

Major Disaster Declaration Fact Sheet for COVID-19

Montgomery County, MD

On March 26, 2020, Maryland received a major disaster declaration from FEMA for response to the COVID-19 threat. This allows for state and local governments to submit for reimbursement for a portion of emergency protective actions taken in response to the pandemic.

Below are some examples of costs that are generally eligible and others that are not.

Eligible Costs

- Emergency Operation Center Costs
- Disinfection of eligible public facilities
- Related medical facility services and supplies
- Use of specialized medical equipment
- Medical Sheltering (stipulations apply)
- Purchase and distribution of food, water, medicine, personal protective equipment, and hazardous materials suits
- Security and Law Enforcement
- Local Government Overtime Costs (for work in direct response to the emergency)

Ineligible Costs

- Regular time
- Personnel paid by grants or other outside sources
- Costs that are covered by HHS / CDC funds
- Costs that are covered by insurance

Documentation

- Ensure all personnel costs dedicated to COVID-19 response are **documented and tied to an eligible activity**
 - * Name and Job Title
 - * Days and Hours worked
 - * Description of work performed (activity log, daily report)
- Ensure **all procurements follow the county's procedures** and Federal procurement standards regarding financial assistance. Generally, any **non-competitive procurements should be limited** to only exigent or emergency circumstances (immediate action must be taken and cannot be delayed by a competitive solicitation)
 - * Exigency – there is need to avoid, prevent, or alleviate serious harm or injury (financial or otherwise)
 - * Emergency – A threat to life, public health or safety, or property requires immediate action

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Force Account (Labor)

FEMA refers to all personnel costs as 'Force Account'. Labor costs generally fall into two categories:

1. **Emergency Work**— Work that must be performed to reduce or eliminate an immediate threat to life, protect public health and safety, and to protect improved property
2. **Permanent Work**—Work that is required to restore a damaged facility, through repair or restoration, to its pre-disaster design, function and capacity.

For Emergency Work, the following chart from the FEMA Public Assistance Program and Policy Guide shows what type of work is generally eligible for reimbursement:

Emergency Work Labor Eligibility		
Budgeted Employees	Overtime	Straight-Time
Permanent employee	☑	
Seasonal employee working during normal season of employment	☑	
Unbudgeted Employees	Overtime	Straight-Time
Essential employee called back from administrative leave	☑	☑
Permanent employee funded from external source	☑	☑
Temporary employee hired to perform eligible work	☑	☑
Seasonal employee working outside normal season of employment	☑	☑

Figure 11. Emergency Work Labor Eligibility

FEMA determines the eligibility of overtime, premium pay, and comp time costs **based on the county's pre-disaster written labor policy**.

FEMA also determines whether the number of hours are reasonable and necessary by evaluating:

- the severity of the incident;
- whether the work was performed at the time when it was necessary to work extraordinary hours based on the circumstances of the incident;
- The function of the employee for the hours claimed;
- The number of consecutive hours the employee worked.

The **county may reassign an employee to perform work that is not part of the employee's normal job**. Reimbursement is based on the reassigned employee's normal pay rate, not the level appropriate to the work.

Overtime costs for backfill employees are eligible even if the backfill employee is not performing eligible work, as long as the employee that she / he replaces is performing Emergency Work.

Administrative leave for employees sent home or told not to report are not eligible.