

AlphaPack Commercial

Supplemental Application for Wage & Hour



☐ WESTERN WORLD INSURANCE COMPANY ☐ TUDOR INSURANCE COMPANY ☐ STRATFORD INSURANCE COMPANY

THIS POLICY APPLIES ONLY TO CLAIMS FIRST MADE AGAINST THE INSURED DURING THE POLICY PERIOD OR DISCOVERY PERIOD. THE LIMIT OF LIABILITY AVAILABLE TO PAY JUDGEMENTS OR SETTLEMENTS SHALL BE REDUCED BY PAYMENT OF DEFENSE COSTS. DEFENSE COSTS ARE SUBJECT TO THE APPLICABLE RETENTION. PLEASE READ AND REVIEW THE POLICY CAREFULLY.

INSTRUCTIONS: PLEASE FULLY ANSWER ALL QUESTIONS AND SUBMIT ALL REQUIRED ATTACHMENTS ALONG WITH THE SUPPLEMENTAL APPLICATION(S) FOR THE REQUESTED COVERAGES. THE APPLICATIONS MUST BE SIGNED AS INDICATED BELOW.

The term “**Applicant**” shall mean all natural persons and entities, including the **Named Insured** and any **Subsidiary**, proposed for coverage.

Applicant Name: _____

1. Are all non-exempt employees compensated for the following:

- a) all the time that the employee is required to stay on the Applicant’s premises, even if the employee is waiting for a work-related assignment or otherwise “on call”?
- b) employee trainings or seminars required by the employer?

☐ Yes ☐ No
☐ Yes ☐ No

2. Are all employees reimbursed for business-related mileage when the employee uses his/her own vehicle?

☐ Yes ☐ No

3. If the Applicant provides employees with non-discretionary bonuses, are these bonuses included when calculating the regular rate of pay for the employee’s overtime rate? A non-discretionary bonus is one that is promised or expected based on a pre-existing set of criteria.

☐ Yes ☐ No

4. Do all tip sharing / tip pooling arrangements exclude all the Applicant’s management (including assistant manager) employees?

☐ Yes ☐ No

5. Does the Applicant pay its employees’ wages using an electronic payroll card?

☐ Yes ☐ No

6. Has an outside Human Resources professional or employment law attorney evaluated the Applicant’s exempt employee classifications within the last 2 years?

☐ Yes ☐ No

7. Does the Applicant utilize an electronic time-keeping system or a time punch machine (as opposed to handwritten time sheets)?

☐ Yes ☐ No

- a) Does the Applicant round your employees’ clock in and clock out times (e.g., to nearest 5, 6, 10, or 15 minutes)?

☐ Yes ☐ No

8. Does the Applicant’s employees execute an employment arbitration agreement?

☐ Yes ☐ No

a) Does this arbitration agreement contain a class or representative action waiver provision? ☐ Yes ☐ No

9. Does the Applicant utilize independent contractors (a.k.a 1099 workers)? ☐ Yes ☐ No
If yes, please answer the following:

a) Do independent contractors consist of more than 10 percent of the Applicant's workforce? ☐ Yes ☐ No

b) Has the Applicant converted any employees to independent contractors, or vice versa, in the last 2 years? ☐ Yes ☐ No

10. If the Applicant leases workers from a staffing agency, is there a written staffing agreement with the staffing agency in which the agency has agreed to defend and indemnify the Applicant for any losses arising from claims made by the temporary employee? ☐ Yes ☐ No

11. Does the Applicant employ at least one Human Resources Manager who has attended at least 6 hours of Human Resources or employment law continuing education (e.g. seminars or webinars) within the past 24 months? ☐ Yes ☐ No

CALIFORNIA SPECIFIC QUESTIONS

1. Does the Applicant claim a tip credit towards minimum wage for any of its employees? ☐ Yes ☐ No

2. Does the Applicant ever reduce the salary of an exempt employee based on the number of hours they worked? ☐ Yes ☐ No

3. Does the Applicant have a written meal period policy that provides non-exempt employees with an uninterrupted, off-duty meal period of at least 30 minutes before the end of their fifth hour of work? ☐ Yes ☐ No

a) Does the Applicant's employees execute a Meal Period Waiver agreement? ☐ Yes ☐ No

b) Has the Applicant entered into "on-duty" meal period agreements with any of its employees? ☐ Yes ☐ No

4. If the Applicant maintains a written rest period policy, is the phrase "major fraction thereof" contained therein? ☐ Yes ☐ No

5. Does the Applicant give every new employee, at the time of hire, a written notice of their regular pay rate, overtime rate, and the basis of their pay rate (i.e. hourly, shift, weekly, salary, piece rate, commission, or otherwise)? ☐ Yes ☐ No

a) Does the Applicant' commissioned-based employees receive written contracts which set forth the method by which the commission shall be computed and paid? ☐ Yes ☐ No

6. At the time of an involuntary termination, are employees given their final paycheck? ☐ Yes ☐ No

7. If employees earn paid vacation, must they use all earned vacation in the year it is earned or otherwise lose that vacation? ☐ Yes ☐ No

NEW-YORK SPECIFIC QUESTIONS:

1. Does the Applicant ever reduce the salary of an exempt employee based on the number of hours they worked? ☐ Yes ☐ No

2. Does the Applicant require every employee to sign, at the time of hire, a written notice of their pay rate, including

overtime rate, how paid (e.g., hourly, shift, week, commissions), payday, employer's official name, address and phone number of employer's main office, and allowances taken as part of the minimum wage? ☐ Yes ☐ No

FLORIDA SPECIFIC QUESTIONS:

1. Does the Applicant pay all non-exempt employees an hourly wage that is equal to or more than the federal minimum wage or the Florida minimum wage, whichever is greater? ☐ Yes ☐ No

2. Do any employees receive tips? ☐ Yes ☐ No

a) State the minimum hourly wage paid to Florida tipped employees: \$_____.

b) Are tipped employees' hourly wage rate calculated to ensure your tipped employees meet the Florida minimum wage threshold? ☐ Yes ☐ No

LOSS HISTORY:

1. In the last 5 years, has any current or former employee made or threatened a claim for any violation of wage and hour laws, including but not limited to, claims related to meal periods, rest periods, or unpaid overtime? If yes, describe the outcome and how the Applicant has changed its practices to prevent further claims (attached explanation if needed). ☐ Yes ☐ No

PRIOR KNOWLEDGE – **ONLY COMPLETE IF THE APPLICANT DOES NOT CURRENTLY CARRY SUCH COVERAGE:

2. Does any manager, supervisor, shareholder, partner or owner within the Applicant's organization have any knowledge of a potential violation of any wage and hour law that could result in a claim, including but not limited to, claims related to "off the clock" work, meal periods, rest periods, unpaid overtime, or failure to reimbursement expenses? ☐ Yes ☐ No

For example, but not by way of limitation, we consider it reasonable for the Applicant to foresee or have knowledge that

a claim may be brought against the Applicant if:

- ☐ *The Applicant has received written or verbal notice from an attorney related to a potential complaint by a current or former employee;*
- ☐ *A current or former employee has threatened to hire a lawyer and/or file a claim with a federal or state regulatory agency related to wage and hour law violations; or*
- ☐ *A current or former employee has made a complaint (whether formal or informal) related to (a) wages owed to him/her, (b) "off the clock" work, (c) missing meal or rest periods, etc.*

Any Additional Information: