

NIH POLICY MANUAL

1172 - DEFENSE OF SUITS AGAINST NIH EMPLOYEES OPERATING MOTOR VEHICLES IN SCOPE OF EMPLOYMENT

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A. Purpose:

This chapter describes the procedures to be followed by an NIH employee if he/she is sued for damage to property, or for personal injury or death due to the operation of a motor vehicle within the scope of employment. This chapter assumes that the matter could not be settled administratively by NIH, as described in HHS Motor Vehicle Management Procedures Guide, Chapter 110.

B. Background:

Public Law 87-258 (28 U.S.C. Sec. 2679) amended the Federal Tort Claims Act to require the Department of Justice to defend such suits and gives that Department responsibility for determining whether the employee involved in such a suit was driving the motor vehicle within the scope of employment when the accident occurred. Also, it provides that a suit against the Government is the exclusive remedy in cases where a Federal employee operating a motor vehicle on Government business is involved in an accident.

C. References:

1. DHHS General Administration Manual Chapter 4.
2. HHS Motor Vehicles Management Procedures Guide, Chapter 110.

D. Responsibility and Procedures:

Any NIH employee (or personal representative, if the action is brought against the estate) must inform his/her immediate supervisor as soon as possible after receiving information or papers that the employee is or will be sued for damages based on the employee's operation of a motor vehicle in the scope of his/her Federal employment.

As soon as the employee receives the papers concerning the suit, he/she delivers the papers or a complete copy thereof to his/her supervisor. The supervisor first informs and then forwards this information to the Chief, Security Branch, Division of Safety,

the NIH designee to deal with the proper Federal authorities involved in the defense of suits against NIH employees. NIH field personnel must immediately notify his/her superior or the Chief, Security Branch, Building 31, Room B1C02, 496-6893, by telephone or telegraph. All documents received are then forwarded to the Director, Division of Public Health Service (PHS) Claims, Administrative Services Center, Office Management, Parklawn Building, who makes final determination pursuant to the delegated authority for the disposition of claims; i.e., adjudication of the claim or referral of the case to the Office of General Counsel, Office of the Secretary, and the Department of Justice who are responsible for the defense of claims and/or suits against the Government.

E. Additional Information:

For additional information on this chapter, call the Security Branch, Division of Safety, on 496-6893.

F. Additional Copies:

For additional copies of this chapter, submit NIH Form 414-5 to the System Manager, Printing and Reproduction Branch, Division of Technical Services, ORS, or call 496-6893.