

Watch Out for Workplace Bullies: They Can Hurt You – in Your Bottom Line

When you think “bully,” it probably brings to mind a distant playground image of a mean-spirited juvenile tormenting an innocent victim. Ring a bell? Now fast forward to your office: there’s a grown-up kind of bully you need to watch out for. This one’s a risk to your employees, and could create a legal liability for your firm.

In all likelihood, you haven’t worried about the threat of a bully since you graduated from the schoolyard. But, it may surprise you to know that you’re not out of harm’s way – even in the professional world. In fact:

- 7% of working Americans have been bullied on the job, and
- 21% have witnessed bullying.

This is according to a 2007 survey by the Workplace Bullying Institute (WBI) and Zogby International, in what’s considered the largest scientific study conducted on the topic. What it means is, more than 71 million professionals are affected by workplace bullies – enough to raise cause for concern for employees and employers alike.

What’s more, the same WBI-Zogby Survey found that bullying is four times more common than harassment, yet it remains one of the most overlooked problems by employers and the courts.

“Workplace bullying is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators that takes one or more of the following forms: verbal abuse; offensive conduct/behaviors (including nonverbal) which are threatening, humiliating or intimidating; work interference – sabotage – which prevents work from getting done.”¹

What Exactly Is Workplace Bullying?

By its definition, workplace bullying involves behaviors not covered by anti-discrimination or

harassment laws because they do not involve or discriminate against a particular protected class status. Bullies are basically status blind, transcending race, sex, or national origin. In fact, in only one of five bullying cases does discriminatory conduct play a role. And, unlike the “sticks and stones” or physical threats hurled at you by the schoolyard bully, the tactics of the workplace bully are much more subtle.

To help characterize bullying behavior, WBI-Zogby research has identified the **25 Most Common Tactics Used by Workplace Bullies**.

Here are a select few:

- Falsely accusing someone of “errors” not actually made
- Using the “silent treatment” to “ice out” and separate from others
- Starting, or failing to stop, destructive rumors or gossip about the person
- Singling out and isolating one person from co-workers, either socially or physically
- Assigning undesirable work as punishment
- Creating unrealistic demands (e.g., workload, deadlines) for the singled-out person
- Sabotaging the person’s contribution to a team goal and reward

How Bullies Hurt Your Employees and Your Firm

45% of targeted individuals suffer stress-related health problems (such as cardiovascular problems and adverse neurological changes) and psychological-emotional injuries (such as clinical depression, panic attacks and post-traumatic stress disorder).²

“Bullying poisons the workplace, undermines productivity and morale, and contributes to significant exposure to risk because it can easily lead to harassment and workplace violence

claims,” says Dr. Gary Namie, Ph.D., founder of the Workplace Bullying Institute, and author of *The Bully At Work*.³

Bullying causes turnover. And, according to Namie, you’re going to lose the wrong people. You’re going to lose the best and the brightest... because those are the people who pose the perceived threat to the aggressor (the bully). “That’s who they drive out...and they are tenacious. You’re not going to lose the slugs,” he said.

The impact on co-workers and their families is reflected in the estimated \$250 billion in annual expenses, including⁴:

- Direct employee health care costs
- Turnover from employee talent-flight and re-training costs
- Accidents related to stress-induced fatigue
- Litigation: counsel/settlements/jury awards
- Staff resistance to top-down change initiatives
- Bad public relations

And, proof positive that a bully creates a liability: The Indiana Supreme Court recently decided one of the first-of-its-kind bullying litigation. The court reinstated a verdict of \$325,000 in favor of an employee who was assaulted by a surgeon during a verbal altercation at the hospital — allowing into evidence the surgeon’s prior aggressive acts in order to prove that he was a workplace bully.⁴

It Could be Going On at Your Firm

Maybe some of these statistics have gotten your attention, but you’re still thinking, “Oh, that doesn’t happen here – not at this firm.” Think again. According to Namie, employers shouldn’t be so quick to make that conclusion; 40% of targets never tell, so employers simply may not know about it.

(continued on next page)

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HOW TO BUST THE OFFICE BULLY

Eight Tactics for Explaining Workplace Abuse to Decision-Makers

Here are some tips to help targets of bullying best tell their stories so that other people listen and find them credible:

- 1.) Be rational.
- 2.) Express emotions appropriately.
- 3.) Provide consistent details.
- 4.) Offer a probable story.
- 5.) Be relevant.
- 6.) Emphasize your own competence.
- 7.) Show consideration for others' perspectives.
- 8.) Be specific – give examples.

**For additional guidelines for your employees, you may want to visit the website www.asu.edu/class/communication/about/wellness/ The Project for Wellness and Work-Life, a strategic initiative of the Hugh Downs School of Human Communications at Arizona State University.*

“Bullying happens everywhere,” says Namie. “It happens in the most professional of environments – healthcare and legal firms – that’s where the outrageous conduct is. You can’t get much more professional than a doctor or a lawyer.”

But, astoundingly, despite its harmful and negative health effect on victims, only 3% file lawsuits and 40% never make a complaint at all. More to the point, whether or not it’s reported, bullying poses a risk to employees and creates a legal liability for your firm.

Why Do Bullies Get Away With It?

62% of U.S. employers either ignore it or make it worse when bullying is reported to them.

A common response to a bullying scenario is: “Why didn’t this person just stand up to the bully?” Namie says it’s because often they are shocked by his or her unprofessional conduct. “All bullies catch everyone by surprise with their aggression,” he said. “Though bullies temporarily motivate by fear, it has nothing to do with getting work done – it actually prevents it.”

What is the profile of a bully? “They’re perceived as a rainmaker to executives, a super-performer... a mover and a shaker,” explains Namie. And he agrees, “The stereotype is real – 72% of bullies are bosses; 55% of those bullied are rank and file workers. But the reality is, he or she is a walking liability...who poses a legal risk to the firm.”

On the other hand, the targets or victims of bullying are typically unable or unwilling to confront or counter the aggression with aggression. And, according to Namie, “Given that formula, a bully could function unchallenged for years in a leadership role, causing recurring emotional damage and fleeing of customers and employees.” [The Experience of a Workplace Bullying Victim](#)

“Workplace bullying: (a) is driven by a **perpetrators' need to control** the targeted individual(s), (b) is **initiated by bullies** who choose targets, timing, place and methods, (c) **escalates** to involve others who side with the bully, either voluntarily or through coercion, and (d) **undermines legitimate business interests** when bullies' personal agendas take precedence over work itself.”⁶

Another common problem, according to Namie, is that targets who decide to tell their story often face disbelief from co-workers, bosses and human resource managers.

Despite advocates of “Healthy Workplace” introducing 13 active anti-bullying bills in various states, there is no anti-bullying legislation in place to support them. “We’re in a similar position to where we were 15 years ago, before there were policies regarding sexual harassment,” he said. This lack of specific legislation makes it difficult to identify prohibited conduct, and leaves employers with lack of direction in dealing with the problem.

What Can You Do to Prevent Risks of Bullying?

Namie explains that one of the most common excuses or arguments against calling out a bully is, “It’s just too fuzzy – it’s too hard to define.” “Employers allow bullying to happen thinking it’s inevitable, that it’s by default, or that aggression is the American style of business. They tolerate it as long as it produces results for Wall Street. But the truth is, allowing this to happen and failing to address it poses a greater risk.

So, the message here is simple: By creating a workplace culture that doesn’t allow bullying, employers can help prevent workers from being harmed and avoid lengthy court battles. Namie promotes that it’s more efficient to communicate your policy to everyone and to train supervisors how to deal effectively with complaints than it is to have people questioned or deposed because bullying has occurred. It’s your responsibility as an employer to intervene and avoid legal exposure – and protect your bottom line.

All in all, it’s in the best interest of both the individuals being targeted by abuse, and your firm as a whole, to identify and implement strategies to stop workplace bullying. In Namie’s words, “I’m not mandating a hug or saying it’s about *love* in the workplace. I’m saying it’s the about the absence of abuse.”

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- 1, 2 <http://www.bullyinginstitute.org/>
- 3 (Sourcebooks, 2003)
- 4 <http://bullyinginstitute.org/education/bbstudies/econ.html>
- 5 (See Raess vs Doescher, IndSupCt, April 8, 2008). http://www.elt-inc.com/blog/topics/ethics_training_compliance_tra/
- 6 <http://www.bullyinginstitute.org/>

Employer Essentials to Help Thwart Bullying:

- Address bullying in your written employee policies. Your firm’s anti-bullying position should be specifically outlined in the policy statement each employee signs when hired.
- Distinguish bullying from other behavior such as conflict. It is not conflict. It’s a form of violence. It’s not routine managerial prerogative.
- Pay attention to department dynamics, track turnover rates, decline in performance ratings, and increases in absenteeism and short-term disability. If you learn how to measure the losses, management will make it a priority.
- Take action. You must apply policy and credible enforcement. Enforcement is as critical as policy.
- Set conduct and behavior expectations.
- Establish whistleblower protection for workers who come forward by creating steps for reporting incidents. Make it clear that your employees will be free from retaliation if they make a complaint.
- Provide a confidential reporting system, in house or through a hotline or referral service.
- Get executive support. Senior management needs to lead by example. Even a bully in a high-powered position needs to be dealt with straight out.
- Coach, mentor and train to prevent bullying. You don’t necessarily need a stand-alone anti-bullying course, but it should be a component of your firm’s harassment training.
- Discipline bullies, don’t reward them. Some firms tie a component of their managers’ annual bonus to employee feedback in their reviews.

Case In Point: First-Hand Experience of a Workplace Bully Victim

Susan, a senior-level finance professional (who asked to remain anonymous), says she was a victim of a workplace bully in a former job at a consulting firm. She describes how the persistent bullying of a newly hired CEO damaged her both personally and professionally.

"I would step into an office and, if he was there, the conversation would stop," said Susan. "In meetings when I spoke, he would roll his eyes, mutter under his breath and turn away." The CEO's regular belittling tactics took Susan by surprise and left her feeling "humiliated and somewhat dumbfounded," since she had always been highly regarded in business dealings with her colleagues and clients.

Susan says she had also overheard the new CEO talking unfavorably about her on the phone with a client. "He was not only sabotaging me personally, he was inadvertently damaging the whole firm's reputation," she said. "I'm certain this is why we started losing clients."

By and large, the CEO's adverse behavior created a posturing that filtered down through the firm. "It was like he was pitting people against each other," says Susan, noting that the atmosphere at the firm turned abruptly hostile. "And suddenly, there I was – this high-producer with my MBA and five successful years in management at the firm – doubting my own competencies and standing," she said. "I felt kind of ruined. It became highly unproductive."

Susan describes her growing feelings of submission, "It was subtle...at times I couldn't put my finger on it. But, I felt like I had the rug slowly pulled from under me. I felt ashamed and demoralized by way the CEO treated me. It actually affected my health. But I couldn't tell anyone. I didn't feel I could go to HR with what could be construed as petty occurrences...and he came to the firm as this 'icon' in our industry," she said.

When she was eventually dismissed for "not performing," Susan was relieved. "You don't realize how bad it is until you're out of it," she says. "It took me a long time to recover my 'mental health' and regain my confidence." And even though she believes she had obvious grounds for a wrongful termination suit against her firm, she decided not to take any action.

Although she decided not to retaliate, Susan agreed that she may have handled her situation differently had there been a workplace bullying policy in place at the firm, including guidelines stating that this type of bad behavior would not have been tolerated.

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Skeletons in Closet Need Not Apply

How to Combat Resume Fraud and Avoid Bad Hiring Mistakes

Once upon a time, hiring employees was not complicated. It seemed a simple recommendation, or a brief meeting and a handshake, was testimony enough to hire on an employee for a lifelong career of loyal service – to endure happily ever after.

Today it's no such fairy tale.

Did you know that resume fraud alone is costing businesses an estimated \$600 billion annually, or about \$4,500 per employee?

The Association of Certified Fraud Examiners, 2002 study

The reality is, a growing number of job applicants are taking desperate measures such as embellishing their credentials, misrepresenting their backgrounds – and committing outright fraud – in efforts to improve their chances of meeting certain job requirements and outshine their competition.

According to ADP Screening and Selection Services, last year's background screening statistics in the business services sector revealed:

- 54% of candidates submitted false information on resumes.
- 40% had credit records showing a judgment, lien or bankruptcy, or had been reported to a collection agency.
- 4% had a previous workers' compensation claim.
- 6% showed a criminal record over the last seven years.

<http://www.screeningandselection.adp.com/SASS/aboutUs/adpBackground.html>

So CPA employers, in particular, should take a closer look. If you're unintentionally letting fraudulent resumes advance beyond your desk, you're overtly inviting risk into your firm.

Resume fraud causes a host of liabilities; it can hurt productivity, and it can lead to turnover, bad publicity, lost clients and costly litigation. With today's heightened security risks, and rising concerns about workplace violence and negligent hiring lawsuits, it makes your job of validating trustworthy, qualified employees more crucial than ever.

Yet, surprisingly, many CPA firms today do not have basic pre-employment screening as part of their hiring process; some even neglect to furnish employment applications. According to experts, it's skipping such important details that can lead to trouble.

What can you do to prevent resume fraud? Verify.

Bill Horne, Director of Human Resources at CPA firm Larson Allen* says a comprehensive pre-

employment screening has been instrumental in helping his firm avoid hiring liabilities. And, he says, it's been a driving factor in creating the positive culture for which his firm's become known.

"We're in the world of public accounting where people are watching every move we make. At the end of the day, we're held responsible, so we need to confirm a candidate's qualifications. More importantly, we need to see whether the person is being honest – whether they have accountability," said Horne. "By commanding integrity in the beginning, it only leads to success throughout the organization."

While having a thorough pre-employment screening process can help your firm prevent hiring mistakes and its related costs or disadvantages, it's also an important defense against negligent hiring claims. It provides a documented effort in which you've done your due diligence to complete all reasonable activities to identify foreseeable conduct before making a hiring commitment.

*Larson Allen is a certified public accounting firm offering assurance, accounting, tax, consulting, and advisory services to organizations and individuals managing business ventures and finance.

What is a Pre-employment Screening Process?

The Basics You Should Verify

To determine whether you've got the appropriate checks and balances in place at your firm to manage risks inherent in hiring, it helps to take a step back to consider your firm's hiring process holistically – from assessing resumes to background checking and interviewing. There are some basic steps that should be a standard part of your screening process:

1. Past Employment

Stretching dates of past employment and fabricating jobs to fill in gaps in employment history are the most common types of resume fraud. Take notice of gaps in employment and frequent job changes. Watch out for vague job descriptions or broad exaggerations of responsibilities. Be suspicious of unexplained periods of unemployment and claims of proficiency in specific skills.

2. Education and Certification

70% of college students say they lied on their resume. And according to the FBI, approximately a half million people in the United States falsely claim to have college degrees. Keep that in mind, and also pay attention to a highlighted education without a mention of a degree. Have your applicants

sign to release transcripts directly to your firm. Use the transcripts to verify grades and degrees.

Did you know that the diploma mill business is a global, billion dollar industry? Diploma mills produce and sell diplomas and degrees to those who have not performed any real work to obtain them. Your education confirmation should include proof of accreditation for the institution being verified.

Be sure to substantiate the validity of the colleges and universities listed on applicants' resumes. You can do this through two organizations: National Council for Higher Accreditation (CHEA) www.chea.org; and U.S. Department of Education www.ed.gov.

3. References

The most reliable, and probably the most important form of reference is a former employer.

When checking work references, ask for verification of job title, salary, dates of employment and responsibilities. Pay close attention to whether the dates of employment given by the applicant match the dates of employment given by the employer. Be most concerned with weak references.

There should be a red flag if a candidate's reference can't provide details on job performance. A suggestion for conducting your conversation is to read relevant parts of the candidate's resume to the former employer and ask for confirmation of the information. Since some employers will only verify position and dates of employment, you can ask whether the candidate in question would be eligible for rehire.

Make it a requirement that candidates provide references of people who have worked directly with them. Ask candidates to provide the name of at least one former supervisor, a peer and a subordinate. The key is to objectively evaluate an employee's performance over time, and from different points of view.

4. Military Records

Know that military service may be one of the most difficult of credentials to confirm, with a verification turn-around time in the twelve-week range. Employers looking to verify military records can contact Captain Ronald Hindman, Director of the National Personnel Records Center in St. Louis, MO.

http://en.wikipedia.org/wiki/National_Personnel_Records_Center

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What You Should Investigate

1. Criminal Convictions

Most public records services (such as Nexis or Choice Point) have criminal conviction records. InfoCheckUSA.com is a national provider of background checks where you can find out if a potential employee has had sexual misconduct or has been sanctioned by the government.

The Fair Credit Reporting Agency (FCRA) indicates that organizations are obligated to use the best possible data, which is not necessarily the proprietary database of information. It means going to the local courthouse to obtain public documents. It's important to check criminal records at each address where the applicant has lived, especially when there are unexplained gaps in a resume.

2. Drug Screening

Substance abuse in the workplace costs American employers more than \$100 billion every year. This productivity-killer is a common culprit behind employee turnover, disciplinary problems, and absenteeism. The bill for hangover-related absenteeism is \$148 million annually. That's \$2,000 per working adult. These costs far outweigh the minimal costs of a drug screening test.

http://www.hrhero.com/audio/substance_abuse/?TOP

Be Sure You've Got it Covered Candidate Consent and Application

It is prudent practice to obtain a signed authorization and release from a potential candidate. Federal and state laws, such as the Fair Credit Reporting Act, govern the retrieval and use of information for employment purposes. Most states allow contingent offers, so you need to tell candidates upfront, and make it clear during your interview process, that checks will be in place.

Consult with your legal expert regarding laws applicable to your firm and be sure to obtain proper authorization forms. Refer to the Fair Credit Reporting Act (FCRA) provisions and Employer Obligations under the FCRA at the Federal Trade Commission web site <http://www.ftc.gov/os/statutes/fcrajump.shtm>

Attach an application to the resume that includes a signed statement that any false or

The employment application is a critical step in the hiring process not to be overlooked. As a courtesy to our policyholders, and as part of our broad risk management program, CPA EmployerGard provides a sampling of employee applications created for CPA firms. You can contact your Program representative at 1-800-221-3023 to receive more information.

misleading information would immediately disqualify the candidate. Be sure to ask for the month and year of each job change and reason for transition.

Establishing and Reinforcing Your Firm's Policies

The hiring process does not end simply with an offer and acceptance. Be sure to create and emphasize a policy defining the consequences of resume and application fraud. Specifically state these consequences and the conditions for termination on your employment application.

Get rid of the unscrupulous employees before they do damage. Be consistent in carrying out your policy of dismissing employees immediately following the discovery of fraud. This can later help you in your defense against certain types of negligent hiring claims.

Horne says his firm applies the same screening procedures and adheres to the same policies and standards for all levels of employment. "Obviously, college kids don't have the same amount of credentials that executives would have...but the process is the same for all levels," said Horne. "Integrity is a standard at our firm."

Interviewing

Selecting the best candidates for your firm doesn't mean disqualifying individuals only on the basis of their background screening results. Pre-employment screening should represent only one key component of your selection process.

Horne advocates that hiring managers should intimately be involved in all parts of the process – especially the interviews. "You can have the best pre-screening methods in the world, but it's not effective unless you have a well-trained staff with the know how to ask the right questions, and you know what to look for in the answers too," he said. Having the right insight and asking appropriate follow-up questions helps draw out revealing information.

At the beginning of your hiring process, develop a specific job description for each position. Provide the job description to key candidates; ask them to provide a statement in writing that describes how they best meet your qualifications.

In the interview, base your questions on claims in applicants' resumes that seem questionable. Make sure you get an understanding of a candidate's timeline and what happened during periods of unemployment or gaps in their work. Ask the candidate to elaborate; confusion about self-reported history should be a warning sign. Try to get to quantifiable results. According to Horne, there's embellishing and

there's lying – that's what is important to uncover in the interview. Someone may claim they developed something, when in actuality they were part of a team that developed something. If you've got a good interviewer...they'll get through that."

At the same time, he warns not to forget about the human side of the hiring process. "I do believe in giving the candidate – no matter what level they are – the benefit of the doubt to begin with and at least let them explain their background. There have been instances, where incorrect information they've provided may be an honest mistake. We look at the overall circumstances – if a candidate discloses something unfavorable in the application process, we can address issues from the beginning."

Horne further explains that a mistake often made in the interview is the interviewer spends too much time talking. "You need to give the candidate a clear picture of what the job is about, but then you need to ask the hard, fact-finding questions – and then listen to discern. You need leave the interview with a clear understanding of your candidate."

By taking some deliberate steps to improve the basics of your firm's employee screening process, you can help to:

- ▮ Improve the quality of your employee pool
- ▮ Reduce resume fraud or negligent hiring problems
- ▮ Prevent theft and loss
- ▮ Establish a more efficient and productive workplace

Remember, don't surrender to complacency. Never hire a questionable candidate based on their potential, or overlook misrepresentations because a position has been open for a long time. And recommendations, referrals and prior contact with an employee at your firm are not justification for skipping the background screening process.

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Tips to Help You Avoid Resume Fraud and Bad Hiring Mistakes

- Keep detailed records. Document the hiring process and specify the steps you take to investigate each candidate. If you can't reach a reference, or certain proof that you need, having a detailed record of the steps you took can be useful if trouble arises.
- Look on the Internet. You can supplement your standard investigation by checking YouTube, MySpace and Facebook, and Google. You may find revealing personality traits or other information that points to inconsistencies or false statements, which could be cause for alarm.
- Confirm degrees before scheduling interviews. This way, you're not wasting time on unqualified candidates.
- Make sure companies listed for a reference are legitimate (a common trick is to use a friend or fake company number). Use the Internet to verify the company's main number and call your reference contact through it.
- Bear in mind, temporary employees, vendors and consultants pose a threat to your business too, so don't leave them out of your screening process.
- Don't forget to verify professional licenses and memberships. Most licensing bodies and professional organizations have a website and phone number that will verify the member's standing with the group. Inquire whether they've been the subject of any censures or disciplinary actions.
- Be aware that even unintentional mistakes in completing or filing I-9 forms can cost an employer more than \$1,000 for each affected employee.
- Complete your background check and pre-employment screening processes before extending an offer, so you're not in the position of being in a legal relationship with a candidate before you collect all the facts.
- Consider retaining the professional services of a background screening company to manage your pre-employment investigations. It can create cost efficiencies by improving hiring cycle time and number of incremental staff required to process background. Legitimate firms are endorsed by the National Association of Professional Background Screeners (NAPBS).

For more information on Employment Practices Risk Management or past issues of the *EmployerGardian*, please visit www.cpai.com



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