



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



MAR 20 2008

Memorandum

To: Solicitor
Inspector General
Assistant Secretaries
Heads of Bureaus and Offices

From: *Sharlyn A. Grigsby*
Sharlyn A. Grigsby
Director, Office of Human Resources

Subject: Reimbursing Employees for Liability Insurance

The Office of the Assistant Secretary – Policy, Management and Budget, Office of Human Resources, is issuing a revised Personnel Bulletin to all Departmental offices, expanding the policy on reimbursing eligible employees for liability insurance. This revision is based on expanded coverage for reimbursement of professional liability insurance to additional Federal employees who qualify based on the types of positions they hold.

The attached Personnel Bulletin describes to all Bureaus and equivalent offices the overarching policy on the limits of reimbursements to qualified employees for premiums paid for liability insurance. All Bureaus/Offices will use this guidance when developing their procedures for employees to request reimbursement.

If you have any questions, please contact Nicholas Chomycia at (202) 208-6107 or via e-mail at Nicholas_Chomycia@ios.doi.gov.

Attachment



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PERSONNEL BULLETIN NO 08-07

SUBJECT: Reimbursing Employees for Liability Insurance

1. Purpose. This Personnel Bulletin establishes the Department's policy on reimbursing employees for liability insurance. It supersedes previous guidance issued under Personnel Bulletin No. 00-05, dated February 25, 2000. The revision is based on Public Law 110-161, the Consolidated Appropriation Act, 2008, amendment to Section 429 which expanded coverage for reimbursement of professional liability insurance to additional Federal employees who qualify based on the types of positions they hold. This change was effective December 27, 2007.
2. Authority. Section 642 of Public Law 106-58, amended by Section 429 of Public Law 110-161 mandates the use of agency funds to reimburse qualified employees.
3. Policy. The Department hereby establishes a policy to offer to reimburse qualified employees for premiums paid for liability insurance (up to 50 percent of the premium paid). This decision must be based on criteria that is objective, fair, and consistent throughout the Bureau/Office. Heads of Bureaus and equivalent offices are responsible for administering this policy in accordance with this Personnel Bulletin and pertinent Public Law and assuring that statutory requirements are met.
 - a. Each Bureau/Office must develop its own procedures for employees to request reimbursement. Employees cannot claim more than 1/2 of the total cost of the professional liability insurance. The employee is (or will be) an employee for the time covered by the professional liability insurance (Otherwise reimbursement will be pro-rated for the actual time the individual was employed). Employees are responsible for obtaining the insurance and submitting the request for reimbursement as soon as possible after completing payment, but no later than the end of the calendar year following the year in which the cost for professional liability insurance was incurred.
 - b. Bureau/Office heads are responsible for all collective bargaining obligations.
4. Definitions. *Professional liability insurance* means insurance which provides coverage for--
 - a. legal liability for damages due to injuries to other persons, damages to their property, or other damage or loss to such other persons (including the expense of litigation and settlement) resulting from or arising out of any tortuous act, error, or omission of the

covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

- b. the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

Law enforcement officer means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5, or under section 4823 of title 22, United States Code.

Supervisor means an employee as set forth in section 7103(a) of title 5 of the United States Code:

...an individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment...

Management official means an employee as set forth in section 7103(a) of title 5 of the United States Code:

...an individual employed by an agency in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the agency.

Temporary fire line manager means an employee as set forth in section 7103(a) of title 5 of the United States Code:

...an individual employed by an agency whose duties meet, as determined by the employing agency, one of the following three criteria:

1. temporary supervision or management of personnel engaged in wildland or managed fire activities,
2. providing analysis or information that affects a supervisor's or manager's decision about a wildland or managed fire, or
3. directing the deployment of equipment for wildland or managed fire.

5. Point of Contact. The Departmental point of contact for this policy is Nicholas Chomycia at 202-208-6107 or email Nicholas_Chomycia@ios.doi.gov.


Sharlyn A. Grigsby
Director, Office of Human Resources