



NATIONAL COUNCIL OF SOCIAL SECURITY MANAGEMENT ASSOCIATIONS INC.

3303 South Wakefield Street, Arlington, VA 22206

TELEPHONE: (202) 547-8530 www.ncssma.org

NCSSMA Members

As managers in the Social Security Administration (SSA), you know that decisions you make can lead to workplace complaints and allegations that impede your ability to manage your office effectively. Supervisors in the federal government are at risk of disgruntled employees making allegations to an OIG hotline or through the EEO system. You could be accused of discrimination, retaliation, sexual harassment, or creating a hostile work environment. Defending yourself against allegations, whether they are through an OIG investigation or through the laborious EEO system, is time-consuming, nerve-wracking, and could be costly.

What is professional liability insurance and what does it cover?

Federal managers are able to purchase professional liability insurance (PLI) to provide legal representation and attorney fees for any job-related administrative investigations, EEO complaint defense where you are the responsible management official (RMO), and disciplinary actions brought against you. Many managers have found themselves unjustly accused of misconduct or wrongdoing in their job and have relied on their PLI policies to provide them with legal representation. When an attorney can cost as much as \$400 an hour, having the option of purchasing a liability insurance plan for as little as \$280 a year makes sense.

Does professional liability insurance protect me in a job-related civil lawsuit?

A PLI policy also provides you with legal defense in the event of a job-related civil lawsuit. Although many federal employees mistakenly believe they are immune to all lawsuits related to employment, there is a class of suits (*Bivens* actions) in which the public can sue federal employees. While the Justice Department will often represent you in such cases, they are NOT required to do so and in some cases, they do not. For such matters, a PLI policy provides you with legal representation and will also indemnify you up to \$1 million.

How important is professional liability insurance and does the federal government reimburse me?

All federal agencies (SSA included) are required to reimburse federal managers for up to 50% of the cost of a PLI policy. For a PLI policy of \$280 a year, this brings your cost down to \$140 annually. The fact that Congress requires this reimbursement to defray the cost of PLI supports that it is a worthwhile expenditure.

Where does NCSSMA recommend I purchase professional liability insurance?

There are a few providers of PLI for federal employees, which can be found using Google or asking colleagues for recommendations. However, NCSSMA recommends getting PLI through Federal Employee Defense Services (FEDS). FEDS is endorsed by the leading federal employee associations and provides members with legal representation by top-notch federal employment law firms such as Shaw, Bransford & Roth. FEDS is known for its exceptional customer service to members and for its active support of the federal community. If you have been to our national or regional annual meetings, you have likely heard and seen representatives of FEDS at those conferences. Additionally, FEDS offers a discount on its premium to members of NCSSMA!

Given the risks associated with being a manager at SSA, NCSSMA members should be protecting themselves with a PLI policy. Please take the time to look into getting PLI - it is an important decision. NCSSMA's recommendation for PLI, FEDS, can be contacted at 866.955.FEDS or www.fedsprotection.com.

Rick Warsinskey
NCSSMA President