United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

DIRECTOR'S ORDER NO. 113

Subject: Professional Liability Insurance

Sec. 1 **What is the purpose of this Order?** This Order establishes U.S. Fish and Wildlife Service policy and procedures for reimbursement of costs for professional liability insurance.

Sec. 2 **What is our authority for taking this action?** Public Law 104-208, Sec. 636, authorizes the use of agency funds to reimburse law enforcement officers, supervisors, and management officials up to 50 percent of the premium for professional liability insurance.

Sec. 3 **To whom does this Order apply?** This policy applies to all Service law enforcement officers, supervisors, and management officials.

Sec. 4 **What is our policy on reimbursement of professional liability insurance?** We will reimburse the lesser of 50 percent of a professional liability insurance premium or $150.00 per year for law enforcement officers, supervisors, and management officials.

Sec. 5 **What is professional liability insurance?** Professional liability insurance is insurance that 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.

Sec. 6 **Who qualifies as a law enforcement officer, supervisor, or management official?**

a. **Law Enforcement Officer.** 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 sections 8331(20) or 8401(17), title 5, or under section 4823, title 22, United States Code.

b. **Supervisor.** As defined in section 7103(a)(10), title 5, 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. . . ."

c. **Management Official.** As defined in section 7103(a)(11), title 5, 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."

Sec. 7 **How do I get reimbursed for the cost of my insurance?** You must obtain and pay for your own insurance. We will reimburse insurance costs beginning in Fiscal Year 1999. If you meet the definition (section 6) of a law enforcement officer, supervisor, or management official, follow the procedures below to get reimbursed for insurance costs:

a. Complete Standard Form 1164 (Claim for Reimbursement for Expenditures or Official Business).

b. Attach a copy of your invoice or statement from the insurance company, indicating the cost of the insurance, to your SF 1164.

c. Process the SF 1164 through normal procedures. The approving official will ensure that persons claiming reimbursement for professional liability insurance meet the definitions in section 6 and are eligible to receive reimbursement.

d. Once processed, you will be reimbursed through Electronic Funds Transfer.

Sec. 8 **When is this Order effective?** This Order is effective immediately. We will incorporate its contents into the Fish and Wildlife Service Manual. This Order will expire on June 30, 2000, unless it is amended, superseded, or revoked.

DIRECTOR

Date: May 26, 1999