

1 **OBJECTIVE**

2
3 This chapter establishes business management guidelines for all-hazards
4 incidents other than wildland fire. **Unless specifically notated in Chapter 90**
5 **or prohibited by agency policy, all business practices addressed in Chapters**
6 **10 through 80 apply to all-hazards incidents.**

7
8 **AUTHORITIES**

9
10 The authorities for federal agencies to respond to a Presidential emergency or
11 major disaster declaration and other non-fire emergencies are contained in the
12 following:

- 13
14 • Robert T. Stafford Disaster Relief and Emergency Assistance Act
15 (Stafford Act), P.L. 93-288, as amended – The Act is implemented
16 through the National Response Framework (NRF or Framework). An
17 annual appropriations bill gives federal agencies the authority to
18 reimburse state and local governments.

19
20 The President, in Executive Order 12148, delegated all functions,
21 except those in Section 301, 401, and 409, to the Administrator, Federal
22 Emergency Management Agency (FEMA).

23
24 The NRF uses the foundation provided by the Homeland Security Act,
25 P.L. 107-296 HSPD-5 and the Stafford Act to provide a
26 comprehensive, all-hazards approach to domestic incident management.
27 Nothing in the NRF alters the existing authorities of individual federal
28 departments and agencies. **The NRF does not convey new authorities**
29 **upon the Secretary of Homeland Security or any other federal**
30 **official.**

31
32 The National Response Framework can be found at
33 <http://www.fema.gov/national-response-framework>.

- 34
35 • The Post-Katrina Emergency Management Reform Act (PKEMRA) –
36 Title VI of the Department of Homeland Security Appropriations Act,
37 2007, Pub. L. 109-295, 120 Stat. 1355 (2006), clarifies and modifies
38 the Homeland Security Act with respect to the organizational structure,
39 authorities, and responsibilities of FEMA and the FEMA Administrator.

1 In addition to these modifications, PKEMRA made changes some
2 appearing in the Homeland Security Act and the Stafford Act.
3

- 4 • The Economy Act – 31 USC 1535-1536 (2005) authorizes federal
5 agencies to provide goods or services, on a reimbursable basis, to other
6 federal agencies when more specific statutory authority does not exist.
7
- 8 • Service First Legislation – Public Laws 106-291 and 109-54 authorize
9 the Secretaries of the Interior and Agriculture to make reciprocal
10 delegations of their respective authorities, duties and responsibilities in
11 support of the Service First initiative agency-wide to promote customer
12 service and operational efficiency. Service First may be used in place
13 or in addition to the Economy Act to expedite interagency cooperation.
14
- 15 • The National Emergencies Act – 50 USC 1601-1651 (2005) establishes
16 procedures for Presidential declaration of a national emergency and the
17 termination of national emergencies by the President or Congress.
18
- 19 • The Office of Federal Procurement Policy Act – 41 USC 428a (2004)
20 authorizes emergency procurement authorities (1) in support of a
21 contingency operation; or (2) to facilitate the defense against or
22 recovery from nuclear, biological, chemical, or radiological attack
23 against the United States. Also reference Federal Acquisition
24 Regulation Part 18.2.
25
- 26 • The Emergency Federal Law Enforcement Assistance Act (EFLEA) –
27 42 USC 10501 (2006) authorizes the attorney general, in a law
28 enforcement emergency and upon written request by a governor, to
29 coordinate and deploy emergency federal law enforcement assistance to
30 state and local law enforcement authorities.
31
- 32 • National Oil and Hazardous Substances Pollution Contingency Plan.
33 (NCP, 40 CFR 300) – The NCP provides the organizational structure
34 and procedures for preparing for and responding to discharges of oil
35 and releases of hazardous substances, pollutants, and contaminants.
36 The NCP is required by section 105 of the Comprehensive
37 Environmental Response, Compensation, and Liability Act of 1980
38 (CERCLA), 42 U.S.C. 9605, as amended by the Superfund
39 Amendments and Reauthorization Act of 1986 (SARA), P.L. 99-499,
40 and by section 311(d) of the Clean Water Act (CWA), 33 U.S.C.
41 1321(d), as amended by the Oil Pollution Act of 1990 (OPA), P.L.

1 101–380. The NCP identifies the national response organization that
2 may be activated in response actions to discharges of oil and releases of
3 hazardous substances, pollutants, and contaminants in accordance with
4 the authorities of CERCLA and the CWA. It specifies responsibilities
5 among the federal, state, and local governments and describes resources
6 that are available for response, and provides procedures for involving
7 state governments in the initiation, development, selection, and
8 implementation of response actions, pursuant to CERCLA. The NCP
9 works in conjunction with the National Response Framework through
10 Emergency Support Function 10 – Oil and Hazardous Material
11 Response.

12
13 **DEFINITIONS**

14
15 Definitions used throughout this handbook are located in Appendix C -
16 Glossary.

17
18 All-Hazards Incident – An incident, natural or man-made, that warrants action to
19 protect life, property, environment, public health or safety, and minimize
20 disruptions of government, social, or economic activities.

21
22 Emergency – Any incident, whether natural or man-made, that requires
23 responsive action to protect life or property. Under the Robert T. Stafford
24 Disaster Relief and Emergency Assistance Act, an emergency means any
25 occasion or instance for which, in the determination of the President, federal
26 assistance is needed to supplement state and local efforts and capabilities to save
27 lives and to protect property and public health and safety, or to lessen or avert
28 the threat of a catastrophe in any part of the United States.

29
30 Emergency Support Function (ESF) – Used by the federal government and many
31 state governments as the primary mechanism at the operational level to organize
32 and provide assistance. ESFs align categories of resources and provide strategic
33 objectives for their use. ESFs utilize standardized resource management
34 concepts such as typing, inventorying, and tracking to facilitate the dispatch,
35 deployment, and recovery of resources before, during, and after an incident.

36
37 ESF Coordinator – The entity with management oversight for that particular
38 ESF. The coordinator has ongoing responsibilities throughout the preparedness,
39 response, and recovery phases of incident management.

40 ESF Primary Agency – A federal agency with significant authorities, roles,
41 resources, or capabilities for a particular function within an ESF. A federal

1 agency designated as an ESF primary agency serves as a federal executive agent
2 under the Federal Coordinating Officer (or Federal Resource Coordinator for
3 non-Stafford Act incidents) to accomplish the ESF mission.
4

5 ESF Support Agency – An entity with specific capabilities or resources that
6 support the primary agencies in executing the mission of the ESF.
7

8 Federal Coordinating Officer (FCO) – The official appointed by the President to
9 execute Stafford Act authorities, including the commitment of FEMA resources
10 and mission assignment of other federal departments or agencies. In all cases,
11 the FCO represents the FEMA Administrator in the field to discharge all FEMA
12 responsibilities for the response and recovery efforts underway. For Stafford
13 Act events, the FCO is the primary federal representative with whom the State
14 Coordinating Officer and other state, tribal, and local response officials interface
15 to determine the most urgent needs and set objectives for an effective response in
16 collaboration with the Unified Coordination Group.
17

18 Major Disaster – Under the Robert T. Stafford Disaster Relief and Emergency
19 Assistance Act, any natural catastrophe (including any hurricane, tornado, storm,
20 high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic
21 eruption, landslide, mudslide, snowstorm, or drought) or, regardless of cause,
22 any fire, flood, or explosion in any part of the United States that, in the
23 determination of the President, causes damage of sufficient severity and
24 magnitude to warrant major disaster assistance under the Stafford Act to
25 supplement the efforts and available resources of states, local governments, and
26 disaster relief organizations in alleviating the damage, loss, hardship, or
27 suffering caused thereby.
28

29 Mission Assignment – The mechanism used to support federal operations in a
30 Stafford Act major disaster or emergency declaration. It orders immediate,
31 short-term emergency response assistance when an applicable state or local
32 government is overwhelmed by the event and lacks the capability to perform, or
33 contract for, the necessary work.
34

35 Pollution Response Funding Authorizations (PRFA) – The mechanism used to
36 authorize funding for operations under the National Oil and Hazardous
37 Substances Pollutions Contingency Plan, as directed by the US Coast Guard
38 and/or the Environmental Protection Agency.

39 **PRESIDENTIAL EMERGENCY OR MAJOR DISASTER**
40 **DECLARATION**

1
2 **Process**
3

4 The NRF identifies the coordinating agency and primary agency(s) responsible
5 for each of the 15 Emergency Support Functions (ESF) outlined in the
6 Framework. It also identifies the support roles of the various federal agencies
7 assume under the Framework. The following are typical ESFs the federal
8 wildland fire agencies may work under:
9

10 ESF #4, Firefighting

11 The Forest Service (FS) is designated the ESF Coordinator and
12 primary agency. For operations that occur in the State of Alaska, the
13 FS remains the primary agency under the NRF, but works closely
14 with the Department of the Interior (DOI), Bureau of Land
15 Management (BLM) who serves as the operational lead for
16 firefighting response.
17

18 ESF #9, Search and Rescue

19 The DOI, National Park Service (NPS) is designated as a primary
20 agency for inland/wilderness search and rescue.
21

22 ESF #11, Agriculture and Natural Resources

23 The Department of Agriculture (USDA) is designated the ESF
24 Coordinator and co-primary agency. The DOI is designated as co-
25 primary agency.
26

27 Both the Forest Service and Department of the Interior serve as support agencies
28 to other ESFs, refer to the NRF for the support roles of the various Departments.
29

30 The Federal Coordinating Officer (FCO) manages and coordinates federal
31 resource support activities related to Stafford Act disasters and emergencies.
32

33 The FCO and FEMA accomplish many of their tasks through mission
34 assignments given to primary and supporting agencies. FEMA orders ESF
35 assistance through a mission assignment, which identifies the mission and
36 establishes expenditure limitations.
37

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

1
2 Mission assignments are accomplished utilizing resources obtained through
3 established dispatch coordination concepts and processes. Procedures
4 established in the National Interagency Mobilization Guide shall be followed in
5 responding to disaster related emergencies under the NRF.
6

7 **Non-Stafford Act Disasters**

8
9 Consult agency specific guidelines for all-hazards responses not specifically
10 covered by a Presidential emergency declaration. These guidelines should
11 outline the level of response allowed and include any additional requirements.
12

13 **PAY PROVISIONS**

14
15 Federal employees responding to all-hazards assignments will follow procedures
16 outlined in Chapter 10 of this handbook and applicable agency regulations.
17

18 **Biweekly Earning Limitation**

19
20 The biweekly earning limitation on premium pay contained in 5 CFR 550.105 is
21 not automatically waived for DOI and USDA general schedule employees
22 working in connection with all-hazards responses.
23

24 The DOI and the USDA have the authority to declare an emergency situation for
25 the purpose of waiving the biweekly overtime limitation (bi-weekly cap
26 maximum earnings limitation {5CFR 550.106} or Fair Labor Standards Act
27 {FLSA} exemption status {5 CFR 551.208d}). If an emergency is declared,
28 departmental direction will be provided in writing.
29

30 **Overtime**

31
32 Public Law 106-558 does not apply to personnel involved in hurricanes, floods,
33 non-fire FEMA incidents or other all-hazards assignments (Reference Chapter
34 10). Exempt employees of the FS and the DOI have their overtime hourly rate
35 capped at GS-10 Step 1, or their base rate of pay whichever is greater.

1 **Hazard Pay**

2
3 Reference 5 CFR 550 to determine if hazard pay is applicable for general
4 schedule employees. Reference 5 CFR 532 for information on environmental
5 differential for wage grade employees. The specific reason for hazard pay or
6 environmental differential must be listed on the Emergency Firefighter Time
7 Report, OF-288, to assist home units in applying pay regulations.
8

9 **Fair Labor Standards Act**

10
11 Positions on all-hazards incidents that are not identified on the matrix found in
12 Chapter 10 will be determined as exempt or nonexempt on a case-by-case basis
13 by the home unit human resource management representative upon submission
14 of a claim by the individual. Nonexempt individuals retain their nonexempt
15 status regardless of the emergency work performed.
16

17 **Travel**

18
19 Travel is compensable under a Presidential emergency declaration since it results
20 from an event that could not be scheduled or controlled administratively.
21 Provisions outlined in Chapter 10, Travel and Related Waiting Time, apply to
22 Presidential emergency declaration.
23

24 Compensation for travel to other types of all-hazards incidents will be
25 determined by agencies on a case-by-case basis. Contact your agency incident
26 business representative for current direction.
27

28 **ACQUISITION**

29
30 Federal employees responding to all-hazards assignments will follow procedures
31 outlined in Chapter 20 of this handbook and applicable agency regulations.
32

33 **Purchase of Accountable/Sensitive Property**

34
35 Accountable and/or sensitive property purchases should only be made by
36 procurement personnel and must be documented appropriately (Reference
37 Chapter 30). Follow agency specific guidelines as they relate to the purchase of
38 accountable and/or sensitive property. **When assigned to an all-hazards
39 incident, purchase documentation, and transfer of property must follow the
40 tasking agency's procedures.**

1 **PROPERTY MANAGEMENT**

2
3 Federal employees responding to all-hazards assignments will follow procedures
4 outlined in Chapter 30 of this handbook and applicable agency regulations.
5

6 **BUSINESS COORDINATION**

7
8 Federal employees responding to all-hazards assignments will follow procedures
9 outlined in Chapter 40 of this handbook and applicable agency regulations.
10

11 **COOPERATIVE RELATIONS**

12
13 Federal employees responding to all-hazards assignments will follow procedures
14 outlined in Chapter 50 of this handbook and applicable agency regulations.
15

16 **ACCIDENT INVESTIGATION**

17
18 Federal employees responding to all-hazards assignments will follow procedures
19 outlined in Chapter 60 of this handbook and applicable agency regulations.
20

21 **CLAIMS**

22
23 Federal employees responding to all-hazards assignments will follow procedures
24 outlined in Chapter 70 of this handbook and applicable agency regulations.
25

26 **COST ACCOUNTING**

27
28 The primary agency is responsible for providing cost tracking and reporting
29 guidelines to incident management personnel.
30

31 **PROCEDURES FOR REIMBURSEMENT**

- 32
- 33 • The primary agency is tasked by FEMA on a mission assignment. The
34 primary agency can then subtask any needed support agencies to accomplish
35 the mission, e.g., DOI, Department of Commerce.
 - 36 • FEMA reimburses the primary agency upon receipt and examination of
37 eligible, documented costs incurred.
 - 38
 - 39 • Support agencies submit documentation of expenses for reimbursement to
40 the primary agency following agency policy. The primary agency reviews

1 and approves billings by support agencies. The primary agency will notify
2 the support agency in writing when the billing package has been approved.
3 Refer to NRF, Financial Management Annex for direction.
4

5 **Items Eligible for Reimbursement (Reference 44 CFR 206.8)**
6

- 7 • Overtime, travel, and per diem of permanent federal agency personnel.
8
9 • Wages (regular time, overtime and premium pay), travel, and per diem, as
10 appropriate, of temporary federal agency personnel, casuals, or non-federal
11 cooperators assigned solely to perform the services required to execute the
12 NRF or services directed by the FEMA Associate Director or FEMA
13 Regional Director in the major disaster or emergency area designated by the
14 FEMA Regional Director.
15

16 Cost of work, services, and materials procured under contract for the
17 purpose of providing assistance directed by the FEMA Associate Director or
18 the FEMA Regional Director.
19

- 20 • Cost of materials, equipment, and supplies (including transportation, repair,
21 and maintenance) from regular stocks used in providing directed assistance.
22
23 • All costs incurred which are paid from trust, revolving, or other funds, and
24 whose reimbursement is required by law.
25
26 • Other costs submitted by an agency with written justification or otherwise
27 agreed to in writing by the FEMA Associate Director or the FEMA
28 Regional Director and the agency.
29

30 The FEMA will not reimburse agencies for accountable/durable property, e.g.,
31 cache items, and the procuring agency will assume the cost of items not returned.
32

33 The FEMA will consider reimbursement of agency charge card purchases only if
34 the necessary supporting documentation is provided. All charges must be
35 supported by an incident order and request number (resource order number).
36 Agency procedures for establishing reimbursable charge codes should be
37 followed.