



A Message from Federal Employee Defense Services (FEDS)

We were first introduced to NCSSMA almost four years ago – back then we shared with you many [scenarios and examples of when and how professional liability insurance protects you](#).

Over two years ago, a Special Edition of Frontline about managers and supervisors subjected to investigations due to alleged non-criminal wrongdoing was sent to all NCSSMA members. The contributors of this edition provided much information about the allegations and investigations that SSA Managers are subjected to. The NCSSMA emphasized the need for all members to secure professional liability insurance, told you that the agency would reimburse you for half the cost of the policy, and even secured an additional \$10 discount off the already affordable policy through FEDS.

Some of you secured coverage at that time, however, many of you read the articles with great interest, but discounted the notion that an allegation of wrongdoing, a misconduct investigation, an EEO complaint or a disciplinary action could ever be filed against you. How do we know this? We know this because of the calls we receive directly, and from the calls your association and other federal employee associations receive from their members looking for help for the very things we told you about: allegations of wrongdoing, investigations, EEO complaints and disciplinary actions.

For these reasons, we have been asked by NCSSMA to provide you with the most recent sampling of cases and situations that have occurred in the past year so that you may better understand the specific exposures of SSA Managers - and why the NCSSMA continually encourages such liability protection for all members.

Because these matters are privileged and confidential, we cannot disclose the facts of actual ongoing or recent cases without the permission of the insured member. Therefore, the following descriptions contain a variation of the claims that SSA Managers have recently filed who do have a professional liability policy with FEDS:

- An applicant for benefits complained to the Regional Commissioner that an SSA manager was rude to her and used unprofessional language. The complaint resulted in an administrative investigation of the SSA manager for unprofessional conduct. A FEDS appointed attorney defended the manager throughout the investigation, which resulted in no official action being taken against the employee.



A Message from Federal Employee Defense Services (continued)

- A SSA manager was accused of discrimination and identified as the RMO in an EEO case. In this case, an employee was alleging that his non-selection to a certain position was because of his race and therefore discriminatory. A FEDS appointed attorney assisted the manager in the EEO investigation and helped prepare his affidavit, which contained his legitimate non-discriminatory reason for approving the selection of another more qualified applicant for the position in question.
- A SSA manager was issued a proposed 7-day suspension for alleged failure to follow instructions contained in an agency-wide memorandum. The manager was defended by a FEDS appointed attorney who submitted both a lengthy written reply, and an oral defense, which was done in person and resulted in a reduction of the suspension.
- A SSA manager was investigated for allegedly creating a hostile work environment, which resulted in a directed reassignment. In this case, FEDS appointed attorneys defended the SSA manager throughout the management investigation and advised him of several practical solutions to the matter.
- A SSA manager was subjected to abusive and discriminatory treatment by a SSA Administrative Judge. The SSA manager utilized her FEDS insurance to obtain several free legal consultations regarding the prosecution of her own EEO complaint against the agency.

In other agencies similar to SSA, FEDS appointed attorneys have defended every conceivable kind of case against a federal manager, including personal capacity lawsuits, removals from federal service, demotions and other serious disciplinary actions, as well as OIG, congressional, OSC and other investigations.

Securing coverage with FEDS takes just a few minutes!!! You can sign up on-line at www.fedsprotection.com or fax or mail the attached enrollment form. After enrolling, you will receive an email with your Certificate of Coverage and receipt attached. Submit your receipt along with the completed SSA 1060 form in order to get your reimbursement. All federal managers are eligible for reimbursement by the agency for up to half the cost of the insurance!

The cost of FEDS \$1,000,000 policy is \$130 annually (*including* the NCSSMA member discount and *after* agency reimbursement) - the cost to hire one of their attorneys for just one hour of service would cost many multiples of the annual policy premium. [For additional information, please read the SSA specific page on our web site.](#)