



FEDERAL EMERGENCY MANAGEMENT AGENCY

	Date	Number	
INSTRUCTION	February 24, 2000	3800.1	HR

Reimbursement for Professional Liability Insurance

1. Purpose. This Instruction sets forth the procedures through which qualified employees may receive reimbursement for a portion of the premium paid for professional liability insurance (PLI).

2. Applicability and Scope. The provisions of this Instruction are applicable to all qualified FEMA employees, as defined in Section 4 of this Instruction, who purchased or will purchase PLI subsequent to 1/1/00.

3. References.

a. Public Law 106-58, Section 642 (Treasury, Postal Service, and General Government Appropriations Act for 2000)

b. Public Law 104-208, Section 636 (Treasury, Postal Service, and General Government Appropriations Act for 1997)

c. 5 U.S.C. 7103(a)(10) and (11)

4. Definition of Terms. For the purpose of this Instruction, the following terms are defined:

a. Professional Liability Insurance is a type of insurance that provides coverage for:

(1) Legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such persons (including 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,

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(2) The cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary action) relating to any act, error, or omission of the concerned 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.

b. A Qualified Employee is a law enforcement officer, supervisor, or management official, as defined below.

c. A Law Enforcement Officer is an employee, the duties of whose position are primarily the investigation, apprehension, and 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 (7) of Title 5, or under Section 4823 of Title 22, United States Code. Employees, whose position is classified in the 1811 Criminal Investigator Job Series, are considered law enforcement officers for the purposes of this instruction.

d. A Supervisor is 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. 5 U.S.C. § 7103(a)(10).

e. A Management Official is 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. 5 U.S.C. § 7103(a)(11).

5. Responsibilities.

a. The Office of Human Resources Management is responsible for classifying all agency positions according to the proper title, series, and grade. The position description of record will be used to determine whether an employee is a qualified employee for the purposes of this Instruction. Upon issuance of this Instruction, OHRM will notify each Directorate / Office of current eligibility of their employees. Thereafter, employees will be notified of changes to their designation as supervisor or management official through the SF-50 effecting the change.

b. The Office of Financial Management is responsible for promulgating policies and procedures for processing claims for reimbursement referred to in this Instruction.

c. Qualified Employees are responsible for filing complete, accurate, and timely claims for reimbursements, in accordance with this Instruction.

d. Supervisors / Managers are responsible for reviewing the listing of eligible employees provided by OHRM, and approving claims for reimbursement only for qualified employees.

6. Policy. Under Public Law 106-58, Section 642, the Federal Emergency Management Agency is required to reimburse any qualified employee up to one-half of the cost of professional liability insurance. Under the authorizing act, a "qualified employee" is defined as an agency employee whose position is that of (1) a law enforcement officer, or (2) a supervisor or management official.

7. Procedures. The following procedures apply to qualified employees who purchase PLI and who would like to receive partial reimbursement for the premium paid.

a. Requests for payment will be processed using a Standard Form 1164, "Claim for Reimbursement of Expenditures on Official Business," with the following information:

(1) Under part 6, the justification shall state, "Reimbursement of professional liability insurance premium, under authority of PL 106-58."

(2) A photocopy of the method of payment (cancelled check, credit card statement, etc.) shall be attached as proof of payment.

(3) A photocopy of a statement from the insurance provider, confirming enrollment for the coverage period, shall be attached.

b. The completed SF-1164, with all supporting documentation, shall be submitted by the employee to his/her supervisor for approval. The approval process requires the supervisor to: 1) verify that the employee is a qualified employee, as defined by this Instruction; and, 2) verify that the amount claimed is supported by sufficient documentation, in accordance with this Instruction. Questions regarding the determination of an employee as "qualified" may be directed to OHRM.

The approved SF-1164 will then be submitted for reimbursement processing to OFM, Disaster Finance Division (fund 6) or the Accounting Services Division (all non-fund 6).

c. Approved claims for reimbursement will be funded from the program office's current fiscal year Salaries and Expenses account or Disaster Support operating budget.

(1) Sub-object class code 1233, PLI Agency Share, will be established to track PLI reimbursements.

(2) PLI claims for qualified PFT and CORE employees will be charged to their normal appropriations fund code as the employee's regular salary and related costs.

(3) PLI claims for qualified DAE employees will be charged to the Disaster Relief Fund Disaster Support budget, fund code 06-4470-1223.

d. PLI reimbursements will be made via Electronic Funds Transfer (EFT) in accordance with the mandatory EFT payment provision in the Debt Collection Improvement Act of 1996.

e. Employees who leave the employment of the agency before the end of the coverage period will be responsible for repaying the pro rata share of the reimbursement for the unused premium.

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