



Human Resources Bulletin: 08-10

Subject: Professional Liability Insurance Premium Reimbursement

Point Of Contact: Servicing Human Resources Office, Administrative Officer or the Labor and Employee Relations Division, Office of Human Resources

Effective Date: June 26, 2008

Sunset Date: Until rescinded or superseded

1. Purpose:

This Bulletin supersedes Human Resources Bulletin 99-05, dated October 1, 1999, to acknowledge the additional of temporary fire line managers, second level supervisory responsibilities, and the requirement that claims for reimbursement shall be submitted before the end of the calendar year following the year in which the cost was incurred.

Professional Liability Insurance represents insurance that provides coverage for (a) legal liability for damages due to injuries to other persons, damage to their property, or the 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.

2. Authority:

Public Law 106-58, §642, amended¹

Public Law 110-161, §429²

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¹ http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_public_laws&docid=f:publ058.106

² http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ161.110

³ <http://www.doi.gov/hrm/guidance/PB%2008-07.pdf>

3. Delegation of Authority:

Supervisors have authority to approve repayments of qualified employee purchase of liability insurance.

The exercise of this authority must be made in a manner that is consistent with law, rule and regulation, and in compliance with applicable Departmental Policy, and these guidelines.

Supervisors are encouraged to consult with their Servicing Human Resources Offices or Administrative Officers if they have any questions about approval of liability insurance reimbursement requests.

4. Policy:

It is the policy of the National Park Service to reimburse all qualified temporary fire line managers, law enforcement officers, supervisors, and management officials, who choose to purchase professional liability insurance, 50% of the annual premium (not to exceed \$150). Payment will be made from each employee's individual park or office budget.

5. Qualified employees:

Temporary fire line managers, law enforcement officers, and supervisors who occupy a position (as documented in an official position description) which meets the following definitions are eligible for this reimbursement.

- a. Temporary fire line manager means an individual as set forth in Title 5, USC §7103(2)⁴ who is "employed by an agency whose duties meet, as determined by the employing agency, one of the following three criteria:
 - Temporary supervision or management of personnel engaged in wild land or managed fire activities,
 - Providing analysis or information that affects a supervisor's or manager's decision about a wild land or managed fire, or
 - Directing the deployment of equipment for wild land or managed fire."
- b. Law enforcement officer means an individual as set forth in Title 5 USC §8331(20),⁵ 8401(17),⁶ or §4823⁷ whose position is 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.
- c. 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 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

⁴ http://www4.law.cornell.edu/uscode/html/uscode05/usc_sec_05_00007103----000-.html

⁵ http://www4.law.cornell.edu/uscode/html/uscode05/usc_sec_05_00008331----000-.html

⁶ http://www4.law.cornell.edu/uscode/html/uscode05/usc_sec_05_00008401----000-.html

⁷ http://www4.law.cornell.edu/uscode/html/uscode05/usc_sec_05_00008423----000-.html

merely routine or clerical in nature, but requires the consistent exercise of independent judgment. . .”

6. Procedures:

Individual employees are responsible for purchasing their own professional liability insurance. The National Park Service will reimburse all qualified employees who choose to purchase professional liability insurance for a portion of the annual premium. The amount reimbursed will be 50% of the yearly premium (not to exceed \$150). Reimbursements for liability insurance premiums will be made after the individual employee has purchased the insurance. Reimbursement is limited to insurance premiums and may not include any administrative fees associated with the insurance policy.

Reimbursements will be paid from a designated account at the employee’s park or office. Once the employee’s claim is processed, employees will be reimbursed through electronic funds transfer, third party draft, or imprest fund payment.

7. Employee Responsibility:

Qualified employees desiring reimbursement will:

- a. purchase professional liability insurance;
- b. complete a Standard Form 1164 (SF-1164), Claim for Reimbursement for Expenditures or Official Business;⁸
- c. attach a copy of the invoice or statement from the insurance carrier to verify the purchase of a policy and the cost of the premium, and;
- d. submit these documents to the immediate supervisor no later than the end of the calendar year following the year in which the cost for professional liability insurance was incurred.

8. Supervisor’s Responsibility:

The immediate supervisor will review the claim for reimbursement. S/he will verify that the employee is a qualified employee (that the employee occupies a position, which meets the definition of a temporary fire line manager, law enforcement officer, or supervisor as defined above). The supervisor will also assure that the reimbursement claim includes all required documents and that the amount claimed by the employee is 50% of the annual premium (not to exceed \$150).

If the employee is a qualified employee (temporary fire line manager, law enforcement officer, or supervisor) and the claim is complete and accurate; the supervisor should sign as the “Approving Official” (Block 8) on the SF-1164. If the supervisor determines the employee is not a qualified employee, the supervisor should inform the employee in writing that the employee does not meet the eligibility criteria for reimbursement and the SF-1164 should be returned unsigned to the employee. Ineligible employees are free to purchase insurance on their own but may not be reimbursed for any portion of the premium from government funds.

⁸ [http://contacts.gsa.gov/webforms.nsf/0/4366F7D7DC67B9AC85256A720047DB33/\\$file/SF1164.pdf](http://contacts.gsa.gov/webforms.nsf/0/4366F7D7DC67B9AC85256A720047DB33/$file/SF1164.pdf)

Completed claims for qualified employees should then be forwarded, in accordance with established routing procedures, to the appropriate office at the park/office where reimbursement claims are normally processed.

9. Reconsideration of Eligibility Determinations:

Employees who disagree with a supervisor's determination that they are ineligible (not a qualified employee) for the professional liability insurance reimbursement, may request a review of this determination by their second level supervisor. Such request should be made by the employee in writing and forwarded through the immediate supervisor to the second-level supervisor.

The second-level supervisor will review the employee's official position description and the eligibility criteria, and will provide a final written eligibility decision to the employee. Where the second-level supervisor determines the employee:

- a. is a qualified employee, that supervisor shall sign as the "Approving Official" (Block 8) on the SF-1164, or;
- b. is not a qualified employee, the second-level supervisor shall advise the employee in writing and return the SF-1164 and associated documentation to the employee. The second level supervisor's determination is final and is not subject to further review.

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