

District Response Task Force Frequently Asked Questions

I believe the fire and rescue piece of the District Response Task Force Initiative replaces or duplicates the Indiana Mutual Aid Response Program (IMARP). Why is this?

This belief is incorrect because IMARP is intended to provide mutual aid immediately through 72 hours. DRTF and the elements thereof are intended to take up to 72 hours to deploy and stay in an affected area between 7 to 14 days. Additionally, if a DRTF is activated by the State, it is reimbursed by the State. IMARP responses are not reimbursed by the state. Finally, IMARP is intended to support or augment the authority having jurisdiction (AHJ). A DRTF and elements thereof is intended to relieve or provide public safety resources to the AHJ when the AHJ cannot provide the needed sufficient public safety services themselves due to devastating circumstances.

Will my agency be provided funding to backfill positions during a state DRTF activation?

Allowable funding reimbursements will be outlined prior to each state activation of a DRTF. Due to incident specific complexities, it would be impossible generically and broadly answer this question before incident specifics are known. However, the Mobile Support Unit guidance outlines the likely and normal means of allowable reimbursements.

Common practice will be to reimburse for what is being activated, therefore, if backfill is required by a jurisdiction to support a DRTF activation, the jurisdiction may have to absorb the half time portion of the time and a half overtime rate to achieve backfill.

Are there ways to mitigate or offset losses caused by the backfill or other economic loss issues?

Yes. Listed below are a few common ways to offset or eliminate financial losses due to a state DRTF activation.

Backfill: Utilize volunteers, part-timers, or personnel which have not accumulated enough hours to be in overtime status to meet backfill needs.

Backfill: Do not backfill when possible. If a position is not required to be backfilled or it does not jeopardize public safety to keep the position vacant for the duration or portion of the DRTF deployment, then do not backfill the position.

Document and charge for equipment use: If a federal disaster declaration has been made and public assistance is approved, apparatus and equipment operational costs may be allowable. With proper documentation, jurisdictions may be reimbursed for equipment costs which would not be provided under normal circumstances.

Charge responsible parties: Other state laws may allow your agency to be reimbursed by property owners, victims (EMS charging healthcare, etc), and businesses in certain situations. When those statutes apply, public safety agencies should first seek payment from those responsible parties. Payment by responsible parties obviates the requirement for reimbursement by IDHS.

What can I do to help resolve backfill and funding issues?

Contact your state legislator. IC 10-14-3-19 (the MSU law) does not currently allow IDHS to reimburse backfill expenses of the employers of MSU members. In order for IDHS to pay for backfill expenses of the responding unit of governments, IC 10-14-3-19 would have to be amended to permit such payments. The IDHS plan to pay the costs of Mobile Support Units is by use of the Emergency Management Contingency Fund, which is authorized under IC 10-14-3-28. That is a very limited fund and it currently only has an annual appropriation of \$221,645.00. In order for IDHS to have adequate funding to fully utilize Mobile Support Units and to pay backfill expenses, the annual appropriation to the Emergency Management Contingency Fund would need to be increased. These legislative proposals would have to be sponsored by locals. IDHS can only sponsor and advocate on behalf of legislative proposals that are authorized by the Governor (and the State Budget Agency.)

Can Volunteer Firefighters participate in District Response Task Forces?

Yes. A member of an Indiana volunteer fire department may serve as a member of a mobile support unit, but the individual's unique employment situation requires special pre-planning and coordination among the member, his or her employer, the VFD Chief and the Mobile Support Unit Commander. The member must deploy with the MSU as a member of his or her volunteer fire department. This requires the member to be directed to do so by the Volunteer Fire Department Chief or designee as an authorized mission of the volunteer fire department. The VFD Chief or designee must certify that the MSU member will be protected by the accident, injury, disease, disability and death benefit insurance policy of the Department mandated by IC 36-8-12-7.

IDHS policy prohibits the member from participating as a member of a MSU in an on-duty status under the member's regular employment. In that status, the member's entitlement to insurance protection provided by the VFD would not be available. Such an arrangement also might impair the member's family's ability to receive statutory death benefits that are paid to the families of firefighters killed in the line of duty.

Volunteer Firefighter Department members may receive a stipend from the State when participating in a Mobile Support Unit. The stipend for volunteer firefighters is \$19.82 per hour for each hour of the individual's duty shift. The shifts for volunteer firefighters during a Mobile Support Unit must be approved by the Mobile Support Unit Commander, after consultation with the Incident Commander and the Executive Director of the Indiana Department of Homeland Security. Hourly pay stipends may

include actual travel time to or from the scene, but shall not include pay for sleep, rest or recreation periods.

It will be the responsibility of the VFD Chief to record all hours for which stipends are to be paid by IDHS to members of the VFD on the Force Account Labor Summary Record. After the payments are made to the individuals, IDHS will provide a 1099 form to each participant who receives \$600.00 or more. It is then the responsibility of the firefighter to report the amounts paid to them as income, whether the individual receives a 1099 or not.

The VFD Chief also will be required to adopt a pay policy under which VFD members will be compensated directly by IDHS for service on a Mobile Support Unit, with the VFD Chief submitting a collective request for the payment of stipends and the reimbursement of travel expenses for all of the firefighters who served as members of the MSU, as if the VFD were an employer. The pay policy must contain the following elements:

1. The department shall establish a written policy applicable to VFD members who desire to serve as a MSU member. The written policy must require that the volunteer have health insurance. The written policy shall require the volunteer to complete the time and labor documentation required for payment of the stipend. Since the payment of the stipend is made directly to the individual, the policy will require each individual to complete the Auditor of the State of Indiana's requirements to be added to the Auditor's VINQ list. As a condition receiving reimbursement for travel expenses from IDHS, the policy shall require the volunteer to complete the documentation required for the payment of reimbursement of travel expenses.
2. The VFD shall also have a written activation protocol that includes call out procedures, authorization procedures for activation, accountability for personnel, and documentation of time and travel expenses. The pay policy and activation protocol shall be in effect prior to a member of the VFD being deployed on a Mobile Support Unit.

How long will it take me or my employer to be reimbursed after a DRTF state deployment?

Employees will be reimbursed by their employers. The time it takes for reimbursement will vary from employer to employer. Employers will be reimbursed by IDHS. The time it takes for employers to be reimbursed will depend upon several factors, but the clock does not begin to run until the employer provides IDHS with a fully documented request for reimbursement with all the forms and information included. A copy should be provided to the MSU commander who should assist both the employer and IDHS with the reimbursement process. The MSU commander examines the reimbursement request, verifies that the employer's request is complete, that it covers all the employees and is for the correct dates. When the MSU commander has recommended payment, the reimbursement request is audited

by the IDHS Accounts Payable Department before it is paid. It is estimated that a reimbursement request will take about 6 weeks to process.

This process will be expedited if each employer is added to the State VINQ list, as an authorized vendor, when the MSU is organized rather than waiting until the employer submits its claim for reimbursement. In order for a new “vendor” to be paid, the Auditor of State requires the vendor to provide the ordering agency with a Federal Taxpayer Identification Number Request Form (W9) and an Authorization for Direct Deposit. This process of entering a new employer into the Auditor’s VINQ list may take several weeks, depending upon how quickly the employer provides the required forms to the agency.

What is the possibility of employer’s worker’s compensation insurance policies denying coverage because a deployment is outside the normal location of work or normal scope of work?

The key to this concern is for the employer of the MSU member to have him or her in a “present and working status,” during the MSU deployment. Under the Mobile Support Unit statute, the Indiana General Assembly clearly intended to ensure the MSU members are covered by their employer’s worker’s compensation insurance policies during the MSU response effort. IC 10-14-3-19 (f) provides that the state may reimburse a political subdivision for: “all payments for death, disability, or injury of an employee incurred in the course of duty while the employee was serving as a member of a mobile support unit.”

IC 10-14-3-19 (g) provides, for an individual of a mobile support unit who is not an employee of the state or a political subdivision, the state may reimburse the individual's employer for “all payments for death, disability or injury of the employee while the employee was on duty as a member of a mobile support unit.”

The statutory plan is for the individual’s employer to carry the employee on the employer’s worker’s compensation policy, for the employer to initially make whatever payments are provided to such an employee and for the state to reimburse the employer for those payments. Since the state is the ultimate bill payer, the insurance carrier has no legitimate reason to deny coverage on the basis of the location of the accident or to raise the employer’s insurance rates, due to any particular claim. Nevertheless, District Task Force leaders need to have this discussion with employers prior to any deployment. The employers need to have this discussion with their insurance carriers. An insurance policy is a contract, and like any other contract, the parties are bound by the written terms of the agreement. Each employer and each insurance carrier needs to study the wording of the applicable worker’s compensation policy to ensure that it does not exclude coverage based on the location of the injury.

The MSU guidance from IDHS is written in such a way as to minimize the possibility that any MSU member will be without health insurance or worker’s compensation coverage during a deployment. That is the reason why unemployed, self employed persons and volunteers are not good candidates to

be a MSU member. Ordinarily, such persons may not have health insurance and will not be covered by anyone's worker's compensation coverage.

Under IC 10-14-3-15(c) a volunteer working as an authorized emergency management worker may be covered by the medical treatment and burial expense provisions of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7). Although the term "volunteer" is not defined in the statute, it is a fair assumption that an unemployed or self employed person who is not paid by anyone for serving in a MSU qualifies as such a "volunteer. Although this statute provides some protection, it does not provide payments for impairment or lost wages due to an injury.

How long will state DRTF activations last?

IDHS intends to limit the period of any individual's term of duty to seven (7) calendar days or less for in-state activations and fourteen (14) calendar days or less for out-of-state deployments. In extreme cases the MSU law allows for deployments for up to 60 days, but this would not be likely.

The core elements and supplementary elements have names which do not appear to be compliant with NIMS. Why?

There are no NIMS standards for DRTF elements. In many cases NIMS typing was used to name and define elements or subcomponents of elements. Other elements which did not have a NIMS parallel were defined by consensus of subject matter experts. Technical rescue elements were defined by the Indiana Fire Chiefs Association Self-Evaluation Guidance.

I think my element should be titled as a Branch not a Group. Why isn't it?

DRTFs can be employed and integrated into operations in several ways. Elements were titled largely on size of the component versus the optimum sizes of organizational echelons. For instance, using a span of control of three responders across the board, the operations section could be as large as 364 responders. This would equate to three Branches of 121 responders each and nine Divisions or Groups of 40 responders each. The Divisions/Groups could consist of 27 teams or task forces of 13 responders each.

By naming your element as a Group, it leaves room to add to your group as you increase span of control.

Mobile Support Unit – Member Issues

Subject	Question	Answer
Tort Liability	If a MSU member causes injury or damage to property, how is he or she protected against personal liability?	<p>The MSU member is considered to be an “Emergency Management Worker” and is protected from tort liability under IC 10-14-3-15. MSU members are protected from individual tort claim liability for any damage done to any person or property for negligent acts while acting in the scope of their duties as a mobile support unit member. If the deployment is outside Indiana, it should be done under an Emergency Management Assistance Compact (EMAC) request for another state. EMAC (IC 10-14-5-6) provides tort claim immunity for acts of negligence. However, willful misconduct, gross negligence or reckless acts are not given this protection. This protection from tort liability equals or exceeds the level of protection these persons ordinarily have.</p>
Worker’s Compensation	What is the possibility of employer’s worker’s compensation insurance policies denying coverage because a deployment is outside the normal location?	<p>The statutory plan is for the individual’s employer to carry the employee on the employer’s worker’s compensation policy, for the employer to initially make whatever payments are provided to such an employee and for the state to reimburse the employer for those payments. Since the state is the ultimate bill payer, the insurance carrier has no legitimate reason to deny coverage on the basis of the location of the accident or to raise the employer’s insurance rates, due to any particular claim. Nevertheless, District Task Force leaders need to have this discussion with employers prior to any</p>

		<p>deployment. The employers need to have this discussion with their insurance carriers. An insurance policy is a contract, and like any other contract, the parties are bound by the written terms of the agreement. Each employer and each insurance carrier needs to study the wording of the applicable worker's compensation policy to ensure that it does not exclude coverage based on the location of the injury.</p>
<p>Death Benefits</p>	<p>Does the State provide life insurance or disability insurance to MSU members?</p>	<p>MSU members who are not state employees are not covered by any state life insurance or disability insurance program or policy. The MSU statute does provide for the state to reimburse the expenses an employer incurs in providing these benefits to an employee who is killed or disabled in an accident while serving as an MSU member. Since MSU members deploy in their ordinary employment status, their employer provided death benefits and eligibility for any state or federal line of duty death benefits should not change.</p>
<p>Health Insurance</p>	<p>Does the state provide health insurance to MSU members? Who pays if the member becomes ill during an MSU deployment?</p>	<p>MSU members should have health insurance from their employers in order to have a way to pay for medical care for any illness occurring while on this deployment. MSU members who are not state employees and are not covered by any state health insurance program or policy.</p>

<p>Employment Status of MSU members</p>	<p>What is the proper employment status of a MSU member? Is it permissible for the MSU member to be in a vacation or leave without pay status?</p>	<p>The key to the protection of the member and to the reimbursement of the employer for expenses is for the employer of the MSU member to have him or her in a “present and working status,” during the MSU deployment. Under the Mobile Support Unit statute, the Indiana General Assembly clearly intended to ensure the MSU members are compensated by their employers, have their expenses paid by their employers and to be covered by their employer’s health insurance and worker’s compensation insurance policies during the MSU response effort. The state then reimburses the employer for its costs.</p>
<p>Travel Costs</p>	<p>How does an MSU member get reimbursed for travel costs?</p>	<p>The State’s Travel Voucher form will be used to record both employee and employer claims for travel costs of MSU members. The Travel Voucher must be supported with copies of paid receipts for air fare, ground transportation, parking, mileage for personal vehicles, and lodging. IDHS will not require receipts for meals. All other receipts must be attached. Meal costs will be reimbursed at the current Per Diem rate used by the State of Indiana to reimburse for the reasonable and necessary cost of meals. Per Diem for meals or lodging cannot be reimbursed for those expenses or nights of lodging which were provided without cost to Mobile Support Unit members by IDHS, FEMA or other entities.</p>