

FLORIDA DIVISION OF EMERGENCY MANAGEMENT
Reimbursement Guidelines for Statewide Mutual Aid Agreement (SMAA) Claims

The Statewide Mutual Aid Agreement (SMAA) supercedes other local mutual aid agreements between governmental units during “major or catastrophic disasters” (evidenced by the Governor’s proclamation of a state of emergency, activation of the State EOC and implementation the State Emergency Plan. The SMAA may also be applicable between participating governmental units in absence of an existing local mutual aid agreement during minor events. Requests for assistance under the SMAA should be through the State EOC by mission assignment. If the mission is directly requested without State EOC Mission Assignment, either the Requester or the Assister should document the mission in the State EOC Tracker before it is closed for the incident. The Assister may claim reimbursement of expenses from the Requester under the SMAA consistent with the reimbursement guidelines of the Federal Emergency Management Agency (FEMA) whether or not a Federal Declaration for disaster relief is applicable. (Note: All State Agencies, all Counties, and all but a few local governments are participants in SMAA. Also, other political subdivisions of the state such as School Districts, Water Management Districts, etc. are also eligible participants). In the event of a Federal Declaration (Disaster, Emergency, or Fire) for an affected area, the SMAA Requesting Parties from within the Declared Area may seek FEMA reimbursement for eligible emergency response costs; including those costs claimed by Assisters. Further guidance for SMAA Assisters for submitting SMAA claims for reimbursement from Requesters is as follows:

1. The Assister (Claimant) should submit claim to the Requestor with a transmittal letter, or a completed SMAA Claim Narrative form, which clearly identifies the Requester, and includes a brief narrative describing:
 - a. The SMAA request including applicable State EOC Mission Number(s);
 - b. The types of employees that responded (police, fire, public works, etc);
 - c. The time frame of SMAA services provided;
 - d. The SMAA services rendered as emergency protective measures for the public safety/health or for protection of improved property;
 - e. The Declared Disaster areas (County or City) in which the SMAA services were provided;
2. A Total Actual Costs Summary (Work Completed To-date) which provides claimed expenses itemized in the following categories as applicable:
 - a. Labor including separate fringe benefits rates for RT and OT pay.
 - b. Equipment at the FEMA Equipment Rates or established Claimant Rates if less that the FEMA Equipment Rate Schedule.
 - c. Materials expended (stock supplies or purchased for the response).
 - d. Contract Services in support of the emergency response.
 - e. Rented Equipment utilized in the emergency response.
 - f. Travel Costs (employee reimbursements, direct paid lodging, meals, misc. expenses).

3. Separate itemized expense summaries for each of the above categories of cost as applicable:
 - a. Labor Summary listing the personnel for regular and overtime hours worked each day, for a total number of hours, for cost to be extended at the appropriate regular time or overtime pay rate. The appropriate fringe benefit rate may be applied to the total regular time and the total overtime costs as per the Fringe Benefit Rate Determination Sheet.
 - b. Equipment Summary listing the various units of claimant-owned equipment for the hours used each day for a total number of hours of use to be extended at the appropriate equipment rate.
 - c. Materials Summary listing the consumed materials and supplies that were consumed by the Claimant in the emergency response operations whether inventory items or items purchased for the emergency at the quantities and unit prices extended for the materials consumed.
 - d. Contract Summary listing each vender/contractor with a description of the services provided.
 - e. Rental Equipment listing showing the rental period and the cost for each piece of rented equipment used in the emergency response.
 - f. Travel Summary that lists travel costs reimbursed to each Claimant employee, or paid directly by the Claimant for transportation, meals, and/or lodging for Claimant personnel or volunteers.
4. Further clarification of costs eligible for FEMA reimbursement are listed as follows:

Labor: Actual costs for Regular Time pay and Overtime Pay is eligible. Backfill costs to maintain required minimum levels of protection for essential services of their own jurisdiction while staff is on mutual aid missions is no longer eligible as per FEMA Policy Directive 9523.6. Firefighter pay for 24-hour days should be limited to actual pay as per pre-established Claimant personnel pay policy. Portal-to-Portal 24-hour pay should not be claimed unless that pay policy or practice has been previously established by the Claimant before the event; and is enforceable by employees. Otherwise, claims for pay should be based on actual regular time and actual overtime hours worked. If a claimant claims 24-hour/day pay, or portal-to-portal pay, but is waiting for reimbursements to pay labor costs without pre-established policy or requirement, then the excess overtime may not be eligible by FEMA/State guidelines. Volunteer firefighter labor costs (per call fees, pay for mutual aid missions, etc.) are reimbursable as per pre-existing pay policies or agreements for actual costs to the Assister.

Benefits: The typical claimed fringe benefits for both regular time and overtime gross pay are the percentages of gross pay for FICA/MICA, retirement, and workers compensation components. Fringe benefits in percentages of gross pay for leave time earned; health, life, and disability insurance costs; and other costs are also eligible as applied to gross regular time pay; but not overtime pay. If the Claimant uses the same fringe benefit percentage for both regular time pay and overtime pay, it should be indicated that they are only claiming the eligible fringe benefits common to both regular time and overtime gross pay (i.e. FICA/MICA, retirement, and workers compensation costs).

Equipment: The National FEMA Equipment Rate Schedule is available at the FEMA's website (<http://www.fema.gov>). Also available, is the State's abbreviated listing of equipment rates for equipment most likely utilized during emergencies on the <http://www.floridapa.org> or <http://www.floridadisasters.org> websites. The appropriate FEMA cost code that matches the described unit of equipment should be listed on the itemized equipment summaries to coincide with the claimed hourly or mileage rate. Mileage rates should be claimed, when listed, for all vehicles that are used primarily for transporting personnel. Hourly rates for pickups are acceptable when they are used for heavy-duty emergency response activities other than personnel transport. Hours of use of equipment should not exceed the actual time that labor is available to operate it. Even if 24-hour pay is eligible as claimed, manned equipment should not be claimed for 24 hours per day unless it is being used by different shifts and this is indicated on the summary forms. Any equipment used for less than four hours a day should be claimed for actual hours of use. Equipment used intermittently all day, or more than four hours a day, can be claimed for hours of personnel actually manning the equipment. Downtime equipment rates should not be claimed. FEMA hourly or mileage rates should not be claimed for equipment on loan from the State or Federal government. However, in lieu of hourly rates, actual operating costs such as fuel and necessary maintenance/repairs can be claimed for this equipment.

Materials: Fuel and routine maintenance costs should not be claimed for equipment use that is being reimbursed at the equipment rates. Any claimed fuel cost should include a notation that the fuel was not used in Claimant-owned equipment for which equipment rate reimbursements are claimed. Fuel provided to others, or used for purposes other than in equipment for which equipment rates are claimed, may be eligible. Materials for claimant-owned equipment repair, for necessary repairs due to extraordinary damages during emergency operations may be separately eligible as per FEMA Directive Policy Number 9525.8. Justifications should be provided, including the circumstances of the damages, with the Claimant's Material Summary that the repairs were necessary due to unavoidable damages, other than routine maintenance, for use of the equipment beyond its intended purpose or design capabilities. Physical or mechanical damages due to necessary off-road use of equipment designed for on-road use; and extra-ordinary damages caused emergency operations in the disaster environment (fire, flood, debris, etc) that are unavoidable and to the extent not covered by insurance; could be examples of eligible repair costs. Materials for repair of damages as a result of traffic accidents or mechanical failure while commuting to and from the disaster area assignments are not separately eligible as such costs are included in the equipment rate allowances and/or by insurance. Eligibility of equipment and supplies that are purchased in order to perform the mission is governed by FEMA Policy Directive 9525.12 which can be found on the www.fema.gov website. In general, those items of equipment and supplies that cost under \$5,000 are eligible to claim. Items of equipment worth more than \$5,000, and residual unused supplies in excess of \$5,000 after the disaster work is completed will require adjustment from eligible acquisition cost

Contract Services: The same justifications for contracted equipment repairs would be necessary as described above in the Materials guidance for repair parts. Contracted services for upgrading of equipment for immediate emergency response service in the disaster may also be eligible to be evaluated on a case-by-case basis. Other contract services that are necessary in the performance of the emergency work may also be eligible upon appropriate justification.

Travel: Lodging, meals, and other necessary travel costs that are reimbursed in employee expense claims or paid directly by the claimant are eligible for SMAA reimbursement. Assisting personnel may have lodging and meals directly provided by others in the Disaster Area. Employee Per Diem should not be claimed for reimbursements when others provided lodging and meals.

Advisory: All emergency response units of SMAA participating parties should obtain copies of the Statewide Mutual Aid Agreement from their governing bodies or their emergency management office and become familiar with its specific terms; in particular, its provisions concerning:

- 1) the applicability and invocation of SMAA;
- 2) the responsibilities of Requesting and Assisting Parties;
- 2) the rendition of assistance;
- 3) the procedures and costs eligible for reimbursement;
- 4) the requirements for documentation;
- 5) protests of SMAA billing and arbitration of disputes under the agreement; and,
- 6) insurance and other general requirements regarding liability, responsibilities, obligations, and availability of State funding under SMAA.

Note: The SMAA claim reimbursement procedure can be expedited if the above guidance is followed. The SMAA Claimant may utilize their own spreadsheets for expense summaries, may use the available forms (Expense Summaries, Narrative Claim Form, on the floridapa.org website or may utilize the FEMA Expense Summary forms on "FEMA.gov website. It is not necessary to attach supporting documentation for the expense summaries such as time sheets, equipment logs, purchase orders, invoices, etc., except when requested. However, supporting documentation, upon which submitted expense summaries are based, should be kept on file by the SMAA Claimant for at least five years.

Submission of Claims: SMAA claims should be submitted directly to the Requesting Party. SMAA claim submissions to the State, as the SMAA Requestor, should be forwarded to the following addresses (e-mail pdf file) until further notice:

For Law Enforcement MA Claims:

Department of Law Enforcement
Attn: Mutual Aid Recovery
PO Box 1489
Tallahassee, FL 32302-1489

For Fire Department MA Claims:

Department of Financial Services
Attn: Mutual Aid Recovery
200 E. Gaines St
Tallahassee, FL 32399-0315

Or to: mutualaidstorms@fdle.state.fl.us esf49@fldfs.com

Note: For the Hurricane Charley, Frances, Ivan, & Jeanne events in 2004, the State is the Requester for State EOC mission assignments involving law enforcement and fire department assisters. The Florida Department of Law Enforcement (FDLE) will be the paying agent for mutual aid claims to the State from law enforcement assisters. The Florida Department of Financial Services (DFS) will be the paying agent for the Fire agency claims to the State. The local Requestors will be paying SMAA claims from law enforcement and fire agency for missions that were directly requested to the assisters without State EOC mission assignment. The local Requestors will be also paying SMAA claims other than for law enforcement and fire services for these events. Due to the flurry of these disasters, the 30-day deadline for submitting claims after completion of the work is extended until further notice.

Hotline Assistance: The State Agency Public Assistance Coordinator (PAC), Charles Bartel, is available to answer Statewide Mutual Aid inquiries at (850) 414-7566; by fax (850) 487-2007; or by e-mail: Charles.Bartel@dca.state.fl.us.