



## DoD INSTRUCTION 1400.25, VOLUME 885

# DoD CIVILIAN PERSONNEL MANAGEMENT SYSTEM: PROFESSIONAL LIABILITY INSURANCE

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<b>Originating Component:</b>	Office of the Under Secretary of Defense for Personnel and Readiness
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<b>Incorporates and Cancels:</b>	Deputy Assistant Secretary of Defense for Civilian Personnel Policy Memorandum, "Professional Liability Insurance," June 8, 2000
<b>Approved by:</b>	Virginia S. Penrod, Acting Under Secretary of Defense for Personnel and Readiness

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**Purpose:** This issuance is composed of several volumes, each containing its own purpose. In accordance with the authority in DoD Directive 5124.02:

- This instruction establishes and implements policy, establishes procedures, provides guidelines and model programs, delegates authority, and assigns responsibilities regarding civilian personnel management within the DoD.
- This volume, in accordance with DoD Directive 1400.25, establishes and implements policy, delegates authority, assigns responsibilities, and prescribes procedures regarding employee reimbursement of costs incurred for professional liability insurance.

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## **SECTION 1: GENERAL ISSUANCE INFORMATION**

### **1.1. APPLICABILITY.**

This issuance:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. Does not apply to non-appropriated fund employees, in accordance with Volume 1408 of DoD Instruction 1400.25.

### **1.2. POLICY.**

Section 636 of Public Law 104-208, as amended, requires Federal agencies to partially reimburse qualified employees for the cost incurred in purchasing professional liability insurance. The DoD will reimburse qualified DoD civilian employees for an amount that is the lesser of one-half the cost to purchase such insurance or \$150, per annum.

## **SECTION 2: RESPONSIBILITIES**

### **2.1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS.**

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Manpower and Reserve Affairs has overall responsibility for the development of DoD civilian personnel policy covered by this volume.

### **2.2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY.**

Under the authority, direction, and control of the Assistant Secretary of Defense for Manpower and Reserve Affairs, the Deputy Assistant Secretary of Defense for Civilian Personnel Policy supports the development of civilian personnel policy covered by this volume and monitors its execution by DoD Components, ensuring consistent implementation and continuous application throughout the DoD.

### **2.3. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY.**

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the Director, Department of Defense Human Resources Activity, provides support to the Deputy Assistant Secretary of Defense for Civilian Personnel Policy, as appropriate, in the execution of the duties and responsibilities in this volume.

### **2.4. DIRECTOR OF ADMINISTRATION AND MANAGEMENT.**

The Director of Administration and Management determines insurance eligibility and approves employee requests for the Office of the Secretary of Defense and other assigned activities in accordance with the January 11, 2021 Deputy Secretary of Defense Memorandum.

### **2.5. DOD COMPONENT HEADS WITH INDEPENDENT APPOINTING AUTHORITY.**

The DoD Component heads with independent appointing authority determine insurance eligibility and approve component employee requests.

## SECTION 3: PROCEDURES

### a. Eligibility.

Employees eligible to receive reimbursement for professional liability insurance are law enforcement officers, supervisors, and management officials.

#### (1) Law Enforcement Officer Positions.

To be eligible for reimbursement due to law enforcement officer status, an employee must occupy a position in which the duties are primarily the investigation, apprehension, prosecution, detention, or supervision of individuals suspected or convicted of offenses against the criminal laws of the United States, as this term is defined under either Sections 8331(20) or 8401(17) of Title 5, United States Code (U.S.C.).

#### (2) Supervisor and Management Positions.

To be eligible for reimbursement due to supervisory or managerial status, an employee must be a supervisor or management official as defined in Section 7103(a) of Title 5, U.S.C.

(a) This determination is separate and distinct from a position classification determination with supervisory or managerial duties and responsibilities in accordance with Chapter 51 of Title 5, U.S.C.

(b) It is possible that positions that are not titled “supervisory,” (e.g., do not meet the 25 percent supervisor requirement for classification purposes) may meet the definition of supervisor, in accordance with Section 7103(a)(10) of Title 5, U.S.C., for purposes of reimbursement.

### b. Operational Procedures.

As appropriate, DoD Component heads will establish procedures for processing requests for reimbursement.

(1) Eligible employees seeking reimbursement must submit to the servicing human resources office a completed Optional Form (OF) 1164, “Claim for Reimbursement for Expenditures on Official Business,” an invoice from the insurance carrier (to verify the cost of the premium), the policy number, the name of the insurance company, and proof of payment.

(2) After determining eligibility, DoD Components will forward the completed OF 1164 and supporting documentation to the component paying office.

(3) The signature of the component headquarters designated approving official on block 8 of the OF 1164 only confirms the eligibility determination.

(4) Determinations of ineligibility should be provided by written notice.

(5) DoD Components must ensure they fulfill any labor relations obligations.

(6) The reimbursement for professional liability insurance will be processed as a miscellaneous payment through vendor pay. The paying office will verify the completion of the OF-1164, the cost of the premium, and the receipt of documentation providing proof of payment. If it is not clear from the invoice that the claim qualifies for professional liability insurance coverage, or if the requested amount of the payment is improper, the paying office will work with the DoD Component to obtain any necessary information in an effort to complete the reimbursement.

(7) Payment will be made through electronic funds transfer. The paying office for an organization is the same office that receives travel vouchers for payment.

(8) Consistent with Public Law 106-58, DoD Components will fund this program from appropriations or accounts available for civilian employee costs, which are categorized as object class 12.1 (“Civilian Personnel Benefits”), in accordance with Appendix A of Volume 1 of DoD 7000.14-R.

## **GLOSSARY**

<b>ACRONYM</b>	<b>MEANING</b>
OF	optional form
U.S.C.	United States Code

## **REFERENCES**

Deputy Secretary of Defense Memorandum, “Re-establishment of the Assistant to the Secretary of Defense for Intelligence Oversight and the Director of Administration and Management,” January 11, 2021

DoD 7000.14-R, Volume 1 “Department of Defense Financial Management Regulations (FMRs): General Financial Management Information, Systems, and Requirements,” current edition

DoD Directive 1400.25, “DoD Civilian Personnel Management System,” November 25, 1996

DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008

DoD Instruction, 1400.25, Volume 1408, “DoD Civilian Personnel Management System: Insurance and Annuities for Nonappropriated Fund (NAF) Employees,” July 21, 2009

Public Law 104-208, Section 636, “The Treasury, Postal Service, and General Government Appropriations Act for Fiscal Year 1997,” as amended

Public Law 106-58, Section 642, “The Treasury and General Government Appropriations Act for Fiscal Year 2000,” as amended

United States Code, Title 5