

# **Professional Liability Insurance**

## **What is Professional Liability Insurance?**

Professional Liability Insurance provides insureds with legal representation and indemnity protection to protect themselves from the risks and financial consequences of a claim or allegation made against them in the performance of their job duties. In addition to the cost of legal representation, coverage provides for damages due to injuries, property damage or loss, litigation and settlement arising out of act, error or omission while working.

## **Who Should Get It?**

Ambassadors, Deputy Chiefs of Mission, managers, supervisors, law enforcement officers, contract officers, consular officers, and any other employee who would like to ensure coverage in the event he/she is called to testify before Congress, sued, or proposed for disciplinary action for acts or omissions arising out of the scope of his/her duties.

## **What sort of issues have employees had that resulted in the need for Professional liability Insurance?**

Employees have used Professional Liability Insurance coverage for Office of Inspector General and Diplomatic Security/office of security investigations (which may or may not result in criminal prosecution or disciplinary action), Congressional testimony, defense from a civil lawsuit (foreign or domestic), allegation of wrongdoing, and defense against a whistleblower or ethics complaint.

## **Won't my Agency Represent me?**

It is the Government's decision whether or not to represent the employee. In most cases, your agency will represent you if you are sued for the performance of your duties. However, if the agency does not believe you were acting in the scope of your employment or if your interests and the agency's do not coincide, it will not represent you. In addition, while your agency will provide a Government attorney if you are called to testify before Congress, the attorney represents the government, not you. Finally, if your agency is investigating you or proposing discipline against you, obviously it will not represent you.

## **Won't AFSA Represent me?**

AFSA represents members in non-criminal OIG and DS/office of security investigations, as well as disciplinary cases and grievances. It does not represent members in criminal investigations or in lawsuits. While AFSA can represent you in most cases that may arise in the course of your career, we believe it is prudent to have professional liability insurance for those rare instances where we cannot represent you.

## **Does the Department Provide Premium Reimbursement for Professional Liability Insurance?**

The State Department encourages the purchase of this policy and has a policy in place to reimburse certain employees for up to 50%, or \$175, whichever is less, of the cost of professional liability insurance. Visit <http://www.afsa.org/sites/default/files/PLreimbursement.pdf> for Department guidance on this subject. Employees can find the SF-1164 on the Forms site on the State Intranet.

## **Sources:**

**Federal Employee Defense Services-** <http://www.fedsprotection.com>

**Government Employee's Benefits Association -** <http://www.geba.com/insure>

**Hirshorn Company -** <http://www.hirshorn.com/internationalfor.html>

**AFSA's full list of insurance providers:** <http://www.afsa.org/insurance-plans>