

# NTEA NEWS

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INDUSTRY NEWSLETTER  
FOR SIX YEARS!

What's Next for the Work Truck Industry?  
Read the forecast from the NTEA's expert staff economist on pages 14-15.

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## NTEA Members: Are You Ready for the New Model Year?

Don't let new model year chassis changes take you by surprise — plan ahead and help your company stay ahead of the competition at the NTEA's New Model Truck Product Conference, scheduled Tuesday, Sept. 20 through Thursday, Sept. 22, 2011 at the Hyatt Regency Dearborn (Dearborn, MI). This year's event, which

is exclusively for NTEA members, gives attendees a sneak preview of the newest truck and chassis product offerings from 11 leading chassis manufacturers. Don't miss this opportunity to see new model year changes firsthand and speak directly to OEM engineers to get answers to important issues that may affect your business.

37400 Hillis Tech Drive  
Farmington Hills, MI  
48331-3414




### The Truck Product Conference is your best resource for:

- Learning new model year modifications
- Gaining firsthand access to chassis manufacturers, engineers and marketing staff
- Benefiting from the chance to discuss compatibility issues on truck body and equipment design, installation and modification
- Gaining key knowledge on markets and availability
- Networking with fellow industry professionals
- Picking up helpful product literature and data books

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JULY 2011

### Are You in the People Business?



By Steven Sill  
NTEA President  
President  
Aspen Equipment Co.  
(Bloomington, MN)

Steve Miller is a trade show consultant and speaker who has presented at many NTEA training events. Recently, he posted an article on his web site ([www.twohatmarketing.com/ramblog/2011/06/oldrule1.html](http://www.twohatmarketing.com/ramblog/2011/06/oldrule1.html)) in which he identifies his first rule among his "Old Rules of Doing Business." That rule is: "People don't do business with companies, people do business with people."

He talks about the fact that technology has changed the way we do business and how people interact. Miller said, "The Internet has shown great power in its ability to connect the world in ways we never before imagined."

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### Employment Practices Liability Insurance: What is it and Why do I Need it?

**GUEST EDITORIAL**  
**Becky Harding, CPCU**  
Director of Association Programs  
JD Fulwiler & Company Insurance  
1-877-924-5777

### JDFULWILER & COMPANY INSURANCE

As a business owner, you can take all the prudent and well-intended precautions to protect yourself and your partners against lawsuits, but you may still frequently wonder: "Do we have insurance for that?" The following article addresses an insurance coverage hole that may be putting some companies at risk.

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### NEW PRODUCTS

- Tommy Gate Launches All-New Cantilever Series
- PALFINGER North America Introduces Seven New Crane Models to North American Market

See pages 2 & 4 for more details ▶

### PERSONNEL NEWS



### Ridewell Names Project Engineer

See page 4 for more details ▶

### COMPANY NEWS

#### What's New With These Member Companies?

- ROUSH CleanTech and National Bus Sales Partner
- The Godwin Group Announces Acquisition of Good Roads

See page 4 for more details ▶

Want direct access to monthly new retail truck sales numbers? Scan this QR code with your Smartphone!



A QR (Quick Response) code is a two-dimensional code encoded with a URL (web site address), text or other information. (Most QR codes have a URL encoded, so chances are that when you read the code, it will take you to a web page.) You can read QR codes with your Smartphone by visiting your phone's App Store and downloading a compatible QR code reader (you'll find several free apps).

After downloading the QR code reader app, open it and position your phone directly over any QR code. You will then be redirected to the intended web page using your cell phone's browser.

## Employment Practices Liability Insurance: What is it and Why do I Need it? Continued from page 1



### Employment Practices Liability (EPL)

EPL insurance can provide coverage for you, as an employer, for suits brought against you by your employees for claims including:

- Discrimination
- Unlawful Demotion
- Unlawful Termination
- Sexual Harassment
- Hostile Working Environment
- Lack of Advancement

EPL can also be extended to include harassment and discrimination suits brought against you by someone *other* than an employee (EPL including Third-Party Coverage).

Lawsuits against employers are on the rise. Companies are finding that they are vulnerable from the pre-hiring process through the exit interview, even if the prospective employee was never hired or was with the company for only a matter of days.

It can happen to any employer — a joke told in the break room, an employee you had to lay off or fire, a “friendly” delivery person or someone you chose not to hire. Every firm can become the target of legal action from past, present and even prospective employees. Even if the claim is groundless or fraudulent, the defense of a suit can be costly financially, as well as through time and resources.

Following are some sample claim scenarios.

#### Standard EPL

A manufacturer is sued by a recently terminated employee who alleges he

is nearly never the case. To insure these exposures, a separate policy must be purchased.

#### Getting EPL

To obtain EPL, you must complete an application and obtain a quote, which is a quick process. The policies are underwritten based on many factors, but primarily the following:

- How many employees do you have?
- What is your turnover rate?
- Do you have an employee

manual? If so, does it include anti-discrimination wording, open-door policy wording, etc.?

- Are you expecting any downsizing or growth in the next 12 months?

Remember, actions that qualify as “harassment” or “hostile” are often defined in the courts as whatever the claimant *interprets* the actions to be. If the employee *feels* as though he or she is being harassed, there is likely a case against you. This is a frustrating situation for many employers, because most truly care about this issue and

diligently strive to keep such behavior out of the workplace. Unfortunately, that’s not always enough.

*JD Fulwiler is the official affinity insurance agency of the NTEA. Through its partnership with Travelers Insurance Company, JD Fulwiler provides NTEA members with underwriting, risk assessment and loss prevention services. For more information on the Business Insurance Program, visit NTEA.com or call 1-800-441-NTEA (6832).*

was let go based on his age. The employee states that he complained several times to his manager that he felt as though he wasn’t receiving fair treatment or compensation in comparison to his younger fellow employees. The employer claims the employee was terminated due to his lack of performance and poor attendance. The insurance company, in this case, would pay to defend the employer as well as any damages awarded to the employee, or settlement to the employee on the employer’s behalf. In many cases, EPL coverage will also pay punitive damages, where allowable by law. This varies by state.

#### EPL Including Third-Party Coverage

A parts distributor has a full inside sales staff calling customers all over the U.S. as well as locally. One of the salesmen has regular contact with a female customer. She feels that he repeatedly flirts with her during their sales calls, even implying that he can give her a “break” in pricing because he likes her. At one point, he suggests they meet in person, to which she declines. She sues the salesman’s employer for sexual harassment. Under the Third-Party Coverage extension, the insurance company would pay to defend the employer and pay any damages awarded or any settlement. This coverage extension is important because there was coverage provided in this scenario *even though the claimant wasn’t an employee.*

It is commonly thought that standard General Liability or Garage Liability policies would cover these types of claims. Unfortunately, that




## Business Insurance Designed for YOU

Now, you may be able to apply for ALL of your business insurance needs through a top agency that understands and is committed to the work truck industry. The NTEA and JD Fulwiler & Company Insurance are working together to increase the competitiveness of available insurance products with the **Business Insurance Program**, which offers industry firms underwriting, risk assessment and loss prevention services from Travelers Insurance Company.

**Sign up today to gain the following benefits:**

- Program availability for large *and* small companies
- Consistent underwriting guidelines you can count on year after year
- Increased competition for favorable pricing
- Underwriters with expertise in your industry
- Service from a company with a reputation for exceptional in-house claims handling
- Another option for insurance-related products
- Availability of virtually any of your insurance product needs. Plus, in the event that Travelers Insurance products don’t fit your needs, JD Fulwiler will shop among the many insurance carriers with which they do business.

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**Learn more**  
For more information on the Business Insurance Program, including enrollment and coverage details, visit [NTEA.com](http://NTEA.com); contact Becky Harding, director of association programs at JD Fulwiler & Company, at 1-877-924-5777 or (503) 977-5777; or contact Jim Hamilton, NTEA support services manager, at 1-800-441-6832, ext. 134.