

BY ORDER OF THE
SECRETARY OF THE AIR FORCE

DODI1400.25V885_DAFI36-140

29 JUNE 2022



Personnel
CIVILIAN PROFESSIONAL LIABILITY INSURANCE

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

ACCESSIBILITY: Publications and forms are available on the e-Publishing website at www.e-publishing.af.mil for downloading or ordering.

RELEASABILITY: There are no releasability restrictions on this publication.

OPR: AF/A1C

Certified by: SAF/MR

Pages: 14

This publication implements Air Force Policy Directive (AFPD) 36-1, *Appropriated Funds Civilian Management and Administration*; and supplements Department of Defense Instruction (DoDI) 1400.25, Volume 885, *DoD Civilian Personnel Management System: Professional Liability Insurance*. The DoDI is printed word-for-word in regular font without editorial review. Department of the Air Force (DAF) supplementary material is printed in bold font and indicated by “(Added)(DAF).” In collaboration with the Chief of the Air Force Reserve (AF/RE), the Director of the Air National Guard (NGB/CF), and the Deputy Chief of Space Operations for Personnel (SF/S1), the Deputy Chief of Staff for Manpower, Personnel, and Services (AF/A1) develops personnel policy for the DAF. This publication describes DAF responsibilities under the DoDI and provides Major Command (MAJCOM) A1s, Field Command (FLDCOM) S1s and relevant Secretariat, Air Staff and Office of the Chief of Space Operations (OCSO/Space Staff) officials with the authority to determine eligibility, approve employee requests and to establish procedures for implementation of professional liability insurance reimbursement within their organization. This publication applies to all DAF civilian employees, to include the United States Space Force (USSF), except where noted otherwise. This publication does not apply to dual status AFR or Title 32 ANG Technicians or to non-appropriated fund civilian employees. The Chief of the National Guard Bureau will determine the extent to which this instruction will apply to the Title 5 National Guard employees or whether they will be governed by separate regulations issued by Chief of the National Guard Bureau. This instruction requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by DoDD 5400.11, *DoD Privacy Program*. The application SORN, OPM/GOVT-1, *General Personnel Records*, applies and is available at <http://dpclo.defense.gov/Privacy/SORNs.aspx>. Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition Schedule which is located in the Air Force Records Management System. Refer recommended changes and questions about this publication to the office of primary responsibility (OPR) using DAF Form 847, *Recommendation*

for Change of Publication; route DAF Forms 847 from the field through the appropriate functional chain of command. This publication may be supplemented at any level; all MAJCOM or FLDCOM level supplements must be approved by the Human Resources Management Strategic Board prior to certification and approval. All supplements that directly implement this publication must be routed to the OPR for coordination. The authorities to waive wing, unit, delta or garrison level requirements in the DAF supplemental portion of this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See DAF Manual (DAFMAN) 90-161, *Publishing Processes and Procedures*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestor’s commander for non-tiered compliance items. The use of the name or mark of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the DAF.



DoD CIVILIAN PERSONNEL MANAGEMENT SYSTEM: PROFESSIONAL LIABILITY INSURANCE

Originating Component: Office of the Under Secretary of Defense for Personnel and Readiness

Effective: April 9, 2021

Releasability: Cleared for public release. This instruction is available on the Directives Division Website at <https://www.esd.whs.mil/DD>.

Incorporates and Cancels: Deputy Assistant Secretary of Defense for Civilian Personnel Policy Memorandum, "Professional Liability Insurance," June 8, 2000

Approved by: Virginia S. Penrod, Acting Under Secretary of Defense for Personnel and Readiness

(Added)(DAF) Approved by: Alex Wagner, Assistant Secretary of the Air Force for Manpower and Personnel Affairs

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.

TABLE OF CONTENTS

SECTION 1: GENERAL ISSUANCE INFORMATION	5
1.1. APPLICABILITY.	5
1.2. POLICY.....	5
SECTION 2: RESPONSIBILITIES	6
2.1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS.....	6
2.2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY.....	6
2.3. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY...	6
2.4. DIRECTOR OF ADMINISTRATION AND MANAGEMENT.....	6
2.5. DOD COMPONENT HEADS WITH INDEPENDENT APPOINTING AUTHORITY.....	6
2.6. (Added)(DAF) ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS (SAF/MR).....	6
2.7. (Added)(DAF) DEPUTY CHIEF OF STAFF OF THE AIR FORCE FOR MANPOWER, PERSONNEL AND SERVICES (AF/A1)	6
2.8. (Added)(DAF) DEPUTY CHIEF OF SPACE OPERATIONS FOR PERSONNEL (SF/S1)	7
2.9. (Added)(DAF) DIRECTOR, CIVILIAN FORCE MANAGEMENT DIRECTORATE (AF/A1C)	7
2.10. (Added)(DAF) AIR FORCE PERSONNEL CENTER (AFPC).....	7
2.11. (Added)(DAF) MAJOR COMMAND (MAJCOM) A1s, FIELD COMMAND (FLDCOM) S1s AND EQUIVALENT SECRETARIAT AND AIR STAFF OFFICIALS.	7
2.12. (Added)(DAF) CIVILIAN PERSONNEL SECTION (CPS).....	7
SECTION 3: PROCEDURES	8
GLOSSARY	122
REFERENCES	133
(Added)(DAF) OFFICE SYMBOLS.....	13
(Added)(DAF) TERMS.....	14

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.

2.6. (Added)(DAF) ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS (SAF/MR). (Added)(DAF) Serves as an agent of the Secretary and provides guidance, direction, and oversight for all matters pertaining to professional liability insurance (PLI) provisions reflected in this instruction.

2.7. (Added)(DAF) DEPUTY CHIEF OF STAFF OF THE AIR FORCE FOR MANPOWER, PERSONNEL AND SERVICES (AF/A1). (Added)(DAF) Develops,

coordinates, and executes personnel policy and essential procedural guidance for the management of PLI provisions reflected in this instruction for DAF civilian employees who work for United States Air Force (USAF) organizations.

2.8. (Added)(DAF) DEPUTY CHIEF OF SPACE OPERATIONS FOR PERSONNEL (SF/S1). (Added)(DAF) Develops, coordinates, and executes personnel policy and essential procedural guidance for the management of PLI provisions for DAF civilian employees who work for USSF organizations.

2.9. (Added)(DAF) DIRECTOR, CIVILIAN FORCE MANAGEMENT DIRECTORATE (AF/A1C). (Added)(DAF) Under the authority and direction of the AF/A1, directs development and implementation of PLI policy and provisions. Ensures compliance with statute, regulation and Department of Defense policy. Provides guidance on provisions of this instruction.

2.10. (Added)(DAF) AIR FORCE PERSONNEL CENTER (AFPC). (Added)(DAF) Provides operational direction and guidance to Major Commands, Field Commands, Combatant Commanders, and Civilian Personnel Sections regarding provisions of this instruction.

2.11. (Added)(DAF) MAJOR COMMAND (MAJCOM) A1s, FIELD COMMAND (FLDCOM) S1s, AND EQUIVALENT SECRETARIAT AND AIR STAFF OFFICIALS. (Added)(DAF) Are delegated the authority to determine eligibility for reimbursement of professional liability insurance in accordance with (IAW) Section 3 of this instruction, and to approve requests received from eligible employees. This authority may be re-delegated, in writing, to the lowest level appropriate. Establish implementing procedures within their organizations and ensure that all labor relations obligations have been fulfilled prior to implementation.

2.12. (Added)(DAF) CIVILIAN PERSONNEL SECTIONS (CPS) (Added)(DAF) Assist serviced employees regarding the appropriate procedures for submitting requests for PLI reimbursement based on the owning organization's procedures.

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.).

(a) (Added)(DAF) Department of Air Force positions meeting the definition of a law enforcement officer (LEO) provided in Title 5 U.S.C. Sections 8331(20) and 8401(17) are limited to Office of Special Investigations positions in occupational series 1811 (criminal investigation) which have been approved for coverage under special retirement coverage (SRC) provisions reflected in 5 U.S.C. chapters 83 and 84.

(b) (Added)(DAF) An employee occupying a position, approved under SRC provisions, but who is not covered due to failure to satisfy transfer requirements may still be eligible for reimbursement.

(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.

(c) (Added)(DAF) 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 firefighters or

nurses, the term “supervisor” includes only those individuals who devote a preponderance of their employment time to exercising such authority.

(d) (Added)(DAF) 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.

(e) (Added)(DAF) Generally these positions will have a supervisory status code, (also called an SS code) of 2, 4, or 5 in Defense Civilian Personnel Data System (DCPDS) IAW the Office of Personnel Management (OPM) *Guide to Data Standards* and/or a responsibility level code, (also called an RL code) of 1, 2, 3, 4 or 5 in DCPDS, IAW Defense Civilian Personnel Advisory Service, *Supervisor and Manager Position/Person Data Coding: Implementing Guidance/Instruction Guide, Defense Civilian Personnel Data System and the Defense Civilian Human Resources Management System*, December 20, 2021. Once implemented, mandatory RL codes will transfer to Defense Civilian Human Resources Management System (DCHRMS).

(3) (Added)(DAF) Professional Liability Insurance.

(Added)(DAF) Is defined as insurance which provides coverage for:

(a) (Added)(DAF) 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) (Added)(DAF) 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.

(c) (Added)(DAF) A request for reimbursement should include documentation that allows the approving official to determine that both (a) and (b) are covered under the insurance policy.

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.

(a) (Added)(DAF) The MAJCOM A1, FLDCOM S1 and relevant Secretariat, Air Staff and OCSO/Space Staff officials will establish specific procedures and responsibilities regarding who may take receipt of the application for reimbursement, who is authorized to determine eligibility and sign as approving official and who is responsible for issuing a written notice of ineligibility to the employee. (T-1)

(b) (Added)(DAF) The MAJCOM A1, FLDCOM S1 and relevant Secretariat, Air Staff and OCSO/Space Staff officials will establish procedures for keeping track of PLI reimbursement requests and approvals, including date and amount approved, to ensure that reimbursement is paid no more frequently than every 12 months and to allow for potential future reporting requirements. (T-1)

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

(c) (Added)(DAF) PLI is reimbursed through the miscellaneous payment process IAW with SAF/FMFC Consolidated Miscellaneous Payment Guide. The submitting office should work with the local Resource Advisor to submit payment packages to Defense Finance Accounting Service (DFAS) for processing.

(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

ACRONYM	MEANING
OF	optional form
U.S.C.	United States Code
(Added)(DAF) AFPC	Air Force Personnel Center
(Added)(DAF) ANG	Air National Guard
(Added)(DAF) AFR	Air Force Reserves
(Added)(DAF) CPS	Civilian Personnel Section
(Added)(DAF) DCHRMS	Defense civilian human resources management system
(Added)(DAF) DCPDS	Defense civilian personnel data system
(Added)(DAF) DFAS	Defense finance accounting service
(Added)(DAF) DoDD	Department of Defense Directive
(Added)(DAF) DoDI	Department of Defense Instruction
(Added)(DAF) DAF	Department of the Air Force
(Added)(DAF) DAFI	Department of the Air Force Instruction
(Added)(DAF) DAFMAN	Department of the Air Force Manual
(Added)(DAF) FLDCOM	Field command
(Added)(DAF) IAW	In accordance with
(Added)(DAF) LEO	Law enforcement officer
(Added)(DAF) MAJCOM	Major command
(Added)(DAF) OPM	Office of Personnel Management
(Added)(DAF) OPR	Office of primary responsibility
(Added)(DAF) PLI	Professional liability insurance
(Added)(DAF) USAF	United States Air Force
(Added)(DAF) USSF	United States Space Force
(Added)(DAF) OCSO	Office of the Chief of Space Operations

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

(Added)(DAF) Defense Civilian Personnel Advisory Service, *Supervisor and Manager Position/Person Data Coding: Implementing Guidance/Instruction Guide, Defense Civilian Personnel Data System and the Defense Civilian Human Resources Management System*, December 20, 2021

(Added)(DAF) Department of the Air Force Manual (DAFMAN) 65-605, Volume 1, Budget Guidance and Technical Procedures, March 31, 2021

(Added)(DAF) Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, 23 March 2020

(Added)(DAF) Department of the Air Force Manual (DAFMAN) 90-161, *Publishing Processes and Procedures*, 15 April 2022

(Added)(DAF) *Prescribed Forms*
None

(Added)(DAF) *Adopted Forms*

(Added)(DAF) Optional Form (OF) 1164, *Claim for Reimbursement for Expenditures on Official Business*

(Added)(DAF) *Office Symbols*

(Added)(DAF) SAF/MR—Assistant Secretary of the Air Force, Manpower and Reserve Affairs

(Added)(DAF) AF/A1—Air Force Deputy Chief of Staff, Manpower, Personnel and Services

(Added)(DAF) SF/S1—Deputy Chief of Space Operations for Personnel

(Added)(DAF) AF/A1C—Director, Air Force Civilian Force Management Directorate

**(Added)(DAF) SAF/FMFC—Deputy Assistant Secretary for Financial Operations,
Accounting and Finance Office**

(Added)(DAF) *Terms*

**(Added)(DAF) Delta—A component of the USSF subordinate to a field command.
Responsible for Space Mission Force operations and oversight.**

**(Added)(DAF) Field Command—A major subdivision of the USSF that is assigned a key
part of the USSF mission. A field command is directly subordinate to the Space Staff
Headquarters Air Force. All USSF field commands report to the Chief of Space
Operations.**

**(Added)(DAF) Major Command—A major subdivision of the USAF that is assigned a key
part of the USAF mission. A major command is directly subordinate to the Headquarters
Air Force. All USAF major commands report to the Chief of Staff of the Air Force.**

**(Added)(DAF) Transfer requirements—A statutory requirement that must be met in order
for an employee covered under special retirement provisions of Title 5 U.S.C. Chapters 83
and 84 to retain such coverage upon moving into a position which has been approved as a
secondary position, as defined in such statute.**