

LEGAL LIABILITY PROTECTION FOR CHARTER SCHOOL EMPLOYEES

CIVIL LIABILITY PROTECTION

YOUR COVERAGE RIGHTS

As a charter school employee if:

- A civil claim; or
- A civil lawsuit

for damages is brought against you for acts or omissions occurring:

- During the performance of your duties;
- Within the scope of your employment; or
- Under color of authority,

then, under the Governmental Immunity Act of Utah you may have the right:

- To have any claim settlement paid on your behalf;
- To have any lawsuit defended by an attorney at no cost to you; and
- To have any judgment entered against you paid for you; and,

SECURING COVERAGE

To secure these rights you must:

- Immediately notify your school of any claim or lawsuit;
- Immediately forward to the charter school all legal documents served on you;
- Make a written request to the charter school for defense and indemnification within ten days of the service of a lawsuit: and
- Cooperate in the subsequent investigation and defense including making any offer of judgment if requested.

WHAT IS NOT COVERED

Your rights to defense and payment of claims or judgments do not cover acts or omissions involving:

- Fraud;
- Willful misconduct;
- Impairment due to your use of alcohol or drugs; or
- False testimony under oath.

COVERAGE PROVIDER

Your school and its employees are covered for liability by:

- The Utah State Risk Management Fund. (Hereafter the Fund)

LEGAL COUNSEL

Lawsuits are defended by:

- The Litigation Division of the Utah Attorney General's Office.

COMPARISON WITH OTHER COVERAGES

Limits:

- Fund - Coverage for employees of charter schools under the Governmental Immunity Act is generally consistent with the Utah Governmental Immunity Act damage caps. The Fund may cover charter schools' obligations to their employees up to \$10 million per occurrence. Coverage is primary and pays before UEA or AFT coverage.
- UEA - Coverage limits are \$1 million per occurrence, \$3 million per occurrence aggregate, except civil rights; \$300,000, per occurrence for civil right claims. Coverage is excess of any statutory protection, such as your Governmental Immunity Act coverage with the Fund.
- AFT - Coverage limits are \$1 million per member and \$3 million per occurrence, except \$250,000 per member per year for denial of constitutional rights. Coverage is excess of any statutory protection, such as your Governmental Immunity Act coverage with the Fund.

Activities covered by the Governmental Immunity Act/Fund not covered by other commonly available programs:

- UEA – Charter vehicle usage, other than driver training instructors as passengers, is excluded.
- AFT – Charter vehicle usage, other than driver training instructors as passengers, is excluded.

Civil coverage by other commonly available programs not covered by the Governmental Immunity Act/Fund:

- UEA - Bail bond premiums, up to \$1,000 per bond covered; Personal property damage caused by assault up to \$500 covered;
- AFT - Bail bond premium up to \$1,000 per bond covered; Personal property damage caused by assault up to \$250 covered; \$10,000 assault death benefit covered; \$5,000 defense costs in licensure or credential hearing covered.

CRIMINAL DEFENSE PROTECTION

YOUR COVERAGE RIGHTS

As a charter school employee if:

- Criminal charges are filed against you for acts or omissions occurring:
- During the performance of your duties;
- Within the scope of your employment; or
- Under color of authority,

then under the terms of Utah Code 52-6 you have the right to recover from your employing charter school reasonable attorneys fees and court costs, if the indictment or information is quashed, dismissed or results in an acquittal, unless it is quashed or dismissed on motion of the prosecuting attorney.

- The fund does NOT provide an attorney nor pay for attorneys fees incurred in defending a criminal case, nor does it cover or pay for any fines, fees, or any other costs assessed in a criminal case.

COMPARISON WITH OTHER COVERAGES

- Reimbursement by a charter school under the terms of UCA 52-6 has no monetary limitation. Coverage is primary.
- UEA - \$35,000 per school related criminal proceeding if exonerated from all charges, if charges are withdrawn or dismissed, if investigation is concluded without the filing of charges, or if case is the result of corporal punishment. Coverage is excess of any statutory protection, such as UCA 52-6.
- AFT - \$35,000 per member per year for school related criminal charges if completely exonerated or if case results from corporal punishment; \$5,000 if not completely exonerated. Coverage is excess of any statutory protection, such as UCA 52-6.

ADDITIONAL INFORMATION

For additional information about your rights please see the following:

- The Utah Governmental Immunity Act" UCA 63G-7;
- Reimbursement of Criminal Defense Costs UCA 52-6;
- Your Charter School Risk Manager or Business Official; or
- The Utah State Division of Risk Management
5120 State Office Building
Salt Lake City, Utah 84114
(801) 538-9560.
- The information provided here is a general description and comparison of coverage's. For a detailed explanation of coverage's you may refer to the statutes cited above and coverage brochures provided by UEA & AFT.

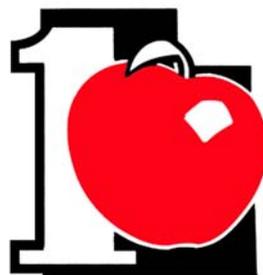
Provided by

UTAH STATE DIVISION OF RISK MANAGEMENT



and

UTAH SCHOOL BOARDS ASSOCIATION



Support Utah Public Schools
... where learning comes first!

MARCH, 2010

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