

### **Does the EEL Program cover civil rights cases?**

Yes. Defense, settlements\*\* or judgments\*\* and court costs up to a maximum of \$300,000 will be provided when incurred in the defense of an action arising out of your educational employment activities and alleging a violation of another person's civil rights.

### **Does the EEL policy cover cases arising out of the discharge or layoff of a member or involving other "jobs rights" issues?**

No. Another NEA-sponsored program, the Kate Frank-DuShane Unified Legal Services Program, provides coverage for these types of cases. For more information, contact your local association UniServ Office or the headquarters of your state association.

### **Is the EEL policy "excess" to other insurance coverage which might be available to me?**

Yes. "Excess" is a general insurance term that means insurance benefits become available to you only when other sources of insurance are exhausted. For example, if your school district provides professional liability coverage for you in some of the same areas as does the EEL policy, the EEL policy would not provide benefits until the school district's coverage is exhausted.

### **How do I make a claim for benefits?**

If you are involved in any situation that you believe is covered by the EEL Program, notify your state association's EEL Program Coordinator. The Coordinator will confirm your eligibility and forward your claim to the Carrier for handling.

\* May have state variations, check with your state association.

\*\* State insurance laws do not permit this coverage in New York.

*The information in this brochure is a general description of coverage under the NEA EEL Program and is not a statement of contract. All coverages are subject to the exclusions and conditions in the policy which may vary slightly from state to state, depending upon state laws governing the general provision of insurance.*



# **NEA Educators Employment Liability Program**



*Great Public Schools  
for Every Student*

## **Questions & Answers**

### **Professional Liability Insurance**

**2019-2020 Program Year**

## What is the NEA Educators Employment Liability (EEL) Program?

The NEA EEL Program is a professional liability insurance program that is provided by NEA as a benefit of membership and is underwritten by an A+ rated insurance company.

## What does the EEL Program cover, subject to the insurance policy?

### A. Educators Liability Benefits

Educators Liability benefits in defense of civil proceedings brought against you in the course of your work as an educator:

- Payment of court-ordered civil liability up to \$1,000,000\*, such as damages assessed against you. Subject to \$3,000,000 per occurrence aggregate for all claims.
- Payment of legal costs up to \$3,000,000\* per member per occurrence or, regardless of the number of members involved in the occurrence, up to \$9,000,000\* per occurrence aggregate for all claims in defense of civil proceedings. These limits do not apply to or include any civil rights issues or civil rights claims.
- In civil proceedings on civil rights issues or claims\*\*, payment is limited up to \$300,000 for legal costs, civil liability, settlements or judgments, and other supplementary payments.
- Payment is limited up to \$5,000 for legal costs in defense against a mold-related claim.

### B. Attorney Fees for the Defense of Criminal Proceedings\*\*

Reimbursement for attorney fees and other legal costs up to \$35,000 is available if you are charged with violating a criminal statute in the course of your employment as an educator and you are exonerated from the charges.

### C. Bail Bond

Reimbursement up to \$1,000 of bail bond premiums if you must post a bond as the result of an occurrence arising out of your employment as an educator. (The insurance company is not obligated to furnish the bond.)

### D. Assault-related Personal Property Benefit

Payment up to \$500 for damage to your personal property when caused by an assault upon you in the course of your employment. (Vehicles and school property are excluded.)

## Why do I need liability coverage?

In your work as an educator you are frequently exposed to situations that may give rise to legal actions which can involve your personal liability. If a student or a student's parents file suit against you, the EEL policy will provide you with insurance protection for the vast majority of cases. The program also reimburses you for damage to your personal property in assault-related incidents.

## What is an "occurrence" policy?

The EEL policy covers claims arising out of your covered acts which occur during the contract period, no matter when the claim is later made. Claims arising out of your covered acts, which occurred prior to September 1, 2019, would be covered by that prior year's "occurrence" policy.

## How do I obtain coverage?

If you are an NEA active, educational support, life, student, substitute or retired member who is employed by an educational unit, you are automatically covered by the EEL policy.

## Who pays the cost of the EEL Program?

Basic monetary costs as insurance premiums are paid by the NEA\*.

## Are some activities excluded from coverage?

Yes. Certain activities, which NEA members perform, are excluded. The following are some examples of the major activities that are excluded from coverage under the EEL Program. For further details, please consult your Certificate of Insurance brochure.

## Excluded Activities

- Rendering, teaching or supervising medical services. Exceptions to these exclusions: (a) first-aid and regular nursing services rendered by a school nurse, or rendered by a certified health aide under the supervision of a school nurse, (b) physical, occupational or psychological therapy or treatment rendered by an appropriately licensed or certified practitioner, (c) the administration of oral prescription medicine to a student at the express request of his or her supervisor or at the written request of a student's parents, (d) emergency first-aid services when a school nurse or other medically trained person is not readily available, and (e) health care services provided to a student who is designated disabled under the Individuals with Disabilities in Education

Act when expressly required by the employer and approved in writing by a student's parents.

- Operating vehicles. (Note: Driver training instructors are covered while riding as passengers, and vocational education instructors are covered for their activities during school shop classes. In addition, coverage is provided for the loading and unloading of school buses.)
- Selling or distributing products, including food and beverages. (Note: Home economics teachers are covered for their classroom and laboratory teaching activities and for the sale of products prepared in the classroom. Cafeteria workers are covered for their food preparation and distribution activities.)
- Law enforcement activities, except for those of a security guard.
- Using or supervising the use of firearms, except where this activity involves the use of physical restraint in defending yourself or school property.

## Is the EEL Program limited to incidents that occur in buildings or on school grounds?

No. The program provides coverage for educational employment activities on and off school grounds including, for example, school-sponsored athletic events, laboratory experiments, shop training, field trips in the U.S. and abroad, and after school clubs. Educational employment activities are those duties that you perform pursuant to the express or implied terms of your employment for an educational unit.

## Does the EEL Program cover criminal cases?\*

Yes. Attorney fees and court costs up to the maximum of \$35,000 will be reimbursed when the costs are incurred in the defense of a criminal proceeding arising out of your educational employment activities. In most cases, you will be reimbursed only if the proceeding is dismissed or you are exonerated. If, however, the proceeding arises out of an incident involving the administration of corporal punishment, the policy may provide reimbursement, regardless of the outcome.