

UNCLASSIFIED (U)

3 FAM 3840

PROFESSIONAL LIABILITY INSURANCE (PLI)

(CT:PER-1197; 07-30-2024)
(Office of Origin: GTM/ER/WLD)

3 FAM 3841 SCOPE

(CT:PER-550; 06-21-2005)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. This subchapter will provide guidance to Department of State employees on the Department's authorities, responsibilities, and procedures related to the reimbursement of professional liability insurance costs to qualified employees.
- b. Section 642 of the Treasury and General Government Appropriations Act of 2000 (Public Law 106-58, September 29, 1999), amended section 636 of the Treasury, Postal Service, and General Government Appropriations Act of 1997 (Public Law 104-208, September 30, 1996) by requiring Federal agencies to reimburse qualified supervisors, managers and law enforcement officials who elect to purchase private professional liability insurance. Such reimbursement is not to exceed one-half the costs incurred by an employee for professional liability insurance. This legislation became effective October 1, 1999.

3 FAM 3842 AUTHORITY

(CT:PER-550; 06-21-2005)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. 5 U.S.C. 5941 note.
- b. 5 U.S.C. 7103(a).

3 FAM 3843 APPLICABILITY

(CT:PER-550; 06-21-2005)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. This regulation applies to the Foreign Service (FS) and Civil Service (CS).
- b. As U.S. Government (USG) employees, Department of State Foreign Service National (FSN) direct hires, employees on personal service agreements, locally employed resident U.S. citizens (AMCITS), U.S. citizen direct-hire TEMP, and employees serving on Family Member Appointments are covered if they serve in qualifying supervisory or management positions.
- c. Eligible employees are not required to carry professional liability insurance.

3 FAM 3844 POLICY

(CT:PER-1048; 06-30-2021)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

The State Department shall reimburse eligible employees up to 50%, or \$250, whichever is less, of the cost of professional liability insurance.

3 FAM 3845 DEFINITIONS

(CT:PER-550; 06-21-2005)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

Professional liability insurance - is defined as 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 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 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 - is defined as an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, detention, or supervision of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under 5 U.S.C. 8331(20) or 5 U.S.C. 8401(17), or under 22 U.S.C. 4823.

Supervisor - is defined as 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, except that, with respect to any unit which includes nurses, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority.

Management official - is defined as 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.

3 FAM 3846 ELIGIBILITY

(CT:PER-1197; 07-30-2024)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. Eligible employees are limited to U.S. Government (USG) supervisors, managers and law enforcement officers as defined by 5 U.S.C. 7103(a).
- b. In making the decision whether or not to purchase professional liability insurance, eligible employees should be aware that the department has authority to indemnify employees for personal liability for official acts.
- c. The USG also supplies an attorney to government officials in most Federal court cases involving official acts, although generally not for employees in the Office of the Inspector General or Office of Special Counsel Investigations.
- d. Each eligible employee must carefully assess *their* circumstances to determine if purchasing private liability insurance is beneficial.

3 FAM 3847 HOW TO APPLY FOR REIMBURSEMENT

3 FAM 3847.1 General

(CT:PER-550; 06-21-2005)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. To process claims for reimbursement, employees should first confirm with their supervisor that the position they encumber is, in fact, eligible for reimbursement.
- b. Reimbursement comes out of post or bureau funds of the requesting eligible employee.

3 FAM 3847.2 Domestic Employees

(CT:PER-894; 01-08-2018)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. Complete Form, OF-1164.Claim for Reimbursement for Expenditures on Official Business
- b. Add the following statement on the form: "This claim is submitted in accordance with Public Law 104-208, as amended, in the Treasury and General Government Appropriations Act of 2000 (Public Law 106-58, September 29, 1999)."
- c. Attach receipt of paid insurance premium to the Form, OF-1164.
- d. Submit form to employing Bureau's Executive Director for approval and reimbursement.

3 FAM 3847.3 Overseas Employees

(CT:PER-1048; 06-30-2021)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

- a. Complete Form, OF-1164.
- b. Add the following statement on the form: "This claim is submitted in accordance with Public Law 104-208 as amended in the Treasury and General Government Appropriations Act of 2000 (Public Law 106-58, September 29, 1999)."
- c. Attach receipt of paid insurance premium to Form, OF-1164.
- d. Submit Form OF-1164 to post's Management Officer for approval and reimbursement.
- e. Use E2 Solutions' Local Payments for employee reimbursements. The claim should be entered into E2. The following statement must be included in the remarks of the claim: "This claim is submitted in accordance with P.L. 104-208 as amended in the Treasury and General Government Appropriations Act of 2000 (P.L. 106-58, September 29, 1999)."

3 FAM 3848 ADDITIONAL INFORMATION

(CT:PER-994; 05-28-2020)

(State Only)

(Applies to Foreign Service and Civil Service Employees)

For additional information such as PLI Policy, Procedures, Frequently asked Questions (FAQs) on policy and product, and ALDAC and Department Notices, visit GTM/ER's website.

3 FAM 3849 UNASSIGNED

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