

PEO, Employee Leasing & Staffing Experience

Insurance Regulatory Practice

Attorneys from Sonnenschein's Insurance Regulatory Practice regularly advise PEO, employee leasing and staffing clients regarding their unique regulatory, transactional and risk management issues. From insurance coverage matters, including workers' compensation insurance, to insurer insolvency, exclusive remedy protection and captives, Sonnenschein's team of lawyers offers a diverse and well-rounded body of expertise dedicated to the PEO, employee leasing and staffing industry. Our unparalleled experience allows us to provide practical business advice and deliver real-world solutions to real-world problems.

Our Services

- Review and negotiate agreements related to corporate insurance programs, including captive reinsurance programs, insurance proposals and agreements with third-party administrators and brokers
- Advise in the development of domestic and off-shore captive facilities (including single parent, association, group, agency and rent-a-captive facilities) and the negotiation of related reinsurance agreements
- Advise regarding premium plans (such as deferral, retrospective rating, policyholder dividends, excess loss premium, incurred loss and paid loss plans)
- Advise regarding the negotiation of alternative pricing within the insurance market
- Advise regarding the potential to self-insure and the issues surrounding obtaining regulatory approvals for same
- Negotiate commutations, novations, loss portfolio transfers, policy buy-backs and other disengagement transactions with insurers and excess insurers
- Advise regarding issues related to financially impaired companies, including insurer insolvency, voidable preferences, fraudulent transfers, recoupment, the reduction/return of policyholder collateral, proof of claim submission and potential recovery from state guaranty funds (including attempts by these funds to limit recovery by the staffing industry based on "other insurance" theories)
- Advise regarding strategies for the run-off or transfer of long-tail liabilities
- Counsel clients regarding state and federal legislative initiatives and regulatory activity, including proposals made by the National Association of Insurance Commissioners (NAIC), the National Council on Compensation Insurance (NCCI) and state insurance departments
- Represent clients before state departments of labor and industrial relations, including with respect to proof of coverage issues involving client-employers and other investigations regarding maintenance of insurance coverage
- Advise with respect to mergers and acquisitions, including conducting due diligence regarding existing insurance programs
- Advise regarding compliance with applicable insurance and labor code provisions, including matters related to alternate employer endorsements and exclusive remedy protection

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