

# ForeFront Portfolio<sup>SM</sup> Needs Analysis

Are your private company and its managers vulnerable? What is your tolerance for risk? What protection do you need? This simple guide helps you to answer these questions by pointing out the areas where your company and its employees may face exposure and by highlighting the ForeFront Portfolio<sup>SM</sup> coverages that can provide you with needed protection.

ForeFront Portfolio is a comprehensive insurance solution that offers up to eight optional coverage sections to help privately owned companies and their managers avoid these risks. If you have additional questions regarding your exposures and comprehensive protection from ForeFront Portfolio, contact your agent or broker.

## Directors & Officers Liability

- Do your company's senior officers have occasional disagreements with customers, creditors, competitors, or regulators?
- Has your company been involved in the purchase or sale of any debt or equity securities within the past three years?
- Might at least one former, current, or future shareholder of your company be dissatisfied with the company's performance or management decisions?
- Is your company contemplating an IPO within the next five years?
- Do directors of your company have close personal relationships with or strong allegiance to the controlling shareholder(s)?
  - Are your company's directors and senior officers fully aware of their own legal duties and responsibilities and all legal obligations imposed upon your company?

## Employment Practices Liability

- Has your company discharged any employee during the past two years?
- Are any employment decisions made without consulting human resource professionals?
- Have any of your line managers hired or fired an employee?
- Is your company's workforce diverse from the standpoint of age, gender, race, religion, and national origin?
- Does your company have a comprehensive personnel file for each employee?
- Has your company failed to create and enforce an employee handbook?
- Does your company give references for former employees?

## Fiduciary Liability

- Do employees of your company give advice to participants concerning eligibility for, enrollment in, or participant rights with respect to your employee benefit plans, such as a 401(k)?
- Is it possible your company may reduce or eliminate some employee benefits in the future?
  - Could your plan or its fiduciaries be perceived as engaging in conflict-of-interest transactions, such as investing in securities of your company or an affiliated company or retaining service providers who also conduct business with your company?
    - Does your plan rely on professional investment managers who have discretionary control over the investing of plan assets?
    - Do your plan's fiduciaries select investments or investment options?
    - Do officers of your company also serve as fiduciaries of your plans?
    - Do fiduciaries of your plan make disclosures regarding the financial condition and performance of the plan?
- Do fiduciaries of your plan have other full-time responsibilities?

## Miscellaneous Professional Liability

- Does your company provide service(s) for others for a fee?
- Does your company sign service contracts in which they are required to carry professional liability insurance?
- Does your company sign service contracts drafted by its clients in which it accepts the liability of its clients?
- Does your service contract address the limit of liability of each contract? If so, is it limited to the value of the project?
- Does your company distribute promotional material detailing specific professional services that you can provide? If so, does it contain a Statement of Qualifications? Example: "Our Company's staff of professionals has extensive experience in executing projects of all scopes and sizes ..... One of our Company's strengths is its ability to provide our clients with consultants who not only possess excellent theoretical knowledge but also hands-on experience."
- When conducting a new client presentation, do you specifically reference particular employees who will be servicing that contract? If so, have you ever changed that staff midterm for a larger project? If so, do you replace them with someone of equal or lesser qualifications?

## Internet Liability

- Does your company have a Web site?
- Does your company collect personal information from visitors to the Web site?
- Is any of the content of your company's Web site derived from third parties?
- Is electronic commerce conducted on your company's Web site?
- Apart from electronic commerce, is your company's Web site interactive?
- Could your Web site possibly include remarks about your competitors that could be perceived as unfavorable?
- Could your Web site possibly include copyrighted material owned by another party?

## Crime

- Do any of your employees have direct access to your company's funds/assets?
- Do your employees who reconcile the monthly bank statements also either sign checks, handle deposits, or have access to check-signing machines or signature plates?
- Is only one employee responsible for signing all outgoing wire transfers, letters of credit, or checks?
- Are your company's premises easily accessible by the public, with limited security?

## Kidnap/Ransom & Extortion

- Do any of your employees travel overseas on behalf of your company?
- Does your company have an international presence?

## Workplace Violence Expense

- Has your company been involved with or contemplate any firings, layoffs, staff reductions, or facility closings?
- Could your company's employees be associated with unstable or violent persons?
- Are your company's premises easily accessible by the public, with limited security?



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For promotional purposes, Chubb refers to the member insurers of the Chubb Group of Insurance Companies underwriting coverage: Chubb Insurance Company of Europe, S.A.; Chubb Insurance Company of Australia, Limited; Chubb Indemnity Insurance Company; Chubb Insurance Company of Canada; Chubb Argentina de Seguros, S.A.; Chubb do Brasil Companhia de Seguros; Chubb de Chile Compañía de Seguros Generales, A.S.; Chubb de Colombia Compañía de Seguros, S.A.; Chubb de Mexico Compañía Afianzadora, S.A. de C.V.; Chubb National Insurance Company; Federal Insurance Company; Great Northern Insurance Company; Northwestern Pacific Indemnity Company; Pacific Indemnity Company; Vigilant Insurance Company; Executive Risk Indemnity Inc.; Executive Risk Specialty Insurance Company; and Quadrant Indemnity Company. Not all insurers do business in all jurisdictions.

This literature is descriptive only. Actual coverage is subject to the language of the policies as issued.