

## Employment Related Claim Mitigation Initiative

Deductible applicable to employment related claims:

- 20% of total claim settlement value (claim settlement plus legal fees expended)
- Subject to a \$1,000 minimum and \$100,000 maximum

Deductible can be partially or completely waived based on the following:

- Organizational Unit (unit VP or college dean) participation in the “Supporting Supervisors in the Workplace” education program – up to 50% waiving as explained below
- Manager participation in the Good Faith Due Diligence component – up to 50% waiving as explained below

### “Supporting Supervisors in the Workplace” Education Program

The Organizational Unit first signs a letter of intent to participate in the education program. Through the letter of intent, the dates for achieving training targets will be established (referred to as implementation period). Organizational Unit with more employees will be given longer periods of time to complete the training than those with fewer employees. The maximum period of time available for any unit is 3 years.

The letter of intent commits the Organizational Unit to the following training program and participation rates, which will be monitored by VPHR on an annual basis (the anniversary date will also be established in the letter of intent):

Module	Subject Matter	Weight	Participation	Online	In-Person
Equal Access, Equal Opportunity	Discrimination, Harassment, Retaliation, Sexual Violence	20%	75% of faculty/staff; 90% of supervisors	Yes	Yes
ADA	Americans with Disabilities Act	20%	75% of faculty/staff; 90% of supervisors	Yes	Yes
Wage & Hour	Fair Labor Standards Act, State Wage and Hour Laws	20%	75% of faculty/staff; 90% of supervisors	Yes	Yes
FMLA & Leaves	Family and Medical Leave Act and University Leave Policies	20%	75% of faculty/staff; 90% of supervisors	Yes	Yes
New Employee Orientation	University History, Benefits, Brief Equal Opportunity and Equal Access Pieces	10%	100% of new employees	No	Yes
New Supervisor Orientation	Hiring and Supervision Basics	10%	100% of new supervisors	No	Yes

The Organizational Unit will be eligible for waiver of 50% deductible upon signing of the letter of intent. During the letter’s implementation period, the unit will continue to be eligible for waiver of 50% deductible as long as progress toward training has been made at each anniversary date. After the letter’s implementation period has ended, the Organizational Unit will receive a pro-rata reduction of up to 50% deductible based on the training progress achieved at each anniversary date.

## **Good-Faith Due Diligence Component**

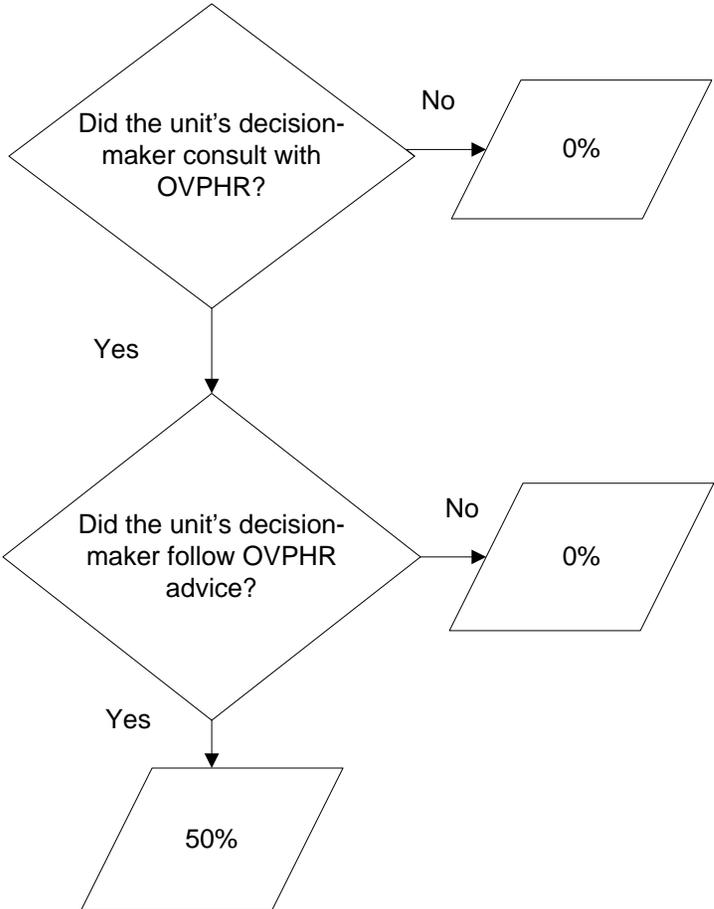
This component recognizes the importance of Organizational Unit engaging subject matter experts to assist them with employment related decisions before decisions are made. Subject matter experts are defined as follows: The Office of the Vice President for Human Resources (OVPHR).

- Matters should be evaluated at the earliest sign of difficulty with the supervisor consulting with subject matter experts and following their advice through the employment related process.
- Two factors determine compliance with the Good-Faith Component
  - Did the Organizational Unit's decision-maker consult with OVPHR?
  - Did the Organizational Unit's decision-maker follow OVPHR's advice?
- Organizational Unit would be considered in full compliance and would earn a 50% deductible waiver if both of these questions can be validated to be affirmative.

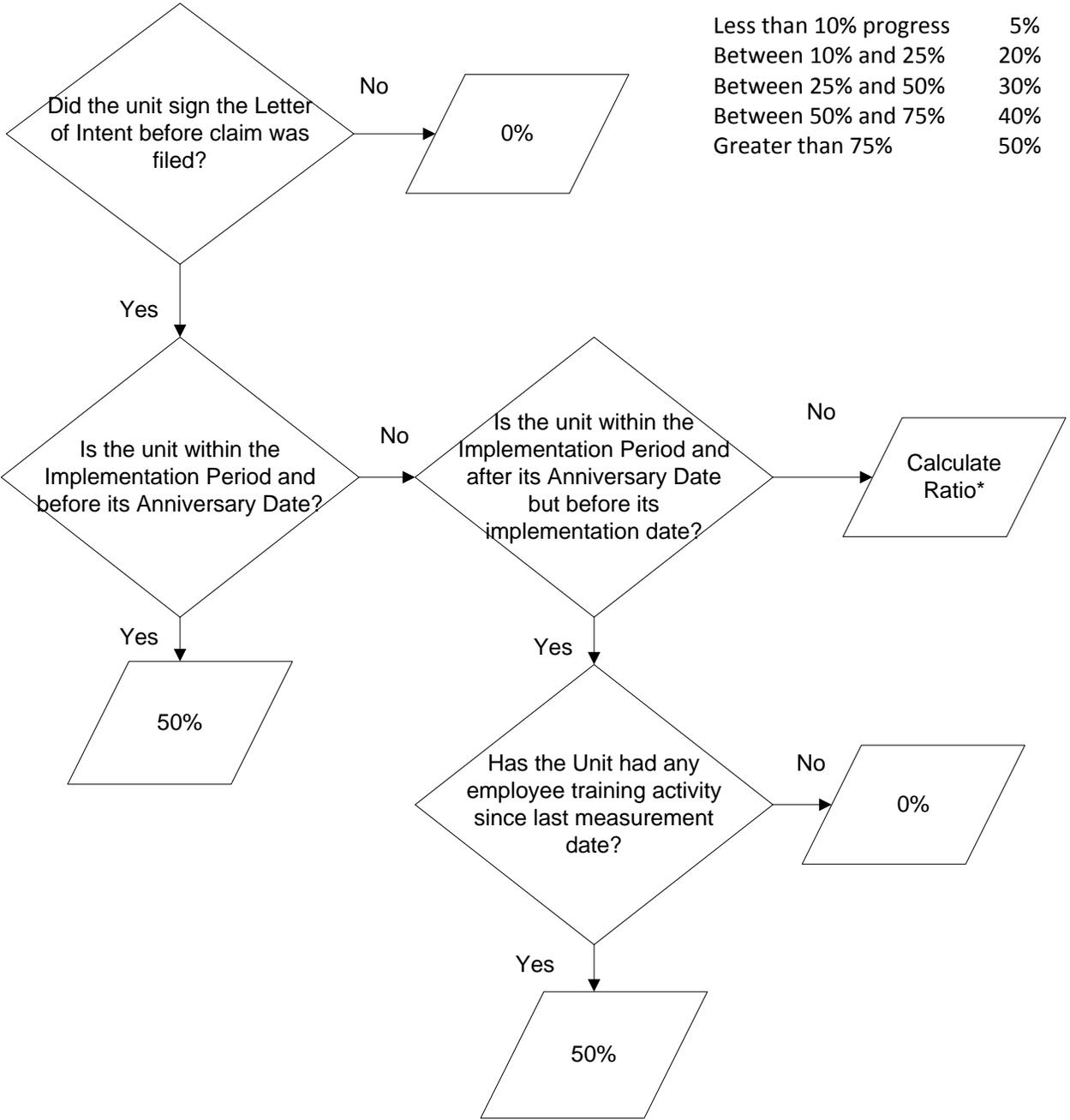
## **Application Example**

A discrimination suit alleges supervisor John Doe was negligent by discriminating against an employee, harassing the employee and wrongfully terminating the employee based on the employee's religious affiliation. After review of the case by university legal counsel, it is determined that the case has merit and the University agrees to a settlement with the employee claimant. The total claim settlement, including legal fees, comes to \$80,000, and the department is subject to a 20% deductible (\$16,000). Review by OVPHR determines that John Doe's Organizational Unit has participated in the "Supporting Supervisors in the Workplace" education program in fulfillment of their letter of intent, and has achieved 80% compliance with the training. As a result, they have earned a 50% deductible waiver for the education component. However, John Doe did not consult with OVPHR before taking action against the employee, so the department is not eligible for the "due diligence" component of the deductible waiver. As a result, the Organizational Unit will be responsible for an \$8,000 deductible for this particular claim.

**Good-Faith Due Diligence Component**



**“Supporting Supervisors in the Workplace” Education Program**



**\*Calculated Ratio**  
Based on actually trained versus training requirement at last anniversary date:

Less than 10% progress	5%
Between 10% and 25%	20%
Between 25% and 50%	30%
Between 50% and 75%	40%
Greater than 75%	50%