

Loss Control Recommendations

It is imperative that every supervisor, manager and elected official in your organization understands that harassment is counterproductive and can be a violation of state and federal law. Every entity is encouraged to have policies prohibiting harassment, retaliation, and discrimination. Procedures for employees to report inappropriate behaviors and policy violations should be developed and implemented.

As an employer, your first line of defense is to have sound written personnel policies and procedures.

Second, your employees and supervisors should receive regular documented training on your entity's personnel policies and procedures.

Third, it is very important for supervisors to understand their roles and responsibilities in the daily administration of these personnel policies and procedures.

Finally, legal counsel should always be consulted before taking an adverse employment action against an employee.

**SOUTH DAKOTA PUBLIC
ASSURANCE ALLIANCE**



208 Island Dr., Ft. Pierre, SD 57532

SATELLITE OFFICE:

5024 Bur Oak Place, Suite 103, Sioux Falls, SD 57108

www.sdpaonline.org

**SOUTH DAKOTA PUBLIC
ASSURANCE ALLIANCE**



**EMPLOYMENT
PRACTICES HOTLINE**

**EMPLOYMENT PRACTICES
HOTLINE:**

Call Toll Free: 1-888-313-0839

**Know the law...It's
good business.**

Employment Practices Hotline

- 1 Who is eligible for this service?**
SDPAA Member entities currently carrying Government Officials Liability coverage.
- 2 Who will furnish the service?**
The SDPAA has contracted with two South Dakota law firms with expertise in employment law.
- 3 How do you contact the hotline service?**
Call toll free: 1-888-313-0839
- 4 Who may act for the entity in using this service?**
 - For counties, the State's Attorney's Office and all other elected officials, in conjunction with the State's Attorney's Office, may make inquiries.
 - For municipalities, the City Attorney and/or a city designated SDPAA contact person may make inquiries.
 - For special districts, the special district chairperson and/or a district's designated SDPAA contact person may make inquiries.
- 5 What topics can be addressed through this service?**
Only questions that concern employment practices will be taken, i.e. hiring, discipline, FMLA, discrimination, sexual harassment, and termination of an employee or group of employees. This would include questions concerning personnel policies, employee manuals or any actions that could affect an employee's terms of employment.

6 How will this service work?

The initial call will be answered by Safety Benefits, Inc. on behalf of the SDPAA. The caller will be asked a series of questions to determine their location, who is calling, and the exact nature of the call. SDPAA will determine if the caller is authorized and if the issue is appropriate. Once this has been determined, an attorney from one of the approved law firms will return the call and consult with the caller about the inquiry. The entire procedure will be carried out as promptly as possible.

7 What is the extent of the service?

A Member is entitled to 1 hour of legal service for each separate matter. If the response requires more than 1 hour, the Member may extend the use of the service at the Member's own expense.

8 What about the ineligible questions?

If the question is not within the scope of the service as determined by the SDPAA, every attempt will be made to assist the caller with the inquiry.

9 What is the relationship between the Member and the selected lawyer?

When a call is accepted, the Member entity (not the individual) becomes a client of the firm for the purpose of the call and the attorney/client privilege is activated. Only information about the call that is necessary for billing purposes will be given to the SDPAA.

10 What type of inquiries will not be accepted?

The question must pertain to employment practices. However, this can sometimes lead to a question of coverage, which is not an eligible inquiry. Questions on coverage or contract language should be referred to the SDPAA at 800-658-3633 (opt. 2) or www.sdpaonline.org.

Waiver of Deductible

SDPAA will waive the \$5,000 employment practices deductible if:

- 1** Prior to taking actions regarding employment issues, contact is made to the Employment Practices Hotline lawyer. **and**
- 2** The advice provided by the Employment Practices Hotline lawyer is followed.

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**We are here to help.
Please call before you act.**