

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Office of Fire and Aviation
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Boise, Idaho 83705-5354

August 4, 2006

In Reply Refer To:
1340 (FA-107) I

EMS Transmission 08/04/06
Instruction Memorandum No. FA IM-2006-036
Expires: 09/30/07

To: All Field Offices
From: Director, Office of Fire and Aviation
Subject: All Hazard Incidents - Emergency Support Function No. 4 (Firefighting)

Program Area: Non-Fire Emergency

Purpose: The purpose of this instruction memorandum (IM) is to provide administrative direction (Base 8, overtime, accountable property, charge card purchases and documentation) to Bureau of Land Management (BLM) employees assigned to all hazard incidents in support of the National Response Plan (NRP) Emergency Support Function No. 4 (ESF No. 4).

This IM does not apply to other Emergency Support Functions and to those employees deployed directly to the Federal Emergency Management Agency (FEMA).

Policy/Action: The following instructions and guidance apply to BLM employees deployed under ESF No. 4.

State Point of Contact (POC) – Each State has designated a State Point of Contact (see Attachment 1). The role of the State POC is significant to the facilitation and submission of proper documentation to Budget & Evaluation (FA-107) for billing to FEMA. The roles and responsibilities of the State POC are outlined in Attachment 2.

Coding Base 8 and Overtime – The FEMA policy will not reimburse agencies for base hours for employees who are normally working at the time of the incident. This includes all permanent full time (PFT) employees and may include some career seasonal and temporary employees (depending on their normal period of funding).

- The BLM employees who are normally working at the time of the incident and are assigned to or in support of ESF No. 4 will code base hours to their home office and program.

- The BLM career seasonal employees who are extended beyond their normal period of funding in support of ESF No. 4 will code base hours to the appropriate reimbursable code (see your State POC for appropriate reimbursable code). **State offices, field offices and dispatch centers are required to provide names of these employees and the normal period of funding to the State POC; to substantiate base hours for reimbursement as it occurs. Failure to do so will result in hours being charged back to the home office or program.**
- All employees will code overtime, premium pay and travel expenses to the appropriate reimbursable code identified on the resource order (i.e. FA-340-2830-NY-xxxx).

The overtime provisions of Public Law 106-558 (Wildland Fire Overtime) apply only to those assigned to emergency wildland fire activities whose overtime work is exempt from coverage under the Fair Labor Standards Act (FLSA). **This provision does not apply to employees dispatched in support of all hazard incidents (hurricanes, floods, earthquakes, oil spills, and other emergencies). Do not use time and attendance (T&A) hours code 113 for any all hazard incident.** Use regular overtime codes (110, 121, 120, etc.) when recording overtime.

Exempt employees assigned in support of ESF No. 4 and assigned to a nonexempt position for more than 20 percent of their work hours in any weekly tour of duty, are entitled to be paid under the Fair Labor Standards Act, 5 CFR 551.208 (d). Incident position titles shall be indicated on the Emergency Firefighter Time Report, OF-288, to assist home units in documenting nonexempt status for pay purposes. Reference the *Interagency Incident Business Management Handbook* (IIBMH), Chapter 10, Section 12.11a and the Office of Fire and Aviation (OF&A) IM No. 2004-022, Emergency Incident Related Payroll Operations. Nonexempt individuals retain their nonexempt status regardless of the emergency work performed.

Hazard Pay - Refer to the Code of Federal Regulations (CFR), Title 5, Chapter 1, Part 550 to determine if hazard pay is applicable for general schedule employees. Refer to CFR, Title 5, Chapter 1, Part 532 for information on environmental differential for wage grade employees.

The reason for hazard pay/environmental differential should be indicated on the OF-288 to assist home units in applying pay regulations.

Biweekly Maximum Earnings Limitation - All employees working on or in support of all non-wildland fire incidents or activities are subject to the biweekly maximum earnings limitation. In certain circumstances, the Department of the Interior (DOI) may waive the limitation upon request from the Bureau. The Director, OF&A has been authorized to: (a) determine emergency situations for the purpose of lifting the biweekly maximum earnings limitation; (b) determine emergency situations for FLSA purposes; and (c) coordinate the application of these new authorities with the Bureau of Indian Affairs, U.S. Fish & Wildlife Service, the National Park Service and the US Department of Agriculture, Forest Service. When the biweekly limitation is waived, written direction will be issued from the Director, OF&A. In such situations, the annual maximum earnings limitation remains in place.

The annual maximum earnings limitation rule limits an employee's basic and premium pay to the annual salary of the greater of the maximum step of a GS-15 grade level, including locality and/or special salary rate pay or level V of the Executive Schedule (5 CFR 550.106(c)(1)).

Emergency Workers (Casuals/Administratively Determined (AD)) – To assist with ESF No. 4 support, the BLM is authorized to utilize, hire and pay emergency workers (casuals/ADs) in accordance with the 2006 AD Pay Plan for Emergency Workers. All casual time and travel will be charged to the reimbursable project code assigned to the mission assignment on the resource order. Please reference FA IM 2006-023 when hiring casuals and FA IM 2006-031 for payment procedures.

Work/Rest, Length of Assignment, and Days Off – The BLM personnel assigned in support of ESF No. 4 will follow direction in the Interagency Incident Business Management Handbook, Chapter 10, Section 12.7 for Work/Rest, Length of Assignment, and Days Off requirements.

Accountable Property – All accountable/durable property such as tents, sleeping bags, cots, chaps, Nomex, flight suits/helmets, lighting kits, ridge poles, chainsaws, radios, radio kits, generators, pumps, etc. must be returned through the normal return process to the servicing incident support cache. **The FEMA will not reimburse BLM for accountable property, therefore the home unit will be charged for items not returned.**

Charge Card Purchases – The FEMA will *consider* charge card reimbursement only if the necessary supporting documentation is provided. All charges must be supported by an incident order, request number (resource order number), and valid legible receipt copy. **The default code for charge cards must not be changed in EAGLS to the reimbursable charge code.**

Charge card adjustments for all hazard incident charges will be made by the home organization (State, Field Office, District Office). In order to pull the information needed from the Management Information System (MIS), the following format is **required** on the description line in CARD Table in the Federal Financial System (FFS): Home office code, 1st four letters of the last name, and the request number as indicated on the resource order in block 12 (e.g. a supply order would read AK340 HARP S140 or for overhead, AZ140 JONE O235).

Field Offices must ensure that individuals who have made charges on their government charge card in support of an all hazard incident forward copies of their signed/approved credit card statements along with copies of supporting receipts/documentation **to the assigned State POC within five days of card adjustment in FFS (reference BLM Charge Card Manual, Release 1512)**. When adjusting the default charge code on the credit card, please ensure the associated airfare agent fee is also adjusted.

Documentation

In order for BLM to receive reimbursement, FEMA requires all documentation charged to the incident be included in the billing. Attachment 3 is a checklist designed to assist the employee in providing the required documentation needed for billing purposes.

The following documentation must be forwarded to your State POC as applicable:

- Resource order
- All receipts (100%) to include those not required in the Federal Travel Regulations
- List of names of employees who are not on a resource order but were in support of ESF No. 4
- List of names and normal period of funding of BLM career seasonal employees extended in support of ESF No. 4. Failure to do so will result in hours being charged back to the home office or program
- Copies of Credit Card statements. **Statements must be signed by the individual and their supervisor. Statements must reflect the appropriate charge code, budget object class (BOC), a brief description of charges and legible copies of all receipts associated with the incident**
- Contractual documents (contracts, purchase orders, blanket purchase agreements, etc)
- Government Bill of Lading (GBL)

The State POC will submit the requested documentation to FA107 in an expedient manner. **Costs not supported by proper documentation will be billed back to the home unit.**

The FEMA may require additional clarification on documents previously submitted. The National Office will work with the State POC as needed for clarification or further documentation.

Please do not forward:

- Copies of CARD table or a printout of EAGLS in lieu of the credit card statement
- Copies of travel vouchers (travel documents will be provided by the NBC Travel Desk)
- Copies of OF-288's (Emergency Firefighter Time Report)

Time Frame: This IM is effective immediately.

Budget Impact: The total budget impact is unknown, due to ongoing discussions with FEMA regarding reimbursement of costs. However, it could be significant if documentation is not provided in a timely manner. In addition, the workload to compile required documentation is significant.

Background: In a major disaster or emergency as defined in the Stafford Act, the President “may direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts...” (Sections 402 (a)(1) and 502(a)(1) of the Stafford Act, 42 U.S.C. 5170a(1) and 5192(a)(1))

Homeland Security Presidential Directive-5 (HSPD-5) directed the development of a NRP to align Federal coordination structures, capabilities, and resources into a unified, all-discipline, and all-hazards approach to domestic incident management. Under the NRP, the DOI is a Supporting Agency to ESF No. 4, Firefighting. The Primary Agency and Coordinator for ESF No. 4 is the

USDA Forest Service. When ESF No. 4 is activated in support of other ESFs, DOI agencies are sub-tasked by the Forest Service to assist with responsibilities tasked to ESF No. 4. ESF No. 4 uses established firefighting and support organizations, processes and procedures as outlined in the National Mobilization Guide. Because of the unique skills and experiences of the wildland fire agencies, most sub-tasks under ESF No. 4 involve logistical and managerial support to other ESFs. The ultimate goal of the NRP and the ESFs is to save lives, minimize damage, and provide the basis for long-term community recovery and mitigation activities.

Directives Affected: No manuals or handbooks are affected by this IM.

Coordination: This IM is the result of coordination between the USDA Forest Service, FEMA and other DOI agencies.

Offices with a Union: All offices with a union are required to make notification of this action to the union.

Contact: Questions on the FEMA billing process should be referred to Kris King, Budget Technician at 208-387-5357 (primary), or Cindy Callaham, Budget Analyst, at 208-387-5355 (secondary). Policy questions should be referred to Hallie Locklear, National Incident Business Lead at 208-387-5166.

Signed by:
Timothy M. Murphy
Acting Director

Authenticated by:
Pat Lewis
Supervisory Mgmt. Asst.

3 Attachments

- 1 - State Point of Contact List
- 2 - Roles and Responsibilities
- 3 - Employee Checklist

Distribution:

Fire Program Liaison, FA-101, WO
BLM ADs
OF&A Management Team
SFMOs
BC Library
Casual Payment Center for BLM, BIA & FWS
BLM QuickTime Team Room Readers
BLM NCS Procurement
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National Interagency Coordination Center
State Points of Contact