

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.

IMPORTANT — PLEASE READ

This checklist is a free educational tool from Cory Washington & Co. to help you review your own coverage and have a more informed conversation with a licensed insurance professional. It is general information only — not insurance, legal, or financial advice, and not a recommendation to buy, change, or cancel any policy. The Standard / Often Limited / If Needed labels describe general market patterns for this coverage — not a personalized recommendation or needs analysis for your specific operations. Coverage terms, availability, limits, and requirements vary by policy, carrier, and state, and only the language in your actual policy governs what is and isn't covered. Checking or leaving blank any item above does not indicate that you are adequately insured or under-insured. Using this checklist does not create a client, agency, or fiduciary relationship. Always consult a licensed professional about your specific situation.