



THE Minnesota News

Meet MIIAB's New Legislative/Regulatory Counsel and Lobbyist

**2020
Education
Schedule
Inside**

Robyn Rowen, J.D.



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Legislative/Regulatory Counsel
and Lobbyist
Robyn Rowen, J.D.**
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**MN Independent Insurance
Agents & Brokers Association**

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An Ounce of Prevention is Worth a Pound of Cure

I remember a time when treating a virus just required aspirin, rest and a lot of liquids. Today, if you get the wrong kind of virus, it might require hours of forensic cyber investigation, the services of a breach coach and access to bit coins. I'm pretty sure the aspirin will still be needed from the lost revenue and damaged reputation headaches that can follow.

As you may have heard, October was National Cybersecurity Awareness month. With all the headlines of data breach and cyber related claims in the news it's hard to imagine this topic needs its own month to get noticed. Regardless of its degree of notoriety, how our clients manage their data security to avoid data breaches and potential identity theft is a key concern. The increasing threat from identity theft and cybercrimes requires strategic thinking about things that just a few years ago didn't exist. Today's business owners need to assess their internal and external digital vulnerabilities and develop a battle plan to protect their private client and employee data from falling into nefarious hands. They need to be able to quickly detect when a breach has occurred, rapidly deal with it and then follow through on the notification requirements with impacted parties. Ignoring this exposure is not an option.

Legislative oversight regarding cybersecurity is stepping up at the state and Federal level and a number of states have now adopted the National Association of Insurance Commissioners (NAIC) 2017 Insurance Data Security Model Law. All signs indicate that Minnesota will soon do the same. This model data security law is designed to serve as a regulatory benchmark program for states. It requires agencies licensed by the state to develop, implement and maintain a comprehensive written information security program that is created to protect nonpublic information and the licensee's information system.

Matt Vatter, Assistant Commissioner of Enforcement at the Minnesota Department of Commerce recently spoke with members of the MIIAB about the need for agencies to be aware of, and in compliance with, applicable cybersecurity laws. Those agencies that do not properly protect their private data will be held accountable and could face substantial penalties.

As we work to diligently ensure our clients are properly protected from the threats associated with cyber security it's equally important that we apply the same level concern to our own businesses. Does your agency have the proper cyber plans and safeguards in place?

I'm confident most of you reading this do but if you haven't, please be aware the concern is real and the time to act is now.

The development and implementation of a comprehensive written cyber security program is a good first step. Assigning the responsibilities to an individual to oversee this program and providing training to employees is the next. As a business owner you need to analyze potential liabilities and think about the efficacy of your current cybersecurity program. How are you protecting your business from the myriad of threats that could result in data breach or identify theft loss? You need to protect your computer systems hardware and software from unauthorized access. You need to train your employees on cyber security and evaluate the cyber security practices of your third-party vendors. You need to defend against the actions of rogue employees and understand how to monitor and report an incident should a loss occur. There's a lot to do and it can be a little overwhelming.



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The good news is there are some excellent resources available through the MIIAB that can help you prepare for and address these concerns. For example, to help agencies protect themselves from potential cyber losses the MIIAB has partnered with Beasley to offer a comprehensive Cybersecurity policy exclusively to our agency members.

MIAB offers coverage through Beazley with the following benefits:

- **Available to MIIAB Members Only**
- No Encryption Requirement
- HIPAA Compliance Tools
- Step-by-Step Procedures for Compliance
- Newsletters
- Data Breach Coach to Help with Notification
- Forensic Investigators
- Privacy Counsel
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- MIIAB Members Are Pre-Qualified for Enrollment*
- Online Compliance Materials
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- Credit Monitoring
- Security & Privacy Liability

*Some restrictions apply. Agencies over \$5M in revenue, over 50% benefits or with prior losses need to be underwritten

If you're interested in learning more about the Beasley program, I would encourage you to take a look at the MIIAB website. <https://www.miaa.org/Products/Pages/InsAgency/Cyber/default.aspx>

This link is legit by the way. :-)

Best Regards,

Kelly Bowe
2019-2020 MIIAB President



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Thank You to All of our Insurance Company Partners and Vendors

Since July members of the Board of Directors, April, and I have visited approximately 25 insurance company executives and their executive teams in their home offices in Minnesota, Iowa, Wisconsin and Michigan. This is our 11th year of making these company visits. At these meetings, the leadership of the MIIAB discusses many insurance industry issues and other items that affect insurance companies doing business in Minnesota. On behalf of the Board of Directors and members, I would like to thank these company executives who meet with us to ensure Minnesota is the best place to do business in. During our conversations, these insurance companies have stated that they are very pleased with the insurance environment in Minnesota and the direction that the MIIAB is taking to expand the independent insurance agency system in our state. We explained to them with their partnership dollars, we support the Dynamics of Selling and Sales Management Program, and we participate in the University of MN's Sales Program, the University of St. Thomas fraternity, the University of MN Duluth Insurance Day, and the newly revived St. Cloud State University Insurance Major program. These universities that we work with along with the support of our insurance company partners, help entice young insurance professionals into our business. We thank all of our company partners for their support!

Also, we have numerous vendors who have partnered with the MIIAB to showcase their products and services to our members throughout the state. These vendors showcase their products and services at our annual convention/EXPO each year and we thank them for their support of the MIIAB and our membership.

2020 EXPO slated for Mystic Lake Event Center – April 29, 2020

As many of you know, we have moved our convention from downtown Minneapolis to the Mystic Lake Event Center for a couple of reasons. The main reason is the highway construction making it difficult to reach the downtown destinations. Also, the Mystic Lake Event Center was the only facility in the Twin City area that could hold our vendor/company EXPO. The feedback that we received last year after moving from downtown to Mystic Lake was overwhelmingly a positive one. A number of members commented that they were apprehensive in coming to the Mystic Lake Casino where it was smoky and loud, however, the new Mystic Lake Event Center is far from this atmosphere...it's new, fresh, bright, non-smoking, and the hotel that is attached to the event center is fantastic.

Next year we have scheduled our convention for April 29th and we will be highlighting our EXPO area, our awards luncheon, and a number of educational programs, such as Active Shooter training, the impact on Cyber Crimes that may affect your agency and your customers, and for those of you who've previously attended the Dynamics of Selling/Sales Management, a refresher course will be available for you.

We expect another record crowd again for the EXPO and watch for our promotional materials around March!

MIIAB's New Legislative Regulatory Counsel & Lobbyist

Our new Lobbyist, Robyn Rowen, JD, has already been working with us on many issues that will be facing the insurance industry and independent agents. We have met with the Department of Commerce many times over the last several months to discuss issues of concern, not only to agents but to companies as well. Our legislative advisory group has been putting together their 2020 legislative agenda for our board to adopt at our December board meeting. Although Robyn expects this will be a short session, many of the insurance issues will have a major impact on how we do business in Minnesota. When the board adopts the 2020 legislative agenda, she will be sending out updates to the membership. If you have any questions or concerns as our legislative agenda develops or proceeds through the legislative process, please do not hesitate to call or email Robyn at robyn@robynrowenassociates.com Your input is very valuable to help us in working through these legislative issues.

All of us at MIIAB wish you, your families and staff, a Happy Holiday Season!



MEET MIIAB'S NEW

LEGISLATIVE/REGULATORY COUNSEL AND LOBBYIST

ROBYN ROWEN, J.D.

robyn@robynrowenassociates.com

As MIIAB's lobbyist, Robyn Rowen helps to maintain the association's daily presence in St. Paul. With over 20 years experience in association legislative work she employs her strong relationships with legislators and their staff, as well as the Department of Commerce, to advocate on MIIAB's members' behalf.



Tell us a little bit about your experience?

I started Robyn Rowen & Associates in 2007 as a boutique firm providing specialized services in legislative and regulatory advocacy. Before launching RR&A, I served as the Vice President of Government Affairs for United Health Group and Executive Vice President of the Insurance Federation of Minnesota. I also spent some time in Washington, D.C. lobbying on behalf of NAll which is now the American Property Casualty Insurance Association.

What led you to become a lobbyist?

I like to tell people that I always wanted to be a lobbyist and used to dress up as one for Halloween. The truth, however, is that I stumbled into the profession like almost every lobbyist I know.

During law school, I found myself far more interested in the public policy behind the law than the actual practice of law. After graduation, I still wasn't sure what I wanted to do with my J.D., so I accepted a job as research counsel with the Illinois Legislature. I then left the Legislature for a brief flirtation with medical school. When I realized that was not the right fit (I couldn't see living off Ramen noodles for eight more years), I answered an advertisement in the Chicago Tribune for a lobbyist (which I have never seen before or since) and the rest is history.



Luke and Cole



Luke and I at the top of Mt Elbert



Marty and I in Sedona

Could you tell us a bit about your family?

I live with my husband, Marty, and my two sons Luke (15) and Cole(12) in Deephaven. Marty also works in government affairs-- it helps to have a spouse who understands the insane hours I keep especially when the Legislature is in session. As a family, we love to travel and hike. We have conquered multiple 14ers in Colorado (peaks over 14,000) and this past summer we hiked in and out of the Grand Canyon and still like each other.

What do you find fulfilling about being a lobbyist?

The cliché answer is that I love the interesting people I get to work with and the relationships I have been able to establish with legislators, regulators, staff, other lobbyists, and of course my fabulous clients. But it is true. I also love the problem- solving aspect of my job—developing strategies to turn an idea that will improve peoples' lives or businesses into a law and responding to all of the twists and turns along the way.

How important is it that agents become involved in grassroots political activity?

It is absolutely critical. Legislators want to hear from the voters in their districts--a constituent's voice can be more powerful than that of the best lobbyist.

In addition, agents have an important voice that is distinct from the insurance companies'. As business owners they instinctively understand the impact that laws and regulations can have on their agencies. More importantly, they have a unique and special relationship with the consumer that can help public policy makers make informed and wise decisions concerning laws and regulations.

For whatever lies ahead.

Since 1916, Auto-Owners Insurance has been dedicated to the independent agency system and proudly stands behind the agents who represent us.

A photograph of a young family in a living room. A man in a dark blue t-shirt and jeans is holding a newborn baby in his arms, smiling broadly. A woman in a white t-shirt and jeans stands next to him, smiling and looking at the baby. They are in a room with a blue wall and a window with blinds. A vase of pink flowers is visible on the windowsill.

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North Star Mutual is a Minnesota based regional insurance carrier specializing in Farm, Home, Auto and Small Business Insurance Products. North Star is in their 100th year of service and will be celebrating their centennial anniversary in 2020. Today the company writes over \$428 million in premium and insures over 300,000 policyholders across eight states. All business is written through a network of more than 1,500 independent agency partners located throughout the operating territory.

"Independent Agents have built our company and are vital to our success," said Jeff Mauland, President and CEO of North Star Mutual. "We are committed to our agency partners who are in

the best position to meet the needs of their policyholders. We support the Minnesota Agent Association, not only for their work to provide many benefits to agent members, but also for their strong support and promotion of our industry."

Uniquely located in the small farming community of Cottonwood, North Star prides itself on its rural values and personable service. The company is the top Farm writer in Minnesota, working in partnership with township mutuals across the state. North Star has been a recognized leader in the agricultural insurance market and has had a historic emphasis on insuring farm and rural properties in the Upper Midwest.

"We have many excellent, long term relationships with our agents and are grateful for the outstanding support we

have received over the years," said Jeff Mauland. "Our rural location provides us with a very experienced, dedicated and caring staff which, combined with user-friendly technology, are keys to our success. Agents appreciate and value our consistency in claims handling, product and policy service." Agents Meetings and Advisory Councils are also held each year to stay current on issues important to agents.

North Star is proud of its financial stability and strong commitment to serving agents and policyholders. The company is rated A+ Superior by A.M. Best and in 2018, was again selected as a Ward's Top 50 Property/Casualty Insurance Company for the 14th consecutive year. North Star looks forward to its continued commitment of working closely with its agency partners in the years to come.



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Overview of Non-Compete and Non-Solicitation Agreements

By Aaron Simon

Many insurance agencies have non-compete agreements and non-solicitation agreements with their insurance agents. These are often valuable tools to protect an agency's book of business and make sure agents are loyal to their agency. However, if a problem were to arise in this context, are these agreements enforceable? The answer is sometimes yes and sometimes no.

To begin with it is important to distinguish between a non-compete agreement and a non-solicitation agreement. A non-compete agreement restricts a former agent's/employee's ability to go work for a competitor agency in a certain geographic area or range for a certain specified period of time. These types of agreements must be reasonable and are typically strictly enforced against employers. A non-solicitation agreement restricts a former agent's/employee's ability to solicit an agency's book of business for a certain specified period of time.

continued on page 17

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Aaron Simon is a litigation and transactional law attorney with the law firm of Brownson Norby, PLLC. He is admitted to practice law in State and Federal Court in Minnesota and Wisconsin. A large focus of Mr. Simon's practice involves defending insurance agents and agencies, handling insurance coverage matters, and representing insurance agencies and agents in contract and transactional matters. To learn more about Aaron, go to

<https://www.brownsonnorby.com/professionals/aaron-m-simon/>



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In the case of *Conway v. C.R. Bard, Inc.*, 76 F. Supp. 3d 826, 829–30 (D. Minn. 2015) the court explained when these types of agreements are enforceable:

Under Minnesota law, all contracts—including, of course, all non-compete agreements—must be supported by consideration to be enforceable. *Franklin v. Carpenter*, 309 Minn. 419, 244 N.W.2d 492, 495 (1976). When an employer asks a prospective employee to sign a non-compete agreement as a condition of employment, consideration for the non-compete agreement is deemed to be reflected in the salary and benefits that the new employee will receive. Thus, a non-compete agreement that is signed in connection with an offer of employment is enforceable, even if no separate consideration was paid for the agreement. *Freeman v. Duluth Clinic, Inc.*, 334 N.W.2d 626, 630 (Minn.1983); *Nat'l Recruiters, Inc. v. Cashman*, 323 N.W.2d 736, 740 (Minn.1982); *Sanborn Mfg. Co. v. Currie*, 500 N.W.2d 161, 164 (Minn.Ct.App.1993). But if an employer asks an existing employee to sign a non-compete agreement, that agreement must be supported by new, independent consideration. *Freeman*, 334 N.W.2d at 630; *Cashman*, 323 N.W.2d at 740; *Sanborn*, 500 N.W.2d at 164.

Thus, not only is the language used when drafting these agreements important, but also when these agreements are entered into is important as well. A best (perhaps only) practice would be to have the non-compete agreement entered into at the exact same time as the offer of employment. It is also a good idea to reference what the exact consideration is for the agreement in the agreement itself. It is further recommended to include the non-compete / non-solicitation agreement into your agency agent contracts.

The court in the *Conway* case went on to note that in addition to the requirement of consideration for these agreements, the agreements must generally be reasonable and must not be the result of coercion.

The penalties for violating these agreements are typically outlined in the agreements, and can vary from injunctive remedies, to liquidated/fixed damages, to actual damages. In addition, often these agreements have arbitration clauses and attorney fee shifting clauses.

Finally, when an agent leaves an agency or is terminated by an agency there is often a dispute between the agency and the agent on the enforceability of these agreements. The time and cost to litigate these disputes can be extensive. Thus, it is important to have agreements that will hold up to scrutiny in a dispute.

If you have further questions about non-compete and non-solicitation agreements in the insurance agency – agent context, please feel free to contact me at asimon@brownsonnorby.com or 612-315-6327.

Please note the information provided in this article is generalized information, should not be considered legal advice, and should not be automatically construed to apply to any specific



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2020 MIIAB CIC Program Schedule



MN Independent Insurance Agents & Brokers Association

Please select Seminar date

- 2/5 - 2/6/20 Plymouth** *Ruble Graduate Seminar
- 3/4 - 3/6/20 Maple Grove** Commercial Casualty
- 4/8 - 4/10/20 Maple Grove** Life & Health
- 5/13 - 5/15/20 Maple Grove** Agency Management
- 6/10 - 6/11/20 Alexandria** *Ruble Graduate Seminar
- 8/12 - 8/14/20 Maple Grove** Commercial Property
- 9/16 - 9/17/20 Edina** *Ruble Graduate Seminar
- 10/7 - 10/9/20 Maple Grove** Commercial Multiline
- 10/21 - 10/22/20 Maple Grove** *Ruble Graduate Seminar
- 11/11 - 11/13/20 Maple Grove** Personal Lines

* Must be a dues paid member of CISR, CIC, CRM or CSRM to attend a Ruble Graduate Seminar. CE Credit is available for MN and all bordering states, if you are licensed in a different state and registering less than 40 days from the program, please contact National Alliance to determine if CE is available. 1-800-633-2165

Dates and locations are subject to change. Before making any travel arrangements, call to verify the dates, location, start time and availability when registering for a program.

2 Day Format

Wednesday 8:00 a.m. - 5:30 p.m.

Thursday 8:00 a.m. - 5:00 p.m.

Optional Exam: **Friday** 9:00 a.m. - 11:00 a.m.

NOTE: Ruble Graduate Seminars meet 8:00 a.m. until 5:15 p.m. & there is no exam.

All CIC courses have been submitted for approval to the MN Commissioner of Commerce for **16 hours** of Insurance continuing education.

Cancellation Policy: Full refund or transfer will be granted if request is received in writing within 7 days prior to the seminar. Requests received after that date will incur a \$75.00 fee. No refund/transfer will be granted for no shows.

Method of Payment

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Due to cyber security concerns MIIAB will no longer take credit card information in writing or over the phone. To pay by credit card please use our secure Online Registration process through our Education Calendar on our website.

<https://www.miaa.org/Education/Pages/Calendar/default.aspx>

Cost	Seminar
\$460.00	CIC Institutes (16 Hours)
\$445.00	Ruble Graduate Seminar (16 Hours)

In accordance with Title III of the American with Disabilities Act, we invite all registrants to advise us of any disability and any request for accommodation to that disability. Please submit your request as far as possible in advance of the program you wish to attend.

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MN Independent Insurance Agents & Brokers Association

2020

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- 1/8/20 - Edina Personal Residential
- 1/14/20 - Moorhead Commercial Casualty II
- 1/15/20 - St. Cloud Personal Residential
- 2/13/20 - Maple Grove Personal Lines Miscellaneous
- 2/18/20 - Rochester Commercial Property
- 2/25/20 - Woodbury Commercial Casualty II
- 3/11/20 - Maple Grove Personal Residential
- 3/24/20 - Mankato Agency Operations
- 4/1/20 - Duluth Personal Auto
- 4/7/20 - Maple Grove Life & Health Essentials
- 4/23/20 - Baxter Commercial Casualty I
- 5/12/20 - Willmar Agency Operations
- 5/19/20 - Edina Commercial Casualty I
- 6/3/20 - St. Cloud Personal Lines Miscellaneous
- 6/18/20 - Maple Grove Personal Auto
- 6/23/20 - Lake Elmo Elements of Risk Management
- 7/9/20 - Maple Grove Elements of Risk Management
- 7/14/20 - Alexandria Personal Lines Miscellaneous
- 7/16/20 - Edina *Dynamics of Service
- 7/21/20 - Bemidji Personal Auto
- 8/4/20 - Duluth Agency Operations
- 8/20/20 - Mankato Personal Residential
- 8/25/20 - St. Cloud Commercial Property
- 9/22/20 - Edina Personal Lines Miscellaneous
- 10/1/20 - Duluth *Dynamics of Service
- 10/13/20 - Woodbury Agency Operations
- 10/27/20 - Maple Grove Commercial Property
- 11/17/20 - Edina Personal Auto
- 12/15/20 - Maple Grove Commercial Casualty II

***Dynamics of Service is good for CE and updating your designation, not for achieving your designation.**

- Alexandria** - Holiday Inn
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- Baxter** - Arrowwood Lodge at Brainerd Lakes
6967 Lake Forest Road, Baxter, MN 56425
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- Rochester** - Courtyard by Marriott
161 13th Ave SW, Rochester, MN 55902
- St. Cloud** - Best Western Kelly Inn
100 4th Ave S, St. Cloud, MN 56301
- Willmar** - Willmar Conference Center
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- Woodbury** - ICC Restoration Company
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Dues-paid CISRs may receive up to two years' update credit for full attendance at any James K. Ruble Graduate Seminar.

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<https://www.miaa.org/Education/Pages/Calendar/default.aspx>

Cost	Seminar	Time
\$180.00	CISR Seminar	8:00am-3:45pm Test: 4:15-5:15pm
\$180.00	Dynamics of Service	8:00am-4:00pm

Name of Attendee _____ MN Insurance License # _____ DOB _____ Designations _____

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6 Low Cost/ No Cost Recruiting Efforts *Attracting the Best on a Budget*

By Jeremy Eskenazi

Recruiting can be challenging in any economy. When times are good, top candidates have many options, and when times are bad, employed people don't want to make a move. As with any challenge, it's important to tackle it strategically, and your recruiting professionals are no different. When it comes to acquiring talent, having your sourcing strategy and process in place should happen before you even need to hire someone.

You may be wondering why you would need to know your search strategy before you need candidates. With the market quickly fluctuating, it's important to know where to look, and what type of talent you will be looking for, because as much as you want to snap your fingers and have amazing candidates appear, it often takes a lot longer than that.

Once your talent acquisition strategy is in place overall, you can start to think about where you would find the kind of talent you and your recruiting team determined your business needs to continue to be successful. To help you get started, here are some low-cost/no-cost sourcing channels that could be considered as part of a recruiting strategy:

Referrals

Employee referrals (ER) are the number one source of candidates by far—and usually rated the best quality source. ER programs don't always have to have a monetary reward, though many do, and the best focus on recognition and simplicity.

Recognizing employees for their referral quickly is the key. Instead of monetary rewards, think about other less costly rewards that focus on the recognition. Try not to put too many rules or barriers to participate in the process and be sure to have a process to recognize referrals immediately and follow up with them to ensure success. If you pay a reward, consider paying it immediately upon hire and consider alternative ways to pay including branded debit cards or check ceremonies.

Job Boards

Job boards are great for attracting active candidates. Ensure that your team's postings are well written from a candidate's "What's in it for me" perspective. Don't use company acronyms and slang. Check out and "borrow" great postings using the job board's search system. Make sure your posting is easily findable and is refreshed regularly. Resume databases are quite expensive, and because of this, they aren't suggested if you are focusing on low-cost resources. However, there are some other alternatives to this option including the use of free or "niche" job boards.

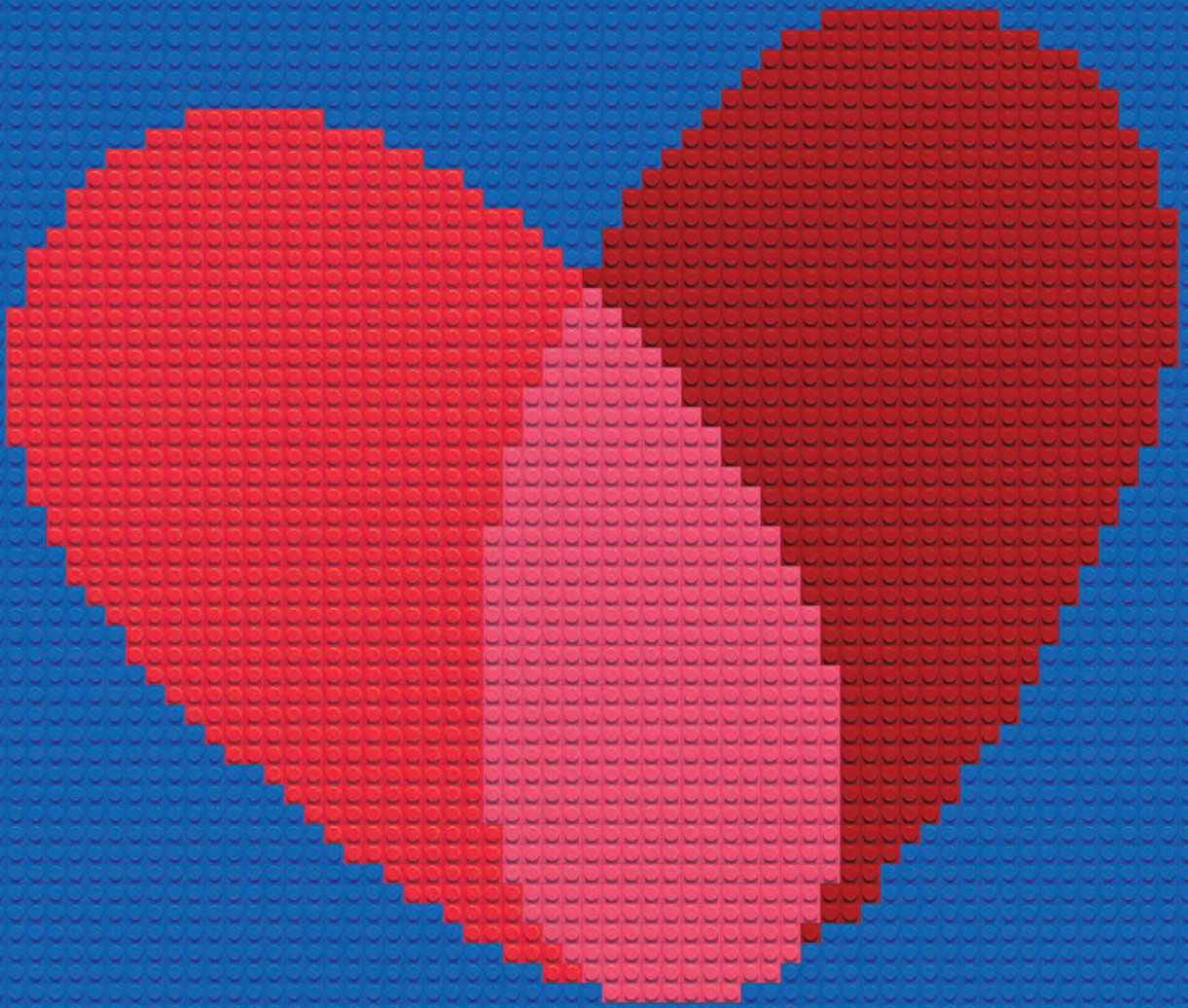
Social Networking

Social networks provide a great opportunity to find more passive candidates who may not be applying to your open job postings. Using social networks only help your recruiters find possible targets to contact—you still have to call or contact these people! Keep this in mind when you are planning your recruitment strategy. Since time is limited, focus on the best resources:

LinkedIn

First, make sure your team members are easily found. Their profiles should be complete and "public." Change the settings in LinkedIn to ensure that they are searchable in Google. There are places on profiles to include links to websites for your company and other information. Your team should thoughtfully ask and answer questions in LinkedIn answers to be more findable.

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Use LinkedIn Groups to join and start groups, and you can post jobs here for free! Invite people who can expand your network to find the type of people you want (like your hiring managers). You can use these LinkedIn sources to build a call list to actually call or e-mail them directly (outside of LinkedIn). LinkedIn “InMail” is limited and more expensive.

Facebook

Facebook is still targeted at a slightly younger audience. It’s harder to find sources on Facebook, but your team can use regular searches to find their co-workers, classmates, and others to get beyond their own network. Search for Friends on Facebook or leverage it to find candidates to join Facebook pages that are appropriate to you and your jobs. Facebook company pages are also great ways to attract candidates.

Twitter and Instagram

It is even harder to find people on these platforms, but a lot of posts are public and searchable. Use these sites to broadcast your jobs (video job descriptions starring current employees or your CEO are a popular low-cost option) to relevant people or talk about your company’s culture.

Blogs

Search relevant online blogs for subject matter experts and sources of candidate referrals. Find blogs by using Google Blog search and review the “About me” section. Look at their blogroll to find others who share the same interest. Discussion groups are great places to search too—you can simply review their content and decide if you want to pursue.

Google

Googling for candidates is an even more specialized skill, one that is free, provided the recruiter has the skill to do it well. There are great resources out there to learn how to do this even more effectively. Remember, the lowest cost solution may not always be the best resource to actually save money if it ends up taking an unskilled person triple the time to complete the task!

Resume Mining Services

Instead of buying expensive resume database access, consider using a “Resume Mining Service.” These services offer a low-cost solution on a per-job basis or in packages of jobs. The work they do is simple: they source and scour internet online resume databases for actual resumes and provide those resumes to you, usually overnight. Most services can offer an additional resource to do quick telephone screens on the resumes submitted.

Sourcing can be stressful, but with a game plan, and a little creativity, you can find the best talent with little, or even no budget. Good luck with your sourcing efforts!

ABOUT THE AUTHOR:

Jeremy Eskenazi is an internationally recognized speaker, author of *RecruitConsult! Leadership*, and founder of Riviera Advisors, a boutique Recruitment/Talent Acquisition Management and Optimization Consulting Firm. Jeremy is not a headhunter, but a specialized training and consulting professional, helping global HR leaders transform how they attract top talent at some of the world’s most recognized companies. For more information on Jeremy Eskenazi, please visit: www.RivieraAdvisors.com



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7 Common Communication Blunders

By Greg Alcorn



Have you ever said something at work you wish you hadn't? Sometimes the wrong words just blurt out to employees or with the client. The first step in fixing common communication blunders on the job is to know what those blunders are. Then you can say something the smart way and not the dumb way.

Here are the seven biggest blunders you may not have used, but have definitely come across:

1. Using Bad Bookends. The biggest blunder is starting and ending what you say with the wrong phrasing. Conversation bookends are the small comments or questions just before or right after a full statement or request for action. Be better with your starting and ending bookends. Pre-sentence bookends as a tool can be engaging, demeaning, or distracting. Names are great bookends. Starting a sentence with the name of the person you are talking to warms that person up. "Mary, may I put you on hold?" Saying your name last in your introduction makes it easy for the person you are talking with remember your name. "This is the help line; my name is Jack."

2. Starting with Wrong First Words. Are you familiar with the adage, "Getting off on the wrong foot"? Conversations have first impressions, and they begin with your first three words. Hint: one of the words should be the other person's name. Using names is important when speaking on the phone, especially conference calls. Conference call principle number one is if you're going to call on somebody, start with the name. Instead of saying, "What were the metrics on our operations yesterday, Frank?" ask the right way: "Frank, what were the metrics on our operation yesterday?" If you don't start with the name, you might catch the person by surprise. It certainly catches people's attention when you say their name first.

3. Not Choosing Your Words Well. The words you choose paint a picture for the listener. Your words express your attitude and your personality. Keep it positive. Don't start a sentence with the word "no." Even in introductions, you can't go wrong with saying the person's name first. A person's name followed by the four words "I need your help" is a winner. "Rachel, I need your help." This is especially powerful when it's in a situation in which you might be the boss and the other person might be a manager, or you might be in a perceived superior position.

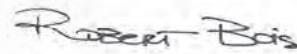
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4. Poor Questions and Bad Listening. Meaningful questions always stay on subject, keep a conversation moving forward, and ensure the other person feels heard and understood. Becoming a better listener is easier than you might think. It starts by committing to be a great listener and making an active choice to listen. Ask good questions and really listen. This is the “You have two ears and one mouth” principle.

5. Focus-on-Me Attitude. Making it all about you is a turn off for them. This is not a technique; this is an attitude. The best way to describe a benefit is to describe the feeling received. “I came by as soon as I heard you lost the sale; I’m sad.” The fellow employee can recognize the extra effort and surely appreciates the sentiment. It’s a powerful sentence. A special visit, a sense of urgency, and a sincere feeling (sad). Empathy shows feelings.

6. Wrong Tone. People feel more comfortable with pleasant, variable tone quality. Voice tone is made up of rate, pitch, and volume. Think tone and don’t drone. The tone of our voice helps others to hear our empathy. The rate, pitch, and volume of our statements of empathy helps express feelings. Usually, but not always, we hear implied empathy when somebody slows down speech and lowers the pitch and volume. Say, “I am sad to hear that you lost the supermarket account,” and I’ll bet you will automatically say it slow and low. The same with excitement at the opposite end of the spectrum. Say “Team, we won the hotel account!” You can’t help but say it fast, high, and loud. Tone expresses empathy.

7. Not Diffusing Difficult Drama. Stressful conversations, or drama, can be avoided by mastering word selection, listening, and questioning skills. Drama can be inevitable, however. Most stressful situations can be defused when you apply the three Rs: recognize, restate, and reassure. Ask others: “What would you like to see happen?” Those are seven magic words that can defuse difficult drama: Words are just a tool, like electricity is a tool. And like any tool, they can be used for helping or for harming. Electricity can cook a person’s dinner, or it can burn a person’s dinner. Words can turn people on or turn people off.

Here is the bottom line: Nobody wants to say dumb things. But we all do. The first step towards reducing the number of dumb things you say is to know what the dumb things are. Then don’t say that, say something smarter.

ABOUT THE AUTHOR:

Verbal communication expert Greg Alcorn, CEO of Global Contact Services (GCS) of Salisbury, NC, is the author of *7 Dumb Things We All Say* and speaks to thousands of people each year on improving verbal communication at work. His company has 1,000 employees and averages 30,000 customer service conversations every day. GCS, which Alcorn founded in 2001, serves retail, insurance, financial and government clients. Learn more at www.gcsagents.com



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Big "I" Professional Liability and Swiss Re Corporate Solutions Announce Risk Management Improvements to Help Your Agency

Revised credit structure features shorter class time, increased credits up to 30 percent.

By Richard Lund, Senior Underwriter and Vice President, Swiss Re Corporate Solutions

Swiss Re Corporate Solutions and IIABA have worked together for more than 30 years to provide the premier insurance agents errors and omissions program in the marketplace. A cornerstone of the program has been to provide comprehensive risk management tools to help agencies avoid an E&O claim.

Beginning in the 1970's, Swiss Re's predecessor Employers Reinsurance Company developed its first risk management (then called "loss control") seminar with an 8-page outline and more than 30 pages of surveys, coverage checklists, and examples of the potential errors, omissions and claims that an insurance agent could be subject to. As time progressed, this initial effort has grown to the 15 module "Meeting the Challenge of Change," consisting of over 300 pages of materials, examples, sample letters, checklists and many other risk management resources to help you and your agency avoid an E&O claim.

The next evolution of Swiss Re risk management resources was the creation of the E&O Happens Risk Management website, www.iiaba.net/EOHappens, which contains numerous articles, examples, sample forms and letters, webinars, and other important materials and resources that can help prevent insurance agents from becoming an E&O statistic.

A key to the success of the Big "I" Professional Liability program has been to reward those agencies that take advantage of these risk management resources by applying a premium discount to those who include their staff in risk management courses. Swiss Re has been able to prove that there is a direct correlation between attending a risk management course and reducing E&O claims.

Until now, the credit has been limited to 10% of the total E&O insurance premium. Swiss Re Corporate Solutions and IIABA are pleased to announce that with the development of additional risk management resources, the total premium credits can be increased up to 30% of your agency's insurance premium. Effective 1/1/2020, policyholders can take advantage of these additional risk management resources:

10% Attendance at a qualifying Risk Management course

5% At least 50% of agency staff Attendance at a qualifying Risk Management* course

5% Using coverage checklists*

5% Agency Website Improvement review by a qualified auditor*

*(Risk management course attendance is required for application of the other credits. Maximum additional credit is 10% for a total of 20%)

10% Agency Improvement review by a qualified auditor

Understanding that the key to avoiding E&O claims is to have more risk management in the hands of more people, and that the keys to learning have changed since the 1980's, the requirements are being simplified:

- The Risk Management Course reduced to 3 hours from 6
- Having a claim will no longer result in the loss of the risk management credits
- the number of staff required to attend has been simplified to better reflect agency makeup
- In some states, a written exam may be substituted for attendance at a risk management course

Why change the risk management credit now? It's simple: data proves that risk management works! The new risk management program structure enables more people to have better access to risk management materials, which makes your agency operate better and helps you avoid E&O claims.

To learn more about how to take advantage of risk management credits, contact MIIAB's E&O Hotline at 1-800-550-9891

Not yet part of the Big "I" Professional Liability program, the strongest and most stable agents E&O program in the nation? We would love to tell you more. We serve agencies of all sizes, from a one-person shop to an alliance group. Contact MIIAB's E&O Hotline at 1-800-550-9891

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Kids Going to College

About 20 years ago, I received several requests to look into the subject of “Kids and College” and the effects on insurance coverages. In the past two months, I have received several emails about this subject, what with many of our insureds’ youngsters going off to school. So, here is the updated reply.

Homeowners – it has been pretty universally understood that kids who move out of the household to attend college are still considered “**residents**” and thereby enjoy the Homeowners coverage of their parents/guardians. This affords them both property and liability coverage, and there is no need to do anything to this coverage under most circumstances.

It gets a bit dicey when the kids no longer return home during the summer, when they move into their own apartments and when they set up their own household with a “live-in’ or significant other, or get married. Then their intent of being a member of their parents/guardians’ household becomes questionable, and it might be a good idea to consider writing Homeowners insurance just on them. My experience over the years tells me that the methods that insurance carriers use to react to these circumstances can be very different, and I believe that it is best to be safe rather than sorry. Whenever I run into a situation like one of the above, I have no problems simply asking the insurance carrier what their position is, and if they think I should do something (like write an HO4, etc.). Once a claim occurs, it is too late.

Another potential problem – joint custody of children. When parents divorce and a joint agreement is worked out, who has custody and when and which parent’s insurance would be dragged into a claim that is caused by the child? How about both of them?

The Homeowners 2000 Form threw in some new wrinkles. And the latest Homeowners form (05 2011 edition) also changed the definition of an “Insured” a little bit for clarification purposes. For as long as I have been in the business, an “Insured” has always included the Named Insured (now known as “You”) and residents of your household who are your relatives or others in your care under the age of 21. These two Homeowners forms now provide a clearer picture, giving coverage for a “relative” student up to the age of 24. Here is the additional language from the 2011 form. It is found on the first and second page of the Homeowners, in the Definitions sections:

5. “Inured” means:

b. “A student enrolled in school full time, as defined by the school, who was a resident of your household before moving out to attend school, provided the student is under the age of:

(1) 24 and your relative; or

(2) 21 and in your care or in the care of a resident who is your relative”.

The above language will **require** us to ask additional questions of our Homeowners insureds. Note the ages above. When the student hits the age of 24 or 21, their coverage is gone! And they may not even get that far for coverage unless they are in school full time (defined by





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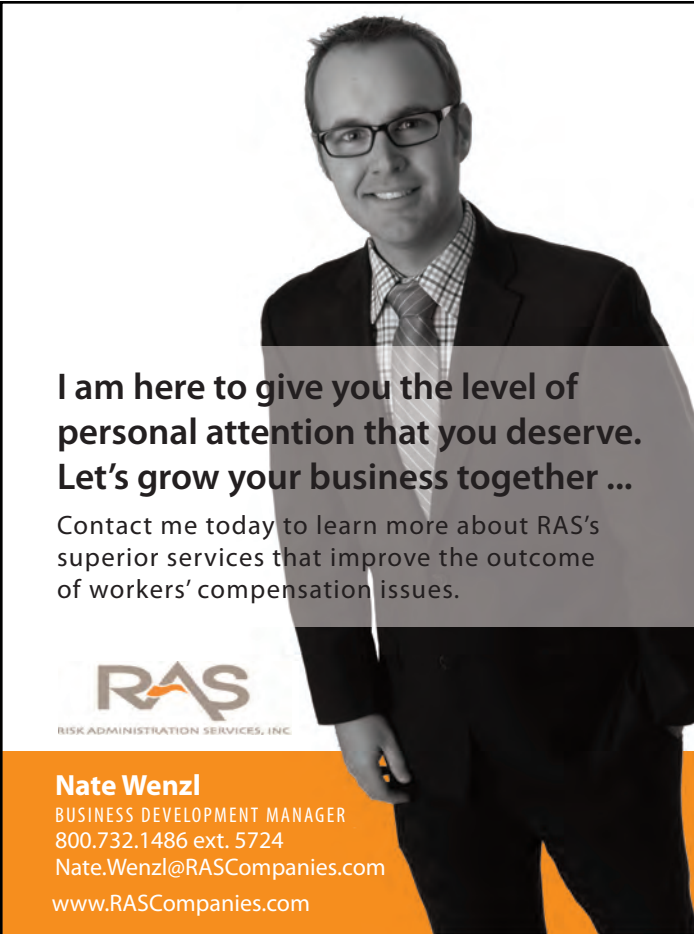
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the school, not the student or parent), and were a resident right before they moved out. We will need to ask several questions here to get all the information we need. Then we may have to endorse our Homeowners policy to add our older students back in for coverage. The latest Homeowners endorsement is called: **Additional Insured – Student Living Away from the Residence Premises (HO 05 27, edition 05/2011)**. This endorsement requires us to give the name and address of the student, as well as the name of the school. The endorsement is good only as long as the student stays enrolled in the school and resides at the address on the endorsement.

So, what about the kid who lives in his/her own apartment, has a job and only goes to school part time? Are they still ‘residents’ of their parents/guardians’ household? Time to start asking your carriers before something bad happens, even if you don’t like the answer. Their ability to claim residency goes away for sure when they hit the ages of 24 and 21. Then, it may be time for the above endorsement or their own insurance coverage.

One final note here. We tend to think in terms of property coverage when it comes to kids going to college. But let’s not forget the liability side of the business. When you consider all the activities and sports that most kids get involved with, **liability** exposures definitely exist. In today’s world, we also have to consider the dark side of social media and the possible Personal Injury exposure that can exist. And remember, if they lose their coverage under the Homeowners, the Personal Umbrella coverage will also go away.



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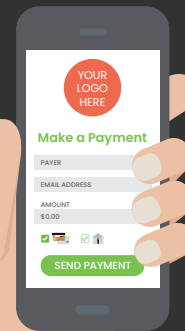
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