

Title: Adjutant General's Department, Kansas Division of Emergency Management Policy #0100108  
Mutual Aid Agreement and Direct State Assistance Reimbursement (including Local Incident Management Teams)

Date: January 2, 2008

A. Purpose

This policy specifies criteria by which the Adjutant General's Department, Division of Emergency Management (KDEM) will recognize the eligibility of costs incurred through mutual aid agreements and reimbursement when Direct State Assistance and Local Incident Management Teams are provided.

B. Scope and Audience

This policy is applicable to all local, state, and emergency and major disasters declared on or after the date of this policy. This policy is intended for requesting entities and providing entities to respond to requests for resources.

C. Authority

This policy applies to Mutual Aid and Direct State Assistance under Sections 48-12-16, 117 48-948 through 958 of the Kansas Statutes Annotated (KSA).

D. Background

1. Many local and county governments and private nonprofit organizations enter into mutual aid agreements to provide emergency assistance to each other in the event of disasters or emergencies.
  - a. These agreements often are written, but occasionally are arranged verbally after a disaster or emergency occurs.
  - b. This policy applies to both written and verbal mutual aid agreements and the eligibility of costs.

2. The National Incident Management System (NIMS) maintains that states should participate in these agreements and should look to establish intrastate agreements that encompass all local jurisdictions.
  - a. The Incident Management Systems Division of the United States Department of Homeland Security (DHS) will be responsible for developing a national system of standards and guidelines as described in the NIMS as well as the preparation of guidance to assist agencies in implementing the system.
  - b. This policy supports the NIMS by establishing standard criteria for determining the eligibility of costs incurred through mutual aid agreements.

E. Policy

1. Terms Used in this Policy

- a. Governors Declaration of a State of Disaster Emergency (also referred to as Governor's Declaration): Authorized by KSA 48-924, a condition proclaimed by the Governor when, in her/his judgment, the actual occurrence or threat of a disaster in any part of the state is of such magnitude to warrant disaster assistance by the State to supplement the efforts and available resources of the several localities and relief organizations in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.
- b. State of Local Disaster Emergency: Authorized by KSA 48-932, a condition declared by the Chairman of the Board of County Commissioners or by other principal city executive officer of any city upon finding that a disaster has occurred or the threat thereof is imminent within their jurisdiction.
- c. Kansas Division of Emergency Management (KDEM): A division of the Kansas Adjutant Generals Department, KSA 48-905(a).
- d. Local Incident Management Team: Trained, multi-discipline, multi-jurisdictional all-hazards resources to provide local governments and incident commanders with assistance in command, control, and incident management functions. Each member of the team represents expertise in their career fields and is role-specific trained in the Incident Command System (ICS). A Local Incident Management Team (IMT) is a resource of Direct State Assistance.

- e. Incident Command System (ICS): A standardized, on-scene emergency management construct specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating with a common organizational structure, designed to aid in the management of resources during incidents. ICS is used for all kinds of emergencies and is applicable to small as well as large and complex incidents. ICS is used by various jurisdictions and functional agencies, both public and private, or organized field-level incident management operations.
- f. Incident Commander (IC): The individual responsible for all incident activities, including the development of strategies and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.
- g. Direct State Assistance: The Adjutant General's Department, Division of Emergency Management (KDEM) will provide Direct State Assistance through a mission assignment to another volunteer, local, county, or state agency upon the request of county when the local government lacks the capability to perform or contract for the requested work or to provide emergency assistance necessary to save lives and to protect property, public health, and safety. A Local Incident Management Team (IMT) is a resource of Direct State Assistance.
- h. Requesting Entity. A political subdivision that requests mutual aid assistance for emergency work resulting from a declared fire, emergency or major disaster within its legal jurisdiction.
- i. Providing Entity. The political subdivision providing mutual aid assistance to a Requesting Entity pursuant to a local or statewide mutual aid agreement.
- j. Mission Assignment: A work order issued to a volunteer, local, county or state agency by KDEM directing completion by that agency of a specified task and citing funding, other managerial controls, and guidance.

- k. Mutual Aid Agreement: Written agreement between agencies, organizations, and/or jurisdictions that they will assist one another on request by furnishing personnel, equipment, and/or expertise in a specified manner.
  
- l. National Incident Management System (NIMS): A system mandated by HSPD-5 and Kansas Governor Executive Order 05-03 that provides a consistent, nationwide approach for Federal, State, local, and tribal governments; the private sector; and non-governmental organization (NGO) to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. To provide for interoperability and compatibility among Federal, State, local, and tribal capabilities, the NIMS includes a core set of concepts, principles, and terminology. HSPD-5 identifies these as the ICS; multi-agency coordination systems; training; identification and management of resources (including systems for classifying types of resources); qualification and certification; and the collection, tracking, and reporting of incident information and incident resources.
  
- m. Resources: Personnel and major items of equipment, supplies, and facilities available or potentially available for assignment to incident operations and for which status is maintained. Resources are described by kind and type and may be used in operational support or supervisory capacities at an incident or at an EOC.
  
- n. Declared Emergency or Major Disaster (also referred to as a Presidential Declaration): An emergency or major disaster as defined at 44 CFR § 206.2 (a) (9) and (17), respectively.
  
- o. Response: The onset of an emergency creates a need for time-sensitive actions to save lives and property as well as for action to begin stabilizing the situation. Such response actions include notifying emergency management personnel, warning and evacuation, sheltering, public information, search and rescue of individuals, providing emergency medical treatment, and maintaining the rule of law.
  
- p. Recovery: Recovery is the effort to restore infrastructure and the social and economic life of a community to normal.
  
- q. Short-term recovery: bringing necessary lifeline systems (power, communication, water, sewage, etc.) up to an

acceptable standard while providing for basic human needs (food, clothing, shelter) and ensuring that the societal needs of individuals are met (behavioral health, rule of law, etc.)

- r. Long-term Recovery: Once some stability is achieved after the response phase of an incident, efforts can begin to restore economic activity and rebuild community facilities and family housing.
- s. Incident Management Systems Integration Division: established by the Secretary of Homeland Security to provide strategic direction for and oversight of the National Incident Management System (NIMS). The Center oversees all aspects of NIMS including the development of compliance criteria and implementation activities at federal, state and local levels.

## 2. Mutual Aid Agreements

- a.. When a pre-event written agreement exists between a Requesting Entity and a Providing Entity, the Providing Entity may be reimbursed by the Requesting Entity
- b. When the parties do not have a pre-event written mutual aid agreement, or where a written pre-event agreement is silent on reimbursement, the Requesting and Providing Entities may verbally agree on the type and extent of mutual aid resources to be provided in the current event, and on the terms, conditions, and costs of such assistance.
- c. Post-event verbal agreements (although rare) must be documented in writing within 30 days of the date of the response and executed by an official of each entity with authority to request and provide assistance.
- d. The agreement should be consistent with past practices for mutual-aid between the parties.

## 3. Direct State Assistance (including Local Incident Management Teams)

- a. In any Governor's declaration, the Kansas Division of Emergency Management (KDEM) may direct any state agency to utilize its authorities and the resources granted to it under state law, including personnel, equipment, supplies,

facilities, and managerial, technical, and advisory services, to support local assistance efforts. (KSA 48-924)

- b. Historically, Direct State Assistance is provided during the response phase of a disaster to prevent further damage or to eliminate the threat to public health and safety.

Examples include: search and rescue, emergency communications, generators for critical care facilities, and debris removal which obstructs passage of emergency vehicles and access to critical facilities.

- c. Typically, it does not include removing debris from private property or from streets during the recovery phase. However, through Direct State Assistance, technical assistance can be provided to a Requesting Entity to estimate the amount of debris and assist in securing local debris removal contractors.
- d. In some instances, state agencies may not possess the equipment or specialized personnel to provide Requesting Entities with resources. If this occurs, KDEM may assign a Mission Assignment to volunteer, local and county government entities.
- e. Expenditures eligible for reimbursement include regular time, overtime, travel, and per diem for a paid government employee. Reimbursements will be in accordance with the Providing Entities policy for wages, per diem, travel, etc.
- f. Expenditures for volunteers include only per diem, lodging, and travel based on established state rates.
- g.. Eligible cost of materials, equipment and supplies will be reimbursed using the Federal Emergency Management Agency (FEMA) current Equipment Rates established for the Public Assistance Program and/or actual receipts.
- h. Other costs submitted by an agency must be agreed to in writing by KDEM prior to request for reimbursement.
- i. When a Requesting Entity identifies a need for a Local Incident Management Team (IMT), an advanced team will receive a mission assignment from KDEM and be deployed to the scene to conduct an operational assessment.

- (1) Local Incident Management Teams (IMTs) will be fully self-sustaining, without drawing on local resources from the Requesting Entity for the first seventy-two (72) hours of any deployment.
  - (2) Expenditures eligible for reimbursement include overtime, travel, and per diem for a paid government employee.
  - (3) In the event an IMT member is deployed for more than seven days from their employer, the state will also provide reimbursement of regular wages beginning on the eighth day. (Consecutive days are not required.)
  - (4) Mileage reimbursement and generator fuel is eligible when a command vehicle is deployed with the IMT. Fuel expenses will be reimbursed from actual receipts.
- j. All other reimbursements will be in accordance with the Providing Entities policy for wages, per diem, travel, etc.
- k. Reimbursement requests shall cite the specific mission assignment under which the work was performed.
- (1) Requests for reimbursement of costs incurred under more than one mission assignment may not be combined for billing purposes.
  - (2) Reimbursement procedures will be furnished to Providing Entities by KDEM within 30 days of their mission assignment
- l. In the event of a presidential declaration and appropriate, it is incumbent upon the state agency mission assigned by KDEM to request reimbursement for overtime, per diem, travel, and lodging from the State's emergency fund.
- m. Reimbursement requests shall cite the specific mission assignment under which the work was performed.
- n. Requests for reimbursement of costs incurred under more than one mission assignment may not be combined for billing purposes.

Signed: \_\_\_\_\_



Major General Tod M. Bunting, The Adjutant General