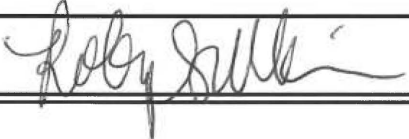




Human Resources Policies and Procedures

Policy Title: Defense and Indemnification	Policy Number: 3.17
Effective: November 19, 2018	
Approval: 	Page 1 of 3

1.0 Scope

- | | |
|--|--|
| <input checked="" type="checkbox"/> Full-time | <input checked="" type="checkbox"/> Union |
| <input checked="" type="checkbox"/> Part-time | <input type="checkbox"/> Independent Contractors |
| <input checked="" type="checkbox"/> Temporary/Contract | <input type="checkbox"/> Visitors, Vendors, Volunteers |
| <input checked="" type="checkbox"/> Non-Union | <input type="checkbox"/> Boards and Commission Members |

Employees who are covered under the provisions of a collective bargaining agreement will follow the standards as contained in their respective contracts if this policy conflicts with the language in the contract.

2.0 Purpose

This policy is designed to establish the conditions under which the City will provide indemnification and legal defense to employees.

3.0 Policy

- 3.1** It is the City's policy to defend and indemnify employees who become parties to legal proceedings by virtue of acts or omissions in the course of and within the scope of their employment. The City shall furnish each current and former employee of the City with legal defense through legal counsel selected by the City and with payment of judgments, fines, penalties, settlements and any other expenses actually and reasonably incurred in connection with an actual or threatened action, suit or proceeding.

Defense and indemnification shall be available only if all of the following conditions are met:

DISCLAIMER

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- The employee's actions or omissions were within the scope of his or her official City duties and authority for which an employee is paid by the City.
- The employee's actions or omissions were in good faith, and in a manner reasonably believed to be lawful and in furtherance of the City's business, or activities.
- The acts or omissions did not constitute dishonesty, willful misconduct, gross negligence, recklessness, or the intentional infliction of harm, and the employee did not receive any financial profit or advantage to which he/she was not legally entitled. An employee's infliction of harm in protecting life or safety, in furtherance of safety or security, or under similar circumstances shall not be grounds for denying him or her the benefits of this policy, provided that such actions are reasonably believed by the employee to be permitted by applicable law and City policy, and all other requirements of this policy are met.
- The employee cooperates continuously and fully with the City in the defense of the action.
- The City shall have the right to control the defense of the action, including the right, in its sole discretion, to decide whether to settle the action, and if so, the terms of the settlement.

3.2 The protection of this policy shall not extend to:

- Any action to the extent that the damage or loss is indemnifiable under any insurance that is in force and covers the employee.
- Any indemnification prohibited by law.

4.0 Responsibility

The interpretation, administration and monitoring with relation to this policy belongs to the City Attorney's Office.

Any employee who receives a subpoena, complaint, summons, notice of administrative charge, or similar legal notice related to the City of Ann Arbor, is responsible for immediately notifying his/her supervisor or manager. Such notice should be made by the end of the day in which the legal notice is received.

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Supervisors/Managers are responsible for notifying the City Attorney's Office immediately upon receipt of a legal notice, or notification by a subordinate of receipt of a legal notice.

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