

Table of Contents



Introduction	3
Agriculture	4
Construction	6
Higher Education	7
Healthcare	8
Hospitality & Gaming	10
Manufacturing	12
Nonprofit Organizations	14
Public Sector	16
Restaurants	18
Small Business	19
Ouestions	21

Introduction



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COVID-19 continues to spread throughout the United States, and the impact is keenly felt by businesses and organizations throughout the country. The Alera Group team is hard at work, creating solutions and resources to meet our clients' needs in this difficult time.

In this whitepaper, our national employee benefits and property & casualty experts break down the current and expected impact of COVID-19 on 10 key industries. These collaborative reports provide a comprehensive view into the current landscape by industry.

The situation surrounding COVID-19 changes on a daily basis. The thoughts provided in this document are general, and it is up to individuals and their brokers to determine what their unique policies cover. Please reach out to your Alera Group contact for further information on these topics.



Agriculture



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The impact of COVID-19 on the Agriculture industry varies widely based on the type of farming and market distribution. Growers and packing facilities that supply supermarkets and warehouse stores are busier than ever, meeting an increase in food demand in communities throughout the United States. On the other extreme, those who have contracts with brokers specializing in restaurants, schools, airports and other commercial facilities are seeing demand plummet during the pandemic.

In many cases, contract terms are being loosened as the impact is felt by both sides to enable businesses to shift their distribution to meet demand as opportunities arise. This enables growers to both stay in business now and plan ahead for when stay-at-home restrictions are lifted and restaurants, schools and other facilities reopen.

The meat and poultry markets are particularly feeling the impact of COVID-19. According to Agweek, "While social media posts depict empty grocery store shelves and meat cases, once that supply is restocked, the reality is more Americans will be making meals at home and are not eating out at restaurants and this curbs demand" (Source: Agweek, April 6, 2020). The CARES Act includes funding for USDA's Commodity Credit Corporation to provide aid. However, many sectors of the agriculture industry, such as meat, pork and poultry, are struggling with significant absenteeism, fueled by positive cases of coronavirus. Over 15 food processing plants have been shuttered due to COVID-19 outbreaks among their employees. For example, on Maryland's Eastern Shore, major poultry processors have notified their suppliers that flocks will be selected for euthanizing as a result of an inability to process the number of available chickens in the pipeline. This will have serious repercussions on the financial viability of our food producers, highlighting the importance of quick and effective government assistance.

Combining absenteeism with the need to quickly redirect a major portion of the food supply distribution network from restaurant venues to grocery stores has resulted in oversupply at the production source. As a result, there are stories of products like milk, and even beer, being dumped. There is also the impact of the change in buying habits by the general public, fueled largely by emotion. The end result has been largely bare grocery store shelves for certain key products that are actually very plentiful, just not yet correctly distributed to meet demand.

Workers' Compensation (WC) remains an area of concern for food producers as they make every effort to protect their essential workers. At this time, no one is certain how coronavirus-related WC claims will be treated for essential workers, although states like California and Illinois are moving to ease restrictions.

There is also uncertainty around supply chain issues impacting the industry. Shortage of fertilizers, veterinary medicines and other input could also affect agricultural production (Source: Food and Agriculture Organization of the United Nations). At this time, most packing facilities are able to keep up with demand with many having ample supplies on-hand. However, should the pandemic continue for an extended period of time, these facilities might have supply chain issues with obtaining needed materials from overseas.

With respect to employee health and safety, some sectors of the Agriculture industry, such as growers, are well positioned to address COVID-19. The USDA has extensive food safety guidelines and many of these apply to recommended COVID-19 guidelines for growing and packing. Other sectors of the industry have seen a spike in cases at processing plants and other facilities where workers are in close proximity to one another.

Companies in the Agriculture industry should meet with their broker to review their safety policies and make adjustments to policies and notifications to specifically address COVID-19



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Construction







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The effects of COVID-19 are felt across the construction industry, from architects and engineers to labor and tradesmen. Many projects are canceled or delayed in both the public and private sectors due to citywide shutdowns and shelter in place orders. With contract delays or cancellations could come legal questions regarding contract language and liability.

Shaky consumer confidence is also impacting the industry. The uncertainty surrounding how long the pandemic will continue, combined with the looming threat of a recession, is causing many lenders to not move forward with prior commitments. The most immediate impact is being felt by middle market contractors, many of whom are particularly at risk for bankruptcy (Source: PwC COVID-19 US/Mexico CFO Pulse Survey).

Projects that are not on hold are experiencing the effects of severe disruptions to the global supply chain, particularly in materials from China and other overseas countries, that could result in delays and increases in costs. Labor shortages due to illness or social distancing guidelines are also making it challenging for builders to continue



working on projects. For those still working, OSHA is providing standards and directives, including guidance for recording workplace exposures to COVID-19.

The long-term impact of COVID-19 on the construction industry is hard to quantify with the uncertainty surrounding how long the pandemic will continue, but some analysts predict the decline might be short-lived. According to reporting by EC&M, "Robert Dietz, chief economist for the National Association of Home Builders (NAHB), is predicting that the coronavirus will cause a sharp economic downturn that may also be short. 2Q 2020 GDP growth will be markedly negative and probably the country's worst performance since 3Q 2008, during the great recession. A weak 3Q will likely be followed by a rebound at the end of 2020," (source: EC&M 4/9/2020 COVID-19's Impact on the Construction Industry). It is too early to tell how the pandemic and potential rebound may impact the insurance industry and analysts are watching it closely.

Higher Education







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Following the outbreak of the COVID-19 pandemic, many colleges and universities moved swiftly to distanced, online learning and most students have returned home for the foreseeable future. To minimize the spread of the virus, many campuses have also moved to a remote work environment for professors and administrative staff.

This means that the "new normal" for teaching involves new regulations, new delivery methods, adjusting to new technology requirements and a host of new challenges and opportunities for administration and staff. As educators seek to continue teaching in this new environment, higher

education institutions are grappling with ways to prevent business disruption while protecting employees and minimizing risks.

As with other industries, employee health and safety is of concern and many institutions are providing ongoing information on ways to mitigate exposure to COVID-19. Colleges and universities are also reviewing their work from home policies and crisis communication procedures.

Many institutions that have not already moved to online benefits administration are now exploring platforms that offer virtual enrollment and employee benefits administration, as well as claims and payment administration, 5500 filing and ACA reporting.

Although the impact on the health insurance market remains undetermined, healthcare costs for colleges and universities were already on the rise prior to the pandemic. Some private colleges and universities have joined coalitions to leverage their collective size for optimal pricing, modest increases and better service. Institutions should meet with their brokers to evaluate whether this strategy might be right for their needs.

Looking ahead, the financial impact on higher education remains to be seen. It's been reported that some students might consider delaying or changing their academic plans as a result of the coronavirus due to financial hardships or concerns about health and safety. Public universities also predict steep budget cuts and some institutions will feel a financial impact from the cancellation of sporting and other events (Source: Inside Higher Ed, April 16, 2020.)

Healthcare







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The COVID-19 pandemic has created a range of ethical and liability questions for hospitals and physicians at the front lines, as resources are being stretched beyond capacity. Due to the potential for exhausted ventilator capacity, hospitals are reviewing crisis mode protocols to address rationing and reallocation measures to successfully treat the most people and save the most lives. While these viewpoints are broadly accepted by medical ethicists, there is potential for civil liability in withholding or potentially withdrawing life-saving ventilator assistance to individual patients.

In such cases, patients or their families may sue hospitals and physicians for withholding life-saving assistance despite there being a public health emergency. Such cases must show the physicians and hospital violated the standard of care causing harm to the patient. Although the harm will be obvious, questions around the standard of care and proximate causation will remain obstacles for plaintiff recovery. Healthcare providers and hospitals should work with their brokers to determine if professional liability will apply under their policy terms. Providers should also work with their brokers to analyze their coverages to determine the adequacy of limits in the event of class or multi-plaintiff scenarios in which the protocol has impacted many patients.

There has been an appeal to states to institute "immunity" orders protecting healthcare providers from civil liability related to COVID-19 treatments. These naturally vary by state, whose common law and state statutes generally govern torts like medical professional liability. With such executive orders, there is generally no immunity from being sued, meaning there is a potential to incur costs of defending a lawsuit even where there is immunity from liability.

Nursing homes and assisted living operators are on the front lines working to take care of the most vulnerable populations. Despite their best efforts, we only hear about the unfortunate challenges and problems with respect to COVID-19. This pandemic has pulled into focus the need to consider legislative reform to protect these providers as well and provide the appropriate financial resources to support their efforts.

From a risk management perspective, hospitals and healthcare facilities should consult with outside risk management resources and evaluate insurance coverage as the situation is changing rapidly. Healthcare facilities should establish coordinated protocols with multi-disciplinary teams that include up-to-date information about the assessment, treatment and prognosis of COVID-19 patients, and there should be coordination within communities to potentially avoid shortages.

While hospitals in hard-hit cities and communities are stretched to capacity, many primary care providers and specialists have experience a decline in services, as elective and non-essential surgeries and procedures have been postponed or canceled, and offices are closed for routine visits. Most physicians are reimbursed under a "fee for service" model, which requires a provider to perform a service and be paid according to a schedule from Medicare or an insurance company. As a result of the pandemic, there is some discussion among policy experts advocating for a different model that will pay doctors a risk-adjusted fee to care for a population of patients.

Telemedicine has become a focus point of healthcare delivery capacity, almost overnight. Medicare has loosened the rules for providers to be paid for providing telemedicine services, and insurance companies are following suit. It is likely we'll see a continued expansion from traditional providers of their telemedicine capabilities.

The pandemic is exposing some of the underlying issues with today's health insurance model that was not designed to cover healthcare spending during a pandemic. In the near term, the federal government has created policies to provide broad coverage for COVID-19 expenses for Medicare and Medicaid enrollees, and the private sector employers and insurance companies are generally following the same approach. Once the pandemic has subsided, it is anticipated that this crisis will direct a focus on the healthcare delivery system and how citizens access healthcare in the U.S.



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Hospitality & Gaming



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The Hospitality and Gaming industry is one of the hardest hit by the impact of COVID-19. Across the US, entertainment, sports and convention events have all been postponed or canceled, having a direct impact on travel and tourism for both business and pleasure. With many American cities on lockdown, the tourism industry has virtually ceased.

Hotels have been particularly hard hit. At the time of this report, nearly 8 out of 10 hotel rooms are empty across the country. Since the public health issue began escalating in mid-February in the U.S., hotels have already lost more than \$10 billion in room revenue. This figure is rapidly accelerating with hotels currently on pace to lose more than \$500

million in room revenue per day. If the rate continues, this means a loss of \$3.5 billion every week and will only further escalate as the situation worsens, with most hoteliers reporting projected revenue loss of greater than 50% for the first half of the year (Source: American Hotel and Lodging Association).

The resulting impact on hotel workers is profound. Nearly 3.9 million total jobs have either been eliminated or will be eliminated in the next few weeks. With 70% of direct hotel employees laid off or furloughed, hotel workers are losing more than \$2.4 billion in earnings each week. Many of those jobs will not return as hotels could be forced to close their doors.

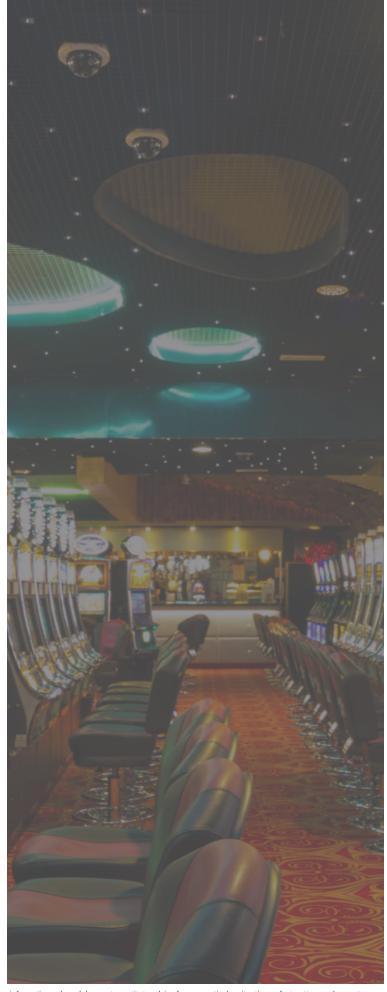
The Gaming industry is in a similar situation. All of the country's 465 commercial casinos, plus 508 of the country's 524 tribal casinos, have closed as of this report, risking more than \$74 billion in total wages annually for workers and their families. In addition to having an impact on businesses and workers, the American Gaming Association reports that the gaming industry generates \$41 billion in taxes and tribal revenue share payments to local, state and federal governments. The decline in tax revenue will have a resulting impact on infrastructure, education and vital public services (Source: American Gaming Association, March 24, 2020).

Although no one knows how long the shutdown will last, loss of revenue for many insureds in Hospitality and Gaming is estimated to be over 50% in the coming year and there is no coverage available in the market at this time for this

type of business income loss. Unless there is government intervention on Business Interruption coverage, there likely will be no claims paid out to cover these losses. Many insureds are still required to carry insurance per the terms of the loan requirements. This means that insurance policies are still renewing and premiums still need to be paid. This is combined with no foreseeable increase in travel or entertainment revenue.

There are a few bright spots as some hotels have worked to repurpose during the pandemic. Luxury hotels in some cities are functioning as quarantine centers and event companies are providing tents to house federal medical stations being set up to aid COVID-19 patients. The repurposing is generating questions about who is responsible for training hotel employees in safely interacting with quarantined individuals, how to disinfect rooms and deliver meals (Source: CRC Group).

During the shutdown, carriers have been flexible and many are allowing mid-term adjustments, flexible payment schedules and terms. That said, in states like Nevada where tourism provides nearly a fifth of GDP, if the closures of business and tourism lasts more than six months it is very unlikely that many businesses in this industry will be able to reopen their doors.



Manufacturing





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The manufacturing industry is in a state of extremes due to COVID-19, with demand for some goods at a record high and others at a complete standstill. Manufacturers on both sides are feeling the impact due to labor shortages and supply chain issues resulting from the pandemic.

Companies serving industries such as food, medical, pharmacy, energy, government and certain consumables, are considered essential and continue to work. One bright note is that some manufacturing companies have transitioned a part of their operations to help supply much needed protective masks, gowns and shields for local healthcare providers and facilities.

However, it is certainly not business as usual. Many of these companies are struggling to hire qualified workers and employees are working long hours with overtime and bonuses to fulfill orders. Employers are extremely concerned with keeping their employees as safe as possible, and increased liability from continuing to operate during the COVID-19 outbreak. They are undertaking unprecedented measures of precautions to continue to operate as safely as possible. In some cases this has reduced margins and slowed production.

At the other extreme, non-essential industrial manufacturers have had demand drop to a standstill, resulting in numerous furloughs and plant closures. Benefits are generally being extended to furloughed employees for at least 30 – 45 days.

Many companies still in operation are experiencing slowdowns due to supply chain issues. Manufacturers are typically very efficient and tend to run lean with low inventory. This is causing a challenge with materials supplied by international firms, particularly China and India. Domestic supply chains are being impacted as well, but not to the same extent as globally, and it seems to vary depending on the type of manufacturer and industries they serve.

Production has also become less efficient due to limited staffing from factors such as furloughs, health and family concerns and social distancing in plants and warehouses. Since most manufacturing jobs are on-site, remote work is often not possible. Companies are making extensive efforts to safeguard employees and products,

With current economic uncertainty, most capital expansion efforts have ceased. Leadership teams at manufacturing companies are contemplating future post Covid-19 demand and adjusting staffing and plant closures and operations as the demand changes.



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Nonprofit Organizations







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The nonprofit sector spans a range of missions and each organization and institution is uniquely impacted by COVID-19. When it comes to operations, the status of these organizations generally depends on the type of nonprofit and the services offered. Many organizations in health and human services, including group homes and mental health facilities, need to remain open to perform essential services. Other nonprofits continue to offer services either through online or remote staff, but the facilities are mainly shut down. Institutions such as zoos and animal shelters are open to essential staff but are generally closed to non-essential workers and the public.

From an insurance perspective, exposures vary by operating status and the type of services the institution provides. However, there are some overarching concerns that all nonprofits should consider and discuss with their broker:



- Property: As with most industries, questions regarding Business Interruption coverage are prevalent. While these claims may not be covered, organizations should still file a claim to put a carrier on notice as courts and legislative action might change the carriers' current position on these coverages. With buildings shut down and property being moved to different locations, nonprofits should also consider vacancy issues and potential exposures from property at locations not listed on the policy.
- **General Liability:** Nonprofit organizations have potential liability exposures for claims that the organization failed to take the necessary steps to safeguard or notify the public. In addition to concerns about exposures to the virus at the insured's location, there may be an exposure if the nonprofit adjusts their services to address the pandemic and those services aren't listed on the policy.
- Directors & Officers Liability: As Directors make challenging decisions, there could be claims that the organization's assets weren't properly protected. There is the potential for liability claims that management did not pursue eligible funding under the CARES Act. For organizations relying on grant funding, there could be claims that the funding was jeopardized based on changes in operations due to COVID-19.
- Workers' Compensation: As with other industries, there are concerns around workers' compensation exposures for employees who are being required to work. Nonprofits, however, often rely on volunteers and, depending on the state, those volunteers might not be covered under the workers' compensation policy.
- ▶ **Hired and Non-Owned Auto:** As more organizations rely on volunteers, they should consider whether volunteers are covered under their hired and non-owned auto policy.
- Professional Liability and Malpractice: For nonprofits in the health and human services sector, there are concerns around professional liability and malpractice claims resulting from patient exposures, illnesses and deaths related to COVID-19.
- Cyber Liability: With many employees working from home, there has been a spike in cyber attacks by criminals attempting to steal information or gain access to online bank accounts. Cyber criminals are also using social engineering schemes to get money from businesses and individuals. IT and accounting controls should be reviewed to ensure proper processes and security protocols are in place.
- **Event Cancellation:** Many nonprofits rely on fund raising events and some of these events may have had event cancellation policies. While these types of policies written in 2020 may exclude COVID-19, policies written prior to this may contain applicable coverage. In addition, if events will be canceled, organizations should verify that any bonds or event liability policies are canceled as well to possibly recoup premiums paid.

As with the for–profit sector, nonprofit organizations have had vast layoffs and furloughs. With these layoffs come exposures related to Employment Practices Liability Insurance (EPLI) claims and coverage during furloughs. Workers employed in human service organizations, such as group homes, drug treatment centers or mental health facilities, who are still working are also at a high risk of exposure to COVID-19. Some organizations are expanding their use of telemedicine services to minimize exposures.

Regardless of how they obtain funding, whether from the government, large donors, events, grants or member donations, almost all nonprofits are being impacted financially by COVID-19. Although the impact is across the board, this is particularly true for organizations such as arts and cultural venues where donors may shift their donations to other mission-based groups and larger donors might cut back. With widespread unemployment and the potential for a large economic downturn, the impact of the pandemic will be felt by nonprofits for a considerable amount of time.



Public Sector



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The public sector has largely operated in a traditional work environment that requires employees to be onsite to conduct day-to-day business functions. COVID-19 has presented many challenges as most public sector buildings are closed and communities are under stay-at-home orders. Without policies, systems and technology in place to enable employees to work remotely, many public sector entities are struggling to find work arounds for these functions as they are essential for communities to operate. Communicating with employees is also challenging.

Some public schools were already exploring or using tools for e-learning prior to the pandemic, but most were in the early stages of using

these systems. With most schools closed to both students and faculty/administration, many teachers are working remotely and trying to deliver lessons virtually without having fully planned for teaching in a virtual environment. This is putting enormous pressure on teachers, students and parents as many schools are declaring closures through year-end.

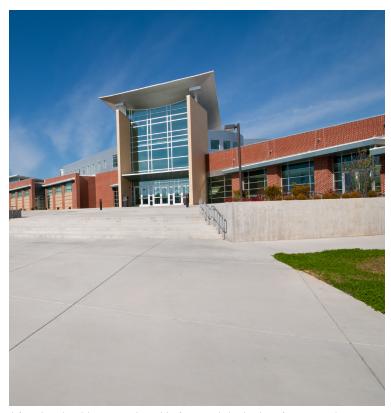
The public sector also employs many first responders and essential workers that are at risk from COVID-19. City and county governments are working to get the necessary equipment and protective gear. In some places, public works employees have been assigned to one vehicle to limit the spread of any virus while continuing to be on the job.

As cities and municipalities navigate operating during the pandemic, major challenges lie ahead in the coming year with respect to funding. Federal, state and local governments are spending substantial emergency funds to combat COVID-19. The increase in expenditures will be compounded by a projected reduction in tax revenue for many government entities. This puts enormous financial pressure on the counties, municipalities, school districts and other agencies that depend on state funds. It is projected that all public entities will be looking for areas to save money, so budget cuts and layoffs may come in the months ahead.

On the benefits side, most carriers are allowing employees on temporary leaves of absence to stay on their existing plans without declaring COBRA qualifying events. In terms of health insurance, many public entities have adopted the policy to cover any COVID-19 related claims at 100% with no deductible.

From a Property & Casualty perspective, most public entities are operating, albeit in different ways, to serve the public. Depending on the change of operations, some evaluation of exposure has been needed to extend coverage to the new way of working: remote workers with equipment off premises.

Perhaps the greatest impact of COVID-19 has been on safety. There have been extensive safety and risk management steps implemented to mitigate the risk of exposure and prevent possible workers' compensation related claims for those who continue to serving at the workplace, particularly if working with others or in the public. Extra steps to maintain a clean environment have been taken to protect workers and sustain operations and services, including social distancing, using masks and working in shifts in smaller groups. Insurance carriers have been very responsive to communicating and providing resources to help educate and guide clients in taking steps to mitigate risk and manage



Restaurants







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The restaurant industry has been particularly hard hit by COVID-19 and the impact is being felt by individuals and families across the United States. According to the Brookings Institution, there are more than 12 million Americans working at over 600,000 food service and drinking establishments nationwide. Many of those individuals have lost their employment overnight and often are living paycheck to paycheck.

Some restaurants are continuing to pay staff but, as the crisis continues, many are not certain how long they can continue to do so. Those that are staying open are trying to pivot by offering takeout and delivery service options, but revenues are still down in most cases by 80% or more.

As with other industries, Business Interruption coverage does not appear to apply in the case of COVID-19 closures, nor do Civil Authority or Contamination provisions apply. Many restaurant owners are turning to the CARES Act but, as with other industries, obtaining the funding is challenging as the system is overwhelmed with requests. The CARES Act also does not include provisions for health coverage for those losing benefits due to layoffs or benefits cuts, adding concerns about having adequate health insurance to the list of concerns restaurant owners and employees are experiencing.

Although there is little that can be done outside of government assistance at this time, restaurants looking ahead to reopening should still meet with their brokers to review their insurance coverage. Over the last few years there has been an uptick in restaurant policies that are non-auditable, square footage-based rated rather than sales-based. Along the same class of business, endorsing current policies to include hired/non-owned auto should be considered by restaurants that are now utilizing delivery options and establishing new ways of performing their operations.



Small Business



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The impact of COVID-19 on the small business market is unprecedented. Many small businesses are shut down or working limited hours due to the COVID-19 pandemic. Business Interruption coverage will more than likely not be triggered for these closures so businesses are trying to weather the crisis for as long as possible.

Many of these businesses, particularly in the restaurant and retail industries, are laying employees off and offering COBRA or State Continuation for those enrolled in benefits. Their hope is to bring back these employees, if possible, once shelter-in-place orders are lifted and businesses are fully operating again.

Some are also looking to hire back employees under the Paycheck Protection Program, which is part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. This program is designed to enable business owners to hire back employees who have been furloughed or laid off due to the shutdown. At this time, however, the program has been closed to additional applications as the funds have been depleted.

For small businesses that can operate remotely, many have to provide technology and enhanced IT security to enable their staff to conduct business efficiently and securely. These unexpected costs can have a significant impact on profitability. In addition, small businesses in certain industries are being impacted by supply chain issues from the US and overseas. Many anticipate that their revenue will suffer a 5% to 25% decrease, and some have implemented pay cuts across the board, while others are waiting to see how this situation unfolds. They are hoping to endure through the shelter-in-place order and be able to keep all of their employees. They recognize, however, that it is too early to identify the total impact, as end results will most definitely be driven by lost revenue which will more than likely have a trailing effect.

Small businesses in industries deemed essential, such as the industrial and manufacturing sector, are trying to continue to do business, but this has proven challenging. EFMLEA and Emergency Sick Pay

have made it difficult to maintain a full staff, as many of their employees are taking leave. Businesses are struggling to quickly develop policies on how to handle symptomatic employees, as well as developing processes to protect the employees reporting to work daily, not only to keep them safe and healthy, but also to keep them motivated to come back to work each day. There is some question of whether there will be an increase in employment practices liability claims, workers' compensation claims and medical and disability claims tied to COVID-19, and how this will impact future renewals.

On a positive note, most carriers have relaxed eligibility requirements so that temporarily laid off employees, furloughed employees and employees who have had their hours reduced can stay on their company's benefit plans, as long as premiums continue to be paid. Many small businesses are making an effort to, at minimum, cover these employees through these relaxed eligibility timeframes. How employers are paying premiums, though, is mixed. Some employers have chosen to pay the full premiums, yet some are asking employees to continue to be responsible for their normal portion. Some medical, dental and vision carriers are allowing a special COVID-19 open enrollment to allow employees and dependents, who have previously waived coverage, to enroll in their employer's plan now, with post-tax contribution deductions. Most carriers are also allowing extended grace periods and/or payment plan options for monthly premium payments. Many ancillary carriers are offering rate passes through September renewal dates to assist small business during this very difficult time.

Small businesses can be working with their broker to strategize on how they can control future costs. Many carriers are allowing off renewal plan changes (certain timeframes apply) and clients can change contributions strategies mid-year, if necessary, to help defer costs.

Although Business Interruption claims will not generally be covered, there are things small businesses can do during the pandemic. To help ease financial constraints, small businesses should work with their broker to see if they can amend sales on gross sales-based General Liability policies. In addition, business owners can actively work with their broker to endorse their workers' compensation policies to reflect the lower costs of payrolls. These small changes can alleviate insurance costs and partnering with your broker can help identify future strategies to contain costs and make strategic decisions to control risks.



Have Questions?



In light of COVID-19, many companies will likely face scenarios that they've never encountered before. We're committed to creating leading solutions to meet the needs of our clients, grappling with the complex problems arising from COVID-19 alongside those that come up in everyday business.

Please reach out to your Alera Group contact to discuss the topics in this white paper and ask any questions you may have. You can also reach us by visiting the Contact Us page of our website, **aleragroup.com**.

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