Washington State
Military Department

Department Policy No. HR-216-04

Subject:	Disaster Reservist Program
Former Number:	03-801-04
Authorizing Source:	RCW 41.48.140, Federal Social Security for Public Employees, Establishment of sick leave rules by personnel authorities State Administrative Accounting Manual (SAAM), Chapter 10, Travel Regulations Military Department, Financial Services Policy 02-002-02, Travel
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Approved By:	Timothy J. Lowenberg, Major General The Adjutant General Washington Military Department Director

Purpose

Provide structure and guidance for the utilization and training of Disaster Reservists supporting disaster and emergencies covered by a Gubernatorial, Presidential and/or Stafford Act declaration.

Applicability

This policy applies to all Washington Military Department's (WMD) Disaster Reservists serving to meet the state's response and/or recovery efforts, before, during, and after emergencies or disasters.

Policy

Permanent staffing levels during emergency/disaster recovery operations are insufficient to support extended operations following major disasters and covered events. The Disaster Reservists program provides additional flexibility in meeting the unique staffing needs associated with emergency work required during and in support of Gubernatorial, Presidential and/or Stafford Act declarations.

The WMD's Disaster Reservist Program is a specialized 'at-will' exempt employment program managed by the WMD to provide flexible staffing options in support of Gubernatorial, Presidential and/or Stafford Act declarations. The primary focus of this program is to ensure the availability of trained personnel essential to the state's ability to respond to and recover from emergencies, disasters and other events covered by the Stafford Act. Disaster Reservists are normally activated for training, emergency work and required staffing in support of covered events.

1. **Appointments**

   A. The WMD Director/The Adjutant General (TAG) is the Appointing Authority. All appointment requests to hire, promote and/or withdrawal Disaster Reservists must be approved by the Appointing authority or designee.

   B. If a Governor's Proclamation of Emergency exists, but a Presidential Disaster Declaration has not been approved, the Emergency Management Division (EMD) Director has designated authority to approve appointments of Disaster Reservists.

   C. If a Presidential Disaster Declaration or Emergency Declaration exists, the EMD Director and State Coordinating Officer have designated authority to appoint Disaster Reservists.

2. **Employment**

   A. Disaster Reservists are 'at-will' exempt employees that have no contractual employment rights and serve at the pleasure of the WMD Director/TAG. They are not covered under the provisions of Revised Code of Washington 41.06, Washington Administrative Code 357 or any Collective Bargaining Agreement.

   B. As employees of the Department, Disaster Reservists will comply with all applicable state and departmental policies and procedures.

   C. The number of hours worked by Disaster Reservists must comply with state regulations.

3. **Work Schedules**

   A. The workweek begins at Monday 12:00 a.m. and ends Sunday at 11:59 p.m. unless otherwise documented and approved.

   B. Program Managers will develop work schedules based on program needs and requirements.

C. Disaster Reservists may serve in an operational capacity in the state Emergency Operations Center, Disaster Field Offices, Emergency Management Assistance Compact (EMAC) deployments, and/or command posts during emergencies and disasters that may include shift work and other than day shift hours.

4. **Active/Inactive/Withdrawn Status**

A. The EMD Director or designee has the authority to activate or inactivate Disaster Reservists based on program needs.

B. Activate. Disaster Reservists are normally activated for training, emergency work and required staffing in support of covered events.

C. Inactivate. Disaster Reservists are placed in inactive status when there is insufficient program work, they are not expected to return to work for at least 45 calendar days, and/or they have not worked for 45 calendar days.

D. Withdrawn. Disaster Reservists can be withdrawn from the Reservist pool, for any reason, when they are not expected to be activated again. Disaster Reservists placed in a withdrawn status must submit a new state application to be reconsidered for the program.

5. **Compensation**

A. Wage Schedules

i. The Human Resource Director or designee shall maintain the WMD Disaster Reservist wage schedules.

ii. The Appointing Authority shall review and approve the WMD Disaster Reservist wage schedules.

iii. Disaster Reservists are not entitled to the State Civil Service COLA increases.

iv. The appropriate Program Manager or designee shall review Federal Emergency Management Agency (FEMA) Reservists' wage adjustments and make recommendations for WMD Disaster Reservist wage schedule adjustments based on comparability with FEMA adjustments/wages, recruitment, retention, and State financial conditions/resources.

v. The Appointing Authority reviews and approves/disapproves all recommended wage adjustments to WMD Disaster Reservist wage schedules.

B. Overtime

i. Fair Labor and Standards Act (FLSA) overtime eligible Disaster Reservists will be compensated for overtime at a rate of base pay at time and a half.

ii. FLSA overtime exempt Disaster Reservists will be compensated for overtime at a rate of base salary plus $10.00 an hour.

iii. Disaster Reservists receive overtime compensation for hours worked in excess of 40 hours in a workweek.

iv. Programs will be managed to minimize overtime expenditures while ensuring that program needs are met within available resources.

C. Holiday

i. Holiday hours, either worked or paid at the prorated rate, do not count towards hours worked for overtime calculations.

ii. Disaster Reservist holiday compensation will be determined as follows.

(a) Work on a State Holiday

(i) Disaster Reservists required to work on a holiday will be compensated at the appropriate overtime rate for all hours worked on a State holiday.

(b) Prorated holiday compensation

(i) Disaster Reservists do not receive prorated holiday compensation for any holiday for which they worked and received overtime compensation.

(ii) Disaster Reservists receive prorated holiday compensation provided:

- They did not work and receive overtime compensation on the holiday; and
- They worked at least 12 days in the month in which the holiday occurs.

(c) Disaster Reservist prorated holiday compensation shall be calculated and paid as follows:

(i) Compensation is paid at the Disaster Reservist's base rate.

(ii) Compensation is based on the percentage of non-overtime hours worked during the month in which the holiday occurs.

(iii) Disaster Reservist prorated holiday compensation will be included in the first paycheck following the month in which the holiday occurs.

D. Other Pay

Disaster Reservists do not receive shift differential, call-back, activation pay, or standby pay.

6. **Date Adjustments**

   A. Disaster Reservists that work less than full time will have their hours prorated to the full time equivalent for purpose of seniority and anniversary date calculations if they accept a position in classified service within WMD.

7. **Public Employee Benefits Board (PEBB) Benefits Eligibility**

   A. Disaster Reservists are not eligible for the State's PEBB benefits package as provided in WAC 182-12-114.

   B. Program Managers will manage position hours to maintain a PEBB-ineligible status.

   C. Disaster Reservists that work enough non-emergency hours to qualify for State benefits will be transitioned as benefits eligible to a non-permanent project appointment in a classified position within the appropriate disaster project.

   D. Emergency Work for purposes of PEBB benefits eligibility is defined as follows.

      i. 44 CFR 206.201(b) states that 'Emergency work means that work which must be done immediately to save lives and to protect improved property and pursue health and safety, or to avert or lesson the threat of a major disaster.' 44 CFR 206.225 (a)(1) defines Emergency Work 'Emergency protective measures to save lives, to protect public health and safety, and to protect improved property…'.

      ii. Increased hours caused by 'emergencies that have not been or not anticipated…' fall into the following categories and are covered under the following directives.

         (a) During a disaster event (covered by Governor's Emergency Proclamation which activates the State CEMP of which the programmatic State Administrative Plans are included).

         Time periods – Disaster event (could last as short as 1 day and some go on for as long as two weeks).

         (b) Following a disaster event (covered by Governor's Emergency Proclamation which activates the State CEMP of which the State PA Administrative Plan is included).

         Time period – Initial Damage Assessments last 2 weeks and joint FEMA-State PDAs last between 1-2 weeks.

         (c) Post Presidential Disaster declaration (covered by 44 CFR §206.201(b) and 44 CFR §206.204 (c)(1)).

         Time periods – JFO operations could last as short as 2 months or as long 7 months.

Time periods – post JFO Transition Office could last (for large disasters) as long as 3 months.

44 CFR §206.204 (c)(1) provides for a 6 month Emergency Work period with an additional 6 months approved by the State. Any other time extensions must be approved by FEMA.

E. Disaster Reservists hours shall be tracked in a manner to clearly identify emergency and non-emergency hours.

8. **Retirement Eligibility**

A. Position Eligibility

i. Program Managers will manage position hours to maintain a retirement-ineligible status.

B. Washington State Employee Retirees Hired as Disaster Reservists

i. State retirees must comply with all State 'Return-to-Work' requirements.

ii. State Retirees participating in this program will be advised by the appropriate Program Manager that it is their responsibility to contact the Department of Retirement Systems to determine and monitor the impact of their retirement benefits and any limitations on their employment with the Disaster Reservist Program.

9. **Leave**

A. Vacation

(i) Vacation leave benefits are not authorized for Disaster Reservists.

B. Sick

(i) Disaster Reservists will accrue sick leave benefits.

(ii) Sick leave hours do not count towards hours worked for the purposes of overtime calculations.

(iii) Accrual of sick leave is prorated based upon the non-overtime hours worked during the month, and may only be used for personal illness and/or related health care.

(iv) Disaster Reservists shall attempt to minimize the impact on the work unit when utilizing accrued sick leave.

(v) Disaster Reservists may only use sick leave on days they are scheduled to work four or more hours.

(vi) Sick leave accrued at the time Disaster Reservists are placed in an inactive status will remain on the system for six month.

(a) Disaster Reservists that return to an active status within six months will have their sick leave balances restored.

(b) Disaster Reservists that remain in an inactive status for more than six months will not have any previously accrued sick leave restored for use during future activations.

(c) Disaster Reservists that are withdrawn from the disaster reservist pool will have leave accrual expunged effective the date of withdrawal.

(d) Employees that entered the Disaster Reservist Program with sick leave balances on the payroll system from other state employment may request that the remaining portion the original balance be restored if they return to other state employment.

(vii) Sick leave will have no cash out value at the time they are withdrawn from the Reservist Pool.

10. **Travel Reimbursement**

A. Mileage Reimbursement for privately owned vehicles will be determined in accordance with the State Travel Regulations and WMD Financial Services "Travel Procedures, with SAAM Directed Policy Requirements" Policy/Procedure.

B. For training and preparation purposes, the official workstation for Disaster Reservists will be their place of residence.

C. During major disasters and emergencies, the official workstation will be designated on a case-by-case basis depending on the proximity of the Reservist's residence to the disaster or emergency operational facility.

11. **Division Directives**

A. The EMD Director will ensure that Division Directives are maintained providing process information on hiring, scheduling, and activating/inactivating reservist and any other operational information deemed necessary to ensure the effective and efficient management of the Disaster Reservist Program.