



What Legal Protections Do You Really Have?

Know the difference between real legal help and mere liability insurance!

Dear teachers,

You may have seen a memo passed along from the Utah State Department of Administrative Services Division of Risk Management outlining legal protection provided for school district employees. It is important for you to know the very clear levels of protection you will receive from the **Utah Risk Management Fund (RM Fund)** vs. the protection you get if you are a member of the NEA/UEA family. Included in this document are the distinctions between insurance coverage.

First of all, it is important to understand that **liability insurance** and real **legal help** are NOT the same thing!

- **Legal help** means having real people on the ground when you need it most. The UEA provides real advocates – on the ground – to provide immediate help with personal issues, legal advice and legal assistance.
- Membership in the UEA and its local affiliate provides you with access to local leaders as well as UniServ Directors – experienced and professional staff available to assist you in solving problems quickly and as informally as possible. If the problem escalates, UEA's General Counsel and legal staff are on board to advise on labor and education law and represent you when you need it.
- Very few teachers will ever use their **liability insurance**, however, thousands of our members each year rely upon help from their local presidents and UniServ Directors. In addition, our general counsel and paralegal provide comprehensive legal assistance covering a wide range of matters, such as, but not limited to: performance evaluations, discipline, nonrenewals, lay-offs, dismissals and defense related services pertaining to: licensing complaints, misdemeanor criminal defense and DCFS defense for allegations within the scope of your employment.
- UEA is the only public education employee association in Utah that provides such a comprehensive legal services program – not just promises, but real people on the ground.

- UEA members receive the following advocacy services:
 - Representation in adverse personnel actions initiated by the district
 - Filing of grievances against the district to enforce the collective bargaining agreement or board policy
 - Representation in personnel file disputes
 - Representation in licensing disputes with the Utah Professional Practices Advisory Commission (UPPAC)
 - Assistance with medical insurance claims and disability forms
 - Assistance in making application for unemployment insurance benefits
 - Intervention with the district to ensure fairness of the district's evaluation program
 - Negotiation of protection for members
 - Assistance in retirement disputes with district
 - Representation in termination, demotion, involuntary transfers, suspensions or other disciplinary actions
 - Assistance in obtaining benefits under the district's insurance policies

Now, if you want to compare just liability insurance policies that come into play only after a lawsuit is filed, here is the additional information you need to know:

- The RM Fund claims to cover the costs of a civil claim or lawsuit including attorney fees, claim settlement or judgment. But they will not cover “acts or omissions involving...**willful misconduct**...” “Willful misconduct” means not doing your job right. If the district thinks you are at fault or did anything wrong, that constitutes willful misconduct and you will have no legal protections under the RM Fund.
- Educators Employment Liability Insurance (“EEL”), provided by NEA and paid for by your NEA dues, includes legal defense costs for up to \$3 million per member, per occurrence and up to \$1 million per occurrence for indemnification of civil suits for damages.
- EEL insurance will reimburse educators up to \$35,000 in attorney's fees for defense of a criminal charge if the educator is acquitted or otherwise exonerated. **The RM Fund defends very few criminal cases involving school employees.**
- EEL insurance provides for reimbursement of a bail bond premium up to \$1,000.
- EEL insurance will pay up to \$500 for assault and related personal property damage (excluding vehicles and school property).

Don't risk your career! The state's liability protection is very limited when compared to the comprehensive legal help provided through national, state and local representatives. If you are already a UEA/NEA member, thank you. You've made a wise decision. If not, don't let another school year go by without the peace of mind our members enjoy knowing they have comprehensive legal help available when they need it.

To become a part of your professional association, contact your association building representative or call the DEA Office – 801-451-2277.