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Training for Supervisors

Accidents and the Claims That Follow

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Prepared by the Law Department
United States Postal Service



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Training for Supervisors

Accidents and the Claims That Follow

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A. Awareness of accidents

Introduction

Be aware that accidents on postal property and those involving postal employees or vehicles that cause property damages or injury to non-postal personnel may lead to tort claims.

FTCA (Federal Tort Claims Act)

All tort claims arising out of postal activities are subject to the provisions of the Federal Tort Claims Act (FTCA).

The FTCA provides the exclusive remedy for tort claims arising out of postal activities.

"Tort" claims are attempts to recover damages for:

- T** damage to or loss of property,
- T** personal injury,
- T** and/or death.

The Postal Service is responsible for the payment of such claims only if the damages were caused by the negligent or wrongful act of a Postal Service employee.

A. **FTCA (Federal Tort Claims Act)** (cont'd)
Introduction
(cont'd)

In order to pursue a tort case in court, the claimant **must:**

T first present an administrative tort claim to the Postal Service,

T and

- either receive a final denial of the claim in writing from the Postal Service,
- or wait for six months to pass after filing the claim.

A.
Introduction
(cont'd)

Tort Claim Program

The Postal Service tort claim program is administered by a variety of Postal Service employees:

- T** Tort Claims Coordinators (generally Customer Service Analysts) at the District level
- T** Adjudicators at the St. Louis Accounting Service Center
- T** Law Department paralegals and attorneys at the National Tort Center

The Postal Service evaluates administrative claims based on investigations conducted and reaches reasoned decision as to payment, settlement, or denial of claim.

B. What to do
when
accidents
occur

T Investigate and **report**

Always do an investigation and report . . .

- no matter how minor you think the accident is, and
- even if you think the employee involved was acting outside the scope of his or her duties, and
- even though the incident may involve an independent contractor.

Investigate promptly because . . .

- evidence (such as condition of road or sidewalk) may change or disappear quickly.

T Contact your Tort Claims Coordinator (TCC)

- When you ascertain that a customer or other member of the public intends to or has filed a claim, you **must** contact the TCC.
- Even if you do not know whether a tort claim will be filed, it is advisable to contact the TCC when you become aware of an accident.

L This is **especially important** where:

- it is evident that the Postal Service is at fault,
- or there is obvious injury or damage to property.

B. What to do
when
accidents
OCCUR (cont'd)

Accident investigation kit

It is advisable for each office to have an "accident investigation kit." This could be a briefcase or secure box that is marked and made known to supervisors and other personnel responsible for accident investigations.

It should include:

- T** Forms 1700, 1769, and 91;
- T** witness statement forms;
- T** checklists from this coursebook;
- T** camera;
- T** clipboards; pens; flashlight; chalk; tape measure, etc.

Accident file

In addition, an accident file should be created for each incident, and the office should maintain copies of all the relevant documents and photographs.

C.
Cooperation
with
investigations

Duty to cooperate

- All employees must cooperate with postal investigations pertaining to incidents or accidents in which they were involved or of which they have knowledge. See ELM Section 666.6.

Reasons to cooperate

It is always in the best interests of the Postal Service to cooperate fully with postal representatives investigating accidents or claims.

- Investigations are an important precautionary measure to protect the Postal Service and its employees.
- Thorough and objective investigations are necessary for the Postal Service to effectively resolve, defend, and/or pursue claims.

L Failure to cooperate with investigations may be cause for discipline, including removal. See ELM Section 666.86.

C.
Cooperation
with
investigations
(cont'd)

What information to provide

Honest and forthright information about:

- an accident in which the employee was involved
- an accident the employee witnessed
- an accident about which the employee has any information.

Automobile insurance policies

- Employees must produce upon request personal automobile insurance policies, where the employee (for example, rural carriers) uses his or her personal vehicle for postal business, especially when the employee is involved in a motor vehicle accident while operating the vehicle.
- All postmasters should have a copy of any rural carrier's insurance policy at the post office so that they are sure the carrier is insured and the policy is readily available upon request.

C.
Cooperation
with
investigations
(cont'd)

Exercise caution about identity of questioner

- Be sure that it is a postal representative to whom you give information. (You should, of course, cooperate with individuals who you are certain are police officers.)

C Postal representatives include Accident Investigators, Tort Claims Coordinators, Paralegals / Tort Claims Adjudicators, Postal Service Attorneys, and Assistant United States Attorneys with the Department of Justice.

- Never discuss any aspect of an accident, claim or investigation unless you are sure with whom you are speaking!

C Individuals who contact employees requesting information without being forthright as to their identities may be attorneys or representatives for claimants or third parties seeking to obtain admissions or inflammatory information to be used against the Postal Service.

C Even if the postal representative in his or her haste appears impatient with your caution, simply tell him or her you need to **confirm his or her identity:**

T Ask for his or her telephone number.

T Contact your local TCC or the National Tort Center to confirm the individual's identity.

T Then call the individual back if his or her identity is confirmed.

D. Emergency medical attention

Authorizing emergency medical examination

You may authorize an emergency medical examination where:

- T** a postal customer has been injured,
- T** and medical attention is needed immediately.

L Authorizing an emergency medical examination is not an admission of liability or responsibility for the accident on the part of the Postal Service.

- Instead, it demonstrates good will and engenders good public relations.
- Be careful, however, not to even suggest that the Postal Service is accepting responsibility for the injuries.

D. Emergency medical attention (cont'd)

When

- Examination should be sought and obtained by the injured customer directly after the accident.
- Treatment or care the day after the accident is not considered an emergency medical examination.

Where

- The customer may go to the hospital or clinic of his or her choice.
- Do not insist on any particular medical provider over another. Such a demand may expand the Postal Service's scope of responsibility.

Transportation

- **Never** transport an injured customer in a postal vehicle **or** his or her own personal vehicle.
- If the customer insists that a family member or associate take him or her to the hospital in a private vehicle, that is a decision for the customer or family member -- not postal employees.

D. Emergency
medical
attention (cont'd)

Costs

The Postal Service may automatically pay for the following emergency medical charges, regardless of whether the Postal Service contributed to the cause of the accident:

- T** ambulance
- T** emergency room fees
- T** emergency room physician
- T** any immediate X-rays that must be taken

L NOTE: X-rays usually are paid for only when a broken bone is suspected.

Such costs are generally paid for under AIC #587.

- T** If you have any questions, contact your TCC.

E. Motor vehicle accidents

Steps to follow after a motor vehicle accident

Any employee involved in a motor vehicle accident must follow Steps 1- 4. It is the supervisor's responsibility to ensure that all steps are followed. If the supervisor does not arrive in time, the employee must follow all steps until the supervisor can assume his or her duties.

1. Secure the scene

- T to assure the security of the mail
- T to avoid causing a traffic hazard or obstruction,
- T to protect the injured, and
- T to protect evidence.

2. Obtain immediate medical attention needed for any injured parties.

3. Call your supervisor immediately.

4. Call the police **if** . . .

- T there is more than minor damage,
- T or there is injury.

If the police arrive prior to a supervisor or accident investigator, find out:

- T the officer's name and badge number,
- T and how to obtain the police report.

E. Motor
vehicle
accidents (cont'd)

Steps to follow . . . (cont'd)

5. Take photographs.

- T** If a camera is available, you or your supervisor should take pictures of the vehicles and the scene of the accident, preferably prior to moving the vehicles.
- It is also useful to take photographs showing the area surrounding the accident. For example, if the accident happened at an intersection, take a wide angle photograph of the intersection, or, if the accident occurred in the middle of the street, take photographs showing the area and street from the approaching postal employee's viewpoint and the other driver's viewpoint. The more photographs, the better.
- T** If there is no camera available and the vehicles need to be moved, use chalk to mark the position and location of all involved vehicles.
- L** **IMPORTANT:** Put the **date, time,** and **name of photographer** on all photographs and note whether they depict the exact conditions at the time of the accident. Descriptions of the area the photographs show are extremely helpful.

E. Motor
vehicle
accidents (cont'd)

Steps to follow . . . (cont'd)

6. Obtain witness information.

T The supervisor should obtain names, addresses, and telephone numbers of all potential witnesses.

L **Even if** someone states that he or she did not see the accident, write down his or her name and phone number and what he or she stated to you. This helps "lock in" the story of a potential witness.

T If the supervisor is delayed, the employee should try to get this information before witnesses leave the scene.

T The supervisor should attempt to obtain written statements wherever possible.

7. Do not discuss the accident.

T Do not discuss the accident with anyone at the scene other than your supervisor/postmaster and the police officer, except to obtain basic information from the other party involved or witnesses.

L **Never** admit or even discuss fault with anyone other than the supervisor.

L **Do not** advise the individual of what the Postal Service will or will not pay.

E. Motor
vehicle
accidents (cont'd)

Steps to follow . . . (cont'd)

8. Complete Form SF 91.

T The employee involved must complete a Standard Form 91, Motor Vehicle Accident Report (see Tab I).

9. Obtain insurance information for rural carriers.

T If the accident involves a rural carrier or other employee who uses his or her personal vehicle for postal business, the supervisor should obtain the personal insurance policy, inclusive of any riders to the policy, declaration page and effective date and expiration date of the policy.

L NOTE: All employees must cooperate with investigations pertaining to incidents or accidents in which they were involved or of which they have knowledge, including providing information and producing upon request personal automobile insurance policies, where the employee uses his or her personal vehicle for postal business. See Section C.

E. Motor
vehicle
accidents (cont'd)

Steps to follow . . . (cont'd)

10. Complete PS Forms 1700 and 1769.

T The supervisor or postmaster should complete PS Form 1769, Accident Report (Tab II), and PS Form 1700, Accident Investigation Worksheet (Tab III).

L **Do not** complete Sections 43 and 44 of the PS Form 1700. These sections call for opinions and conclusions and should be left blank.

11. Mail PS Form 1769, with copy of Form 1700 and SF 91.

T Within 24 hours of the accident, mail . . .

T PS Form 1769, with . . .

T a **copy** of the PS Form 1700 and . . .

T a **copy** of SF 91 . . .

T to the Human Resources Specialist (Safety) or appropriate HR Service Center.

L Keep copies of all forms for your records.

E. Motor
vehicle
accidents (cont'd)

Steps to follow . . . (cont'd)

12. Provide TCC with notice of probable claim.

T If the private party indicates he or she intends to file a claim, notify your District TCC immediately.

T The TCC will send the private party a SF 95 (Claim Form).

13. Forward the following **original** documentation to your District TCC.

T PS Form 1700

T Copy of PS Form 1769

T SF 91

T Photographs, mounted with descriptions and negatives. (Be sure to include the date, time taken, and name of photographer.)

T Witness information and/or statements

T Police report, if applicable

C If the postal employee is issued a citation, and serious injuries occurred in the accident, the TCC should be advised immediately.

C If the citation is dismissed, it is important to know the basis for the dismissal.

E. Motor
vehicle
accidents (cont'd)

Steps to follow . . . (cont'd)

13. Forward documentation to TCC.
(cont'd)

T Optional separate statement

- If you wish, you may attach a separate writing with your opinions and conclusions regarding fault.
- **Do not** put this information on the PS Form 1700.
- Be sure to write on the very top of the attachment that it is "Privileged and Confidential - Attorney Work Product" and address it to the Postal Service Law Department.

T Other information

- Include any other pertinent information regarding events at the scene that may not be appropriate to put on the forms.
- This may include statements of the private party or witnesses relating to this accident or prior accidents, or your conclusions regarding the attitude of any private party or witnesses.

T Costs statement.

- When possible, include a statement of the costs to repair the postal vehicle.

E. Motor
vehicle
accidents (cont'd)

Important reminders regarding use of private vehicles

- Postmasters and supervisors should generally not use their private vehicles for route inspections or other routine postal business.
- Carriers may use their private vehicles for postal business **only** if they have drive-out agreements.

Reminders regarding investigations

- T** Be sure that it is a postal representative to whom you give information.
- T** **Never** discuss any aspect of accident, claim or investigation unless you are sure of the identity of the person with whom you are speaking.

F. Other accidents

Duty to investigate

Immediately and thoroughly investigate all reports of accidents observed or alleged that involve private parties, including those not involving motor vehicles, where:

- T** the accident occurs on or near property used by or under control of the Postal Service, including street letter boxes and facilities,
- T or** the accident occurs on private property (such as doors, mail receptacles, etc.) and private party is injured by an act of a postal employee.

F. Other accidents (cont'd)

Immediate and thorough investigation is essential

- While in the past some investigations of non-vehicle accidents have not been as thorough as those conducted in vehicle accidents, just as much--if not more--effort is required to investigate non-vehicle accidents.
- The non-vehicle accident usually occurs suddenly, without evidence or indication of damage or apparent injury.
- It may be impossible to obtain first-hand knowledge of the incident from a postal employee, as such accidents generally do not include direct physical involvement by an employee, as do vehicle accidents.
- Because of the type of injury (e.g., broken bones, back injury) caused by typical non-vehicle accidents, the amount claimed is often several times greater than that claimed in the average vehicle accident.

F. Other accidents (cont'd)

Care, concern, and (no) comment

- Immediate care for the injured should be of utmost concern.
 - T An ambulance or other medical assistance should be sought if required.
 - T If the injured party is taken by ambulance to the emergency room, the ambulance and initial examination costs may be paid by the Postal Service and charged to AIC 587.
- Show concern, but do not comment on liability.
 - T Because each incident involves possible litigation against the Postal Service, **never** state any opinion or make any suggestion regarding fault or blame.
 - T You may, of course, show concern for the injured. Merely showing concern does not constitute an admission of liability.
 - T But any statements made to the injured should be **strictly** limited to concern.

F. Other
accidents (cont'd)

Care, concern, and (no) comment (cont'd)

L **Never** make statements about the incident itself such as:

Y "It's our fault, we'll take care of everything."

Y "We should have fixed that long ago."

Y "I told maintenance not to mop during our busy hours."

Y "The wet floor sign should have been there."

Y "The maintenance person should have cleaned that up."

Y If you say "I" or "we" are "sorry," be careful not to make any inadvertent admissions.

F. Other
accidents (cont'd)

Focus on prevention

- To prevent incidents from occurring, proper maintenance and safety inspections of facilities on a regular basis are extremely important.
- Maintaining well-kept records of proper maintenance and inspection schedules of lobbies, parking lots, walkways, etc., will both help prevent accidents and assist the Postal Service in defending against claims of negligence.
- Ensure that appropriate warnings of potentially dangerous conditions are made (for example, placing "wet floor" signs).

F. Other
accidents (cont'd)

What to do when an accident not involving a motor vehicle occurs

- 1.** Immediately investigate the accident.
- 2.** Question the injured party.
 - T** Ask the injured party how the accident happened.
 - T** If he or she is physically able to do so, it is advisable to get a written statement.
- 3.** No admissions.
 - T** **Do not** make any statements or suggestions as to the Postal Service's liability for the accident. Again, no statements like "It's our fault," etc.

F. Other
accidents (cont'd)

What to do . . . (cont'd)

4. Take photographs.

T Take photographs of the scene immediately.

- While you should show appropriate care and concern for the injured party, the best evidence may be photographs taken moments after the accident occurred.
- Note the exact location of the accident.
- Pay particular attention to whatever it is that the injured party may claim caused the accident.
- Take photographs from several angles and at various distances from the customer's approach to the area.

T If a slip/trip and fall is involved, try to (discreetly) take a picture of the injured person's footwear.

L **IMPORTANT:** Put the **date, time, and name of photographer** on all photographs and note whether they depict the exact conditions at the time of the accident. Descriptions of the area the photographs show are extremely helpful.

F. Other accidents (cont'd)

What to do . . . (cont'd)

5. Obtain witness information.

T Obtain names, addresses, and telephone numbers of all potential witnesses, postal and non-postal. Get written statements, if possible.

L Even if someone states that he or she did not see the accident, write down his or her name and telephone number and what he or she stated to you.

6. Ascertain whether the facility is postal owned or leased.

T If property is leased, obtain a copy of the lease.

7. Obtain the maintenance documentation.

T If the accident may have been due to a wet floor, floor mats, trash on the floor, or poor maintenance, obtain the maintenance log and schedule.

T Even if documentation is not available, obtain a statement from the custodian on duty, or whoever is maintaining the area in question, about their knowledge of any hazard present and all maintenance, cleaning, mopping, snow removal, etc., that was performed on the area in question that day.

F. Other
accidents (cont'd)

What to do . . . (cont'd)

8. If the fall occurred on the sidewalk . . .

T Ascertain whether the walkway is a public sidewalk, postal-owned property, on leased premises solely used by the post office, or on leased property that is a "common use area" used by the Postal Service as well as other tenants. If snow or ice is involved, obtain a statement from anyone involved in clearing or salting the area. The statement or statements should detail each action taken and when it was taken, whether on the day in question or on previous days.

9. Complete PS Form 1700 . . .

L But **do not** complete Sections 43 and 44, which ask for conclusions and opinions.

L Send original PS Form 1700 to the TCC and a copy to Safety. Send all other pertinent documentation to the TCC.

10. Complete Form 1769 . . .

L Send original to Safety and a copy to the TCC.

F. Other
accidents (cont'd)

What to do . . . (cont'd)

11. Where a claim is anticipated . . .

T If the customer indicates he or she wishes to file a tort claim, refer him/her to the District Tort Claims Coordinator (TCC).

L Postmasters or supervisors should **not** issue the SF 95 (claim form).

T **Do not** advise injured parties of what the Postal Service will or will not pay. Simply advise them that they must seek any compensation through the tort claims process.

12. Notify TCC of intent to file a claim.

L **Reminder regarding investigations:**

T Be sure that it is a postal representative to whom you give information.

T **Never** discuss any aspect of accident, claim or investigation unless you are sure of the identity of the person with whom you are speaking.

G. For a claim presented at your post office

What to do . . .

- 1.** Stamp the claim with date and time, and initial it.
- 2.** Forward immediately to TCC.
- 3.** Investigate.

T If an investigation of the incident was not already done, commence one immediately.

T If you have any questions, contact your TCC immediately.

4. What **not** to do

Y Do not give advice as to what should be written on the claim form.

Y Do not make promises as to what the Postal Service will or will not pay for.

L Instead . . .

T Simply advise claimant that:

- an investigation must be done, and
- the TCC will contact claimant.

T Call the TCC to advise him or her to contact the claimant.

H. Accident on official travel

What to do . . .

1. Obtain information.

- Obtain all pertinent information about the other individual(s) and vehicles(s) involved, including:

T names(s)

T licenses number(s)

T name(s) of insurance companies,

T and names of witnesses.

2. Call the police **if** . . .

T there is more than minor property damage,

T or there is apparent personal injury.

3. Notify supervisor and accident investigator.

T Notify your supervisor immediately.

T You or your supervisor should also contact the local accident investigator.

T If the accident is more than a minor one, try to delay the removal of the vehicles from the scene until after a supervisor or the accident investigator arrives.

H. Accident
on official
travel (cont'd)

What to do . . . (cont'd)

4. Obtain information from the police.

- If the police arrive prior to a supervisor or accident investigator, find out:

T the officer's name,

T the officer's badge number,

T and how the police report may be obtained.

5. Record details.

T If there is a delay in the arrival of your supervisor or the accident investigator, try to record as many details as soon as possible about the facts and circumstances of the accident, particularly any comments made by other drivers involved about the accident or any claimed injuries.

T Note whether any driver was charged with a traffic violation.

T If you have a camera, take pictures of the vehicles, noting especially the damage caused by the accident and the position of the vehicles at the time of the accident.

H. Accident on official travel (cont'd)

About renting a car

- You should make every attempt to rent from a company and location that is a party to the U.S. Government Car Rental Agreement.
- Make travel arrangements through the travel agency with whom your office has an agreement (e.g., SatoTravel). These agencies should have access to the most current list of participating companies and locations.
- If you need to arrange the rental yourself, be sure to:
 - T Ask the rental office whether it is a participating company and location under the U.S. Government Car Rental Agreement.
 - T Tell the rental office that you will require the "**government official** rate."
- Always use your government credit card.

What to do . . . (cont'd)

6. Notify automobile rental company

T If you are using a rental vehicle, be sure that the auto rental company is notified of the accident.

T The government has arrangements with some rental car companies providing that federal employees on official travel are automatically covered for property damage to the rental vehicle; and some even provide personal injury coverage up to a certain limit.

L NOTE: Federal employees are covered **only** if they are acting within the scope of their employment duties at the time of the accident. Accidents occurring while the employee is shopping, socializing, or engaging in other personal activities are **not** covered.

H. Accident
on official
travel (cont'd)

What to do . . . (cont'd)

7. Notify your own insurance company.

T This notification will protect you in the event it is determined that you were not acting within the scope of your duties at the time of the accident.

8. Complete and submit SF 91.

T Complete an SF 91 (Motor Vehicle Accident Report),

T and submit it to your supervisor.

9. Completion of SF 1700.

T The supervisor should complete an SF 1700 (Accident Investigation Worksheet).

10. Contact TCC.

T Any claim for damage to the other parties or their vehicles will be handled pursuant to the FTCA.

T Have claimant contact TCC for submission of a claim.

H. Accident
on official
travel (cont'd)

**When an employee receives a bill for
damage to a rental vehicle used on official
travel -- What to do**

- The rental company must pay the damage if:
 - T the car was rented with a government credit card,
 - T and the rental car company is on the list of companies covered by the agreement with the government.
- If the employee receives a bill for the damage, he or she should:
 - T contact the rental office and ask to speak with a manager, and
 - T explain that . . .
 - C he or she rented the vehicle while on duty as an employee of the Postal Service, a part of the federal government,
 - C and the rental car company and the government have an agreement providing that the rental company is responsible for the damage.

H. Accident
on official
travel (cont'd)

**When an employee receives a bill for
damage . . . (cont'd)**

- If the rental car company refuses to accept responsibility for the damage, the employee or his or her supervisor should submit a letter to the company putting this information in writing. See attached form letter at Tab IV.
- When the employee submits his or her travel voucher, he or she should include:
 - T the rental car company's demand for reimbursement,
 - T a copy of the letter explaining the rental car company's responsibility,
 - T the Postal Service investigator's report,
 - T and the accident forms.

L NOTE: The Postal Service will not reimburse you for these damages without the PS Form 1700.

I. Receiving a summons

What to do if you or an employee of your post office receives a summons naming an employee in a civil action pertaining to a tort matter . . .

L NOTE: This guidance applies only to tort claims. If you or an employee receives a summons relating to a matter other than a vehicle accident, a slip and fall, or similar accident, contact the Law Department immediately.

Civil action involving the employee's operation of a motor vehicle

- The Federal Drivers Act automatically covers employees acting within the scope of their duties while operating a motor vehicle at the time of the incident which is the subject of the litigation.
- Such employees shown to be acting within the scope of their duties are absolutely immune from personal liability.

Steps to take:

- 1.** Employee delivers to supervisor
 - C** Immediately upon being served, the employee should deliver all process and pleadings received to his or her immediate supervisor for routing to the installation head.
- 2.** Installation head delivers to TCC
 - C** The installation head or designee must promptly forward all process and pleadings to the TCC, together with all available information concerning the accident, for referral to Postal Service counsel and the U. S. Attorney.

I. Receiving a summons
(cont'd)

Civil action involving a non-vehicle accident

Government representation is not automatic for employees involved in court actions involving non-vehicle accidents. But employees who are sued in their official capacity for actions while doing their jobs are usually provided representation in civil proceedings and state criminal proceedings in which they are sued, subpoenaed, or charged.

To qualify for representation, the employee must have been acting within the scope of his or her employment with the Postal Service; and representation must be in the best interests of the Postal Service.

L Employees should immediately forward any process served to the TCC (or to the Law Department for cases not involving accidents).

L See Employee and Labor Relations Manual, Section 667.

I. Receiving a summons
(cont'd)

Civil action involving a non-vehicle accident
(cont'd)

Steps to take:

1. Prepare request for representation
 - An employee named in a civil action that does not arise from a motor vehicle accident, and for which the employee believes he or she is entitled to representation, must promptly submit a written request for that representation, together with all processes and pleadings served, to the employee's installation head.
 - The employee's request for representation must contain:
 - T The date the employee was served.
 - T The date on which the employee must respond or appear at a proceeding.
 - T A statement that:
 - C the employee has read the complaint,
 - C all of the conduct related to the allegations in the complaint occurred within the scope of the employee's official duties,
 - C **and** such conduct was done in the good faith belief that it was proper.
 - T A statement describing in detail the employee's knowledge of the subject matter of the complaint

I. Receiving a summons
(cont'd)

Civil action involving a non-vehicle accident
(cont'd)

Steps to take: (cont'd)

2. Send to installation head.

T The complete request -- along with any other papers served and any other pertinent documents -- must be promptly delivered to the installation head or higher official or other designated official.

T That official will add a cover memorandum to the package stating his or her recommendation as to whether providing representation to the employee would be in the best interest of the Postal Service and a statement detailing the installation head's or his designee's knowledge of the subject matter of the case.

T See Tab V (sample request for representation letters). Contact your Field Legal Office if further guidance is needed or desired.

I. Receiving a summons
(cont'd)

Procedures for Inspection Service

- Postal Inspection Service personnel should follow procedures established by the Chief Postal Inspector to request representation by the Department of Justice rather than the procedures outlined above.

Department of Justice representation

- The Department of Justice provides representation at its discretion, and only after it determines that . . .
 - T the employee acted within the scope of his or her employment with the Postal Service, and
 - T representation would be in the best interests of the Postal Service.
- If the Department of Justice determines that representation is warranted, it will notify the employee directly and provide information about the nature, scope, and conditions of its representation.

J. Checklist **Motor vehicle accidents**

- I. Is the scene secured?
 - A. Is any mail in the area secure?
 - B. Has everything been done to ensure that the accident has not caused a traffic hazard or obstruction that may lead to further injuries?
- II. Has immediate medical attention been obtained for any injured parties?
- III. Is there injury or damage that is more than minor?
 - A. If so, have the police been called?
- IV. Has the supervisor been called?
- V. Is a camera available before the vehicles must be moved?
 - A. If so, have photographs of the vehicles and the scene of the accident been taken? Have the date, time, and photographer's name been noted?
 - B. If not, have the position and location of all involved vehicles been marked with chalk?
- VI. Have the names, addresses, and telephone numbers of any potential witnesses been obtained?
- VII. Have written statements been obtained (if possible)?

J. Checklist
(cont'd)

Motor vehicle accidents (cont'd)

- VIII. Has the employee involved completed a Form SF 91?
- IX. If the accident involves an employee who uses personal vehicle for postal business, has the employee's insurance policy been obtained?
- X. Has PS Form 1700 been completed?
- XI. Has PS Form 1769 been completed?
- XII. Has each of these documents been mailed to the Human Resources Specialist (Safety):
 - A. PS Form 1769?
 - B. a copy of PS Form 1700?
 - C. a copy of SF 91?

J. Checklist
(cont'd)

Motor vehicle accidents (cont'd)

- XIII. Has the private party involved indicated intent to file a claim?
 - A. If so, has the District TCC been notified?
 - B. Has each of the following original documents been forwarded to the TCC:
 - 1. PS Form 1700?
 - 2. Copy of PS Form 1769?
 - 3. SF 91?
 - 4. Photographs, along with description, date and time taken, name of photographer, and negatives?
 - 5. Any witness information and/or statements?
 - 6. Any police report?
 - 7. Any separate statement of opinions and conclusions regarding fault marked "Privileged and Confidential - Attorney Work Product"?
 - 8. Any other pertinent information regarding events at the scene?
 - 9. A statement of the costs to repair the postal vehicle (where other party is at fault)?

J. Checklist
(cont'd)

Other (non-vehicle) accidents

- I. Has immediate medical attention been obtained for any injured person?
- II. Has the accident been investigated?
- III. Has the injured party been asked how the accident happened?
 - A. Has a statement been taken, if possible?
- IV. Has the supervisor been called?
- V. Have photographs of the scene of the accident been taken?
 - A. If so, has the following been noted on the photographs:
 - 1. Location of the accident?
 - 2. Date and time photograph was taken?
 - 3. Name of photographer?
 - 4. Whether the photograph depicts the exact conditions at the time of the accident?
- VI. Have the names, addresses, and telephone numbers of any potential witnesses been obtained?
 - A. Have written statements been obtained, if possible?

J. Checklist
(cont'd)

Other (non-vehicle) accidents (cont'd)

- VII. Is the facility postal-owned or leased?
 - A. If leased, has a copy of the lease been obtained?
- VIII. Is a potential claim of inadequate maintenance involved?
 - A. If so, have the maintenance log and schedule been obtained?
Has a statement been taken from the custodian and anyone else maintaining the area in question?
- IX. Did the fall occur on a sidewalk?
 - A. If so, has it been determined whether the walkway is a public sidewalk, postal-owned property, on leased premises solely used by the Postal Service, or leased property that is a common use area used by other lessees also?
- X. Has PS Form 1700 been completed?
- XI. Has PS Form 1769 been completed?
 - A. Has it been sent to Safety?
- XII. Have each of these documents been mailed to the Human Resources Specialist (Safety):
 - A. PS Form 1769?
 - B. a copy of PS Form 1700?

J. Checklist
(cont'd)

Other (non-vehicle) accidents (cont'd)

- XIII. Has the private party involved indicated intent to file a claim?
 - A. If so, has he or she been referred to the District TCC?
 - B. Has the TCC been notified?
 - C. Has each of the following been forwarded to the TCC:
 - 1. PS Form 1700?
 - 2. Copy of the PS Form 1769?
 - 3. Photographs, along with description, date and time taken, name of photographer, and negatives?
 - 4. Any witness information and/or statements?
 - 5. Any separate statement of opinions and conclusions regarding fault marked "Privileged and Confidential - Attorney Work Product"?
 - 6. Any other pertinent information regarding events at the scene?

J. Checklist
(cont'd)

Accidents while on travel

- I. Has all pertinent information about the other individual(s) and vehicles(s) involved been obtained, including:
 - A. names(s)?
 - B. licenses number(s)?
 - C. name(s) of insurance companies?
 - D. names of witnesses?
- II. Is there more than minor property damage or apparent personal injury?
 - A. If so, have the police been called?
- III. Has the supervisor been notified?
- IV. Has the local accident investigator been notified?
- V. Was the following information obtained about any police personnel who appeared at the scene:
 - A. the officer's name?
 - B. the officer's badge number?
 - C. how the police report may be obtained?
- VI. Have as many details as possible about the facts and circumstances of the accident been recorded?

J. Checklist
(cont'd)

Accidents while on travel (cont'd)

- VII. Have photographs of the vehicles and the scene been taken, if possible?
- VIII. If a postal employee was using rental vehicle, has the automobile rental company been notified?
- IX. Has the employee notified his or her own insurance company?
- X. Has an SF 91 been completed and submitted to the supervisor?
- XI. Has an SF 1700 been completed?
- XII. If a demand for reimbursement for damages to the rental vehicle has been received, have the Postal Service investigator's report and accident forms been submitted along with the employee's travel voucher?
 - A. Has the claimant been told to contact the TCC to submit a claim?

L. Tabs

Tab I: Standard Form 91, Motor Vehicle Accident Report

Tab II: PS Form 1769, Accident Report

Tab III: PS Form 1700, Accident Investigation Worksheet

Tab IV: Sample letter to rental car company about bill for damage to rental car

Tab V: Sample letters for request for representation