



United States Department of the Interior

OFFICE OF THE SECRETARY
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PERSONNEL BULLETIN NO. 00-5

SUBJECT: REIMBURSING EMPLOYEES FOR LIABILITY INSURANCE

Public Law 104-208, Sec. 636, as amended by Public Law 106-58, Sec. 642, mandates the use of agency funds to reimburse law enforcement officials, supervisors and managers up to 50% of the premium for professional liability insurance. Responsibility for this program has been delegated to bureau heads in the Department of the Interior. Each bureau may decide what percentage of reimbursement to offer eligible employees.

Definitions

Professional liability insurance means insurance which provides coverage for--

(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious 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)(10) 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 judgement...

Management official means an employee as set forth in section 7103(a)(10) 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.

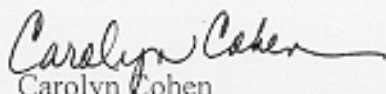
Effective Date

Qualified employees must be reimbursed for premiums paid in fiscal year 2000, and in future fiscal years.

Procedures

- Each bureau must develop its own procedures for employees to request reimbursement. Employees are responsible for obtaining the insurance.
- Each bureau must determine the amount of reimbursement to offer (up to 50% of the premium paid). This decision must be based on criteria that is objective, fair, and consistent throughout the bureau.
- Bureau heads will be responsible for ensuring that statutory requirements are met.
- Bureau heads are responsible for all collective bargaining obligations.

If you have questions, please call Casey Schaffer on 202-208-6107, mailstop 5221.



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This supersedes Personnel Bulletin No. 99-3, dated 1/26/99.