

INTERAGENCY INCIDENT BUSINESS MANAGEMENT HANDBOOK

CHAPTER 90 – ALL HAZARD INCIDENT BUSINESS MANAGEMENT

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CHAPTER 90 – ALL HAZARD INCIDENT BUSINESS MANAGEMENT

Unless specifically notated in Chapter 90 or prohibited by agency policy, all business practices addressed in Chapters 10 – 80 apply to all hazard incidents.

90 – ALL HAZARD RESPONSE.

90.01 – Authorities. The authorities for federal agencies to respond to Presidential Declared emergencies and disasters are contained in the following:

1. Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), P.L. 93-288, as amended. The Act is implemented through the National Response Framework (NRF or Framework). An annual appropriations bill gives federal agencies the authority to reimburse to state and local governments.

The President, in Executive Order 12148, delegated all functions, except those in Section 301, 401, and 409, to the Administrator, Federal Emergency Management Agency (FEMA).

The National Response Framework uses the foundation provided by the Homeland Security Act, P.L. 107-296 HSPD-5 and the Stafford Act to provide a comprehensive, all-hazards approach to domestic incident management. Nothing in the NRF alters the existing authorities of individual federal departments and agencies. **The NRF does not convey new authorities upon the Secretary of Homeland Security or any other federal official.**

The National Response Framework can be found at www.fema.gov.

2. The Post-Katrina Emergency Management Reform Act (PKEMRA). Title VI of the Department of Homeland Security Appropriations Act, 2007, Pub. L. 109-295, 120 Stat. 1355 (2006), which clarified and modified the Homeland Security Act with respect to the organizational structure, authorities, and responsibilities of FEMA and the FEMA Administrator. In addition to these modifications, PKEMRA made changes – some appearing in the Homeland Security Act and the Stafford Act.
3. The Economy Act. 31 USC 1535-1536 (2005) authorizes federal agencies to provide goods or services, on a reimbursable basis, to other federal agencies when more specific statutory authority does not exist.

4. Service First Legislation. Public Laws 106-291 and 109-54 authorize the Secretaries of the Interior and Agriculture to make reciprocal delegations of their respective authorities, duties and responsibilities in support of the Service First initiative agency wide to promote customer service and operational efficiency. Service First may be used in place or in addition to the Economy Act to expedite interagency cooperation.
5. The National Emergencies Act. 50 USC 1601-1651 (2005) establishes procedures for Presidential declaration of a national emergency and the termination of national emergencies by the President or Congress.
6. The Office of Federal Procurement Policy Act. 41 USC 428a (2004) authorizes emergency procurement authorities (1) in support of a contingency operation; or (2) to facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack against the United States. See also Federal Acquisition Regulation Part 18.2.
7. The Emergency Federal Law Enforcement Assistance Act (EFLEA). 42 USC 10501 (2006) authorizes the attorney general, in a law enforcement emergency and upon written request by a governor, to coordinate and deploy emergency federal law enforcement assistance to state and local law enforcement authorities.

90.05 – Definitions

1. All Hazard Incident. An incident, natural or man-made, that warrants action to protect life, property, environment, public health or safety, and minimize disruptions of government, social, or economic activities.
2. Emergency. Any incident, whether natural or man-made, that requires responsive action to protect life or property. Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an emergency means any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.
3. Emergency Support Function (ESF). The federal government groups most of its resources and capabilities, and those of certain private-sector and non-governmental organizations, under Emergency Support Functions (ESFs). ESFs align categories of resources and provide strategic

objectives for their use. ESFs utilize standardized resource management concepts such as typing, inventorying, and tracking to facilitate the dispatch, deployment, and recovery of resources before, during, and after an incident. The Framework identifies primary ESF agencies on the basis of authorities and resources. Support agencies are assigned based on the availability of resources in a given functional area. ESFs provide the greatest possible access to federal department and agency resources regardless of which agency has those resources.

4. ESF Coordinator. The ESF Coordinator has ongoing responsibilities throughout the prevention, preparedness, response, recovery, and mitigation phases of incident management. The ESF Coordinator is responsible for pre-incident planning and coordination, maintaining ongoing contact with the ESF primary and support agencies, and coordinating efforts with corresponding private-sector organizations.

5. Federal Coordinating Officer (FCO). For Stafford Act events, upon the recommendation of the FEMA Administrator and the Secretary of Homeland Security, the President appoints an FCO. The FCO is a senior FEMA official trained, certified and well experienced in emergency management, and specifically appointed to coordinate federal support in the response and recovery to emergencies and major disasters. The FCO executes Stafford Act authorities, including commitment of FEMA resources and the mission assignment of other federal departments or agencies.

6. Major Disaster. Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought) or, regardless of cause, any fire, flood, or explosion in any part of the United States that, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

7. Mission Assignment. The mechanism used to support federal operations in a Stafford Act major disaster or emergency declaration. It orders immediate, short-term emergency response assistance when an applicable state or local government is overwhelmed by the event and lacks the capability to perform, or contract for, the necessary work.

8. Primary Agency. A primary agency serves as a federal executive agent under the Federal Coordinating Officer to accomplish the ESF mission and is responsible to notify and activate support agencies as required for the incident.

9. Support Agency. A support agency is tasked by the primary agency with duties to assist with carrying out the mission of the ESF.

90.1 – Presidential Declared Disasters.

90.1-1 – Process. The NRF identifies the coordinating agency and primary agency(s) responsible for each of the 15 Emergency Support Functions (ESF) outlined in the Framework. It also identifies the support roles that the various federal agencies assume under the Framework. The following are typical ESFs the federal wildland fire agencies may work under:

1. ESF #4, Firefighting
The Forest Service is designated the ESF Coordinator and primary agency. For operations that occur in the State of Alaska, operational lead for firefighting response is the Department of the Interior, BLM.
2. ESF #9, Search and Rescue
The Department of the Interior, National Park Service is designated as a primary agency for inland/wilderness search and rescue.
3. ESF #11, Agriculture and Natural Resources
The Department of Agriculture is designated the ESF Coordinator and co-primary agency. The Department of the Interior is designated as co-primary agency.

In addition, the Forest Service is designated a support agency to 10 of the other 15 ESFs and Department of the Interior is designated a support agency to 11 of the other 15 ESFs. Refer to the NRF for the support roles of the various Departments.

The Federal Coordinating Officer (FCO) manages and coordinates federal resource support activities related to Stafford Act disasters and emergencies.

The FCO and FEMA accomplish many of their tasks through mission assignments given to primary and supporting agencies. FEMA requests ESF assistance through a mission assignment, which identifies the mission and establishes expenditure limitations.

For example, the agency could be tasked to accomplish a specific mission such as to operate a receiving and distribution center in support of a particular disaster. The agency would in turn use its available resources, including those available through federal and state agreements, to complete the assignment.

Mission assignments are accomplished utilizing resources obtained through established dispatch coordination concepts and processes. Procedures established in the National Interagency Mobilization Guide shall be followed in responding to disaster related emergencies under the NRF.

90.02 – Non Stafford Act Disasters. Consult agency specific guidelines for all hazard responses not specifically covered by a Presidential emergency declaration. These guidelines should outline the level of response allowed and include any additional requirements.

91 – PAY PROVISIONS. Federal employees responding to all hazard assignments will follow procedures outlined in Chapter 10 of this handbook and applicable agency regulations.

91.1 – Biweekly Earning Limitation. The biweekly earning limitation on premium pay contained in 5 CFR 550.105 is not automatically waived for Department of the Interior and Department of Agriculture general schedule employees working in connection with all hazard responses.

The Department of the Interior (DOI) and the Department of Agriculture (USDA) have the authority to declare an emergency situation for the purpose of waiving the biweekly overtime limitation (bi-weekly cap maximum earnings limitation (5CFR 550.106) or Fair Labor Standards Act (FLSA) exemption status (5 CFR 551.208d). If an emergency is declared, departmental direction will be provided in writing.

91.2 – Overtime. Public Law 106-558 does not apply to personnel involved in hurricanes, floods, non-fire FEMA incidents or other all hazard assignments. (See Chapter 10, Section 12.11.) Exempt employees of the Forest Service and the Department of the Interior have their overtime hourly rate capped at GS-10, Step 1, or their base rate of pay whichever is greater.

91.3 – Hazard Pay. Refer to 5 CFR 550 to determine if hazard pay is applicable for general schedule employees. Refer to 5 CFR 532 for information on environmental differential for wage grade employees. The specific reason for hazard pay or environmental differential must be listed on the Emergency

Firefighter Time Report, OF-288, to assist home units in applying pay regulations.

91.4 – Fair Labor Standards Act. Positions on all hazard incidents that are not identified on the matrix found in Chapter 10, Section 12.11a will be determined as exempt or nonexempt on a case-by-case basis by the home unit human resource management representative upon submission of a claim by the individual. Nonexempt individuals retain their nonexempt status regardless of the emergency work performed.

91.5 – Travel. Travel is compensable under a Presidential declared emergency since it results from an event that could not be scheduled or controlled administratively. Provisions outlined in Chapter 10, Section 12.3, Travel and Related Waiting Time, apply to Presidential declared emergencies.

Compensation for travel to other types of all hazard incidents will be determined by agencies on a case-by-case basis. Contact your agency incident business representative for current direction.

92 – ACQUISITION. Federal employees responding to all hazard assignments will follow procedures outlined in Chapter 20 of this handbook and applicable agency regulations.

92.1 – Purchase of Accountable/Sensitive Property. Accountable and or sensitive property purchases should only be made by procurement personnel and must be documented appropriately (See Chapter 30). Micro-purchasers must follow agency specific guidelines as they relate to the purchase of accountable and/or sensitive property. **Tasking agency purchase, documentation and transfer procedures must be followed when assigned to an all hazard incident.**

93 – PROPERTY MANAGEMENT. Federal employees responding to all hazard assignments will follow procedures outlined in Chapter 30 of this handbook and applicable agency regulations.

94 – BUSINESS COORDINATION. Federal employees responding to all hazard assignments will follow procedures outlined in Chapter 40 of this handbook and applicable agency regulations.

95 – COOPERATIVE RELATIONS. Federal employees responding to all hazard assignments will follow procedures outlined in Chapter 50 of this handbook and applicable agency regulations.

96 – ACCIDENT INVESTIGATION. Federal employees responding to all hazard assignments will follow procedures outlined in Chapter 60 of this handbook and applicable agency regulations.

97 – CLAIMS. Federal employees responding to all hazard assignments will follow procedures outlined in Chapter 70 of this handbook and applicable agency regulations.

98 – COST ACCOUNTING. The primary agency is responsible for providing cost tracking and reporting guidelines to incident management personnel.

98.1 – Procedures for Reimbursement.

1. The primary agency is tasked by FEMA on a mission assignment. The primary agency can then sub-task any needed support agencies to accomplish the mission, e.g., DOI, Department of Commerce.
2. FEMA pays the primary and supporting agencies upon receipt and examination of eligible, documented costs incurred.
3. Sub-tasked agencies submit documentation of expenses to the primary agency following agency policy. The primary agency reviews, approves and returns documentation to the sub-tasked agency for submission to FEMA. FEMA will make payment directly to the sub-tasked agency.

98.2 – Items Eligible for Reimbursement (see 44 CFR 206.8).

1. Overtime, travel, and per diem of permanent federal agency personnel.
2. Wages (regular time and overtime), travel, and per diem, as appropriate, of temporary federal agency personnel, casuals, or non-federal cooperators assigned solely to performance of services required to execute the [NRF] or services directed by the [FEMA] Associate Director or [FEMA] Regional Director in the major disaster or emergency area designated by the [FEMA] Regional Director.

Cost of work, services, and materials procured under contract for the purpose of providing assistance directed by the [FEMA] Associate Director or the [FEMA] Regional Director.

3. Cost of materials, equipment, and supplies (including transportation, repair, and maintenance) from regular stocks used in providing directed assistance.
4. All costs incurred which are paid from trust, revolving, or other funds, and whose reimbursement is required by law.
5. Other costs submitted by an agency with written justification or otherwise agreed to in writing by the [FEMA] Associate Director or the [FEMA] Regional Director and the agency.

FEMA will not reimburse agencies for accountable/durable property, e.g., cache items, and agency program dollars will be charged for items not returned.

FEMA will consider reimbursement of agency charge card purchases only if the necessary supporting documentation is provided. All charges must be supported by an incident order and request number (resource order number).

Agency procedures for establishing reimbursable charge codes should be followed.