

The Plan is designed to reimburse certain expenses to defend any claim made against a member resulting from the following alleged acts:

**1. Commission of a criminal act**, where such charge arises solely out of the member's employment activities. The Plan will pay up to \$5,000 per member per year regardless of outcome. Reimbursement up to \$35,000 is made only if the member is "completely exonerated." Complete exoneration means that a finding or verdict of not guilty has been entered into the record as to all charges of the criminal act, or a final order of dismissal has been entered into the record without appeal. In both instances, reimbursement is for reasonable and approved legal expenses.

If the criminal act is the result of corporal punishment, however, the reimbursement of up to \$35,000 for defense costs incurred by the member will be made regardless of the outcome.

Sexual abuse, where such charges arise solely out of the member's employment activities. Sexual abuse means any actual, attempted or threatened sexual contact by a member, including coercion or other conduct that results in a sexual contact between a child and any other person. Under no circumstance will the Plan make any payment if there is a settlement of any claim of sexual abuse or if any payment is made on behalf of a member due to a claim or allegation of sexual abuse.

Sexual harassment, where such charges arise solely out of the member's employment activities. Sexual harassment means any act or omission that is claimed to affect the status of a student



or recipient of services of a member's employer because of the gender of the person making the claim.

**2. Denial of constitutional rights**, where such charges arise solely out of the member's employment activities. The Plan will pay up to \$250,000 per member per calendar year and up to \$1 million for any one incident.

### Other Key Provisions

The Plan will reimburse a member for reasonable attorney fees for any appearance before an administrative agency, where the proceeding arises out of the member's employment activities and involves the issuance, maintenance or revocation of a member's license required for the member's job. Reimbursement of up to \$5,000 per member per year is provided.

Under a separate companion policy, the beneficiary of a participating member is eligible for a \$50,000 death benefit should the member be assaulted during the member's employment activities and death occurs within 90 days of the assault. Contact [aftplus@aft.org](mailto:aftplus@aft.org) for a claim form.

### How Do I File a Claim?

The member must notify the AFT Program Administrator *in writing*, as soon as practicable, of an occurrence or offense that may result in a claim under the Plan.

Davies Claims North America, Inc.  
P.O. Box 110259  
Lakewood Ranch, FL 34211  
Toll-free AFT line: 877-590-5562  
Email: [ClaimsNA\\_AFT@us.Davies-Group.com](mailto:ClaimsNA_AFT@us.Davies-Group.com)  
For a claim form, contact [aftplus@aft.org](mailto:aftplus@aft.org).

**The written notification, which is a part of the claim form, should include the following:**

1. A letter from the local indicating that the member was in good standing at the time of the incident.
2. A description of how, when and where the occurrence or offense took place.
3. The names and addresses of any injured people and witnesses.
4. The nature and location of any injury or damage arising out of the occurrence or offense.
5. The name, address, phone and email of the claimant's attorney.
6. The name, address, phone and email of the member's or local's attorney.

**If a claim is made or suit is brought against any covered member, the member must:**

1. Immediately record the specifics of the claim or suit and date received.
2. Provide the Administrator with copies of all correspondence, including the summons, claim or suit, as soon as practicable.

**Members must:**

1. Send the Administrator copies of any demands, notices, summons or legal papers received in connection with the claim or suit.
2. Authorize the Administrator to obtain records and other information.
3. Cooperate with the Administrator in the investigation or settlement of the claim or defense against the suit.
4. Assist the Administrator, upon its request, in the enforcement of any right against any person or organization that may be liable to the insured because of an injury or damage to which the insurance also applies.

**If the damages and/or attorney fees are covered, payment will be made when the following has been received by the Administrator:**

1. Verification of membership on the date of the incident from the local union and determination that the local participates in the program.
2. A complete and detailed listing of all legal fees and incidental charges for which the member seeks reimbursement.



The AFT is pleased to provide liability protection for claims or charges arising out of the employment activities of members of participating locals for incidents that occur within the scope of work at/for an employer represented by or in the jurisdiction of the participating local.



### How Does It Work?

The Occupational Liability Insurance Plan (the Plan) provides AFT members broad protection for legal defense costs and court judgements. Since this is a group plan, it can only be purchased by local affiliates on behalf of their members. Because the coverage protects participating members from a wide range of employment-related issues, including alleged criminal acts, this brochure provides only a summary overview of the protection available to members. Coverage is determined based on the limitations and exclusions contained in the Plan.

The Plan covers claims brought by third parties such as students or parents and not by the employer. It also provides certain costs of defense for work-related criminal activities and licensure actions.

Coverage is provided for claims arising out of incidents that take place during the policy period. Note that the defendant must be a member in good standing of a participating local *at the time of the alleged incident*. The member named in the claim or charge is covered under the policy regardless of

whether the member is currently employed or a current member. This type of coverage is referred to as occurrence-based.

### What Is Covered?

The Plan provides for damages and attorney fees from claims (up to \$1 million in protection per member per occurrence subject to the policy's limitations and exclusions) arising out of a member's employment activities due to:

- (1) **accidental bodily injury;**
- (2) **accidental property damage;** or
- (3) **personal injury claim**, such as slander, libel, false arrest, false detention, imprisonment or invasion of privacy.

Examples of the types of damage claims filed in the past include opening a door and injuring a student, knocking a laptop onto the floor while moving about a room, and locker searches, among others. These are examples only. The circumstances around each occurrence will determine types of coverage available or if the claim is covered.



## THE POWER & PROTECTION OF MEMBERSHIP

### AFT Members' Occupational Liability Plan and Legal Action Trust

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Education | Healthcare | Public Services

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Washington, DC 20001  
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