

The AFT is pleased to provide liability protection for claims or charges arising out of the employment activities of a member of a participating local. The Occupational Liability Insurance (OLI) Plan (the Plan) provides AFT members broad protection for legal defense costs and court judgments. Since this is a group plan, it can only be purchased by local affiliates on behalf of their members. Because the coverage protects participating members from a wide range of employment-related issues, including defense of alleged criminal acts, this brochure provides only a summary overview of the protection available to members. Coverage is determined based on the limitations and exclusions contained in the Plan.

The Plan provides for damages and attorney fees from claims arising out of a member's employment activities due to: (1) accidental bodily injury (e.g., member opens a classroom door and breaks a student's tooth), (2) accidental property damage (e.g., member knocks a student's laptop computer to the floor, while explaining a concept) or (3) personal injury claim, such as slander, libel, false arrest, false detention, imprisonment or invasion of privacy. Examples include a locker search (invasion of privacy) or putting a message on Facebook that libels a student.

Coverage is provided for claims arising out of incidents that take place during the policy period. Note that the defendant must be a member in good standing of a participating local at the time of the incident. The member named in the charge is covered under the policy regardless of where the member is currently employed. This type of coverage is referred to as occurrence-based.

The Plan provides up to \$1 million protection per member per occurrence for damages arising out of:

- Bodily injury
- Property damage
- Personal injury

subject to its limitations and exclusions.

The Plan is designed to reimburse certain expenses to defend any claim made against a member resulting from the following acts:

1. Commission of a criminal act, where such charge arises solely out of the member's employment activities, the Plan will pay up to \$5,000 per member per year regardless of the outcome. Reimbursement up to \$35,000 is made only if the member is "completely exonerated." Complete exoneration means that a finding or verdict of not guilty has been entered into the record as to all charges of the criminal act, or a final order of dismissal has been entered into the record without appeal. In both instances, reimbursement is for reasonable and approved legal expenses.

If the criminal act is the result of corporal punishment, however, reimbursement of up to \$35,000 for defense costs incurred by the member will be made regardless of the outcome.

2. Denial of constitutional rights where such charges arise solely out of the member's employment activities, the Plan will pay up to \$250,000 per member per calendar year and up to \$1 million for any one incident.



A Union of Professionals

AFT MEMBERS OCCUPATIONAL LIABILITY PLAN (REVISED JULY 5, 2016)



A Union of Professionals

American Federation of Teachers, AFL-CIO
555 New Jersey Ave. N.W.
Washington, DC 20001
202-879-4400
www.aft.org

07/16



**Oregon School
Employees Association**

State Office
4735 Liberty Road S,
Salem, OR 97302-5036
800-252-6732
www.osea.org



3. Sexual abuse where such charges arise solely out of the member's employment activities, provided reimbursement shall only be made if the member is completely exonerated. The Plan will pay up to \$35,000 per member per calendar year not to exceed \$35,000 for any one incident. Sexual abuse means any actual, attempted or threatened sexual contact by a member including coercion or other conduct that results in a sexual contact between a child and any other person. Under no circumstance will the Plan make any payment if there is a settlement of any claim of sexual abuse or any payment is made on behalf of a member due to a claim or allegation of sexual abuse.

4. Sexual harassment where such charges arise solely out of the member's employment activities, provided reimbursement shall only be made if the member is completely exonerated. The Plan will pay up to \$35,000 per member per calendar year not to exceed \$35,000 for any one incident. Sexual harassment means any act or omission that is claimed to affect the status of a student or recipient of services of a member's employer, because of the gender of the person making the claim.

OTHER KEY PROVISIONS

- The Plan will reimburse a member for reasonable attorney fees for any appearance before an administrative agency, where the proceeding arises out of the member's employment activities, and involves the issuance, maintenance or revocation of a member's license required for his or her job. Reimbursement of up to \$5,000 per member per year is provided.
- The Plan shall pay the beneficiary of the participating member a \$50,000 death benefit should the member be assaulted during his or her employment activities and death occurs within 90 days of the assault.



If you have questions, call
Johns Eastern Company
toll-free at 877-590-5562.

DUTIES IN THE EVENT OF OCCURRENCE, OFFENSE, CLAIM OR SUIT

The member must notify AFT Program Administrator *in writing*, as soon as practicable, of an occurrence or offense that may result in a claim under the Plan.

Johns Eastern Company
P.O. Box 110239
Lakewood Ranch, FL 34211
Toll-free AFT line: 877-590-5562
Fax: 813-402-7943
Email: AFT@johnseastern.com

For a claim form, go to:
www.aft.org/OLclaim

The written notification, which is a part of the claim form, should include the following:

1. A letter from the local indicating that the member was in good standing at the time of the incident,
2. A description of how, when and where the occurrence or offense took place,
3. The names and addresses of any injured persons and witnesses,
4. The nature and location of any injury or damage arising out of the occurrence or offense,
5. The name, address, phone and email of claimant's attorney, and
6. The name, address, phone and email of member's or local's attorney.

If a claim is made or suit is brought against any covered member, he or she must:

1. Immediately record the specifics of the claim or suit and date received, and

2. Provide the Administrator with copies of all related correspondence including the summons, claim or suit as soon as practicable.

Members must:

- a. Send the Administrator copies of any demands, notices, summons or legal papers received in connection with the claim or suit,
- b. Authorize the Administrator to obtain records and other information,
- c. Cooperate with the Administrator in the investigation or settlement of the claim or defense against the suit, and
- d. Assist the Administrator, upon its request, in the enforcement of any right against any person or organization that may be liable to the insured because of an injury or damage to which the insurance also applies.

If the damages and/or attorney fees are covered, payment will be made when the following have been received by the Administrator:

1. Verification of membership on the date of the incident from the local union and determination that the local participates in the program;
2. A complete and detailed listing of all legal fees and incidental charges for which the member seeks reimbursement.