CORY WASHINGTON & CO.

SMARTER RISK. STRONGER BUSINESS.

CWCO-SUP-EPLI-CHK Rev. 09-2026

EMPLOYMENT PRACTICES LIABILITY — POLICY FEATURE CHECKLIST

Pull out your current EPLI policy and check the box next to each feature you can confirm it includes — anything unchecked is worth a quick conversation with your advisor.

STANDARD **OFTEN LIMITED** **IF NEEDED** *— Standard: should be included · Often limited: frequently sublimited, excluded, or optional · If needed: depends on your operations*

	POLICY FEATURE	WHAT TO CONFIRM	PRIORITY
☐	**Discrimination, Harassment & Wrongful Termination**	The core of the policy — confirm all three are covered for current, former, and prospective employees.	STANDARD
☐	**Retaliation**	Covers claims that an employee was punished for complaining or reporting.	STANDARD
☐	**Third-Party Discrimination & Harassment**	Covers claims by customers, vendors, or visitors against employees — often excluded unless added.	OFTEN LIMITED
☐	**Wage-and-Hour Defense**	Usually excluded or limited to a small defense sublimit — confirm the amount.	OFTEN LIMITED
☐	**Automated / AI Decision Claims**	Confirm claims from AI-assisted hiring, promotion, or termination decisions aren't excluded or unaddressed.	IF NEEDED
☐	**Prior Acts / Retroactive Date**	Confirm the retroactive date covers decisions made before the policy started.	STANDARD
☐	**Consent to Settle (Hammer Clause)**	Explains what happens if the employer refuses a settlement the insurer recommends — softer clauses are better.	OFTEN LIMITED
☐	**Retention & Choice of Counsel**	Confirm the retention per claim and whether the employer can use its own employment counsel.	IF NEEDED

COMMON GAP IN THIS COVERAGE

The most commonly missed gap in this coverage is wage-and-hour. Most EPLI policies exclude wage claims or cover only a small defense sublimit — while misclassification and overtime suits are common and costly. With the EEOC recovering a record $528 million before litigation in 2025, employers should confirm the wage-and-hour sublimit, third-party coverage, and how the policy treats AI hiring decisions.