

# City of Richmond

## Administrative Manual

**SUBJECT:** Employee Personal Liability

**SECTION:** Risk Management

**POLICY NUMBER:** AP 404

**INITIAL DATE PREPARED:** April 24, 2000

**LAST DATE REVISED:**

### **I. Purpose**

To set forth the City of Richmond's policy regarding the responsibility for preserving and protecting its human resources assets. The City's employees represent these assets.

### **II. Policy**

The California Government Tort Claims Act, Government Code Section 995 and the following together set forth the duties of the City Attorney and the obligations of the City to defend and indemnify City employees from any liability that they incur from conduct in the course and scope of their employment that is not oppressive, fraudulent, corrupt or malicious. Generally, the City, at City expense, will defend and indemnify a City employee for conduct of the employee that is within the course and scope of the employee's City employment. The Tort Claims Act does not require the City to provide a defense or indemnification to an employee for the employee's conduct that is not in the course and scope of the employee's employment or for conduct that is expressly fraudulent, corrupt or malicious. It is City policy, that when feasible, employees shall be named as insured under all applicable liability insurance policies including: General Liability, Automobile Liability, Umbrella Excess Liability and Public Officials Errors and Omissions Liability Insurance. These policies will always contain limitations on coverage and exclusions that apply to the City and/or City employees. However, the City's obligations to defend and indemnify a City employee still apply.

### **III. Procedure**

- A. As authorized from time to time by the City Council, the City shall seek to name City employees in all liability insurance policies.
- B. As required by the California Government Tort Claims Act, the City Attorney shall

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defend City employees. The City Attorney shall evaluate each individual situation based on its' own merits. It is the City of Richmond's policy to shield the City and its' employees from personal liability to the extent feasible by the purchase of insurance, other contractual transfer of risks, enforcement of the Worker's Compensation Exclusive Remedy Law, thorough investigation by Risk Management and defense provided by the City Attorney.