ADS Chapter 153

Indemnification of Employees, and Representation of Employees by the Department of Justice or Private Counsel at Government Expense

New Edition Date: 06/01/2001
Responsible Office: GC/LE
File Name: 153_060101
functional series 100 – agency organization and legal affairs
Chapter 153 - Indemnification of Employees, and Representation of Employees by the Department of Justice or Private Counsel at Government Expense

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This is a new ADS Chapter. These policies and procedures were formerly part of ADS 537.

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Chapter 153 - Indemnification of Employees, and Representation of Employees by the Department of Justice or Private Counsel at Government Expense

153.1 OVERVIEW
Effective Date: 06/01/2001

This chapter establishes policy and procedures for

a. Indemnification of employees for personal liability for official acts; and

b. Representation of employees by the Department of Justice or private counsel for acts within the scope of employment.

153.2 PRIMARY RESPONSIBILITIES
Effective Date: 06/01/2001

a. The Assistant Administrator for the Bureau for Management (AA/M) has authority under the delegation in ADS 103.3.10.1 to decide requests for indemnification. (See ADS 103.3.10.1)

153.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

153.3.1 Indemnification of Employees
Effective Date: 06/01/2001

The policy for indemnification of employees for personal liability for official acts is set forth in 22 CFR Part 207. (See 22 CFR Part 207) Requests for indemnification are submitted to and decided by the AA/M or their delegate in consultation with the Office of the General Counsel.

153.3.2 Representation of Employees by the Department of Justice or Private Counsel at Government Expense
Effective Date: 06/01/2001

Employees who believe they are entitled to representation by the Department of Justice must submit their requests for representation to the Office of the General Counsel, Office of the Assistant General Counsel for Litigation and Enforcement (GC/LE). The procedures for such representation are found at 28 CFR § 50.15. (See 28 CFR Sec. 50.15)

Under 28 CFR § 50.16, there are situations in which USAID may pay for private counsel. (See 28 CFR Sec. 50.16) AA/M is authorized under the general delegation of authority in ADS 103.3.10.1 to decide whether or not to retain private counsel.
153.4 MANDATORY REFERENCES

153.4.1 External Mandatory References
Effective Date: 06/01/2001

a. 22 CFR Part 207, Indemnification of Employees

b. 28 CFR Sec. 50.15, Representation of Federal officials and employees by Department of Justice attorneys or by private counsel furnished by the Department in civil, criminal, and congressional proceedings in which Federal employees are sued, subpoenaed, or charged in their individual capacities.

c. 28 CFR Sec. 50.16, Representation of Federal employees by private counsel at Federal expense.

153.4.2 Internal Mandatory References
Effective Date: 06/01/2001

a. ADS 103, Delegations of Authority

153.5 ADDITIONAL HELP
Effective Date: 06/01/2001

There are no Additional Help documents for this chapter.

153.6 DEFINITIONS
Effective Date: 06/01/2001

There are no Definitions for this chapter.

153_011222