



Pandemic Claim Reporting Guidelines:
Coronavirus (COVID-19)

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Dear Valued Client:

At USI we recognize that responding to the Coronavirus (COVID-19) pandemic can be very stressful and time consuming. There are many issues to consider as events unfold, and you evaluate the potential impact to your organization.

To assist you with your preparations and claim reporting needs, we are providing the following Pandemic Claim Reporting Guidelines, designed to simplify and streamline your Coronavirus (COVID-19) claim reporting process.

- **Claims Reporting Procedures** – Overview of the claims reporting process.
- **Insurance Company Claim Reporting Directory** – Toll-free (1-800) numbers for insurance carriers to allow you to quickly and efficiently report claims directly to your insurer.
- **Important Resources** – Links to USI's Coronavirus (COVID-19) site and to other resources including the Centers for Disease Control and Prevention (CDC).

Your continued partnership with USI remains invaluable to us and we appreciate your business.

All USI recommendations and publications are purely advisory and intended to assist in loss control and standard safety practices/procedures. The decision to adopt and/or implement recommendations made by USI is at sole discretion of the client/user/reader. Recommendations of USI are based on information provided and may vary based on individual conditions and circumstances. These recommendations do not imply or guarantee compliance with the requirements of applicable Local, State or Federal laws or regulations. Applicable laws and regulations should be consulted. Recommendations do not signify or imply that other potential hazards do not exist.

Reference materials and documents included in this report were compiled from a variety of public resources including the Centers for Disease Control and Prevention (CDC) and the Occupational Safety & Health Administration. USI is providing copies of documents from these governmental agencies as reference material. These documents are available by using the internet website addresses referenced throughout this reference guide. USI takes no responsibility for the accuracy or content of these documents or reference materials.

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These claim reporting instructions have been prepared to guide you in properly reporting claims. Report all claims promptly in order to protect your company's interests. Do not delay or refrain from reporting claims because you think the incident is not insured or too trivial to report. A delay in reporting claims may jeopardize your coverage.

Coverage Line	Report to Your:
General Liability (GL)	Insurer directly.*
Property/ Business Interruption (BI)/ Cargo	Insurer directly.*
Workers' Compensation	Insurer directly.*
Directors & Officers (D&O)	USI account team or claims consultant.
Fiduciary	USI account team or claims consultant.
Crime	USI account team or claims consultant.
Employment Practices Liability (EPL)	USI account team or claims consultant.
Errors & Omissions	USI account team or claims consultant.
Cyber	USI account team or claims consultant.

* See *Insurance Company Reporting Directory*.

- If you have questions or need assistance reporting your claim, contact your USI account team or email the USI Claim Center at USIInsuranceClaimsCenter@USI.com.
- If you have difficulty with the handling of your claim, contact your USI account team or USI claim consultant.

When Reporting a Claim

The information required when reporting a claim will depend on the type of loss/claim. When reporting your loss to your insurance carrier or USI, please be prepared to provide the following information:

- Your full name or business name.
- The phone numbers where a Claims Adjuster can contact you.
- The policy number.
- The date of loss (date when damage first occurred) or date of claim (date when a demand or claim was first received).
- The cause(s) of loss and/or claim.

With any claim, policy wording and specific triggers driving the loss will determine the applicability of coverage. Your insurance carrier will evaluate every claim fully, on its own merits and based on the facts presented, in conjunction with all applicable policy provisions and the law in the applicable jurisdiction.

Given the unique and emerging nature of the risks and exposures associated with the virus, we anticipate conventional coverage provisions and carrier positions to be questioned and tested across the industry, regulatory and legal systems, triggering litigation that will challenge many policy defenses presented by insurers. As a result, regardless of the size of your loss or questions regarding compensability or coverage, you should report your claim in a timely manner, in order to obtain the carriers coverage analysis and position, allowing you and your USI account team to establish appropriate next steps.

USI will advocate on behalf of our clients for the most favorable response available under the applicable policies.

Any intent to ultimately dispute a coverage position and pursue insurers under the policy will require thorough documentation and support of all claim details and losses. Tracking and reconciling this information while losses are being sustained is critically important, as gathering the necessary information at a later time can be far more difficult.

Workers' Compensation

The intent of Workers' Compensation statutes is not to cover claims presented for communicable and contagious diseases. However, there may be exceptions depending on how and where a disease like the Coronavirus is contracted. Considerations are given based on whether the claim "arises out of and in the course of employment" or where an employer may place an employee in an "increased risk" to contract the disease/virus. Each situation is examined on a case-by-case basis to determine compensability and should be reported accordingly.

Claim/Incident Reporting:

Workers' Compensation claims must continue to be reported directly to your carrier. Please be prepared to give detailed information on how the employee allegedly contracted the reported illness and how it maps directly to the workplace or work activity. Also be prepared to provide:

- Immediate medical and other services required by the Workers' Compensation law.
- Give the insurer the names and addresses of the injured persons and witnesses, and other information they may need.
- Promptly give the insurer all notices, demands and legal papers related to the injury, claim, proceeding or suit.
- Cooperate with the insurer and assist them, as they may request, in the investigation, settlement or defense of any claim, proceeding or suit.
- Do not voluntarily make payments, assume obligations or incur expenses, except at your own cost.

General Liability

General Liability policies cover bodily injury arising out of the Insured's negligence. A claimant would have to allege the virus was contracted because of the Insured's negligence and be able to localize how, when, and where it was contracted. This would be a very difficult standard to meet.

Claim/Incident Reporting:

In the event of a claim, you must see to it that your insurer is notified as soon as practicable of an occurrence (accident/claim, for example, bodily injury and property damage suffered by a third party), which may result in damages covered by the policy.

Please be prepared to provide the following information:

- How, when and where the occurrence took place.
- The names and addresses of any injured persons and witnesses.
- The nature and location of any injury or damage arising out of the occurrence.

If a claim or suit against any Insured is reasonably likely to involve the policy, you must notify the insurer in writing as soon as practicable and provide the information listed below:

- Immediately send copies of any demand, notices, summonses or legal papers received in connection with the claim or suit.
- Authorize the insurer to obtain records and other information.
- Cooperate with the insurer in the investigation, settlement or defense of the claim or suit.
- Assist the insurer, upon its request, in the enforcement of any right against any person or organization which may be liable to the Insured because of injury or damage to which this insurance may also apply.

You may not except at your own cost, voluntarily make a payment, assume any obligation, or incur any expense, other than for first aid, without the insurer's consent.

Other Liability: *Management Liability such as Directors & Officers Liability (D&O), Employment Practices Liability (EPL) - including Wage & Hour insurance, Professional Liability/Errors & Omissions (E&O), and Cyber Insurance.*

Because of the complexity of these claims and reporting provisions, we recommend that you engage USI per the instructions noted in the previous section.

The overwhelming majority of policies for these lines of coverage are claims (first) made and reported, meaning that the claim (almost always a defined term in the policy) has to be first made during the policy period AND reported as soon as practicable, but in no event later than the end of the policy period.

Directors & Officers

A D&O policy would not cover direct claims for bodily injury or personal injury because of the respective exclusions intended to push those losses to the appropriate General Liability policies. But direct shareholder (securities claims) and/or derivative claims could arise out of the company's alleged failure to disclose risks related to the Coronavirus or a company's alleged failure to manage the exposure of the Coronavirus. Certain industries (airlines, other travel, entertainment, manufacturing, food service, i.e.) are clearly more susceptible, but many others could be implicated if a severe recession ensues.

Employment Practices Liability

As companies, governments, municipalities and other institutions respond to this crisis, the potential impact on employees should be considered. To be clear, EPL policies also exclude coverage for bodily injury, but the following employment-related allegations may trigger EPL or Wage & Hour coverage:

- Discrimination based on race/national origin related to the spread and origin of the virus
- Discrimination based on disability, including retaliation claims for compromised individuals that request accommodations like remote working, limited/no travel, social distancing
- Discrimination/retaliation claims by employees that request an alternative working accommodation due to school or childcare facility closings
- Third-party EPL exposures: claims alleging harassment or discrimination of clients, vendors, or others due to race/national origin/recent travels
- Wage & Hour Claims: actions taken to recoup wages or other compensation owed to you by an employer due to non-payment or underpayment of wages for work done.

Professional Liability/Errors & Omissions

Many professional liability policies also exclude coverage for claims arising out of bodily injury. However, for professions within the healthcare industry that have a special duty to protect public health, some coverage for a pandemic-related event could possibly be provided.

Cyber/Privacy Liability

As the COVID-19 pandemic creates potential chaos, it opens the door for criminals to increase cyberattacks. Companies may become more susceptible to attacks as their operational capabilities are reduced to employees being unable to perform their usual tasks or working remotely. The work from home scenarios may increase the risk of attacks as cybercriminals look to exploit possible open and unsecured networks. Be mindful of suspicious network activity or emails that could lead to a data or network breach.

Claim/Incident Reporting:

You must report notice of any suspicious network incident or breach as soon as possible and engage the insurer-approved vendors immediately.

For all other claims, you must give written notice of a claim or investigation made against an Insured as soon as practicable after an Insured learns of the claim or investigation, but in no event later than the termination of the Policy Period.

Please be prepared to give detailed information regarding what the claimant is alleging caused their damage, including, but not limited to:

- Identity of claimant(s)
- Description of alleged wrongful act(s)
- Identity of Insureds allegedly involved
- The circumstance by which you first became aware of the claim(s)
- The alleged damages/loss amount

Many policies also include a notice of circumstance provision that allows you (but does not obligate you) to notice facts or circumstances you become aware of during the Policy Period that may reasonably give rise to a future claim covered under the Policy. To effectively utilize this option, an analysis of whether or not the facts or circumstances you are aware of have enough specificity of detail to be accepted by the current insurer(s) needs to be performed. Consultation with your USI claims representative and possibly your firm's outside counsel is necessary as the decision could have implications on existing and future coverage. If it is decided that a notice of circumstance is going to be executed, the same type information outlined above should be provided, albeit the information would be potential claimants, wrongful acts, insureds, circumstances and damages.

Property/Business Interruption/Cargo Loss Notice

The Coronavirus will likely impact clients on both a direct and indirect basis. Whether impacted directly or as a result of supply chain disruptions throughout the world, clients will likely look to a variety of first-party coverages for relief against losses. Simply pointing to the Coronavirus as the proximate source of losses will start the discussion, but a thorough review of the facts will be needed to find coverage. It is critical to understand specific loss drivers and to be able to demonstrate and support the causal relationship between those triggers and sustained losses.

It is anticipated that, in most cases, coverage will be a significant challenge. However, we also expect coverage to be tested given the emerging nature of the risk. Most losses will not result from direct physical damage at an insured location. Rather, losses will emanate from actions of civil authorities, and contingent or supply chain exposures.

It is important to understand that, depending on policy wording and coverage grants, specific policies and programs will respond differently to identical losses, with each claim being evaluated on its own merits, the facts presented, and the policy provisions.

Carefully documenting the event will provide the claims adjuster a head start in evaluating the claim. Here's what you need to do:

Claim/Incident Reporting:

When reporting a Property, BI or Cargo claim, the following information is a starting point for supporting the claim. Information should be gathered early on as losses are being sustained.

- Give the insurer prompt notice of the loss or damage.
- Include a description of the property involved.
- Give the insurer as soon as possible a description of how, when and where the loss or damage occurred.
- Develop a detailed narrative outlining the loss.
- Provide details of impairments or direct damage at insured facilities.
- Provide details that outline any Civil Actions or Ingress/Egress issues prohibiting access to insured locations and impairing operations.
- Provide to the best of your ability any details/specifics impairing suppliers/receivers. It's recognized this can be very difficult (at best) to achieve.
- Provide details (including civil actions) that are disrupting the transit of materials, inventory, etc.
- Track all costs/losses in real time. If a claim is pursued, losses will have to be specifically reconciled and tied to the triggers noted in the previous bullets.

When investigating and preparing your Business Interruption claim:

1. Record business interruption or extra expenses due solely to the loss.
 - Record all expenses, such as:
 - a. Wages for employees involved in clean up or repair
 - b. Overtime paid for employees to fulfill orders that would have been completed during normal hours if not for the loss
 - c. Outside vendors involved in clean up, repair, etc.
 - d. Leasing of temporary space until your facility is repaired; leasing or purchase of any items necessary to continue operations.
 - Record all expenses that you continue to incur, despite the necessary suspension of your operations.
 - Record all wages for employees who were sent home, but still paid (may be covered for continued payroll).
 - Document any business lost due to the necessary suspension of your operations, such as cancelled or refused orders.

Complete financial records may be necessary to determine your lost income

Insurance Company Claims Reporting Directory

Company Name	Telephone Number
Acuity	800-242-7666
AIG	877-399-6442 - Option 2
AIG - Personal Private Client Group	888-760-9195
American Reliable Insurance Company	800-245-1505
AmRisc	877-284-4900
Arch Specialty	877-688-2724
Assurance Property	800-358-0600
Auto Owners	888-252-4626
Bankers Insurance Company	800-765-9700
Boulder Claims	866-789-4228
Caitlin Miami	305-468-4167 - Option 7
Canal Insurance	800-452-6911 - Option 2
Chubb	800-252-4670
Church Mutual Insurance Company	800-554-2642 - Option 2
Cincinnati Ins Co.	877-242-2544
Citizens	866-411-2742 - Option 1
C.N.A.	877-262-2727
Colony Insurance Company	800-577-6614 - Option 2
Crum & Forster	800-690-5520
Dealer Guard	800-955-0645 - Option 1
Farmers	800-435-7764
FCCI	800-226-3224
Fireman's Fund	800-347-3428
Florida Intracoastal Underwriters	954-332-9050
FM Global	877-639-5677
Foremost Insurance Group	800-527-3907
Frontline Insurance - First Protective Ins	800-675-0145
Geico	800-841-3005
Great American Insurance	800-221-7274 - Option 4
Hanover	800-628-0250
Harleysville Insurance	800-892-8877
Hartford	800-327-3636
Hartford Steam Boiler	888-472-5677
ICAT Claims / Boulder	866-789-4228
Interstate Fire & Casualty / Colony Specialty Group	800-456-8458 - Option 2
Lexington / AIG	800-931-9546
Liberty Mutual Insurance Company	800-362-0000

Company Name	Telephone Number
Mercury Insurance Group	800-503-3724 - Option 4
Metropolitan Auto & Home	800-854-6011
Nationwide	800-421-3535
Northpoint Insurance / QBE	844-723-2524
Ohio Casualty & West American Insurance	866-255-5530
OneBeacon	877-248-3455
Prudential P&C Ins. Co / Liberty Mutual	800-225-2467
Old Dominion Ins. Co.	877-425-2467
Regency (Tower Hill)	800-342-3407
RLI Insurance Company	800-444-0406
SAFECO	800-332-3226
Scottsdale Insurance Company	800-423-7675
Selective	866-455-9969
Shelter Insurance Group	800-743-5837
St. Johns Insurance Company	800-748-2030
St. Paul / Travelers	800-238-6225
Tower Group Companies	888-856-5522
Tower Hill Companies	800-342-3407
Travelers	800-238-6225
United Property & Casualty	800-861-4370
Universal Property & Casualty Insurance Co.	800-425-9113
USAA	800-531-8222
Vanguard Insurance Company	800-561-8464
Zurich	800-987-3373

Important Resources

USI Insurance Services

<https://www.usi.com/public-health-emergencies/>

Centers for Disease Control and Prevention (CDC)

<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-business-response.html>

World Health Organization (WHO)

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

American Red Cross

www.redcross.org

Federal Emergency Management Agency (FEMA)

www.fema.gov

Local Health Department Directory

<https://www.naccho.org/membership/lhd-directory?searchType=standard&lhd-search=&lhd-state=>

Emergency Response Vendors

Cotton Global Disaster Solutions

24/7 emergency hotline - 877-900-0493

Karri Robinson

karri.robinson@cottonteam.com

BMS CAT

24/7 emergency hotline - 877-730-1948

Fehmi Ilkson

Filkson@bmscat.com

Knight Restoration Services

24/7 emergency hotline - 877-965-8200

Jay Hawkins

Jay@knightrestoration.com

When reaching out to any of the Emergency Response Vendors, please reference the vendor contact and USI Insurance Services as your insurance broker.