto:RiskManagement@cta.org).

Sincerely yours,

A handwritten signature in black ink, appearing to read "E. Toby Boyd". The signature is stylized and fluid.

E. Toby Boyd, President  
California Teachers Association

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# Chapter Insurance Checklist

Please use this checklist as a tool to assess what insurance coverage is automatically provided to your chapter or UniServ Unit through CTA and NEA, and what coverage you are responsible for on your own. You will also find a list of coverages available to CTA members.

COVERAGE AUTOMATICALLY PROVIDED TO YOUR CHAPTER OR UNISERV UNIT	
PROVIDED THROUGH CTA	PROVIDED THROUGH NEA
<input checked="" type="checkbox"/> General Liability Insurance	<input checked="" type="checkbox"/> NEA Association and Professional Liability Insurance
<input checked="" type="checkbox"/> Excess Business Automobile Liability (covers the chapter if named in a lawsuit)	<input checked="" type="checkbox"/> NEA Fidelity Bond Program (Employee Dishonesty and Crime Insurance)

<b>SOME COVERAGES YOUR CHAPTER OR UNISERV UNIT SHOULD CONSIDER PURCHASING</b> (these are general suggestions; the advice of your insurance agent/broker should be obtained for your particular circumstances, etc.)
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If you own a building	<input type="checkbox"/> General Liability Insurance
	<input type="checkbox"/> Property (including Building Codes), Business Personal Property, Loss of Rents and Extra Expense Insurance for broad or "all risk" causes of loss including mechanical breakdown
	<input type="checkbox"/> Earthquake and Flood Insurance
If you lease office space or own office equipment	<input type="checkbox"/> Business Personal Property, Rental Income, and Extra Expense Insurance
If you hire employees	<input type="checkbox"/> Employment Practices Liability Insurance
	<input type="checkbox"/> Workers' Compensation Insurance
If you serve as a trustee or board member on a non-CTA board	<input type="checkbox"/> Directors' and Officers' Liability Insurance (including spousal/domestic partner coverage)
If you operate or sponsor a health or welfare plan	<input type="checkbox"/> Fiduciary Liability Insurance <input type="checkbox"/> Fiduciary Dishonesty
For data maintained outside of CTA's membership system which contains personal information of your employees or members	<input type="checkbox"/> Network Security and Privacy Liability Insurance with Breach Notification Expense Coverage (AKA Cyber Liability Policy)
If you conduct any non-CTA activities i.e. Building Ownership, Leasing to others, other activities, etc.	<input type="checkbox"/> General Liability including non-owned and hired auto liability, sexual molestation, abuse, liquor liability (if charging for entry, accepting donations, charging per drink, etc.)

COVERAGE FOR CTA MEMBERS
<input checked="" type="checkbox"/> NEA Educators Employment Liability Insurance
<input checked="" type="checkbox"/> NEA Medical and Related Arts Endorsement

# Automatic Coverage for Chapters

CTA purchases several business insurance policies for chapters and UniServ Units. These policies are designed to protect the chapters or UniServ Units from losses incurred as a result of accidents or negligence while operating the local organization or rendering professional services on behalf of the organization.

The purchasing of these insurance policies with appropriate limits, deductibles, and coverage is part of CTA's risk management program. This section gives a brief overview of insurance policies automatically provided to chapters and UniServ Units.

These policies include the following:

- GENERAL LIABILITY INSURANCE
- EXCESS BUSINESS AUTOMOBILE LIABILITY INSURANCE
- NEA FIDELITY BOND PROGRAM
- NEA ASSOCIATION PROFESSIONAL LIABILITY (APL) INSURANCE

**The information provided in this booklet is intended only as a brief summary. In every case, the actual policy contract is subject to various definitions, limitations and exclusions that are not mentioned herein.**

*Please read the actual policies for full coverage detail.*

# Automatic Coverage for Chapters

## **GENERAL LIABILITY INSURANCE** *(No premium for chapters)*

CTA's Commercial General Liability (CGL) policy provides defense and indemnification for losses and expenses resulting from bodily injury and/or property damage from an accident incurred by third parties that allege negligence by CTA, a CTA chapter or UniServ Unit. CGL covers chapters or UniServ Units up to \$1 million per occurrence against liability claims for bodily injury and property damage. The annual aggregate limit of coverage for all claims which may occur during the policy year is \$2 million. However, CTA has purchased an umbrella policy that provides excess coverage above the primary general liability's limit of insurance.

If your chapter or UniServ Unit leases office space, your chapter is covered under CTA's General Liability policy. If your landlord is requesting proof of insurance, you may obtain a certificate of insurance by contacting CTA's Risk Management Department at (650) 552- 5256. If CTA's policy will not meet your lease requirements, you may need to purchase your own business insurance policy for your chapter or UniServ Unit. Please contact CTA Risk Management with any questions.

If you own your building, you must purchase a separate General Liability policy.

Some of the specific features of the policy include the following:

### **BODILY INJURY AND PROPERTY DAMAGE LIABILITY**

This coverage provides defense and/or settlement payments if a local chapter or UniServ Unit, or an employee of a chapter or UniServ Unit is alleged to be, or is proven to be, liable for negligently causing bodily injury to a third party or damage to a third party's property, including fire and water damage.

This policy has a \$1 million per occurrence limit, which is also subject to the general annual aggregate limit of \$2 million per location. An example of a bodily injury claim would be a lawsuit in which a third party was injured at a chapter function and sued the chapter for negligently causing their injury. However, bodily injury liability does not apply to a work-related injury to an employee of the chapter or UniServ Unit. This would be considered a workers' compensation claim and would be covered under a workers' compensation policy which the chapter or UniServ Unit is responsible for purchasing.

Also, coverage for property damage does not apply to property that is owned, rented or leased, or in the care, custody or control of a local chapter or UniServ Unit (see "For Chapter-Leased Buildings" below).

### **FOR CHAPTER-LEASED BUILDINGS - LEGAL LIABILITY COVERAGE FOR DAMAGE TO LEASED PREMISES**

This coverage provides payment to the landlord for damage to chapter or UniServ Unit-leased premises due to the chapter's or UniServ's negligence. This coverage has a \$1 million limit at any one premises and a \$2 million annual aggregate. For example, if fire damage occurs in a chapter or UniServ Unit-leased office, this coverage would respond for the damage to the leased portion of the premises in the chapter or UniServ Unit's care, custody and control, if the chapter negligently caused the damage and if the lease does not include a mutual waiver of subrogation.

### **KEY LEARNING POINTS**

- General Liability provides coverage for claims by third parties who may allege Bodily Injury or Property Damage, that occurred as a result of your activities or your operations.
  - \$1 million per occurrence/\$2 million annual aggregate per location - subject to an overall \$5 million policy aggregate - including products & completed operations.
- Damage to Leased Premises coverage
  - \$1 million limit applies to any one premises while rented to you.

# Automatic Coverage for Chapters

## CERTIFICATES OF GENERAL LIABILITY INSURANCE FOR CHAPTER EVENTS

If your chapter or UniServ Unit has an off-site function, the venue may ask you to provide proof of general liability insurance. If you are asked to add a third party as an Additional Insured or provide proof of insurance, please contact the CTA Risk Management Department at (650) 552-5256. A fee may be incurred when adding a third party as an Additional Insured for a specific event. To obtain a copy of the CTA general liability certificate of insurance, click on Chapter Insurance under Tools & Resources at [www.CTAMemberBenefits.org](http://www.CTAMemberBenefits.org).

**Note: Some third parties may require an additional insurance provision referred to as "primary and non-contributory". This type of clause transfers all risks of the event to CTA's general liability policy even if CTA is not negligent. If this clause is included in the contract, please ask the vendor to remove it. If the clause cannot be removed, please contact the CTA Risk Management Department to discuss this further at (650) 552-5256.**

Some venues may have terms in their contract that require CTA to assume risk beyond our control. If your venue has this language in their contract, your chapter or UniServ Unit may need to purchase a one-day event policy.

## EXCESS BUSINESS AUTOMOBILE LIABILITY *(No premium for chapters)*

### EXCESS BUSINESS AUTOMOBILE LIABILITY

The Business Automobile Liability policy protects **CTA, the local chapters and UniServ Units** against claims for bodily injury and property damage liability brought by third parties resulting from an auto accident involving local chapter employees, leaders, and CTA members while driving their own vehicle for CTA, local chapter and UniServ Unit business. **This is a business auto liability policy and therefore there is no coverage for the driver as liability coverage is provided by the driver's personal auto policy. There is no coverage for physical damage to any personally owned automobile.** Coverage does not apply to automobiles that are owned by the chapter or UniServ Unit. Vehicles owned by a local chapter or UniServ Unit should have a separate business auto policy. The business auto policy does not provide coverage for medical payments or uninsured/underinsured motorists for accidents involving any non-owned or hired automobile. This must be covered by the owner's personal automobile policy.

CTA recommends that all drivers, whether they are driving on CTA business or for pleasure use, carefully evaluate the liability limits/coverage in their personal auto policy. The California Minimum Liability Insurance required limits are \$5,000 for property damage coverage (property damage to others) and 15/30 (\$15,000 per person and \$30,000 total coverage per claim) for bodily injury coverage (injury to others). CTA strongly recommends higher limits of at least \$100,000 for property damage coverage and 250/500 (\$250,000 per person and \$500,000 total coverage per claim) for bodily injury coverage.

CTA's Business Auto Policy is not designed to cover all potential users in all potential situations. Please consult with the Risk Management Team should you have any questions regarding use of a personally owned or rented automobile on CTA business.

### RENTING A VEHICLE WHILE ON CTA BUSINESS

The CTA Business Automobile Liability policy protects CTA, the local chapters and UniServ Units when a vehicle is rented for CTA business. **Again there is no coverage for the individual driver who is renting a vehicle on CTA business.** Therefore, CTA chapter leaders and members who rent a vehicle for CTA business should check with their own personal auto insurance carrier regarding coverage when renting a vehicle. When a CTA chapter leader or member rents an automobile for CTA business, he or she should state on the rental agreement that he or she is on CTA business, in order to protect CTA and the local chapter or UniServ Unit. The business auto policy does not provide coverage for medical payments or uninsured/underinsured motorists to the driver of a non-owned or rented automobile. This must be covered by the driver's personal automobile policy or purchased directly from the rental car company.

Renting a vehicle for CTA business use requires prior approval from the CTA Secretary-Treasurer.

# Automatic Coverage for Chapters

## **NEA FIDELITY BOND PROGRAM** *(No premium for chapters – deductibles may apply)*

The NEA Fidelity Bond Program consists of three policies: Labor Organization Bond, Employee Dishonesty, and Crime Insurance. The Labor Organization Bond and Employee Dishonesty Policy covers fidelity losses due to a chapter's officers or employees impropriety. The Crime Insurance Policy covers the theft of money or securities by a non-employee. The NEA Fidelity Bond Program provides coverage to state and local affiliate political action committees. It does not cover insurance trusts or pension plans, or other funds created by state or local affiliates. All potential claims must be reported at the earliest practicable moment after discovery of any potential loss, regardless of the dollar amount involved in the potential loss.

**Coverage under the NEA Fidelity Bond Program is subject to the entire wording of the Program policies.**

## **LABOR ORGANIZATION BOND AND EMPLOYEE DISHONESTY POLICY**

The Labor Organization Bond and Employee Dishonesty Policy are tiered policies that protect the chapter against loss of money or securities due to fraud or dishonesty of an officer or employee. In some cases, losses due to a consultant's fraud or dishonesty are covered as well. The Labor Bond, which serves as the primary insurance layer, provides coverage up to \$500,000 per loss/per employee. If the primary layer is not sufficient to cover the officer or employee dishonesty loss, the Employee Dishonesty Policy is triggered as a secondary layer to provide additional coverage up to the limit of liability not to exceed \$1 million per claim and carries a \$500,000 deductible. The \$500,00 deductible for the employee dishonesty policy is met through the underlying primary Labor Organization Bond policy. The Labor Organization Bond includes coverage up to \$25,000 for reasonable expenses incurred and paid to an independent service provider for investigative costs, which includes costs for bank records and bank-issued copies of canceled checks, bank-issued photocopies of signature cards, and costs and fees for forensic audits. This expense coverage is applicable to substantiated losses greater than \$50,000; including coverage for losses greater than \$50,000 when the accused makes restitution resulting in a net loss less than \$50,000.

## **CRIME INSURANCE POLICY**

The Crime Insurance Policy protects the chapter against theft of money or securities by a non-employee in or away from the chapter or UniServ Unit. The crime insurance policy consists of premises coverage, transit coverage, depositor's forgery coverage, money order and counterfeit currency coverage, and computer theft or funds transfer fraud coverage. There is a \$1,000 deductible per loss. Premises coverage protects against the theft of money or securities on the premises, usually by robbery or burglary. Transit coverage protects against money or securities theft outside the association's premises and during transit from one location to another. Depositor's forgery coverage specifically insures against forgery or alteration of bank drafts. Money order and counterfeit currency coverage protects the chapter or UniServ Unit when a fraudulent money order is accepted by the chapter or UniServ Unit in good faith. Computer fraud or funds transfer fraud coverage covers direct losses by computer fraud or funds transfer fraud of money or securities. Enhanced coverage for "Impersonation Fraud" provides coverage for all affiliated locals up to \$20,000 for a loss resulting from fraudulent instructions. These fraudulent instructions are initiated by someone posing as a person of authority, a vendor, or other trusted individual and directs or manipulates an officer/employee to transfer, pay or deliver funds from the chapter's account without the chapter's proper authorization.

(Note: a \$1,000 deductible applies when invoking this endorsement).



# Automatic Coverage for Chapters

## NEA FIDELITY BOND PROGRAM (Continued)

### IMPORTANT NOTIFICATION REQUIREMENTS

**The discovery of any potential fidelity loss due to officers' or employees' dishonest acts, or due to theft by a non-employee, must be reported to CTA at the earliest practicable moment after discovery of any potential loss, even if the potential loss is at or below \$1,000.** If warranted, CTA thereafter reports the potential loss to NEA. Proof-of-loss documentation must be submitted within four months after the initial discovery of any potential loss. Documentation must include a tally itemizing and totaling the loss, copies of bank records and checks, and other such items documenting the circumstances of the loss.

### KEY LEARNING POINTS

- The Labor Organization Bond and Employee Dishonesty Policy are tiered policies that provide coverage for a chapter or UniServ Unit if its funds or securities are stolen in a variety of ways by an officer or employee.
- The Crime Insurance Policy provides coverage for a chapter or UniServ Unit for stolen funds or securities by a non-employee that occurs either in or away from the chapter office or UniServ Unit.
- A \$1,000 deductible per loss applies under the Crime Insurance Policy; a \$1,000 deductible applies for losses covered by the Impersonation Fraud Endorsement.
- Notify CTA, and thereafter NEA is to be notified, as soon as practicable after discovery of any potential loss, regardless of the dollar amount involved in the potential loss.
- Proof-of-Loss documentation is required to be submitted within four (4) months after discovery of a covered loss.

## NEA ASSOCIATION PROFESSIONAL LIABILITY (APL) INSURANCE *(No premium for chapters)*

This policy protects local chapters, UniServ Units and their officers, chapter leaders and employees for payment of monetary damages as a result of a claim or a lawsuit arising out of their authorized association activities. Some examples include breach of duty, neglect, error, misstatement, misleading statement and act or omission in the course of authorized association activities. Coverage under this policy is \$1.5 million per occurrence with a \$10 million maximum annual aggregate. Attorney fees and other defense expenses are paid in part by NEA and the union defendant(s). CTA will file claims for chapters under the policy and will ensure chapters receive NEA's contributions towards chapters' defense costs. This policy excludes employment practices claims. It also excludes criminal acts and claims not seeking monetary damages. An example of a covered claim would include a CTA member who files a duty of fair representation claim seeking monetary damages against the chapter alleging that his or her grievance was mishandled.

Coverage under the NEA APL Program is subject to the entire wording of the Program and insurance policy.

*Please see page 17 for important claim reporting contacts.*

# Chapter Insurance Options

## SOME IMPORTANT COVERAGES FOR CHAPTERS

Chapters or UniServ Units should consider purchasing several insurance coverages. Some coverages are required by state regulation and other coverages may be required by lenders. Here is a list to assist you:

<b>SOME COVERAGES YOUR CHAPTER OR UNISERV UNIT SHOULD CONSIDER PURCHASING</b> (these are general suggestions; the advice of your insurance agent/broker should be obtained for your particular circumstances, etc.)	
If you own a building	<input type="checkbox"/> General Liability Insurance
	<input type="checkbox"/> Property (including Building Codes), Business Personal Property, Loss of Rents and Extra Expense Insurance for broad or "all risk" causes of loss including mechanical breakdown
	<input type="checkbox"/> Earthquake and Flood Insurance
If you lease office space or own office equipment	<input type="checkbox"/> Business Personal Property, Rental Income, and Extra Expense Insurance
If you hire employees	<input type="checkbox"/> Employment Practices Liability Insurance including third party harassment and discrimination
	<input type="checkbox"/> Workers' Compensation Insurance
If you serve as a trustee or board member on a non-CTA board	<input type="checkbox"/> Directors' and Officers' Liability Insurance (including spousal coverage)
If you operate or sponsor health or welfare plans	<input type="checkbox"/> Fiduciary Liability Insurance
For data maintained outside of CTA's membership system which contains personal information of your employees or members	<input type="checkbox"/> Network Security and Privacy Liability Insurance with Breach Notification Expense Coverage (AKA Cyber Liability Policy)
If you conduct any non-CTA activities i.e. Building Ownership, Leasing to others, other activities, etc.	<input type="checkbox"/> General Liability including non-owned and hired auto liability, sexual molestation, abuse, liquor liability (if charging for entry, accepting donations, charging per drink, etc.)

# Chapter Insurance Options

## **SOME IMPORTANT COVERAGES FOR CHAPTERS (Continued)**

### **PROPERTY AND GENERAL LIABILITY INSURANCE - FOR CHAPTER-OWNED BUILDINGS**

Chapters or UniServ Units that own their buildings must purchase both general liability and property coverage. The coverage you purchase should be comprehensive. Ideally, the property policy will cover your buildings, business personal property, rental income protection, and extra expenses which you may incur as a result of leasing or renting temporary space while your building or office is repaired or replaced. You may also want to consider an earthquake and/or flood insurance policy.

### **EMPLOYMENT PRACTICES LIABILITY INSURANCE - FOR CHAPTERS THAT HIRE EMPLOYEES**

Chapters or UniServ Units should be aware of the potential for costly employment-related litigation. Employment litigation is one of the fastest growing areas of law; therefore, we encourage all chapters that hire employees to purchase Employment Practices Liability Insurance coverage. These policies provide coverage for defense costs and settlements for lawsuits and Equal Employment Opportunity Commission (EEOC), actions alleging discrimination, sexual harassment, wrongful termination as well as other alleged common-law violations that may occur as a result of the employer/employee relationship. These policies may also include coverage for sexual discrimination and/or harassment claims brought by non-employees. Please check with your agent/broker accordingly.

### **NETWORK SECURITY AND PRIVACY LIABILITY INSURANCE WITH BREACH NOTIFICATION EXPENSE COVERAGE (“Cyber Liability”)**

If your chapter maintains data outside of CTA's membership system which contains personally identifiable information of individuals a Cyber Liability policy should be considered.

Cyber Liability insurance is an important coverage for any organization that collects and/or maintains personally identifiable information of individuals, particularly those residing in California. California has strict regulations regarding the use, maintenance and protection of personal data. Whether personal data is collected electronically or by paper, it is of the utmost importance to keep that data safe and secure. An organization can be subject to significant fines and penalties in the event a breach in your network's security takes place and personally identifiable information is accessed by unauthorized individuals. Cyber Liability insurance will provide defense costs for potential regulatory fines and penalties arising from the inadvertent disclosure of personal data.

Additionally, it is important to train employees, board members and others in detecting and preventing phishing attacks and other types of social engineering schemes. Most network security breaches arise out of malicious emails attacks and phishing schemes. Therefore, a major component in mitigating the threat of phishing attacks is educating staff about how to recognize fraudulent emails.

If you have any questions regarding safeguards and membership data, please contact the CTA Membership Department at (650) 552-5278. For any questions regarding network security and privacy liability coverage, please contact the CTA Risk Management Department at (650) 552-5256.

### **WORKERS' COMPENSATION - FOR CHAPTERS THAT HIRE EMPLOYEES**

State law requires that all employers provide this coverage for full and part-time employees. Local chapters and UniServ Units that hire employees are required to obtain a workers' compensation policy. Failure to do so may result in significant fines or other penalties. UniServ Associate Staff and/or an Executive Director employed directly by the chapter should be covered by a workers' compensation policy purchased by the UniServ Unit or the chapter. To receive more information, please contact the CTA Risk Management Department at (650) 552-5256 or contact the State Compensation Insurance Fund at (877) 405-4545 or visit their website at [www.scif.com](http://www.scif.com).

# Chapter Insurance Options

## **SOME IMPORTANT COVERAGES FOR CHAPTERS (Continued)**

### **DIRECTORS' AND OFFICERS' LIABILITY INSURANCE - FOR CHAPTERS THAT SERVE AS A TRUSTEE OR BOARD MEMBER ON A NON-CTA BOARD**

If the chapter or UniServ Unit has members serving on outside boards or organizations, it should verify that the outside entity has a Directors' and Officers' Liability policy. If you need additional information, please feel free to contact Carole Anne Luckenbach, Manager, CTA Risk Management/Business Initiatives and Development Department at (650) 552-5267 or CTA's business insurance broker, Hays Companies at (650) 393-2028.

### **FIDUCIARY LIABILITY AND FIDUCIARY DISHONESTY INSURANCE - FOR CHAPTERS THAT OPERATE OR SPONSOR HEALTH OR WELFARE PLANS**

Many chapters or UniServ Units operate, sponsor or participate in various employee benefit plans. Some chapters have members who serve as trustees or administrators of some type of employee benefit plan. It is important that the sponsoring organization, whether it is a trust or the chapter, purchase a fiduciary liability policy to protect the trustees, board members and employees who may be charged with violating their fiduciary responsibilities. Fiduciaries are held personally liable for their negligence in the performance of their duties as plan fiduciaries. To inquire about a policy, please contact Carole Anne Luckenbach, Manager, CTA Risk Management/Business Initiatives and Development Department at (650) 552-5267 or CTA's business insurance broker, Hays Companies at (650) 393-2028.

## **CTA COVID-19 RESOURCES FOR EDUCATORS**

The health and safety of our members and the communities we serve is our top priority. For that reason, CTA has developed [www.cta.org/covid19](http://www.cta.org/covid19), a resource center dedicated to monitoring the COVID-19 pandemic and provide updates as they become available. Here you will find the latest information on the COVID-19 pandemic, including Media Kits, Leader Resources, Newsletters, and a list of frequently asked questions (FAQs). If there are any additional questions you may have, please contact your local CTA chapter and CTA primary contact staff. We are all in this together!

## **CONTRACTING WITH A TRANSPORTATION/BUS COMPANY**

Contracting with a transportation/bus company can create serious liability issues for CTA, your chapter or UniServ Unit, and officers. The CTA Risk Management Department is available to assist you in vetting a transportation company that meets safety standards and complies with insurance and other contract requirements. Please call the CTA Risk Management Department at (650) 552-5256 or [riskmanagement@cta.org](mailto:riskmanagement@cta.org) for assistance.

# Coverage for CTA Members

This section outlines three insurance policies that protect CTA members. These include the NEA Educators Employment Liability policy and the Medical Arts Endorsement for nurses, occupational therapists, physical therapists, dental hygienists and athletic trainers. In addition, CTA's broker, Hays Companies, can assist CTA members in obtaining a Sabbatical Leave Bond. This section also includes information on the CTA Disaster Relief Fund and the special benefits for CTA members with personal auto policies under California Casualty's Auto Insurance.

## **NEA EDUCATORS EMPLOYMENT LIABILITY (EEL) INSURANCE** *(No premium for chapters)*

### **CIVIL LAWSUITS**

This policy provides payment of up to \$1 million in damages and up to \$3 million in legal defense costs per occurrence for civil lawsuits against CTA members for alleged acts arising out of their educational employment. There is a \$9 million annual aggregate for legal defense costs. For example, the policy will cover a teacher who is sued by parents for negligent supervision on the school playground where their child was injured. The policy also covers civil rights cases up to \$300,000 including the cost of defense, settlements, or judgments.

The policy offers defense expenses up to \$5,000 for each occurrence of bodily injury, other than to another insured under the policy, caused by fungus, mold, mildew or yeast for which an insured has potential civil liability under the policy. This \$5,000 sub-limit is not available for attorney fees reimbursement for defense in a criminal proceeding under the policy.

### **CRIMINAL CHARGES**

This policy provides reimbursement for attorney fees and other legal costs if a CTA member is charged with a criminal offense arising out of his or her educational employment, provided that the CTA member is exonerated of all charges, all charges are withdrawn or dismissed, or the criminal investigation by a law enforcement agency is concluded without charges being filed. CTA members are covered up to \$35,000 against any criminal proceeding, with no limitation on the aggregate number of proceedings against any member.

One scenario might be the following: A student accuses a CTA member of sexual misconduct. The CTA member denies the allegation and maintains his or her innocence. The police investigates criminal charges and the CTA member is found exonerated of all charges. The EEL policy would reimburse the CTA member for the attorney fees when incurred in the defense against the charges, according to the specific terms of the policy.

Charges arising from educational employment activities alleging corporal punishment are covered regardless of the outcome of the case. The EEL policy also pays up to \$1,000 for a bail bond and up to \$500 for personal property damaged as a result of an assault upon a CTA member on school property or during an authorized school activity, subject to the specific terms of the policy.

Coverage under the NEA EEL Program is subject to the entire wording of the Program and policy.

*Please see page 17 for important claim reporting contacts.*

# Coverage for CTA Members

## **NEA EEL MEDICAL AND RELATED ARTS (M&RA) ENDORSEMENT** *(No premium for members)*

The Medical & Related Arts Endorsement (Coverage E) provides coverage for the rendering, teaching, and supervising activities of nurses, occupational therapists, physical therapists, dental hygienists and athletic trainers. This coverage is provided to all applicable members effective September 1, 2019, without the assessment of an additional premium for coverage. It is the state affiliate's responsibility to verify membership in a category that qualifies the Insured for coverage under the M&RA Endorsement.

For any questions pertaining to this policy, please contact the CTA Legal Department at (650) 552-5425.

## **SABBATICAL LEAVE BOND** *(Premium paid by CTA member)*

A sabbatical leave bond is a Surety bond that provides a financial guarantee to the school district that a CTA member who is on a sabbatical leave will return to the school district. Sabbatical leave is negotiated by the local chapter and is part of the local collective bargaining agreement. According to California Education Code Section 44966, sabbatical leave may not exceed a one-year period. Leave can be taken for one continuous year, two six-month periods or four separate quarters. CTA members must have rendered at least seven years of service with the district in order to be eligible for a sabbatical leave. CTA members who are interested in taking a sabbatical leave need to provide proof of a sabbatical leave bond. CTA members should contact their local school district to obtain the amount of the bond and the terms required. To obtain an application for a sabbatical leave bond, please contact Huong Tran, Marketing Service, Hays Companies at (650) 393-2028 or [htran@hayscompanies.com](mailto:htran@hayscompanies.com). Generally, the fee for the bond is \$15 to \$20 per thousand dollars of coverage. For example, the fee for a \$40,000 bond would be \$600 per year.

Surety bonds differ from insurance in some important respects. In the case of the sabbatical leave bond, the CTA member and the Surety company each guarantee to the school district, to the full amount of the bond, that the CTA member will comply with all terms and conditions of the leave and the applicable sections of the California Education Code. The CTA member must also indemnify the Surety company for any losses, expenses, etc. associated with the issuance of the bond. When applying for the bond, the CTA member will go through a credit analysis process and will be required to provide evidence that they qualify for the bond amount in a manner similar to qualifying for a loan of an equivalent amount. The application will also include an indemnity agreement section wherein the obligations the CTA member has to the Surety company are established.

# Coverage for CTA Members

## DISASTER RELIEF FUND

The CTA Disaster Relief Fund is a separate, special fund for members of CTA through voluntary contributions from CTA members, and through CTA fundraising drives throughout the year. The fund, administered by CTA Member Benefits Department, is endowed to provide financial assistance to CTA members who have experienced significant losses due to natural or other disasters in California.

The CTA Disaster Relief Fund provides four different grants summarized below:

- **Standard Grant:** Up to \$1,500 for significant economic hardship related to damage to the member's primary residence, displacement, or disruption in required utilities;
- **Catastrophic:** Recipients of the Standard Grant may be eligible for up to another \$1,500 if damages exceed \$50,000;
- **Temporary Displacement Grant:** Up to \$500 may be available for members who are displaced from their primary residence for five days or more as the result of a disaster, but do not qualify for a Standard Grant; and
- **School Site Grant:** Up to \$500 for personal losses due to damage to their classrooms or school site.

Interested members are encouraged to contact either their chapter office, CTA Member Benefits Department at (650) 552-5200, or visit [www.CTAMemberBenefits.org/drf](http://www.CTAMemberBenefits.org/drf) for information on eligibility, qualification criteria, and verification requirements as well as for an application. Once the application is completed, it must be submitted to the CTA Member Benefits Department for approval and submission. *(The filing deadline is 12 months from the date of the incident.)*

**This is a brief description of the CTA Disaster Relief Fund. All benefits and eligibility requirements are subject to the terms of the Grant and Qualifications. Details at [www.CTAMemberBenefits.org/drf](http://www.CTAMemberBenefits.org/drf). Applicants may need to meet one or more conditions to qualify.**

## SPECIAL BENEFITS THROUGH CALIFORNIA CASUALTY AUTO POLICY

There are special benefits for CTA members with personal auto policies under CTA-endorsed California Casualty's Auto Insurance. The Educators Coverage Enhancements under the personal policy are expanded to waive both the comprehensive deductible for all malicious mischief and vandalism claims and the collision deductible for collision damage to your vehicle while your vehicle is parked at or within 500 feet of a school, a school administrative office, a CTA administrative office or a CTA chapter office. Please note that California Casualty's auto policy will also extend these same benefits for such losses occurring while parked away from school when participating in an authorized school activity or function.

As an added benefit, California Casualty will waive your collision and comprehensive deductibles for a covered loss to your rental car while on CTA business or personal use. However, this waiver does not apply if the vehicle is rented as a substitute vehicle while your covered vehicle is in the shop.

# Financial Services for Chapters

## PROVIDENT CREDIT UNION

In 1950, Provident Credit Union opened its doors to serve a community of educators. Provident Credit Union is CTA-endorsed and proudly serves CTA members with branches in the Bay Area and Northern California.

Provident provides a comprehensive line of free and low-cost services, including:

- Several choices of checking accounts, including free checking
- Savings, Money Market and Individual Retirement Accounts
- Deposits federally insured to \$250,000 by the National Credit Union Administration
- IRAs federally insured up to an additional \$250,000 by the NCUA
- Accumulator Summer Savings Plan

A complete portfolio of competitive loan products is also available, including:

- Vehicle Loans (.125% rate discount for CTA members)
- Fixed and adjustable rate mortgages, including a Movable Mortgage (.125% rate discount for CTA members)
- Summer Skip-a-Payment option on Auto loans
- Home equity loans and lines of credit
- Personal loans
- New teacher loan

Provident also makes access easy:

- 24/7 free online account access with Account Manager
- Free Mobile Banking and Mobile Bill Pay
- Free e-Deposit capabilities for mobile and online banking
- Free online bill payment with Bill Manager
- Surcharge-free access at over 28,000 ATMs
- 18 Provident Community Branches in Northern California
- Over 200 Credit Union Shared Branches in Northern California

To take advantage of Provident's products and services, or to find a nearby branch, call (800) 632-4600 or visit [www.providentcu.org](http://www.providentcu.org).



# Chapter Financial Responsibilities and Considerations

CTA provides an affiliate support program aligned with the CTA Strategic Plan designed to offer assistance and leadership development from the CTA Business Division and Regional Services to work with local leadership in regard to fostering good business practices. Policies and procedures are discussed and recommendations are brought forth to enhance the financial management of local associations.

## FOR EXECUTIVE OFFICERS:

Local leaders have the following financial responsibilities to their members and local association:

- **Fiduciary Responsibility** - Includes making decisions that are in the best interest of its members; exhibiting due care and diligence in identifying and evaluating issues that are relevant to the local association; and governing objectively, professionally, honestly and with integrity.
- **Internal Controls** - Work with the Treasurer to act as custodians for the safekeeping of association funds and to maintain an accurate accounting of records. Take an active role and responsibility in a checks and balance system to protect the local's assets, approve and implement Board procedures and distribute Representation Council policies.
- **Regulatory Agencies** - Comply with regulatory agency laws and filing requirements to keep in good standing and to insure the viability of the local association.

## FOR TREASURERS:

For additional and detailed information on the Treasurer's financial responsibilities, please refer to the Accounting & Reporting Handbook for Treasurers. The Handbook is designed as a reference manual for the Treasurer who oversees the financial affairs of the local association. The Treasurer's role includes providing guidance to implement good financial business practices and proper usage of association funds, complying with filing requirements from regulatory agencies and avoiding having to file fidelity bond claims. A brief introduction to each section in the Handbook is summarized below:

- **General Responsibilities as a Financial Representative** - This section outlines the general responsibilities of the Treasurer including supervising the receipt and disbursement of all funds, having official custody of all funds and property, presiding over the preparation of the annual budget, and preparing and distributing periodic financial reports accordingly.
- **Janus v. AFSCME** - The understanding and planning for the financial impact to local Association Budgets due to the Supreme Court decision that ruled that the collecting of fair share (agency) fees is unlawful is discussed in this section.
- **Checklist of Deadlines** - A list of deadlines by calendar date to assist local Treasurers to file required reports on a timely basis in accordance with the requirements from regulatory agencies.
- **Books, Records, and Business Practices** - Designed for the Treasurer to work with the Executive Board in an inclusive and interactive environment to develop, document and maintain proper internal controls and good business practices. This section includes topics of concern such as credit cards and online banking, and a checklist for an affiliate to evaluate its own business practices and internal controls.

# Chapter Financial Responsibilities and Considerations

## FOR TREASURERS:

- **Budget** - A Budget is a financial plan of action for your local organization. The Executive Officers with the Treasurer as the chairperson should approve and implement an annual budget program. The program should be designed to encourage inclusive involvement and participation from a diverse representation of your membership. The annual process includes the selecting of budget committee members, developing a calendar, holding budget forums, preparing a budget and then culminating with the recommendation of a balanced budget to the Board of Directors followed by the subsequent adoption by Representation Council for implementation the following fiscal year. The budget should be monitored to actual expenses and be evaluated on the effectiveness based on the local's goals and objectives.
- **Information and Tax Returns** - Labor Organizations recognized by the Internal Revenue Service (IRS) under Section 501(c)(5) as tax-exempt organizations are required to file federal and state information returns. Members of the public rely on these information returns as the primary source of financial data on tax-exempt organizations. The IRS has recently implemented a new reporting regulation to include an electronic filing requirement for small tax-exempt organizations and has expanded the scope for more detailed disclosure information (including additional schedules and written policies and procedures) for larger tax-exempt organizations.
- **Political Action** - CTA affiliates actively involved in local candidate and school bond or parcel tax elections should be aware of the regulations imposed by the Fair Political Practices Commission (FPPC), the Internal Revenue Service (IRS), and the Franchise Tax Board (FTB) regarding the disclosing of receipts and disbursements for political action.
- **Service Center Councils** - This section is designed for Service Center Council Treasurers and includes the annual funding schedule and requirements, the Service Center Council forms and instructions, and information on tax filing responsibilities.
- **UniServ** - The CTA and NEA established the Unified Staff Service Program to provide members and locals with professional staff. There are three models: Option I, Option II and RRC. This section also includes budgeting information and the calendar for forming a new Option I Unit.
- **Membership** - A brief summary of instructions for membership and agency fee processing.

To request affiliate support or obtain a copy of the Accounting & Reporting Handbook for Treasurers, please contact Anna Dilig in the CTA Accounting Department at [adilig@cta.org](mailto:adilig@cta.org) or (650) 552-5262.

# Helpful Questions and Answers

## 1. What insurance coverage is automatically provided to CTA chapters and UniServ Units?

- The General Liability Insurance policy (\$1 million Each Occurrence \$2 million Annual Aggregate per location) covers claims of negligence against you or your local chapter alleging bodily injury or property damage arising out of a CTA activity.
- The NEA Fidelity Bond Program insures your local chapter against fraud or employee dishonesty resulting in money or securities loss.
- The NEA Association Professional Liability Insurance policy protects your local chapter against the financial loss for liability incurred while conducting authorized association activities.
- The NEA Educators Employment Liability Insurance policy provides liability and defense cost coverage for civil suits brought against a CTA member during the course of employment. It also covers the legal defense cost for criminal charges, provided the CTA member is exonerated or charges are dismissed.

## 2. What coverage do I need if my chapter or UniServ Unit owns its building?

If a local chapter or UniServ Unit owns its own building, they should purchase a property insurance policy to cover the replacement cost value of the building (including losses caused by building laws) and an office contents policy to cover office equipment, improvements, etc. the chapter owns.

Additionally, we recommend that the chapter purchase Extra Expense coverage which will provide coverage for additional expenses you may incur in the event you will need to lease or rent temporary office space while your premises is being repaired or replaced. If you lease space to others, purchase Loss of Rents.

The chapter or UniServ Unit should also purchase a comprehensive commercial general liability policy.

## 3. What type of insurance is not provided by CTA and is the responsibility of my local chapter or UniServ Unit?

Each chapter or UniServ Unit should determine which insurance policies they need to purchase beyond those provided by CTA for CTA related activities. For example, if a chapter hires employees, such as a secretary, purchase Workers' Compensation insurance and Employment Practices Liability insurance. If a chapter or UniServ Unit owns office equipment, such as furniture, tenants improvements, and computers, purchase Business Personal Property Insurance. Purchase General Liability Insurance if you have tenants or plan any non-CTA related activities. Please see the section entitled Chapter Insurance Options on pages 6 through 8 of this booklet for more information.

## 4. If I need to provide proof of CTA's General Liability Insurance, how can I obtain verification?

Contact CTA's Risk Management Department by e-mailing [riskmanagement@cta.org](mailto:riskmanagement@cta.org). To obtain a copy of the CTA General Liability certificate of insurance, click on Chapter Insurance under Tools & Resources at [www.CTAMemberBenefits.org](http://www.CTAMemberBenefits.org).

## 5. My local chapter is planning a special event that is CTA related and we were asked to add a third party as an Additional Insured to the CTA General Liability Policy. How is this done?

To add another party as an Additional Insured, please contact CTA's Risk Management Department by e-mailing [riskmanagement@cta.org](mailto:riskmanagement@cta.org). There may be a fee for this service.

## 6. If I hired my own employees, why do I need to purchase Employment Practices Liability Insurance?

As an employer, you may be held financially liable in the event of a lawsuit alleging discrimination, sexual harassment, wrongful termination as well as other common violations. Even if your chapter hires only one employee, the risk exists and it is important to consider the purchase of Employment Practices Liability coverage.

# Helpful Questions and Answers

## 7. Who do I contact if I need a sabbatical leave bond?

Please contact Huong Tran, Marketing Services, Hays Companies at (650) 393-2028 or [htran@hayscompanies.com](mailto:htran@hayscompanies.com).

## 8. If I drive my own vehicle for CTA business and I am involved in an accident that results in an injury to another person, am I covered under CTA's Business Automobile Liability Insurance policy?

No. CTA's policy would not provide coverage for you personally in this case. CTA encourages you to verify coverage under your personal automobile policy for "business use". The CTA Business Automobile Liability policy is a commercial business policy, it provides coverage to the local chapter, UniServ Unit and CTA.



## 9. What if one of my chapter members is in an auto accident using their personal vehicle while on CTA business, resulting in bodily injury to another person, and the local chapter, UniServ Unit and/or CTA is named in a lawsuit?

The CTA Business Automobile Liability policy provides coverage to the local chapter, UniServ Unit and CTA. The chapter member must rely on their own coverage.

## 10. If someone is injured while in a chapter office of UniServ Unit, whom do I contact?

If the individual requires medical attention, contact 911 immediately and the CTA Risk Management Department at (650) 552-5256 or [riskmanagement@cta.org](mailto:riskmanagement@cta.org).

## 11. Is there a deductible under the NEA Fidelity Bond?

This policy, underwritten by National Union Fire Insurance Company, has no deductible for the Labor Organization Bond, \$500,000 per loss deductible in place for the Employee Dishonesty Policy and a \$1,000 per loss deductible for the Crime Policy. The \$500,000 deductible for the Employee Dishonesty policy is met through the underlying primary Labor Organization Bond policy.

## 12. Is there an exclusion in the General Liability Policy for liquor?

Generally, claims arising out of the serving of liquor at a function are covered under the CTA General Liability policy. However, there is a liquor liability exclusion if you are in the business of manufacturing, selling, serving or distributing liquor. (Entry fees, "donations" for drinks, etc. may trigger the exclusion.)

Serving liquor at a chapter or UniServ Unit function should be carefully reviewed due to an increase in potential liability exposure. If liquor is served at a chapter or UniServ Unit function which is a catered event, it is strongly recommended that the caterer furnishing the liquor be properly licensed and provides the chapter and CTA with evidence of liquor liability, naming the chapter and CTA as Additional Insureds; and that such coverage be issued in an amount no less than \$1,000,000 per occurrence. We recommend that chapters take all reasonable precautions and provide transportation to those unfit to drive. Contact Carole Anne Luckenbach, Manager, Risk Management/Business Initiatives and Development Department, for strategies to minimize liquor liability claims.

# Resources and Claims Reporting Contacts for Your Chapter

## WHO SHOULD I CONTACT IF...

<p>...I have questions about or need to purchase business insurance* for my chapter?</p> <p>*for Workers' Compensation insurance, please contact the State Compensation Insurance Fund at (877) 405-4545, or visit <a href="http://www.scif.com">www.scif.com</a>. Or, you may contact your local broker.</p>	<p>Huong Tran, Marketing Service Hays Companies (650) 393-2028 <a href="mailto:htran@hayscompanies.com">htran@hayscompanies.com</a></p> <p>If Huong Tran is not available, contact: Elizabeth Horn, Account Assistant Hays Companies (650) 393-2014 or (415) 939-9439 <a href="mailto:ehorn@hayscompanies.com">ehorn@hayscompanies.com</a></p>
<p>...my chapter is holding a function and is asked to provide proof of insurance by the third party?</p>	<p>CTA Risk Management Department (650) 552-5256 <a href="mailto:riskmanagement@cta.org">riskmanagement@cta.org</a></p>
<p>...my chapter's landlord is requesting to be added as an Additional Insured to the CTA General Liability policy?</p>	
<p>...I need to file a claim under the NEA Fidelity Bond Program or the CTA General Liability policy?</p>	<p>Carole Anne Luckenbach, CEBS, ARM, AIF Manager, CTA Risk Management/Business Initiatives and Development Department (650) 552-5267 <a href="mailto:cluckenbach@cta.org">cluckenbach@cta.org</a></p>
<p>...I need to file a claim under the NEA Association Professional Liability policy?</p>	<p>Eileen Figone, Supervisor CTA Legal Department (650) 552-5424 <a href="mailto:efigone@cta.org">efigone@cta.org</a></p>
<p>...I need to file a claim under the NEA Educators Employment Liability Insurance?</p>	<p>Your Primary Contact Staff</p>

# Glossary

**Additional Insured:** A person, other than the named insured, who is protected by the policy, most often in regard to a specific interest (e.g. a landlord that asks to be added to a liability policy).

**Aggregate:** The maximum insurance coverage under a liability policy during a policy period regardless of the number of losses that may occur.

**All-Risk Insurance:** Insurance that covers all risks of loss except those that are specifically excluded. Sometimes referred to as “special perils”. Common exclusions are earthquake, flood, nuclear and war.

**Bodily Injury:** Physical harm or impairment to a person.

**Breach of Duty:** The failure or omission to do that which a person is bound by law to do.

**Business Automobile Liability:** Liability coverage for the named insured when members or chapter leaders use their own vehicles for business purposes on behalf of the insured.

**Certificate of Insurance:** Written evidence that an individual or group is covered by a liability policy and setting forth its basic terms. This is not a legal document nor does it actually change the insurance policy on which it is issued.

**Civil Suit:** A lawsuit against an individual for monetary damages or injunctive relief.

**Contractual Liability Insurance:** Coverage for losses arising out of liability assumed under an insured contract.

**Criminal Charge:** An accusation of criminal law violation that can lead to punishment.

**Deductible:** The amount deducted from a loss that the insured is required to pay.

**Directors’ and Officers’ Liability:** Affords protection to Board Members, Directors and Officers for liabilities arising from activities connected with serving the organization.

**Excess Liability Coverage:** Liability coverage that is written in excess of the primary liability insurance policy. It is designed to increase the limits of liability.

**Fidelity Bond:** A bond covering an employer or association for a loss resulting from employee theft of employer’s money and securities.

**Hired Automobile Liability:** Liability arising out of the business use of short-term rental automobiles by the insured.

**Indemnify:** To reimburse an insured for a loss.

**Insured:** A person or organization who has purchased an insurance policy and is protected by it.

**Intentional Act:** A deliberate act or omission.

**Liability:** An actual or potential legal obligation or responsibility to another person.

**Libel:** An untrue, defamatory written statement; a published writing that harms another person’s reputation, business or livelihood.

**Liquor Liability:** Liability arising out of manufacturing, distributing, selling or serving alcoholic beverages. Liability can arise by contributing to the intoxication of an individual.

**Medical Payment:** Payment to the insured or others who are injured without regard to liability.

**Named Insured:** An individual, business or organization that is specified on the insurance policy.

**Neglect:** To disregard, leave undone, or fail to give proper attention or to be careless.

**Negligence:** The failure to exercise the care of a reasonably prudent or ordinarily careful person.

**Per Occurrence:** A limit in the insurance policy that caps the payment of all claims that arise from one single event.

**Personal Injury:** Wrongful conduct causing false arrest, wrongful eviction, violation of a person’s right of privacy, libel or slander of a person.

**Primary Liability Insurance:** The first policy applicable to a liability claim.

**Property Damage:** Destruction or damage to property.

**Property Damage Liability:** Insurance coverage that defends and indemnifies the insured and pays claims of an individual or company (third party) for damage to their property caused by negligence of an insured.

**Sabbatical Leave:** A teacher’s paid leave of absence used for travel or research.

**Slander:** Oral defamation; a spoken statement or gesture that harms someone’s reputation.

**Workers’ Compensation:** An insurance policy that covers work-related employee injuries or disease while the employee is on the job. State law requires that all full and part-time employees be covered under a workers’ compensation policy.

# Notes

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**E. Toby Boyd**

CTA President

**David B. Goldberg**

CTA Vice President

**Leslie S. Littman**

CTA Secretary-Treasurer

**Joe Boyd**

CTA Executive Director

