

Protection for Employees

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Table of Contents

Protection for Employees	3
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Protection for Employees

Reference Number: MTAS-274

No claim may be brought or judgment entered against an employee for damages for which the governmental entity is liable under the act, except in alleged medical malpractice cases. No claim for medical malpractice may be brought or judgment entered against a health care practitioner for damages unless the amount sought or judgment entered exceeds either the minimum limits set in the act or the insurance coverage actually carried by the governmental entity, whichever is greater, and the governmental entity also is made a party defendant.

No claim may be brought or judgment entered against an employee for injury proximately caused by an act or omission of the employee within the scope of his employment for which the governmental entity is immune in amounts exceeding those established for governmental entities (see Governmental Liability Caps) unless the act or omission was willful, malicious, criminal, for personal financial gain, or medical malpractice committed by a health care practitioner and the claim is brought against the health care practitioner. Only doctors and nurses are considered health care practitioners under the act. T.C.A. § 29-20-310 (b) and (c).

Local governmental entities may insure any or all employees against all or any part of their liability for injury or damage resulting from a negligent act or omission, or they may indemnify their employees for claims for which the governmental entity is immune upon such terms and conditions as the local government may deem appropriate. Cities also may insure or indemnify volunteers working under the direction of an employee from claims for which the governmental entity is immune. The indemnification amount may not exceed the liability limits established for governmental entities, except for claims for which there is no liability cap (see Governmental Liability Caps). T.C.A. § 29-20-310, T.C.A. § 29-20-406.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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