

## §911.105

## 5 CFR Ch. I (1–1–03 Edition)

### §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).

(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.