

## **Article 43 - Indemnification of State Employees**

### **Section 43.1      Jurisdiction**

The Board shall hear and make final determination on appeals by employees pursuant to 12 V.S.A. §5606 from a determination by the attorney general that the state will not indemnify a state employee for the amount of an employee's liability in any action defended by the attorney general or the attorney general's designee in which a judgment is rendered against the employee for acts or omissions within the scope of his or her employment, or a settlement requires payment by such an employee, and the attorney general believes there is reasonable doubt about whether the employee is eligible for indemnification, provided that such appeal is filed within 30 days after receipt of notice of the determination of the attorney general.

### **Section 43.2      Contents of Appeal**

The notice of appeal shall be in writing, signed by the appellant or his/her representative, and shall contain:

- (A) the full name and address of the person filing the appeal;
- (B) The full name and address of the employer involved;
- (C) A concise statement of the nature of the appeal;
- (D) A copy of the attorney general's notification to the employee that the state will not indemnify the employee for the amount of the employee's liability;
- (E) Copies of the pleadings in the civil action brought against the employee, any judgment rendered against the employee, and any settlement requiring payment by the employee; and
- (F) A brief statement of facts concerning the appeal.

### **Section 43.3      Answer; Filing; Service**

The attorney general shall have the right to file an answer within 20 days after service of the appeal. Upon application, the Board may extend the time within which the answer shall be filed.

#### **Section 43.4        Contents of Answer; Denials**

The answer shall admit or deny each specific allegation contained in the appeal or shall indicate any lack of knowledge or information thereof sufficient to form a belief. An allegation in the appeal not specifically denied in the answer, unless the party asserts that it is without knowledge or information thereof sufficient to form a belief, shall be deemed admitted and shall be so found by the Board. Allegations of new matter in the answer shall be deemed denied without the necessity of a reply.

#### **Section 43.5        Admission by Failure to Answer**

Failure to file a timely answer may be deemed by the Board to constitute an admission of the material facts alleged in the appeal, leaving a question or questions of law to be determined by the Board.