

State of Colorado

Emergency Management Assistance Compact

Administrative Plan

Deployment Considerations and Requirements

Implemented October 21, 2016



COLORADO

**Division of Homeland Security
& Emergency Management**

Department of Public Safety

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Executive Summary

The Emergency Management Assistance Compact (EMAC) is a mutual aid agreement between states and territories to provide assistance to each other during emergencies and disasters, and in certain training situations. Nationally, EMAC was adopted by Congress as PL-104-321 in 1996. Colorado adopted the EMAC Articles as C.R.S. § 24-60-2902 in 2001.

EMAC addresses a variety of assistance issues through standardized language across all participating states and territories. Issues addressed include requesting assistance, reimbursement, liability and immunity, compensation – including workers' compensation, and licensing.

EMAC provides an organized structure through which states arrange for the deployment of personnel, equipment, supplies and other resources, and is complimentary to assistance that may be provided by the federal government.

This document provides guidance in estimating costs prior to deployment, seeking reimbursement and general expectations for resources being deployed from the State of Colorado under EMAC.

EMAC Process Overview

The Emergency Management Assistance Compact (EMAC) is a set of articles that outlines responsibilities and protections afforded between states and U.S. territories when providing disaster assistance. The articles have been adopted identically by 49 states, with an alternate solution for the 50th state, to bind all participants to the principles and requirements of EMAC. Colorado adopted the EMAC articles as C.R.S. § 24-60-2902.

The process starts with an emergency or disaster declaration by the Governor of an affected state (also known as the Requesting State). Once the declaration is established, the Requesting State makes known its needs via a Request for Assistance (REQ-A) form to one or more states through a “broadcast” within the EMAC Operations System (EOS). A state that can provide assistance (Assisting State) creates an offer within EOS which outlines available assistance and associated costs.

If an offer is accepted, the Assisting State formalizes the offer with a signature by a representative authorized by the Governor. In turn, the Requesting State also provides a signature by an Authorized Representative, at which point the REQ-A becomes a binding contract between the two states and subject to the provisions of the EMAC Articles. Any changes require an amendment, which must be agreeable to both states and documented as an amended REQ-A in EOS.

It is possible for a REQ-A to be approved verbally by the Authorized Representatives of one or both states, however a signed REQ-A must be put in place within 30 days.

Pre-Deployment Cost Estimates

Because a fully-executed REQ-A is a binding contract between states, it is critical that the Assisting State, in conjunction with Resource Providers, accurately determine costs prior to making an offer to the Requesting State. Complete personnel costs, equipment rates, transportation, and other items must be compiled prior to the offer.

Resource Providers will be required to provide complete receipts from the deployment and other documentation to support all claims for reimbursement.

Once the REQ-A is executed, it is possible for the Assisting State to offer an amendment if costs are underestimated, however the Receiving state is under no obligation to accept the amendment, and may require the Assisting State to adhere to costs as originally estimated.

Changes in costs created by a change in mission (for example, extending the length of a deployment), must be memorialized by a new or amended REQ-A executed by both states in advance.

Remember: Expenses that are not authorized in the REQ-A will not be eligible for reimbursement and will not be paid by Colorado or the Requesting State. Receipts and other supporting documentation are mandatory for all expenses allowed in the REQ-A. Lack of documentation for otherwise-eligible expenses will disqualify those expenses for reimbursement.

Preparing to Estimate Costs

An Assisting State may turn to Resource Providers to provide resources to the Requesting State. It is critical that the Resource Provider consider all of the items below when sending a cost estimate to its state's lead agency, which will compile information from all Resource Providers to create an offer for the Requesting State. High estimates are acceptable – keep in mind that excessive costs may cause the Requesting State to reject the offer in favor of another state's offer for similar resources at a lower rate. It is permissible and expected that actual costs billed will be lower than the estimate. Costs which are not included in the offer are not eligible for reimbursement.

Local and state agencies may, at their discretion, offer resources below their cost, including at no cost. Once a REQ-A is fully executed, costs cannot be increased, however local and state agencies may choose at a later date – prior to billing – to lower or waive cost reimbursement in whole or in part.

In Colorado, the items below should be included in a local cost estimate:

- Personnel – wages and benefits
 - For employees paid hourly – provide hourly and overtime rates
 - Overtime is generally based on the first 40 hours worked during a deployment rather than 8 hours per day.
 - If a local personnel policy provides for overtime calculations that differ from the first 40 hours, provide a copy of the policy and date of adoption.
 - If a non-salary employee, or a salaried employee making less than \$47,476 per year, is approaching the end of a 40-hour work week, the following information must be provided by the Resource Provider. This information will be used to calculate an initial deployment overtime rate to be offered in the REQ-A process:
 - Number of hours that are anticipated to have been worked at the home agency prior to the start of the deployment.
 - Day of the week that the Resource Provider's payroll period resets.
 - Backfill costs are normally not eligible for reimbursement but may be negotiated between the Requesting and Assisting State, and must be documented in the REQ-A. Backfill cannot be added at a later date unless an executed REQ-A amendment is agreed upon by the Requesting and Assisting States, and may be rejected by the Requesting State. Individual states may have laws or guidelines that will not accept backfill costs.
 - For reimbursement, this information should be verifiable through prior payroll reports, employee position descriptions, employment contracts or similar supporting documentation.
 - For employees on salary – provide a day rate (1/22 of monthly salary or 1/10 of bi-weekly salary)
 - Salaried employees are eligible for overtime after 40 hours if their annual salary is less than \$47,476 (or \$913 per week)
 - Benefits and taxes – employer's share

- The following employer’s expenses are eligible for reimbursement and should be included in cost estimates if reimbursement is desired. The employee’s share is not eligible for separate reimbursement since it is covered in the salary reimbursement.
 - Social Security
 - Medicare
 - Worker’s Compensation Insurance
 - Retirement
 - Health Insurance (including dental and vision)
 - Life Insurance
- Equipment
 - Only equipment for which the Requesting State has asked and approved in a signed REQ-A is eligible for cost reimbursement and covered for loss or damage during the deployment. All costs for equipment that was not requested will be borne by the individual and Resource Provider. Loss or damage will not be covered for equipment that was not requested.
 - Eligible costs include:
 - Transportation costs
 - Daily or weekly rental or use rate
 - A Colorado Resource Rate Form (CRRF) rate for agency-owned equipment must be on file with DHSEM.
 - Insurance
 - Pro-rated share of maintenance or refurbishment costs
 - Documentation must be provided to support these costs
- Individual Travel to Colorado’s dispatching point (typically a major Colorado airport)
 - Vehicle mileage (not fuel), based on the State of Colorado’s current mileage rates.
 - Travel by air within the state is also allowable for time-sensitive deployments. Covered costs include:
 - Ground transportation to the closest airport (mileage OR actual cost for taxi, bus or ride-share service)
 - Airfare
 - Baggage Fees
 - Travel from out of state to Colorado’s dispatching point will be evaluated on a case-by-case basis, and may include deducting the original cost of a return trip to the employee’s home agency.
 - Airline ticket change or cancellation fees may be eligible for reimbursement if included in the approved REQ-A, however ALL such changes must be approved in ADVANCE by the DHSEM Logistics Section or they will become ineligible for reimbursement.
 - In-state lodging and per diem while en route to the state’s dispatch point are eligible for reimbursement.
- Deployment Lodging and Meals
 - GSA per diem paid based on the REQ-A agreement will be reimbursed.
 - Track and report all meals provided by the Requesting State.

- Partial per diem will be reimbursed when one or more meals are provided by the Requesting State.
 - No per diem will be reimbursed if all meals are provided.
 - If the Requesting State provides meals, but is unable to accommodate a medically-required dietary restriction, per diem will be reimbursed. Documentation of medically-required dietary restrictions will be required.
- Resource Providers' Vehicles
 - Vehicles deployed to the Requesting State will be reimbursed mileage based upon current GSA rates. This is in addition to the CRRF rate for use of the vehicle.

Reimbursement

The EMAC Operations Manual specifies a tight timeline for the Assisting State to submit reimbursement requests and for the Requesting State to tender full reimbursement to the Assisting State.

The process also provides protection to Resource Providers and their employees to ensure they are reimbursed quickly. Resource Providers **MUST** reimburse employees prior to the Assisting State requesting reimbursement. Likewise, the Assisting State must also reimburse the Resource Provider. Proof of payment is required during each step of the process.

A review and verification of documentation and claims is conducted at every step of the process. EMAC guidance refers to this process as an ‘audit.’ In this document, ‘review’ is used in place of audit, however it should be understood that the terms may be used interchangeably, and the definition of audit under EMAC may differ from its use by accounting professionals.

The timeline, steps and documentation requirements below are used in Colorado. **NOTE:** *The full name and date of birth of the associated responder must be written legibly on every receipt.*

- Supporting documentation for expenses authorized by the REQ-A include:
 - Copies of timesheets
 - Work records such as time sheets that verify hours worked
 - Payroll vouchers/documents
 - Travel expense reports/vouchers
 - For mileage reimbursement, maps showing start and end points, route taken and miles traveled are required. Maps from online services such as Google and Bing are acceptable if they show all required information.
 - Travel policies and procedures
 - Warrants/checks demonstrating proof of payment
 - Receipts or invoices for purchased goods
 - Similar documents evidencing eligible costs incurred as outlined in the REQ-A
- Colorado has a total of 90 days to submit claims to the Requesting State, divided into two 45-day periods.
 - 45 days for the Resource Provider to submit all claims and documentation to DHSEM.
 - 45 days for the state to review Resource Provider claims, request and receive additional necessary documentation, reimburse Resource Providers, and submit the reviewed and approved claim package to the Requesting State.
 - Proof of payment at all levels is required and must be included in the state’s reimbursement claim.
- Deployed personnel must, immediately upon demobilization, submit expense claims to the Resource Provider so the Resource Provider can meet the 45-day requirement.
 - Documentation should include all receipts, airline ticket stubs, hotel folios, time sheets, equipment logs and any other materials supporting expenses claimed and which are authorized in the REQ-A. Credit card statements are not acceptable documentation.
 - Documentation must be submitted using the DHSEM-approved forms, which will be emailed to all responders and Resource Providers upon demobilization.
- The Resource Provider has 45 days to compile, review and submit all documentation from all deployed personnel. Examples of necessary documentation are listed above.

- Documentation must be submitted using the DHSEM-approved forms, which will be emailed to all responders and Resource Providers upon demobilization.
- Colorado will review reimbursement packets received from Resource Providers and issue a response to Resource Providers within 14 additional days.
 - At the Resource Providers' discretion, they MAY choose to delay payment to deployed staff until the state's review is complete.
 - If the Resource Provider has exercised an option to delay payments, such payments must be made once the state's review is complete and approved, and the Resource Provider must forward proof of payment to the state within 7 days of the completion of the review.
 - The state will start an expedited reimbursement process to the Resource Providers once a review is complete AND proof of payment to deployed staff and for all other claimed expenses has been received.
- The state submits a single reimbursement packet to the Requesting State by the conclusion of its 45-day period.
 - Any reimbursement requests from deployed personnel or Resource Providers that do not meet these deadlines may not be reimbursed or may be significantly delayed by the time required to negotiate with the Requesting State for an exception to the reimbursement timeline.

Ineligible Reimbursable Costs

From the EMAC Operations Manual:

EMAC was intended to provide reimbursement of actual costs incurred during the execution of valid EMAC missions. All expenses incurred as described in the REQ-A (and amended REQ-A, if applicable) are eligible for reimbursement. Any costs not agreed to in the REQ-A or in a REQ-A amendment are not eligible for reimbursement.

Such ineligible costs typically include the following:

1. Administrative costs associated with pre-deployment, response, and post-deployment functions or other costs incurred by Assisting States in responding to EMAC requests, unless otherwise mutually agreed upon by each party state and stipulated in the REQ-A.
2. Costs for alcohol, tobacco, toiletries, and similar items.
3. Costs incurred by an entity who self-deployed without a valid REQ-A or with prior verbal consent of both the Assisting State and Requesting State EMAC Authorized Representatives but which were not followed up within 30 days by a written REQ-A.
4. Costs for items not specified in the REQ-A unless otherwise deemed justifiable by the Requesting State at a later date and supported by an amendment to the REQ-A or submission of valid supporting documentation in the reimbursement package that is accepted by the Requesting State EMAC Authorized Representative

General EMAC Considerations

EMAC is a state-to-state contracting process during disasters and emergencies, and is based upon the concept of providing assistance and relief to impacted communities and citizens. EMAC is not intended to be profit-generating – deployments, to the greatest extent possible, shall be cost-neutral and non-revenue generating to individuals (aside from regular salary), Resource Providers and the Assisting State. Documented costs, properly included in the REQ-A process, are eligible for reimbursement. Costs not included in the REQ-A due to oversight of the employee or employee's agency are not eligible for reimbursement unless the Requesting and Assisting States agree to an amendment. Cost overruns or errors in items included in the REQ-A must be brought to the attention of the Assisting State prior to the conclusion of the deployment, but may not be covered unless the Requesting and Assisting States reach an agreement and execute an amended REQ-A.

EMAC is a time-sensitive process for ordering needed resources. A Requesting State will give consideration to lower cost, faster response, or both. High estimates from Resource Providers via the Assisting State are acceptable, however excessive costs may result in the Requesting State choosing another source or cancelling the request completely.

Additional considerations:

- Management and administration costs for processing reimbursement activities can be estimated for the pre-deployment REQ-A negotiation and subsequent acceptance by the Requesting State, and must be fully documented, including an invoice detailing all costs, in order to be eligible for reimbursement. The Requesting State may reject management and administrative costs, or reject the entire offer.
- Receipts are REQUIRED for ALL expenses.
 - This includes meals not provided by the Requesting State – some states require receipts even if per diem is paid.
 - Credit card statements are NOT acceptable. Receipts and line-item invoices with supporting documentation must be provided.
 - The Commodities category of the REQ-A are not exempt from the receipt requirement.
- Any supplies, equipment, personnel or other resource not requested (or accepted if offered) by the Requesting State will not be eligible for reimbursement.
 - If you believe you need specialized equipment that is not part of the request, it must be pre-approved by the Requesting State, and all costs – including transportation – must be accepted by the Requesting State prior to departure and finalizing the contract.
 - Anything the Requesting State has not agreed to in advance of the deployment cannot be claimed for reimbursement following demobilization.
- Changes cannot be made to any arrangements without prior approval of Colorado's EMAC representative in the State EOC. This includes travel, accommodation, vehicle rental and other arrangements, and also includes work locations and assignments within the Requesting State.
- Deploying personnel must obtain an identification/credential card compatible with the state's credential system. The identification/credential card may be issued by a Resource Provider's satellite system connected to the state system, or may be issued by the Logistics Section within the Colorado Division of Homeland Security and Emergency Management, Office of Emergency Management.

- Deployed resources are expected to submit a daily status summary.
 - Summary may be submitted by an individual, team lead, or Colorado Advance Team (A-Team) member on behalf of deployed resources.
 - Summary should be submitted at the end of each day's shift.
 - WebEOC (<https://webeoc.colorado.gov/eoc7/>) should be used if accessible. Email to Colorado's Logistics Section is an acceptable alternative if access to WebEOC is unavailable.
 - The summary report is in addition to any required reporting in the EMAC Operations System (EOS).
 - The report should include the following information at minimum
 - Date and time of report
 - Overall Situation: (What is going on during this incident? How many jurisdictions are impacted, 24-28 hour weather forecast, damage / destruction, etc.)
 - What is the Colorado Team doing?
 - When are Team members scheduled to return to Colorado?
 - Any Team member illnesses or injuries?
 - Any problems that we need to be aware of and possibility fix?
 - Are there any potential future changes in assignments or locations?
 - Are there any potential future changes in accommodations or needs?
 - Any items from this incident we need to let the state emergency management community know about? (Lessons learned.)
- Deployed personnel, once demobilized from a Requesting State, are expected to provide a summary report of activities, successes, and lessons learned to Colorado's Training and Exercise Section within 30 days of the conclusion of the deployment.
 - This may be a written report submitted on behalf of a team of deployed personnel or individual reports.
 - The state may facilitate a meeting, call or other method in lieu of a written report.
 - The purpose of the report is to generate an understanding of areas that worked well and should be continued as well as issues for resolution or mitigation for future deployments.
- Equipment and supplies purchased during a deployment are the property of the entity that will ultimately pay for such equipment or supplies. If the Requesting State provides reimbursement for equipment or supplies, the Requesting State shall retain ownership of the items and decide upon ultimate disposition.
- Responders are not authorized to speak to the media regarding EMAC deployments without advanced coordination and approval. Media interviews within the Requesting State must be coordinated with the Requesting State's Public Information Officer or other designated official or staff. Media interviews within Colorado relating to EMAC deployments must be coordinated and approved with the DHSEM Strategic Communications Director. Posting to social media accounts, whether agency or personal, regarding any aspect of the deployment must adhere to these same authorization requirements.

Glossary of Terms

Assisting State – A state (or U.S. territory) which is offering assistance, such as personnel or equipment.

A-Team – EMAC Advance Team. Two or more personnel present at the Receiving State specifically to coordinate EMAC resource requests and deployments. Typically serves at the Receiving State’s EOC.

CRRF – Colorado Resource Rate Form. Documents equipment costs and description for deployments.

C.R.S. – Colorado Revised Statutes (as amended).

DHSEM – Colorado Division of Homeland Security and Emergency Management.

Eligible Costs – Costs included in the fully executed (signed) REQ-A that will be reimbursed when an audited and approved claim is submitted.

EMAC – Emergency Management Assistance Compact.

EOC – Emergency Operations Center.

EOS – EMAC Operations System. An online tool used to manage and record requests, offers and executed REQ-As.

GSA – General Services Administration (federal agency).

REQ-A – Request for Assistance: a form used to make and accept offers of assistance between states. A fully executed (signed) REQ-A becomes a binding contract between states and is governed by the EMAC articles.

Requesting State – A state (or U.S. territory) which has experienced a disaster or emergency and has asked other states for assistance, such as personnel or equipment.

Resource Provider – A state or local agency of the Assisting State providing resources to the Requesting State.

NOTE: This information and guidance is for EMAC deployments from Colorado, and subject to revision. Deployments that start while this version of the Administrative Plan is in place shall remain subject to this guidance through the conclusion of the reimbursement process, however substantial errors shall be subject to correction.

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