

§911.103

Criminal justice agency includes Federal, State, and local agencies and means (a) courts; or (b) a Government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or Executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.

Locality means any local government authority or agency or component thereof within a State having jurisdiction over matters at a county, municipal, or other local government level.

State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of Pacific Islands, and any other territory or possession of the United States.

§911.103 Eligibility for indemnification.

As provided for under 5 U.S.C. 9101(b)(3), a State or locality may request an indemnification agreement.

(a) To be eligible for an indemnification agreement, a State or locality must have had a law in effect on December 4, 1985, that prohibited or had the effect of prohibiting the disclosure of criminal history record information to OPM.

(b) A State or locality is also eligible for an indemnification agreement if it meets the conditions of paragraph (a) of this section, but nevertheless provided criminal history record information to OPM on or before December 4, 1985.

§911.104 Procedures for requesting an indemnification agreement.

When requesting an indemnification agreement, the State or locality must—

(a) Certify that on December 4, 1985, the State or locality had in effect a law that prohibited or had the effect of prohibiting the disclosure of criminal history record information to OPM;

(b) Attach a copy of the law to the request for an indemnification agreement;

(c) Notify OPM, at the address below, of its eligibility for an indemnification agreement.

5 CFR Ch. I (1–1–01 Edition)

Office of Personnel Management, Office of Federal Investigations, P.O. Box 886, Washington, DC 20044

§911.105 Terms of indemnification.

The terms of the indemnification agreement must conform to the following provisions:

(a) *Eligibility.* The State or locality must certify that its law prohibits or has the effect of prohibiting the disclosure of criminal history record information to OPM for the purposes described in §911.101(a) and that such law was in effect on December 4, 1985.

(b) *Liability.* (1) OPM must agree to indemnify and hold harmless the State or locality from any claim for damages, costs, and other monetary loss arising from the disclosure or negligent use by OPM of criminal history record information obtained from that State or locality pursuant to 5 U.S.C. 9101(b). The indemnification will include the officers, employees, and agents of the State or locality.

(2) The indemnification agreement will not extend to any act or omission prior to the transmittal of the criminal history record information to OPM.

(3) The indemnification agreement will not extend to any negligent acts on the part of the State or locality in compiling, transcribing, or failing to delete or purge any of the information transmitted.

(c) *Consent and access requirements.* By requesting the release of criminal history record information from the State or locality, OPM represents that—

(1) It has obtained the written consent of the individual under investigation to request criminal history record information about the individual from criminal justice agencies in accordance with 5 U.S.C. 9101, after advising the individual of the purposes for which the information is intended to be used by a Privacy Act of 1974 (5 U.S.C. 552a), or an equivalent, notice; and

(2) Upon request, OPM will provide the individual access to criminal history record information received from the State or locality, as required by 5 U.S.C. 9101(d).

(d) *Purpose requirements.* OPM will use the criminal history record information only for the purposes stated in §911.101(a).

Office of Personnel Management

§ 930.102

(e) *Notice, litigation, and settlement procedures.* (1) The State or locality must give notice of any claim against it on or before the 10th day after the day on which a claim against it is received, or it has notice of such a claim.

(2) The notice must be given to the Attorney General and to the United States Attorney of the district embracing the place wherein the claim is made.

(3) The Attorney General will make all determinations regarding the settlement or defense of such claims.

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Subpart A—Motor Vehicle Operators

- Sec.
- 930.101 Purpose.
- 930.102 Definitions.
- 930.103 Coverage.
- 930.104 Objectives.
- 930.105 Minimum requirements for competitive and excepted service positions.
- 930.106 Details in the competitive service.
- 930.107 Waiver of road test.
- 930.108 Periodic medical evaluation.
- 930.109 Periodic review and renewal of authorization.
- 930.110 Identification of authorized operators and incidental operators.
- 930.111 State license in possession.
- 930.112 Identification card or document in possession.
- 930.113 Corrective action.
- 930.114 Reports required.
- 930.115 Requests for waiver of requirements.

Subpart B—Appointment, Pay, and Removal of Administrative Law Judges

GENERAL PROVISIONS

- 930.201 Coverage.
- 930.202 Definitions.
- 930.203 Examination.
- 930.203a Appointment.
- 930.203b Title of administrative law judge.
- 930.204 Promotion.
- 930.205 Reassignment.
- 930.206 Transfer.
- 930.207 Reinstatement.
- 930.208 Restoration.
- 930.209 Detail and assignment to other duties.
- 930.210 Pay.
- 930.211 Performance rating.
- 930.212 Rotation of administrative law judges.
- 930.213 Use of administrative law judges on detail from other agencies.

930.214 Actions against administrative law judges.

930.215 Reduction in force.

930.216 Temporary reemployment: senior administrative law judges.

Subpart C—Employees Responsible for the Management or Use of Federal Computer Systems

- 930.301 Definitions.
- 930.302 Training requirement.
- 930.303 Initial training.
- 930.304 Continuing training.
- 930.305 Refresher training.

Subpart A—Motor Vehicle Operators

AUTHORITY: 5 U.S.C. 3301, 3320, 7301; 40 U.S.C. 491; E.O. 10577, 3 CFR, 1954—1958 Comp., p. 218; E.O. 11222, 3 CFR, 1964—1965 Comp., p. 306. (Separate authority is listed under § 930.107).

SOURCE: 50 FR 34669, Aug. 27, 1985, unless otherwise noted.

§ 930.101 Purpose.

This subpart governs agencies in authorizing employees to operate Government-owned or -leased (acquired for other than short term use for which the Government does not have full control and accountability) motor vehicles for official purposes within the States of the Union, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

§ 930.102 Definitions.

In this subpart:

Agency means a department, independent establishment, or other unit of the executive branch of the Federal Government, including a wholly owned Government corporation, in the States of the Union, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

Employee means an employee of an agency in either the competitive or excepted service or an enrollee of the Job Corps established by section 102 of the Economic Opportunity Act of 1964 (42 U.S.C. 2712).

Identification card means the United States Government Motor Vehicle Operator's Identification Card, Optional Form 346, or an agency-issued identification card that names the types of