

EMPLOYMENT PRACTICES LIABILITY INSURANCE

Agent Product Guide

for small businesses



For agent/broker distribution only.
07/2021

ABA
Insurance
Services

EMPLOYMENT PRACTICES LIABILITY INSURANCE

This Employment Practices Liability Insurance (EPLI) product guide from ABA Insurance Services is a reference for the **professional and management liability product** we offer you and your business customers, featuring specialized coverage, superior claims and customer service, competitive rates, and easy-to-use agency technology.

The EPLI product is underwritten by **Great American Insurance Company**, an A.M. Best “A+” (Superior) rated carrier and a leading provider of professional and management liability coverages. The small business program is offered through Progressive’s ForAgentsOnly.com and is serviced by **ABA Insurance Services**, a managing general agency with over 30 years of professional and management liability experience. ABA Insurance Services was formerly known as Progressive’s Professional Liability Group.

Our EPLI is the best choice for your customers

- **Ease of use**
Quote and bind through ForAgentsOnly.com (FAO) in just minutes.
- **Experience**
30 years of experience in professional and management liability.
- **Coverage Features**
Option to quote Full Prior Acts coverage, Third-Party Liability coverage, Fair Labor Standards Act defense cost coverage and Defense Outside the Limit.
- **Legal Services and Loss Prevention Services included**
Littler Mendelson, one of the nation’s leading employer defense firms, provides legal services and HR resources to our insureds for employment-related issues, such as unlimited access to online reference material and a toll-free helpline. Attorneys from Littler are available to provide confidential consultations regarding employment matters such as terminations, disciplinary actions, and harassment issues.
- **Claims**
We offer a dedicated staff of in-house attorneys who specialize in professional and management liability claims.

Easy-to-Use Technology

Use FAO to easily quote and buy EPLI for all your commercial customers. Benefits of FAO quoting include:

- 24/7 access to online quoting platform **ProCision**.
- Quote online in minutes—No submitting an application and waiting for a quote.
- Bind coverage online. Quotes are open for up to 60 days.

If you have any questions about our EPLI program, please contact us at

smallbusiness@abais.com or 800-274-5222

Monday – Friday
8:30 am to 5:30 pm Eastern

***Thank you for choosing to sell
EPLI from ABA Insurance Services.***

EMPLOYMENT PRACTICES LIABILITY INSURANCE PRODUCT GUIDE

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PRODUCT CONTACT INFORMATION

Online

Progressive's ForAgentsOnly.com (FAO)

- Quote and sell new policies using **ProCision**, ABA Insurance Services' platform
Go to "New Business" > Click on "New Quote" > Select "State" > Select "EPLI, NPDO, Cyber and More"
- View quotes and bound policies
- Access Product Guide
- Access marketing materials

Customer Service or Sales

Email: smallbusiness@abais.com

Phone: 800-274-5222

Monday - Friday, 8:30 a.m. - 5:30 p.m. Eastern

- Manage policy activity
- Payment information
- Agency updates

EPLI Fax

800-456-6590

Correspondence Address

ABA Insurance Services

3401 Tuttle Road, Suite 100
Shaker Heights, Ohio 44122

Technical Support

Email: smallbusiness@abais.com

Phone: 800-274-5222

FREQUENTLY ASKED QUESTIONS

What is Employment Practices Liability Insurance (EPLI)?

EPLI provides protection for an employer and its employees against claims made by current, former or potential employees for actual or alleged discrimination (age, sex, race, disability, etc.), wrongful termination, sexual harassment, and other employment-related allegations.

Who is Great American Insurance Company (GAIC)?

Great American Insurance Company is a worldwide insurer and reinsurer and a leading provider of professional and management liability products, including Directors & Officers Liability (D&O), EPLI, E&O and Cyber Liability. The EPLI product is admitted in all fifty (50) states.

Who is ABA Insurance Services?

As a licensed managing general agency (MGA) and E&S broker in all 50 states, ABA Insurance Services is the program administrator of professional and management liability lines available through Progressive's ForAgentsOnly.com (FAO). Our flagship product is EPLI for small businesses. The company was formed in 2010 after operating as a business unit of Progressive for nearly 25 years.

What is ProCision?

ProCision is ABA Insurance Services' state of the art and proprietary quoting platform. ABA Insurance Services was one of the first organizations to begin quoting and binding professional and management liability policies online. Since 2006, we have fine-tuned prior platforms and incorporated best practices to develop our innovative *ProCision* platform.

Why quote EPLI from ABA Insurance Services?

With the ability to generate a quote through ForAgentsOnly.com in minutes with few application questions, you can provide a bindable EPLI quote to all your business customers. You can present an affordable quote that comes with legal services that are especially valuable to your customer.

What do I need contractually to write EPLI from ABA Insurance Services?

After binding your first EPLI policy, you will be provided with a Producer Agreement from ABA Insurance Services, which will need to be signed and returned along with a copy of your Agents' Errors & Omissions declarations page.

Can I use ForAgentsOnly.com (FAO) to quote and service policies?

You can use FAO to quickly and easily quote and bind a policy; however, you will need to contact ABA Insurance Services at smallbusiness@abais.com or 800-274-5222 for policy service or to report a claim.

How are EPLI claims handled?

Claims are managed by ABA Insurance Services' experienced staff of claims attorneys. As our policy is a duty-to-defend form, we have retained the services of Littler Mendelson, one of the nation's leading employer defense firms, to defend the insureds in employment litigation covered under the policy.

How do I quote EPLI in FAO?

Log in to FAO. Go to New Business > New Quote > State > EPLI, NPDO, Cyber and More.

To access an existing quote, go to New Business > Existing Quote and follow the EPLI, NPDO, Cyber and More link at the bottom of the page.

Both will send you directly to ABA Insurance Services' *ProCision* home page, where you can access existing quotes, policies or start a new quote.

If you are quoting EPLI for the first time, you may be required to set your preferences to include the product. Your ForAgentsOnly.com administrator PIN will be required.

What if I do not see EPLI, NPDO, Cyber and More in the FAO navigation menus?

Please contact us at smallbusiness@abais.com or 800-274-5222.

QUOTING EPLI

Underwriting Overview

We use the following as part of the criteria for determining EPLI rates. **These rating factors are necessary to receive a quote:**

- **Description of operations**
We take into consideration the type of business or operation of the organization.
- **Number of employees**
An important factor we use to determine rate is the number of persons employed at all locations and subsidiaries of the organization seeking coverage. Part-time employees count as half. You may quote eligible risks up to 250 employees.
- **Salary Range**
Salary ranges are relevant in evaluating employment-related exposure.
- **Involuntary terminations**
Firings or lay-offs as a percentage of client's workforce over the past 3 years will be used as a factor in rating.
- **Past history**
Employment-related litigation or threats of litigation by your customers' employees, customers, or vendors within the last 3 years is used to determine rates.

Application Process

After completing the quoting process online, you can easily generate a completed but unsigned application. A signed application is required to bind coverage.

Quoting without FAO

If you are not a Progressive appointed agent and do not have access to FAO, please contact ABA Insurance Services at smallbusiness@abais.com or 800-274-5222 for assistance.

COVERAGES

Employment Practices Liability Insurance provides protection for an employer and its employees against claims made by current, former or potential employees for actual or alleged discrimination (age, sex, race, disability, etc.), wrongful termination, sexual harassment, and other employment-related allegations.

The policy is a Claims Made form subject to an aggregate Limit of Liability for the Policy Period (unless the Defense Outside the Limit option is applicable). *Please Note: All Vermont policies provide coverage with Defense Outside the Limits.*

The EPLI policy is a “duty to defend” policy, which means that Great American Insurance Company has an obligation to provide a defense for a reported claim. We work with Littler Mendelson, one of the nation’s leading employer defense firms, to serve as defense counsel in the event of a claim. In addition, Littler Mendelson provides a suite of employment practices legal services and HR resources (*see details under “Services” in this Agent Product Guide*). Littler Mendelson has offices in major cities across the country.

Violation of Immigration Law - Not available in MA, NH, VA

An Immigration Violation coverage endorsement covers the costs to defend the insured up to \$100,000 against criminal investigations stemming from unintentional violations of the Immigration Reform and Control Act of 1986 or any similar state or federal laws.

Workplace Violence - Not available in MA, NH, VA

This coverage reimburses the insured up to \$250,000 for certain expenses stemming from a covered workplace violence event. Workplace violence is violence or the threat of violence toward someone on the job. Workplace violence ranges from physical assault to robbery to homicide.

Important Exclusions Include

- Claims made prior to the inception of the policy.
- Claims for bodily injury and physical damage.
- Claims arising from lockouts or strikes.
- Claims for contractual liability.

Aggregate Limit Options Available

\$ 2,000,000
\$ 1,000,000
\$ 500,000
\$ 250,000
\$ 100,000

Per Claim Retention Options Available

Minimum retention will apply under certain underwriting scenarios

\$ 100,000
\$ 75,000
\$ 50,000
\$ 35,000
\$ 25,000
\$ 15,000
\$ 10,000
\$ 5,000
\$ 2,500 (50 employees or less)
\$ 1,000

BUSINESS TYPE GUIDE

A key piece of information used in the rating of risks is the type of business. Be sure to choose the most appropriate business type in order to accurately rate your customer. ***Please refer to the Unacceptable Risks section of this Product Guide for exceptions.*** The list of business categories and sub types in FAO is intuitive and easy to use; however, ***please contact us at smallbusiness@abais.com or 800-274-5222 for help categorizing unusual business types.***

Automotive

Business earns income by selling new and used motor vehicles, furnishing automotive and repair services, or automotive rental leasing services to the general public. Examples include:

- Auto Customization
- Auto Dealerships
- Auto Repair/Garage
- Car Washes
- Driving Schools
- Gas Stations
- Rental Car Agencies
- RV/Boat/Motorcycle Dealerships
- Tire Stores
- Towing
- Truck Dealerships

Business to Business

Businesses primarily engaged in rendering services to business establishments on a contract or fee basis. Examples include:

- Aerospace/Defense
- Alternative Energy - no nuclear
- Alternative Energy - nuclear
- Chambers of Commerce
- Consultants
- Engineers
- Environmental Issues
- Farms (Crop)
- Farms (Livestock)
- Fisheries
- Forestry Services
- Government Contractors-Defense
- Heavy Construction
- Petroleum And Natural Gas Wholesalers
- Printing And Related Support Activities
- Security Systems Services
- Tool Rental
- Trade Association
- Wholesalers

Community

Establishments engaged in providing a wide variety of services to individuals in a specific community. Examples include:

- Cemeteries
- Civil Rights/Social Action
- Colleges & Universities/ With Medical Facilities
- Funeral Homes
- Public Safety, Relief, Emergency

Contractors

Business earns income by providing repair, improvement, installation or maintenance services at residential and commercial locations. Examples include:

- Carpentry
- Concrete Work
- Construction
- Electricians
- Excavator
- Glass and Glazing
- Heating/Cooling
- Landscaping
- Nurseries and Greenhouses
- Painters
- Pest Control
- Plumbing
- Pools, Spas and Saunas
- Residential Homebuilders
- Roofing
- Tree Service
- Utilities
- Waste Management

Education

Businesses primarily engaged in providing a wide variety of educational courses and services. Examples include:

- Colleges*
- Dance Schools
- Day Care Centers
- Drivers Education
- Martial Arts
- Preschools
- Schools*
- Tutoring

**These business classes will be referred to an underwriter for additional review before a quote will be issued.*

Entertainment

Businesses engaged in providing amusement or entertainment services, or engaged in the retail sale of alcoholic drinks, such as beer, ale, wine, and liquor, for consumption on the premises. Examples include:

- Amusement Parks
- Bars/Taverns
- Bowling Lanes
- Casinos
- Country Clubs*
- Fishing, Hunting and Trapping Clubs
- Golf and Tennis Clubs*
- Marinas
- Movie Theaters
- Museums/Art Galleries
- Party Rental
- Private Social Clubs*

Food and Dining

Business earns income by selling food for consumption on the premises or for home preparation and consumption. Examples include:

- Bakeries
- Banquet Rooms
- Beverage Stores
- Catering
- Convenience Stores
- Grocery Stores
- Ice Cream/Yogurt Shops
- Restaurants

Health and Medicine

Establishments engaged in furnishing medical, surgical, and other health services to persons. Examples include:

- Counseling Centers*
- Doctor/Dentist Offices
- Drug Rehabilitation Facilities
- Health and Allied Services
- Hospitals
- Medical/Dental Laboratories
- Nursing Homes
- Specialty Outpatient Facilities

Financial and Insurance

Establishments engaged primarily in the fields of finance and insurance, **EXCLUDING** establishments offering legal advice or legal services. Examples include:

- Accounting Firms
- Bookkeeping and Billing
- Credit Operations*
- Funds, Trusts, and Other Financial Vehicles*
- Grant Making/Foundations/Trusts*
- Insurance Agents
- Insurance Companies*
- Insurance TPAs*
- Mortgage Companies*
- Tax Preparation
- Venture Capital Firms*

Manufacturing

Establishments engaged in the mass production of products. Examples include:

- Chemical Products
- Commercial Instruments
- Concrete and Glass Products
- Electrical Equipment Manufacturing
- Electronics
- Fabricated Metal Products
- Food Products
- Furniture and Fixtures
- Industrial and Commercial Machinery
- Leather Products
- Lumber and Wood Products
- Manufacturing Not Otherwise Classified
- Medical/Advanced Devices
- Paper Mills
- Petroleum Refining
- Primary Metal Industries
- Printing and Publishing
- Rubber/Plastic Products
- Textile Mills
- Transportation Equipment

Mining

Establishments engaged in the extraction of minerals and other preparation customarily done at the mine site. Examples include:

- Coal Mining
- Metal Mining
- Mining Not Otherwise Classified

Personal Care

Establishments engaged in providing personal services to individuals. Examples include:

- Barbers
- Beauty Salons
- Day Spas
- Fitness Centers
- Manicurists/Pedicurists
- Tanning Salons

*These business classes will be referred to an underwriter for additional review before a quote will be issued.

Professional Services

Businesses engaged in rendering services to business establishments and some residential customers on a contract or fee basis. Examples include:

- Administrative and Support Services
- Advertising Firms
- Animal Services
- Architects
- Communications
- Computer and Electronic Product Manufacturing
- Computer Service/Repair
- Computer Systems Design and Related Services
- Courier Services
- Data Processing, Hosting and Related Services
- e-Commerce
- Engineers
- Internet Content Providers
- Internet Service Providers
- Janitorial/Cleaning Services
- Laundry Services
- Movers
- News and Media
- Photographers
- Printing/Publishing
- Private Ambulance
- Radio and Television Broadcasting
- Scientific Research and Development Services
- Scientific Technology/R&D
- Security Guards
- Self-Storage
- Software Publishers
- Specialized Design Services
- Tailors
- Telecommunications
- Testing Facilities
- Veterinary Clinics
- Warehousing and Storage – Data/Servers/IT

Real Estate

Establishments engaged in real estate operations. Examples include:

- Home Builders
- Home/Condo Associations
- Property Management
- Real Estate Agents
- Title Companies

Retail Shopping

Business earns income by selling goods in small quantities to the public and rendering services incidental to the sale of the goods. Examples include:

- Antiques/Collectables
- Apparel
- Appliance Stores
- Auto Parts Stores
- Book Stores
- Drug Store/Pharmacies
- Electronics Stores
- Florists
- Gift Shops
- Hardware Stores
- Hobby Shops
- Home Furnishings
- Lumber Stores
- Medical Supply
- Music Stores
- Optical Retail
- Paint Stores
- Pet Stores
- Retail Not Otherwise Classified
- Sporting Goods
- Toy Stores
- Video - Rental and Retail

Transportation

Business earns income by **transporting** raw materials, goods or equipment. Examples include:

- Moving Companies
- Shipping
- Trucking

Travel/Transportation

Businesses engaged in services incidental to passenger transportation and travel. Examples include:

- Airports
- Aviation/Airlines
- Hotels
- Limousines and Shuttles
- Mass Transit
- School Buses
- Taxi Services
- Travel Agents

COVERAGE OPTIONS

Third-Party Liability Coverage

Available to most business classes as an optional coverage, Third-Party Liability coverage extends potential claimants to include any non-employee (e.g., customers, clients and vendors) who has contact with the business or its employees. Potential claims by non-employees include discrimination and harassment. No employment relationship need exist between the claimant and the insured.

Full Prior Acts Coverage

Coverage for wrongful acts occurring prior to the policy inception date is available. If Full Prior Acts coverage is purchased, there is no restriction as to when the wrongful act takes place, provided that the claim based on the wrongful act is within the scope of coverage and is made against the insured during the policy year.

Fair Labor Standards Act (FLSA) Coverage – *Specialized terms in CA*

An insured may qualify for a \$25,000 - \$150,000 sublimit of liability for defense costs arising from FLSA (aka wage and hour) claims. Examples of FLSA claims include:

- failure to pay employees overtime;
- misclassification of employees as exempt or non-exempt.

Defense Outside of Limits – *Not available in CA*

Defense costs are covered above the limit when the insured uses the law firm of Littler Mendelson.

Please note: All Vermont policies use Defense Outside the Limit.

UNACCEPTABLE RISKS

The following are unacceptable risks and may not be bound.

Business Categories

- Adult Entertainment
- Banks*
- Cannabis/Marijuana Industries
- Churches (quoted in NPDO)
- Firearm Businesses
- Government/Municipality Entities
- Law Firms
- Motion Picture and Sound Recording Industries
- Night Clubs
- Private Households
- Temporary/Staffing Firms
- Stock Brokerage/SEC Firms
- Talent Agencies
- Tobacco

**EPLI for banks is separately available through ABA Insurance Services' bank program. Call 800-274-5222 for details or visit abais.com/banks.*

Employer Size

Risks with greater than 250 employees cannot be quoted through FAO. However, we will consider submissions with greater than 250 employees.

Involuntary Termination Rate

As a general rule, risks with involuntary termination rates of greater than 50% in the past 12 months would not be eligible for coverage; however, certain types of risks, such as restaurants, may be eligible.

Claims Experience

Risks with more than 2 or more unrelated employee actions in the past 3 years.

BILLING AND PAYMENT INFORMATION

ABA Insurance Services will bill your customers directly or your agency. At the time of purchasing coverage, the agent is prompted to select a billing option. Invoices are sent within 2 business days of binding, with a copy provided to the agent if direct billing is chosen. Customers have 20 business days to pay in full. If payment is not received by that date, we will send a cancellation notice and notify you.

Payment Methods

— **Online**

A link to our online payment system will be emailed along with the invoice. The online payment system can also be accessed through *ProCision*.

— **Check or Money Order**

We accept checks and money orders. Please mail payment to the address below. **Be sure to include the policy number with any correspondence.**

ABA Insurance Services
3401 Tuttle Road, Suite 300
Shaker Heights, Ohio 44122

— **Outside Premium Finance Company**

We will accept outside premium financing provided we receive a signed copy of the finance agreement, including the power of attorney, and the premium finance company draft for the entire policy premium. When financing, please include ABA Insurance Services as the general agent on the finance agreement. The agent is responsible for any earned premium if the finance company stops payment on the draft because of improper handling by the agent or non-sufficient funds.

Commission payment will be remitted on a monthly basis and payment will be made only for paid-in-full policies.

Extended billing options and payment plans are not available for EPLI policies.

TRANSACTION GUIDELINES

General Binding Guidelines

Below are guidelines for any type of transaction, whether new business, endorsement or cancellation. No agent may bind risks, limits or coverages outside the guidelines stated in this guide or on ForAgentsOnly.com.

- Appropriate signatures must be obtained when binding coverage.
- Competitor applications may be accepted for rating purposes only. A Great American Insurance Company application must be completed for each new account.
- You may not backdate coverage.
- You may not permit a broker, subproducer or solicitor to bind Great American Insurance Company on any risk.
- You may not bind coverage except through ForAgentsOnly.com or by obtaining a binder letter from us. Some risks you submit on ForAgentsOnly.com will be referred for underwriting approval prior to providing a quote. ForAgentsOnly.com will indicate when underwriting approval is needed.
- Include your 5-digit agency code on all faxed, emailed or mailed correspondence.

Mid-Term Change Requests

Written requests for endorsement changes or modifications can be made as follows:

- Email to smallbusiness@abais.com
- Fax request to 800-456-6590

Please make sure to include the name of the insured and policy number in all correspondence.

Please contact ABA Insurance Services for all matters relating to Great American Insurance Company EPLI. Please use these numbers for your EPLI endorsement and other requests to avoid a possible delay in service.

Cancellation Requests

To request cancellation, please contact us at 800-274-5222 or smallbusiness@abais.com after obtaining the signed request from the insured.

Customer's Request	The policy's cancel effective date may not be earlier than the date of notice	Calculate pro rata
Company's Request	We will provide the required notice of cancellation.	Calculate pro rata
Nonpayment of Premium	Nonpayment cancel requests from outside premium finance companies will be honored if we have received a copy of the outside premium finance agreement, including power of attorney.	Calculate pro rata

We will provide cancel notices to the first named insured on the policy. Upon request, we will also provide cancel notices to outside premium finance companies. We do not send notices to parties other than as described above.

Acquired Business and Broker of Record/Agent of Record

If you acquire a Great American Insurance Company policy, either through an agent of record change or through the transfer or purchase of another agency's book of business, you must immediately obtain, from the prior agent or agency, all original signed applications and all other records relating to that policy. Such records must be maintained in accordance with the terms of your ABA Insurance Services Producer's Agreement and all applicable laws. If attempts to obtain records from the prior agency prove unsuccessful, then you must obtain signed forms directly from the policy holder.

BORs/AORs are accepted on a case-by-case basis. Send your BOR/AOR to smallbusiness@abais.com for review. Progressive appointed agents should include their agency code in the email.

SERVICES

Claims

Consistent with our mission to provide excellent claims service, ABA Insurance Services has its own staff of attorneys experienced in professional and management liability claims. As provided in the policy, notice of claim must be made by fax to 800-456-6590, by email to epinotice@abais.com or by sending notice to:

ABA Insurance Services
3401 Tuttle Road, Suite 300
Shaker Heights, Ohio 44122

After coverage is confirmed by our claims staff, insureds will be defended by the attorneys of Littler Mendelson.

Employment Legal Services

Customers insured through Great American Insurance Company have access to high quality legal services and materials created by Littler Mendelson, including the following:

- **Employment Termination Helpline Advice**
Your customers can talk with an employment law attorney from Littler Mendelson via a toll-free helpline. The helpline is available at no additional charge and confidential, consulting with insureds about their specific employment issues associated with employment terminations, disciplinary actions, or workplace harassment.
- **Human Resources Forms Online**
Your customers will have access to valuable human resources forms, including employment applications, offer letters, new employment data sheet, I-9 guidelines, performance evaluation forms, termination checklists, disciplinary notices, vacation request forms, and more.
- **Employee Handbook and Model Policies**
Your customer can download an up-to-date, legally compliant sample employee handbook and model employment practices policies drafted by Littler Mendelson.
- **“Hire & Fire” Guide**
Your customer can access a guide designed to help small business employers work their way through the maze of laws that apply to managing their workforce, referencing each phase of the employment relationship—from hiring to firing.
- **“Preventing Unlawful Harassment” Guide**
Your customer will have access to a guide which provides a complete program for preventing, addressing, and resolving harassment issues in the workplace.
- **Employment Law Email Alerts**
Your customer will be kept up-to-date on significant employment law developments via email alerts as well as practical tips to help them manage their workforce.
- **“Respect in the Workplace” Booklet**
Your customer will receive a small booklet containing 10 core policies that can be immediately distributed to every employee, regardless of whether your customer already has a handbook or other policy manual in place.

Littler Mendelson Contact Information

Helpline: 800-638-6865

Online Resource Center: HRRiskManager.com

Email: askcounsel@littler.com

Please note that the insured will need their EPLI policy number when contacting Littler Mendelson.

A.M. Best rating affirmed on January 28, 2021. Online portals may not be available at all times. All coverage descriptions and data are provided for informational and educational purposes only and are not a representation as to coverage. For details on the coverage provided by your specific contract of insurance, please refer to your policy. The loss prevention information provided is intended only to assist policyholders in the management of potential loss producing conditions involving their premises and/or operations based on generally accepted safe practices. In providing such information, Great American does not warrant that all potential hazards or conditions have been evaluated or can be controlled. Policies are underwritten by Great American Insurance Company, an authorized insurer in all 50 states and the D.C. ABA Insurance Services Inc. is an OH domiciled agency with its principal place of business at 3401 Tuttle Rd., Suite 300, Shaker Heights, OH 44122. CA license # 0G63200. © 2021 ABA Insurance Services Inc., dba Cabins Insurance Services in CA, ABA Insurance Services of Kentucky Inc. in KY, and ABA Insurance Agency Inc. in MI. 072021.SBM26