



ANV GROUP EPL HOTLINE

OVERVIEW

The ANV EPLI Hotline is available to provide ANV’s policyholders with confidential telephone consultation on basic workplace employment legal issues. Through the Hotline employment law firm Genova Burns LLC (“Genova Burns”) will deliver timely, practical guidance on “best practices” and human resources and employment law issues. ANV policyholders can simply call the Hotline number or submit questions by email and an employment attorney of Genova Burns will provide step-by-step guidance to assist in resolving the inquiry.

Genova Burns LLC is a preeminent employment law and litigation firm for over twenty-five years, whose practice spans all regions of the United States in the representation of employers in all industries including technology, healthcare, financial services, construction, manufacturing, transportation, hospitality and others. Genova Burns provides business owners, managers, and human resource professionals with strategy, advice and counseling to handle all employee-related issues they encounter and handles all aspects of employment litigation in trial and appellate courts across the region in defense of claims arising under anti-discrimination laws, wage and hour laws and other workplace-related causes of action.

HOW IT WORKS

The Hotline will assist callers as follows:

- An ANV policyholder may contact the Hotline by phone or email and must provide his or her name, the name of the company insured, and the applicable policy number, as well as the caller’s e-mail address, mailing address and telephone number. After obtaining this information, a representative of Genova Burns will ask the caller to describe his or her question.
- ANV’s policyholders will receive a response the same day, but almost always within 24 hours of placing a call. While there may be slight delays due to a particular attorney’s schedule, weather, firm holidays or other commitments, calls and e-mails will be returned on the day they are received or within 24 hours of receipt.
- The hotline is not a substitute for a relationship with counsel. Only the company’s counsel will have access to personnel policies, personnel files, past practice information and similar information needed to make recommendations about what should be done. The hotline is an excellent place to initiate a risk management decision or program.

SCOPE OF THE HOTLINE

- The ANV EPLI Hotline can be utilized for guidance on the following topics:
 - Employee Relations/Employee Behavioral Issues
 - Complying With The Family and Medical Leave Act, The Americans With Disability Act and Applicable State Leave Laws
 - Reporting and Investigating Allegations of Harassment or Discrimination
 - Employment Law Considerations in Hiring and Pre-Employment Screening
 - Effective Discharge and Discipline
 - Maintaining Personal Records
 - Employee Performance Management
 - Wage and Hour Law
- The Hotline is not intended to provide a determinative answer as to whether any specific personnel action should be taken. Before a decision is made as to whether to discharge an employee, deny reinstatement, offer a leave of absence, take any action after receiving a complaint of harassment or take any other adverse personnel action, the policyholder should consult with local employment counsel. To obtain legal advice as to what to do in a particular instance, the policyholder would have to retain counsel, who would then typically require the following detailed information: what the company has done when similarly situated workers engaged in comparable acts of misconduct; a review of the employee's personnel file (and perhaps the file of the "victim"); interviews of potential witnesses; interviews of supervisors and others with knowledge of the facts underlying the contemplated adverse personnel action; review of applicable personnel policies and procedures; analysis of demographic information; an understanding of the company's long term and short term operational and employment strategies; and, numerous other facts. The hotline is not designed for such an in-depth analysis. Simply stated, the hotline is for a general legal overview, not "can I fire this employee?" or similar specific actions.
- While the Hotline cannot be used to determine whether a particular individual must be reinstated after a medical or family and medical leave, it can be used to provide information about when the law requires that a medical or Family Medical Leave Act ("FMLA") covered leave be granted and factors to consider when evaluating reinstatement.
- Hotline questions can address such issues as what the Equal Employment Opportunity Commission, state and local administrative agencies and courts generally consider to be harassment and/or discrimination in the workplace.
- Hotline inquiries can address the appropriate steps to take when investigating reports of harassment, including suggestions for witness interviews; documentation of a complaint and witness interviews; development of a sexual harassment policy; and, other preventive actions. (The Hotline is not the appropriate vehicle for determining what to do after the investigation is conducted. Consideration of adverse personnel actions, as discussed above, should be addressed with counsel.)
- Determination of whether the FMLA, ADA or state leave laws apply to your company and how they generally should be administered are appropriate subjects to discuss during a hotline call. Similarly, whether employees on leave can be required to use accumulated paid time off (e.g., sick days, vacation days, personal days, etc.) also can be addressed during a Hotline call.
- The Hotline will be for employment related issues, not benefits, fiduciary or immigration law questions. Those questions are beyond the scope of the hotline and not included in the cost free risk management services.
- ANV policyholders may not use the Hotline to inquire as to affirmative action or like obligations applicable to government contractors.
- The Hotline cannot be used to inquire about employment law issues relating to workers who are engaged outside the United States. Genova Burns limits its practice to employment law solely within the United States. However, the firm can provide an introduction to counsel practicing in the foreign country if the issue exists.
- The Hotline is for receiving a general overview about human resources and employment law issues. It cannot be used to report the filing of administrative charges, arbitration demand letters, service of lawsuits or notices of claim.

Genova Burns is an independent law firm that is not an agent nor an affiliate of ANV and Genova Burns is solely responsible for the advice and guidance provided directly, or through the EPL Hotline. ANV and Genova Burns cannot guarantee that there will be fewer or less serious claims as a result of using the program. As noted here, Genova Burns directly, or through the EPL Hotline may help an insured with risk assessment and improvement but it is not intended to supplant any duty to provide a workplace that is safe and complies with the law. ANV does not engage in giving legal advice and therefore encourages policyholders to seek the advice from their own legal counsel when implementing any and all employment practices. Please note that communication with Genova Burns either directly, or through the EPL Hotline is not notice to ANV of a claim or an act or situation that may give rise to a claim. Nothing herein alters or amends in any way the insurance policy contract between the underwriting company and the policyholder.

