

There has been some misunderstanding concerning the protection afforded Postal employees under the Federal Tort Claims Act. If an employee is acting within the scope of employment, they are protected under the Federal Tort Claims Act.

This applies whether they are driving a postal vehicle or a personally owned vehicle. Most states require insurance to be in effect on privately owned vehicles. Whenever an employee is driving a vehicle on Postal business, “within the scope of their employment”, an employee cannot suffer a financial loss because of injuring someone or causing damage to someone’s property. Within the scope of their employment would not normally mean driving to and from their office. Carriers are covered by OWCP at that time if they are driving a vehicle they will use on the route that day but Tort claims would not be allowed until after the carrier is on the clock. In addition, the Federal Tort Claims Act does not protect an employee against financial loss as a consequence of damage to the employees privately owned vehicle. The Federal Tort Claims Act applies only to the property damage or injury to the non-postal party. If an employee has an accident, they must provide their complete insurance policy, including all endorsements and addendum and the coversheet showing the dates the policy is in effect. In the event the postal driver is at fault, how the policy is written will determine if the postal driver’s insurance is the primary insurer or if the Federal Tort Claims Act is primarily responsible for the damage to the private property or injury.

The exclusion for the Tort Claims Act should be written in as a rider in your insurance policy. This would exclude your insurance from bodily injury or property damage of another party when you are using your vehicle to deliver mail for the USPS.

*EXCLUSION ENDORSEMENT FOR TORT:*

*C. The following are not “insured” under Part A:*

- 1. The United States of America or any of its agencies.*
- 2. Any insured with respect to bodily injury or property damage resulting from the operation of an auto by that insured as an employee of the United States government. This applies only if the provisions of Section 2679 of Title 28, United States as amended require the*

*Attorney General of the United States to defend that person in any civil action which may be brought for the bodily injury or property damage*

Employees who drive a privately owned vehicle on Postal business may wish to contact their insurance agent servicing the policy to ensure that the exclusion endorsement for Tort is included in your policy. As long as you are within the scope of employment, you personally cannot be sued. If following an accident, a private party files a lawsuit naming the employee the postal service will first determine if they were acting within the scope of employment. If yes the United States shall be substituted as the party defendant and the employees name will be removed. The employee has the responsibility to deliver all summons, lawsuits, etc to their immediate supervisor. If the employee fails to follow these procedures, they may find themselves personally responsible for any monetary judgment ordered. Protect yourself; do not deviate from your assigned duties or route.