UNIT 8: POLICIES AND PROCEDURES

In this unit you will learn about:

- **Importance of Policies and Procedures.** Definitions of policy and procedure and why a CERT program needs to write down what it will do and how it plans to do it.
- **Policies and Procedures for CERT.** A review of the key policies and procedures that a CERT program needs to operate smoothly and effectively.
- **Resources for Developing Policies and Procedures.** Who needs to provide input when a policy or procedure is developed with special emphasis on addressing liability concerns.

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UNIT OVERVIEW

A CERT program must have rules for how it operates. Policies and procedures provide details about those rules. This unit looks at:

- The importance of policies and procedures
- The most important policies and procedures for a CERT program
- Some resources for developing policies and procedures

At the conclusion of this unit, you will be able to describe the role of policies and procedures in operating your local CERT program:

- Explain why policies and procedures are necessary for running a successful program.
- Identify policies and procedures necessary for starting and maintaining a program.
- Identify resources for developing program policies and procedures.

This unit will look at the following topics:

- Importance of Policies and Procedures
- Policies and Procedures for CERT
- Resources for Developing Policies and Procedures

IMPORTANCE OF POLICIES AND PROCEDURES

There are two terms you will hear often. They are:

- Policy
- Procedure

The terms are sometimes used interchangeably and it is sometimes confusing to tell the terms apart. Here are some definitions:

- Policy: A plan of action that links the organization's "vision" and the day-to-day operations
- Procedure: A series of steps the organization will take to implement a policy

Sometimes people also use the term "protocol." Functionally it is the same as "procedure." It describes the correct way to do something.

Do NOT focus on the definitions. The most important thing to remember is this: A CERT program needs to know **what** it plans to do and **how** it plans to do it. Policies and procedures are required when there is a need for consistency in day-to-day operational activities.

Those plans and steps need to be written down.

- They will be the guideposts that the program:
  - Uses to operate
  - Falls back on whenever there is a question
- They give guidance to staff and volunteers so they know how to perform the job correctly.
- They help eliminate common misunderstandings by defining roles and responsibilities and by establishing boundaries.

See *Writing Policies and Procedures* on the next page.

Writing Policies and Procedures

Here are the major differences between policies and procedures.

Policies:

- Are general in nature
- Identify an organization's rule
- Explain why the rule exists
- Tell when the rule applies
- Describe whom it covers
- Show how the rule is enforced
- Describe the consequences of not following the rule
- Are normally described using simple sentences and paragraphs

Procedures:

- Identify specific actions
- Explain when to take actions
- Describe alternatives, if applicable
- Show emergency procedures when the action can't be taken
- Include warning and cautions
- Give examples
- Show how to complete forms
- Are normally written using an outline format

IMPORTANCE OF POLICIES AND PROCEDURES (CONTINUED)

As Program Managers, you need to periodically ask: Are the policies and procedures still meeting the program's needs?

Here are some "signs" that policies and procedures need to be reviewed and updated:

- An increase in the number of injuries or ineffective team operations
- More questions on what are "normal operations" or a feeling of general confusion
- Inconsistent performance of CERT members
- Increase in the stress levels of CERT members
- Complaints about poor performance from the sponsoring agency, partners, or the community

The format of policies and procedures is determined by the program. Whether they are included in one document or each one is its own document, they need to be well written and complete.

See the sample policies and procedures at the end of this unit in the "Additional Materials" section.

POLICIES AND PROCEDURES FOR CERT

Over years of experience, Program Managers have identified the key policies and procedures that a CERT program needs to operate smoothly and effectively.

See *CERT Policies and Procedures* on the following pages.

CERT Policies and Procedures

Policy/Procedure	Elements to Include	Development Resources
General Policies		
Program Membership	Qualifications for entering the program Documentation: application, background check, releases Minimum activity requirements Leaving the program	Local CERT program Sponsoring agency
Program Operation	Organizational structure (paid and volunteer) Program activities (disaster response, public service, community awareness) Relationship with sponsor	Local CERT program Sponsoring agency

Policy/Procedure	Elements to Include	Development Resources
Training and Education	Documentation: registration, training and exercise plan, evaluation Data collected Training requirements (volunteers, instructors, Program Manager) Training offered Training activities (before, during, and after) Activities to ensure safety Credit for Basic Training completed in CERT program in another jurisdiction	National CERT Program Local CERT program Sponsoring agency
Uniforms	What is issued What should be worn when How it should be returned	Local CERT program Sponsoring agency
Communications	How communication is handled in emergency and non-emergency situations	Local CERT program Sponsoring agency
Equipment	Requirements Who provides equipment Replacement requirements	Local CERT program Sponsoring agency

Policy/Procedure	Elements to Include	Development Resources
Insurance and Liability	Requirement to carry health insurance Liability protections provided and in what situations	CERT Web site Local and State government
Privacy Protection	Information collected What the program does and does not do with the information HIPAA requirements	Local CERT program Sponsoring agency State government HIPAA
Code of Conduct	Expected behavior Behaviors that are subject to termination Grievance process	Local CERT program Sponsoring agency
Local and State policies that will apply to the CERT program	Workers' compensation Liability Local health regulations Good Samaritan law	Local and State government
Credentialing and Identification	Requirements (how to obtain, how to display) Process for acquiring	Local CERT program Local and State government Emergency Operations Plans

Policy/Procedure	Elements to Include	Development Resources
Team Activation	NIMS and CERT Self-activation process Directed activation process	National Incident Management System (NIMS) www.fema.gov/nims Emergency Operations Plans Local CERT program Sponsoring agency
Team Deployment	NIMS and CERT Appropriate behavior once deployed Team structure On-scene CERT management Safety concerns Restricted activities Documentation requirements	National Incident Management System (NIMS) www.fema.gov/nims Emergency Operations Plans Local CERT program Sponsoring agency

RESOURCES FOR DEVELOPING POLICIES AND PROCEDURES

CERT policies and procedures cannot be developed in a vacuum. They must be developed with input from your program's sponsoring agency and operational partners so that all partners work well together. They need to be consistent with:

- The sponsoring agency's needs and procedures
- The Emergency Operations Plan (EOP) or Comprehensive Emergency Management Plan (CEMP), whichever the jurisdiction has
- State and local statutes and regulations

The third column of the previous chart indicates resources that should be consulted for input when developing that policy and/or procedure.

LIABILITY

One policy area that is particularly important to a CERT program is liability. There are risks associated with taking *CERT Basic Training* and other training, and with being a CERT member.

- The CERT training and the CERT program require physical activity with the possibility of personal injury.
- Participation in a CERT may lead to exposure to potentially hazardous conditions.
- A CERT member should only respond within the scope of his or her training, or there may be serious consequences.

Reducing liability during training, exercises, and activation should be a prime concern for every Program Manager, therefore:

- Keep safety at the forefront, whatever the CERT activity.
- Become familiar with the regulatory requirements for volunteers in your State.
    - Virtually all States have laws dealing with liability. You need to conduct some research to ensure your program is compliant.

(continued)

RESOURCES FOR DEVELOPING POLICIES AND PROCEDURES (CONTINUED)

- Visit the CERT Liability Guide at www.fema.gov/community-emergency-response-team-liability-guide
  - Review the suggestions for reducing liability during training (instructors, participants, classroom/exercise area, materials).
  - Review the suggestions for reducing liability during exercises.
  - Review the suggestions for reducing liability during team exercises.
- Visit the Web site of the Legal Information Institute, U.S. Code Collection, Limitation on Liability for Volunteers at https://www.law.cornell.edu/uscode/text/42/14503.
- Visit the Web site of Missouri CERT on its page, http://sema.dps.mo.gov/.

See the paper *Citizen Corps/Community Emergency Response Team (CERT) Liability* at the end of this unit in the "Additional Materials" section. This paper was compiled by Teresa L. Anderson, then Deputy Director of Brookings County (SD) Emergency Management. It is based extensively on the CERT Web site information.

The information in this document should be seen only as suggestions and ideas on ways to manage liability concerns and in no way is a complete list of ways to manage liability. Not all suggestions and ideas pertain to each program. They should be used for informational purposes only.

In all cases, the local jurisdiction's attorney or legal counsel should be consulted about documents such as a liability waiver or hold harmless agreement that the CERT program will use.

RESOURCES FOR DEVELOPING POLICIES AND PROCEDURES (CONTINUED)

WHERE TO FIND POLICIES AND PROCEDURES

While policies and procedures are essential, they don't need to be developed from scratch. Many already exist in other CERT programs or in one of the entities with authority over your CERT program.

ACTIVITY: DRAFT PROGRAM PLAN: DEVELOP POLICIES AND PROCEDURES

Purpose: This activity allows you to record ideas for developing policies and procedures for your own program.

Instructions:

1. Go to the Draft Program Plan in Unit 1.
2. Individually enter ideas in the eighth section, *Policies and Procedures*. There are two lists for everyone to complete and a third section for experienced Program Managers.
   a. (Experienced Program Managers): Do your policies and procedures need to be revised?
   b. (Everyone) Things I need to research and people I need to talk to before we develop (revise) policies and procedures
   c. (Everyone) Thoughts I had about the policies and procedures we need to develop (e.g., policies/procedures or elements that are specific to our program)

UNIT SUMMARY

This unit has looked at policies and procedures:

- Importance of Policies and Procedures
- Policies and Procedures for CERT
- Resources for Developing Policies and Procedures

Additional Materials

Two samples of policies/procedures:

- City of Grand Island (NE), CERT Policies and Procedures [all in one document (6 pages)]
- Rowlett (TX) CERT Uniform Policy [single document (4 pages)]

Liability paper:

Citizen Corps/Community Emergency Response Team (CERT) Liability

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CERT Policies and Procedures

GENERAL POLICIES

Direction & Control
The CERT Steering Board will set all policies and operational procedures. Policy direction of this CERT is influenced by the following documents:

1. All applicable State, County, and City laws with respect to emergency or disaster response and related liability protection,
2. This organization's CERT Bylaws,
3. Policies and procedures of Hall County, City of Grand Island and partnering departments.

These policies and procedures are intended to govern activities before, during and after emergencies and include training, exercises, activities, response, recovery, and meetings.

Duty to Act
As a volunteer, no CERT member has a legal duty to act and is not required to respond to incidents in their immediate area nor to calls for team activation. However, once responded, volunteers must follow safe and effective practices at all times. Volunteers who abandon their posts, act outside their training or responsibility, or otherwise violate policies or codes of conduct are subject to termination.

Insurance & Liability
CERT volunteers are required to maintain their own insurance for health to maintain membership in the organization. Volunteers are not authorized to operate any motor vehicle in carrying out their duties as CERT volunteers (see Restricted Activities).

CERT volunteers are subject to liability legislation adopted by the State of Nebraska. No liability protection exists for negligence or wanton disregard. CERT volunteers are instructed to always remain within their scope of training, assigned responsibilities, and act as any other reasonable person would act in similar circumstances.

CERT Functions (not an all-inclusive list)

- Major Disaster Operations - (within the limits of CERT training)
  - Light Search and Rescue
  - Damage Assessment
  - Light Fire Suppression
  - Logistical support
  - Disaster Medical Operations
  - Communications and Coordination
  - Documentation
  - EOC staffing

- Non Disaster Operations
  - Training
  - Exercises
  - Public education & outreach
  - Assist partner organizations
  - Service and community projects

Training
The CERT Basic Training Course, as defined by FEMA curriculum, is the foundation of CERT training and the minimum requirement for membership. Additional training made available to CERT members by partner organizations is intended to increase their awareness, knowledge and abilities, but does not authorize members to work outside their role as CERT volunteers. Membership, training or experience in other organizations does not allow the volunteer to work outside the CERT mission as a CERT volunteer.

Public Education & Outreach
CERT volunteers are an effective and informative resource in promoting emergency preparedness and public education information. CERT volunteers are encouraged to participate in events, activities and presentations sponsored by the CERT, Citizen Corps Council or partner organizations.

Equipment
All equipment, identification, and materials issued to the CERT volunteer are the property of the City of Grand Island and must be returned upon request. CERT volunteers are encouraged to supplement their equipment ensemble with items they feel are useful and appropriate. Equipment that is determined to be outside the scope-of-practice of CERT (firearms, chain saws) are not authorized for inclusion in the volunteer's equipment bag.

CERT volunteers are expected to maintain their equipment in proper working order and to bring the equipment to all necessary training sessions, exercises and incidents. Equipment that is lost, stolen or broken is to be reported immediately to the CERT leadership. Remnants of broken equipment should also be returned.

EMERGENCY RESPONSE POLICIES

Spontaneous Response
The Hall County CERT recognizes that a volunteer may find themselves suddenly involved in an emergency that happens in their home, neighborhood, workplace or immediate area, or they may come upon an emergency in the course of normal activities. In such spontaneous incidents, CERT volunteers:

- should ensure that emergency response authorities have been contacted with accurate information,
- identify themselves as a CERT volunteer to 911 operators and emergency responders when appropriate,
- may render assistance within their current training and abilities,
- shall relinquish command of the scene to proper authorities upon their arrival and may render assistance as requested by incident command.

Inappropriate Self-Deployment
CERT volunteers are prohibited from self-deploying to routine emergencies in which they are not immediately involved nor requested. Such inappropriate self-deployment is a barrier to proper emergency response and may result in immediate suspension and termination.

Activation
CERT volunteers may often be notified before specific response needs are determined. This is to enable local authorities the opportunity to assess the resources available, stage and deploy these resources. The Hall County CERT recognizes three levels of activation to be made by the Emergency Operations Center (EOC):

Level 1 – Advance Notice
This level requires no immediate response action by CERT volunteers. This is an advisory that CERT team leaders have been notified of an emergency management activity which **may** require CERT assistance. Team leaders will give their members a "heads-up" notice via phone or email and determine the status of all volunteers as "**available**" or "**unavailable**". This information will be forwarded to the EOC contact or notifying official as soon as possible.

Level 2 – Alert / Prepare / Standby
CERT team leaders and volunteers are to prepare for full deployment within 2 to 4 hours and will remain on standby until notified as an assignment. Upon Level 2 or Standby notification, CERT leaders will contact their volunteers via phone or email to advise them of the pending situation and determine their availability and status. Team leaders will report the status of their team members (who are ready to respond) to the appropriate contact or notifying official as soon as possible. Personal equipment and supplies, vehicles and kits of food, water and clothing should be checked, assembled and packed for deployment.

Level 3 – Immediate Deployment
Immediate deployment is authorized for CERT volunteers to proceed without delay to their normal assembly point or other area as designated by the EOC. Team leaders will notify all volunteers on their team to deploy and provide a

status report of member's availability back to the appropriate contact or notifying official as soon as possible. Once the team is operational and on-scene, the team leader will notify the appropriate contact or notifying official with an updated status and await further instructions.

Team Activation Process and Deployment Protocols

1. Team leaders will be notified by an EOC official to activate their team to Level 1, 2 or 3. If it is not possible for EOC to contact the team leader, the team leader can activate their team in a self deployment mode.
2. Team leader notifies each team member via phone call out tree to meet at their designated meeting location or the incident scene depending on the situation.
3. City and County map coordinates will be used to determine location of emergency scene or incident.
4. Following NIMS training, the first CERT members on scene will select the "on-scene" team leader.
5. Teams do not leave the staging area until adequate resources (personnel and equipment) are assembled.
6. Establish communications with all team members and ICS command post.
7. Always utilize established protocols and checklists during activation.

NIMS and CERT

All CERT activities will follow the principles of the National Incident Management System (NIMS) and the Incident Command System (ICS). CERT volunteers will report to the Incident Commander upon arrival and await assignment. All operations will fall within the established command structure and CERT volunteers will report for demobilization following their assignments.

When working with authorized responders, CERT volunteers will fall into the ICS system as requested by the Incident Commander.

On-Scene CERT Management

If a team is deployed and their "primary" team leader and co-leader are not available on scene, the on scene CERT Responders will elect an "on-scene" leader and co-leader with the following responsibilities:

On-Scene Leader Duties (unless otherwise delegated)

- Conduct response planning activities.
- Act as the single point of contact for all communications and coordination between their team members and the Incident Commander or first responders.
- Size-up situation with assistance from team members and report status to Incident Commander.
- Determine capabilities and limitations of CERT volunteers on scene.
- Organize team and assign tasks to individual team members as they arrive at staging area.
- Align resources and response activities with Incident Commander.
- Establish **Personnel Accountability Reporting (PAR)** system.
- Establish demobilization procedures.
- Conduct post-incident debriefing for their team.
- Establish on-scene radio communications capabilities.
- Check availability of individual member's equipment.

- Determine location of team equipment and deploy to scene.
- Conduct needs assessment for logistics support.
- Act as team Safety Officer.
- Collect "Accountability Tags" from each team member as they arrive on scene and ensure tags are returned when member leaves the scene.
- Maintain personnel logs (member's time in, assignment and time out of scene) and other resource documentation as required.
- Ensure all members have a "buddy" assigned.
- Resource management of team members – rotate and replace personnel.

Safety
The safety of responders and the general public are of primary importance and all CERT activities must first ensure that additional injuries are avoided. Volunteers shall report all unsafe situations, activities, or practices immediately and take appropriate protective action for themselves and bystanders.

Reporting Injuries and Accidents
Any activated CERT member who suffers or witnesses an injury while performing an assigned task shall immediately report it to the Incident Commander through ICS.

Restricted Activities
Many CERT members have skills beyond what is taught through the CERT program (e.g. medical and health professionals, heavy equipment operators, etc.). While these skills may be helpful during an emergency or disaster, and can be utilized in other programs, they are outside of the CERT scope-of-practice and are not authorized activities as a CERT volunteer.

Other unauthorized activities include:

- Possession or use of a firearm or other weapon
- Operation of any motor vehicle (private or government)
- Inappropriate self-deployment to routine emergencies

Volunteers found working outside of their CERT mission or engaging in restricted activities or otherwise acting contrary to the code of conduct are subject to immediate removal from the incident and termination.

Communications
CERT volunteers are encouraged to utilize effective communications procedures, including the use of FRS handheld radios, for ensuring proper communications between team members and with local responders.

Documentation
CERT team leaders should maintain the following documentation:

- Current team member contact numbers
- Preliminary Damage Assessment Form
- Communication Log & Message Forms
- Personnel Accountability – PAR Logs
- Medical / Triage Log
- ICS Logs and Forms

Credentialing & Identification

Vests, ID cards and accountability tags are means of readily identifying CERT volunteers. As with all other issued equipment, these credentialing and accountability tags are property of the City of Grand Island. The following policies apply to all current and future credentialing systems used by the CERT.

During Spontaneous Response

Members are encouraged to wear their vest and other identification as a means of ready identification whenever they act as a CERT volunteer, and when such identification is readily available. Wearing the vest and presenting the ID to responders will help ensure responders are aware of your presence on scene.

During Official Activation

- CERT Responders are required to present current ID badges and Accountability Tags to their team leader or incident commander when responding to an incident.
- Official CERT vests shall be worn during all CERT activations/events for ready identification during deployments. Helmets are considered protective equipment and are mandatory, along with other protective apparel, in any disaster scene.

Members may not wear CERT uniform items (vest/helmet) or display CERT identification unless performing in an official capacity (training, events, deployments, etc.).

T-shirts issued to CERT members are not considered official uniform items and may be worn in day to day use. CERT members are encouraged to remember their surroundings and not wear the CERT t-shirt in places that might bring discredit to the CERT organization (see Bylaws-Code of Conduct).

ROWLETT CITIZEN CORPS COUNCIL ORGANIZATIONAL POLICY	
TITLE: CERT Uniform Policy	
APPROVAL SIGNATURE: NAME: Michael D. Lucas TITLE: CERT Director	DATE: 10/1/2008 POLICY NO.: 08-117 PROGRAM : CERT SECTION: Operations PAGES: 4

Introduction

The appearance of volunteers reflects upon the organization they represent. The wearing of appropriate uniforms enhances the appearance of volunteers and promotes a positive, professional perception of the organization and its personnel. Rowlett CERT volunteers are encouraged to wear uniforms at all public events involving Rowlett CERT, particularly activations and CERT sponsored events and activities. This policy promulgates expectations and standards concerning uniforms and appearance.

CERT personnel are expected to present a neat, clean and well-groomed appearance when conducting operations or when wearing CERT uniform or branded gear in any public setting. Rowlett CERT volunteers shall observe community standards of decorum appropriate to a public service agency at all times. While volunteers may exercise wide latitude concerning clothing and appearance options, there remains a need for guidelines to maintain a reasonable level of uniformity and conformity to standards of appearance. When deployed, uniformity of appearance helps identify CERT volunteers from other agency volunteers, spontaneous volunteers and onlookers, aiding responding agencies and the general public in determining the status of CERT responders. The appropriate wearing of grade or level insignia aids in identifying leaders and those with advanced training. Appropriate uniforms reinforce the appearance of professionalism, dedication and competence associated with Rowlett CERT.

Uniform Parts

Specific uniforms are not strictly specified by Rowlett CERT; however certain items of clothing, particularly CERT or Rowlett CERT branded clothing are encouraged. CERT branded clothing is available in a variety of colors and styles. When selecting CERT branded clothing, volunteers are encouraged to seek color and style combinations that enhance the image of Rowlett CERT and that present a pleasing appearance. Volunteers are required to observe safety considerations in hazardous operational settings. Non-hazardous operational settings are defined as those settings where an individual is not at risk, or expected to encounter risk of bodily harm during the course of anticipated duties. Anticipated duties include any duty for which CERT volunteers may be assigned during a particular incident. Staffing a booth at a fair or festival is an example of a usually non-hazardous operational setting. A callout for a flood or a search for a missing person is a hazardous operational setting, even if the volunteer is assigned to a relatively safe setting such as the EOC. All volunteers are subject to reassignment to any part of an operational area and are expected to deploy dressed and equipped accordingly.

- **VESTS.** Bright yellow reflective ANSI safety vests are authorized. Volunteers are encouraged to wear vests with the word CERT across the back in reflective lettering. Vests are required attire for hazardous operational settings. Vests should be sized to fit over all outerwear, such as winter coats or foul-weather gear.
- **Helmet.** An approved hard-hat is required for all hazardous operational settings.
- **Grade or Level Insignia.** The display of grade or level insignia is optional. Rowlett CERT volunteers are encouraged to wear the appropriate grade or level insignia anytime the display of the identification card is

required, or when in uniform. Grade or level insignia shall be worn on the outermost garment. Grade or level insignia may be displayed

- over the heart on the left breast of shirts, outwear and vests.
- on either or both collars of a polo or an oxford-styled shirt or collared outwear.
- on the crew-neck of a T-shirt.
- affixed in some way to one's identification badge hanger or neck loop.

NOTE: Affixing the level or grade insignia to the ID badge hanger or neck loop is recommended as a minimum level or grade insignia display, as this will display the insignia anytime the badge is displayed.

- **Ball Caps.** CERT branded ball caps are recommended for deployed operations where helmets are not required, particularly for hot, sunny weather.
- **T-Shirts.** CERT branded green T-shirts are recommended for deployed operations wherever safety permits, particularly for hot weather wear.
- **Polo Shirts.** CERT branded white polo shirts are recommended for non-operational settings, such as meetings.
- **Oxford-Styled Shirts.** CERT branded, CERT green, collared style button shirts are recommended for non-operational settings, such as meetings.
- **Trousers and Shorts.** Black, kaki or Navy blue trousers, jeans or shorts are recommended. The choice of long trousers or short trousers (shorts) shall be governed by the context and situation. Most operational settings will require long trousers. Shorts may be appropriate for meetings or non-hazardous operational settings, such as staffing a booth at a festival.
- **Shoes.** Boots or shoes shall be appropriate to the context and situation. Boots or closed-toe shoes are required for hazardous operational settings. Open-toed shoes or sandals may be appropriate for meetings or non-hazardous operational settings, such as staffing a booth at a festival.
- **Outerwear.** Examples of outwear include gloves, sweat shirts, wind breakers, coats and foul-weather gear. Outerwear shall be appropriate to the prevailing situation, event or context.

Recommended Uniform

Uniform recommendations are intended to reflect prevailing community standards, and to be consistent with requirements to promote the safety and professional appearance of volunteers representing Rowlett CERT. When considering appropriate apparel, CERT volunteers are expected to be guided by the following paradigm. If, in a given situation, event or context, City of Rowlett fire fighters or police officers might reasonably be expected to appear in a shorts or a t-shirt styled uniform, then CERT volunteers would likely be considered appropriately dressed in the uniform described in the Non-Hazardous Operational Setting: Informal Context section of this policy. CERT volunteers are expected to dress in a manner comparable with City of Rowlett fire fighters and police officers, as appropriate to the specific CERT mission at hand.

If the situation, event or context suggested that City of Rowlett fire fighters or police officers might reasonably be required to appear in more formal uniform attire, then CERT volunteers should follow the Non-Hazardous Operational Setting: Formal Context uniform guidelines listed herein. In situations, events or contexts where City of Rowlett fire fighters or police officers are expected to appear in a tactical uniform, the Hazardous Operational Setting uniform is appropriate for CERT Volunteers.

- **Hazardous Operational Setting.** Full-length jeans or sturdy trousers, such as Battle Dress Uniform (BDU) styled garments are required. T-shirts or oxford-styled shirts are appropriate. Sleeve length (long or short) is dependent upon weather and safety considerations. Boots or closed-toe shoes, vest and helmet are required.
- **Non-Hazardous Operational Setting.**

- **Formal Context.** Full-length dress jeans or trousers, polo shirts or oxford-styled shirts, dress shoes or dress sandals may be appropriate. A neat, professional, setting-appropriate appearance is expected.
- **Informal Context.** Long trousers or shorts, t-shirts, polo shirts or oxford-styled shirts and casual shoes or sandals may be appropriate. A neat, professional, setting appropriate appearance is expected.

Personalization of Uniforms

Rowlett CERT volunteers are permitted to personalize their uniforms within the boundaries set by this policy. Uniforms must remain in compliance with this policy. Volunteers may adorn their clothing, including uniform items, to reflect individuality and preference as long as the adornments are not offensive to others, do not violate local community standards of decorum, do not reflect inappropriately on the organization or violate applicable federal, state or local laws or rules. Adornments shall be reasonably discrete and not interfere with the intended purpose of the garment.

- **Permitted Expression and Practice**

  Examples (but not limited to) of permitted expression or display on uniforms include:

  - Nametags, unit numbers or amateur radio call signs displayed as pins, patches or reflective lettering.
  - Patches identifying relevant certifications or affiliations such as Red Cross First Aid, SkyWarn, Explorer or Explorer leader, Rowlett Fire Corps, VIPS, or NASAR certifications or designations.
  - United States or Texas State flag pins, decals or patches.

- **Prohibited Expression and Practice**

  Examples (but not limited to) of prohibited expression include:

  - Obscene words, pictures or symbols.
    - Example: If a display would earn a movie a PG, or more restrictive rating, it is probably inappropriate for any display associated with Rowlett CERT.
  - Any display or adornment that violates applicable federal, state, local law or rule is prohibited.
    - For example, IRS rules prohibit non-profit 501(c)(3) agencies from promoting a political position, so it is inappropriate for a volunteer to campaign while wearing Rowlett CERT branded gear, or to display political buttons, slogans, candidates' names or other identifying criterion on their gear. Such displays endanger Rowlett CERT's status with the IRS, and with the City of Rowlett.
  - Any displays or adornment that may reflect inappropriately on Rowlett CERT, the community or any particular group within the community.
    - Examples include symbols associated with gangs or criminal groups, hate crimes or illegal exclusionary behavior.
  - Any adornment or display that interferes with or reduces the effectiveness of the garment for its intended purpose.
    - Examples include a football team flag or logo that obscures the reflective CERT label on the back of an ANSI compliant safety vest. Any flag or other device that interferes with the reflective coating on a CERT vest or helmet.
    - Backpacks and other customary and necessary equipment systems that may interfere with reflective lettering of the ANSI compliant safety vest are excluded from this policy, provided the interference

with the safety garment is of an expected and routine nature fundamentally inherent in the use of the offending object.

Violations of the Uniform Policy

Violations of the uniform policy shall be evaluated by CERT leadership. Penalties shall be imposed as appropriate. Penalties include sanctions ranging from being asked to secure from an activation or event, to being removed from CERT. The senior on-site CERT official is authorized to impose immediate penalties, up to and including removing a CERT volunteer from the activity or activation event. The CERT Director shall review all penalties imposed and render an appropriate judgment with respect to additional or on-going sanctions. The appeals process through the RCCC Board of Directors remains in effect for volunteers seeking a review of penalties rendered under this policy.

Citizen Corps/Community Emergency Response Team (CERT) Liability

Citizen Corps/Community Emergency Response Team (CERT)
Liability
January 2005
Compiled by Teresa L. Anderson, Deputy Director BCEM

"We are really teaching the volunteers life skills with the exception of maybe search patterns and building damage. The rest of the skills they can use day-to-day in their normal lives. As long as they operate within the scope of the training, liability should not be an issue." Frank Lucier – retired form the San Francisco Fire Department. He developed and was the former Director of the City's innovative and internationally recognized Neighborhood Emergency Response Team system.

Proactive steps to take to manage liability concerns for your program.

1. Determine what type of program will work best for your jurisdiction
   a. Activate Only
   b. Self-Activated
   c. Educational & training opportunity
   d. A Combination

2. Do your research

3. Reducing Liability (This section is also available at http://training.fema.gov/EMIWeb/CERT/new_CERT/t3-4.htm)
   a. During training-Instructors
   b. During training-Students
   c. During training-Classroom/Exercise Area
   d. During training-Materials
   e. During Exercises
   f. During Team Activation

4. Training/Scope of Training

5. First Responders

6. Review South Dakota Legislation

7. Hazard Mitigation and Span of Control

Created on 1/26/2005 1

1. Determine what type of program will work best for your jurisdiction
   a. Activate Only-This type of team responds to any type of emergency/disaster when requested from a predetermined governing body. The governing entity of the team would assume liability once they have called and activated their CERT team. If the governing body is a governmental entity, the SDCL 62-1-5.1 (see Attachment A) states all volunteers are automatically covered for governmental entities as long as they are listed in the minutes of their meeting. For example a CERT Roster of Active Team members is approved and read into the County Commissioner's meeting minutes, prior to activation.
   b. Self-Activated Team-In this type of team, individuals will respond on their own. They are not activated to respond. These responding individuals would assume their own liability and would not qualify under the definition of a covered volunteer. (see a. Activate Only for a covered volunteer) (see Attachment A SDCL 20-9-4.1, Good Samaritan Volunteer)
   c. Educational & Training Opportunities-Provide education to citizens. Individuals may want to know what to do and what they can do in the event they need to take care of themselves. Citizens may not want to be on an activated team or self activate. Rather they want the information and training. For example, how to put out a kitchen fire, or if their children fall and break their arm, they would then have the basic knowledge and training to know what to do until first responders can arrive.
   d. Combination-Some jurisdictions have a combination of Activated, Self-Activated, and educational programs. Once again this goes back to what is determined best for each individual jurisdiction. The governing authority would need to determine what authority will be given to the volunteer and realize those who self-activate would be assuming their own liability and work comp coverage.

2. Do your research
   a. Consult your jurisdiction's legal counsel. They are the 'experts' in this area.
      i. Consider obtaining a release from liability, a Hold Harmless and/or similar instruments if local legal counsel deems it necessary. Many CERT programs have all students sign this type of agreement before starting training. (See Sample 1 & Sample 2)
   b. Conduct internet research. Some websites to consider are:
      i. www.nonprofitrisk.org
      ii. www.citizencorps.gov/councils
      iii. http://training.fema.gov/EMIWeb/CERT/new_CERT/index.htm
      iv. http://www.eriskcenter.org
      v. The Federal Volunteer Protection Act of 1997 http://www.npaction.org/article/articleprint/420/-1/153/
   c. Talk with other program managers to discuss how they addressed the liability issue.

3. Reducing Liability
   a. During training-Instructors
      Steps that you can take with your instructors to help reduce liability include:
      - Establishing training standards and safety requirements for training.
      - Briefing all instructors on their responsibilities to conduct safe and effective training.
      - Ensuring that all instructors are prepared to meet the objectives for their sessions.

- Providing co-instructors to assist the instructors for all activities.
- Ensuring that all instructors model appropriate safety behavior, such as safety gear for all demonstrations.
- NOTE: Be sure that your instructors understand that they can give students permission to opt out of an activity if they have a condition that they may aggravate by participating.
- Provide a Safety Officer during hands-on training.

b. During training-Students
Steps that you can take with CERT students to help reduce liability include:
- Ensure that students understand that they may opt out of activities if they have a condition that they may aggravate by participating. (Know their limitations and remember personal safety is always first priority)
- Require all students to sign a hold harmless agreement.
- Explain the potential hazards that students may face in class activities, during exercises, and during activation (depending on program type).
- Provide copies of all CERT safety rules and requirements to each student. Require them to sign one copy and return it to you before class begins. Encourage the students to keep the other copy for their records.
- Require all students to wear safety gear for all activities.
- When you see an unsafe act, correct it immediately.
- If someone is injured during class, document the injury and ensure that the student receives appropriate medical treatment.
- Emphasize that rescuer safety is the primary concern in training and activation.

c. During training-Classroom/Exercise Area
Steps that you can take to ensure that the CERT classroom and exercise area are safe include:
- Walk through the classroom and exercise area(s) before each class to identify and correct unsafe conditions.
- Check all to ensure that it is in good working order.
- NOTE: This is something that should be done before every class begins.
- Consider assigning a Safety Officer

d. During training-Materials
The main step to take to reduce liability related to the CERT materials is to ensure that you have written releases for all copyrighted materials (including photographs and cartoons). (Note that if you are using FEMA's materials without alteration, all necessary copy right releases have been secured.) Remember that photographs and other materials found on the Internet are copyrighted. Also look to the Citizen Corps Council website to obtain permission to use the Citizen Corps Logo, Mark, and/or banners.

e. During Exercises
Always take the measures below to reduce liability during exercises:
- Conduct a pre-exercise briefing in which you provide the objectives (including safety objectives) for the exercise.

- Treat all drills, functional exercises, and full-scale exercises as the real thing. Enforce all safety rules strictly.
- Stress teamwork, safety equipment, and the use of the buddy system.
- If you see an unsafe act, intervene immediately!
- Conduct a post-exercise debriefing, and cover safety issues as part of the debriefing.
- Stress the need to document everything using the forms approved by the jurisdiction.
- If someone is injured, document the injury, and ensure that the volunteer receives appropriate medical care.
- Consider assigning a Safety Officer

f. During Team Activation

Take the measures below to reduce liability during team activation:

- Educate your departments about the CERT program, the level of training provided, and how to access and use CERT members during an emergency or disaster.
- Require that all team activations are in accordance with established CERT protocols.
- Require team leaders to verify that all CERT members have the necessary tools and equipment, including safety gear, for the response.
- Require a good size-up and communication of size-up information to first responders as soon as possible after arrival at the scene.
- Require complete documentation of team assignments, actions taken, results, and communications with first response agency personnel.
- Stress that CERT members should respond in accordance with the scope of their training. Being a CERT member does not provide rights or privileges beyond being a CERT volunteer.
- If a CERT member is injured during activations, ensure that the injury is documented and that the volunteer receives appropriate medical treatment.

For these measures to work as intended, you will need to take action before activation and reinforce the measure during team exercises.

4. Training/Scope of Training-Provide sufficient training for volunteers. This may mean providing additional or supplemental training sessions to ensure all volunteers understand and are able to perform specific tasks involved with CERT training. Depending on how the individual jurisdiction sets up their CERT team, some programs may require additional or supplemental training in order to be considered a CERT member. For example, a jurisdiction may require participants be certified in CPR and keep this current in order to be a member of the CERT team.

   Be sure citizens understand the **scope** of their training. Those volunteers should respond in accordance with their training as a CERT member. The scope of the training should be stressed throughout the entire program emphasizing what the volunteers are trained to do and able to do. A CERT volunteer, having completed the CERT training in accordance with the CERT training standards, should not respond outside the scope of this training. In the

event they do, they would not be responding as a CERT member and thus fall outside the set standards for the individual CERT liability. The key to liability is reinforcing to the volunteers to only respond within the scope of their training.

5. First Responders. Solicit and address liability concerns raised by first responders. It is important to obtain the support of the first responders for this program. Discuss the possible areas where CERT members can be of assistance and support to the First Responders. How can the CERT team be an asset in the event of a disaster or emergency? Jointly engage citizen volunteers and first responders in mock scenarios or table top exercises. This not only helps those volunteers get a better understanding of what is expected, but the first responders also know what the CERT team can and cannot do.

6. Review South Dakota Legislation—See Attachment A
   SDCL 20-9-4.1, Good Samaritan Volunteer
   SDCL 62-1-5.1, Volunteers serving state or political subdivision without pay—Computing or imputing wage—Certain persons not deemed volunteers

7. Hazard Mitigation and Span of Control
   For the CERT training, make sure to do hazard mitigation at the training site. Remove or fix any potential hazards that could injure the participants. Also look at the span of control for your training. Just as in ICS, there should be 1 instructor or safety person for every 7 or less participants. This helps insure safety, participants are learning and understanding the training, and can apply it.

Conclusion
Set training standards. CERT participants must clearly know the scope of their training and when they should apply this training. Consider addressing the need for refreshment of training.

Stress that CERT members should respond in accordance with their training. Being a CERT member does not provide rights or privileges beyond being a CERT volunteer. **Scope of training** is the parameter in which the volunteers should be responding.

Inform CERT members of their rights, protection, and limitations as a volunteer.

A Hold Harmless/permission requests/release forms can reduce your CERT program's liability. Have your participants sign this type of agreement **BEFORE** starting training.

MEMO: The information in this document is only suggestions and ideas on ways to manage liability concerns and in no way is a complete list of ways to manage liability. Not all suggestions and ideas pertain to each program, but should be used for informational purposes.

Attachment A

S. D. Codified Law 20-9-4.1, Good Samaritan Volunteer
General immunity form liability for emergency care—Exceptions.
No peace officer, conservation officer, member of any fire department, police department and their first aid, rescue or emergency squad, or any citizen acting as such a volunteer, or any other person liable for any civil damages as a result of their acts of commission or omission arising out of and in the course of their rendering in good faith, any emergency care and services during an emergency which is in their judgment indicated and necessary at the time. Such relief form liability for civil damages shall extend to the operation of any motor vehicle in connection with any such care or services.

Nothing in this section grants any such relief to any person causing any damage by his willful, wanton or reckless act of commission or omission.

Source: SL 1968, ch 193; SL 1970, ch 140; SL 1986, ch 4, § 9.

S. D. Codified Law 62-1-5.1. Volunteers serving state or political subdivision without pay--Computing or imputing wage--Certain persons not deemed volunteers.
Volunteers serving state or political subdivision without pay--Computing or imputing wage--Certain persons not deemed volunteers. Any volunteer worker rendering services in or for any agency, department, institution, or instrumentality of the state or of any of its political subdivisions, including counties, townships, school districts, or municipalities, whose services have been duly recommended to the officer or governing body responsible for employment of personnel for the respective entity and duly appointed thereto by such officers or governing body, shall for purposes of this title be deemed an employee of the state or the political subdivision, as the case may be. The appointment shall be entered into the official records or minutes of the entity.

In the event of injury or death, for the purposes of computing compensation for volunteer workers other than volunteer firefighters, a volunteer uncompensated worker's employment earnings from all sources during the last six months of employment shall be used. In the event the volunteer uncompensated worker has never been employed, the worker shall be considered to be earning the state minimum wage over a forty-hour week. The worker's average weekly wage shall be calculated by one of the methods in §§ 62-4-25 to 62-4-27, inclusive. In no event may payments to volunteer uncompensated workers exceed the maximum limitations for benefits as set out in this title. No local prisoner, state inmate, or federal inmate providing services to the state or any of its political subdivisions may be considered a volunteer worker under this section.

Source: SL 1971, ch 278, § 1; SL 2001, ch 292, § 1.

Sample 1

[COMMUNITY NAME]
COMMUNITY EMERGENCY RESPONSE TEAM PROGRAM
HOLD HARMLESS/PERMISSION REQUEST

I, _____, hereby request permission to participate in the _____ Community Emergency Response Team (CERT) program. I understand that this training will involve active physical participation, which includes a potential risk of personal injury and/or personal property damage. I make this request with full knowledge of the possibility of personal injury and/or personal property damage. Further, I have read and understand the program outline that describes all class sections and the associated activities.

I agree to hold The American Red Cross, the _____, _____ Fire Department, [COMMUNITY NAME] and [COMMUNITY NAME] Emergency Management, and their agents and personnel, harmless from any and all claims, actions, suits, and/or injury that I may suffer and which may arise as a result of my participation in the above mentioned class.

I agree to follow the rules established by the instructors, and to exercise reasonable care while participating in the CERT program. I understand that if I fail to follow the instructor's rules and regulations or if I fail to exercise reasonable care, I can be administratively removed from the program.

By executing this release I certify that I have read this release in its entirety, understand all of its terms and have had any questions regarding the release or its effect satisfactory answered. I sign this release freely and voluntarily.

_____ _____
Signature Date

_____ _____
Emergency Contact Name Emergency Contact Number

Comments:

_____ _____
Signature of Instructor Date

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Sample 2

Brookings County
Community Emergency Response Team/Training Program (CERT)

Release

By signing this Release, I acknowledge that I have read and understand the risks associated with this activity. (***Warning:*** Individuals who do not wish to accept the risks described in this document, should not sign it). The undersigned participant in the Community Emergency Response Team/Training Program acknowledges and agrees as follows:

Acknowledgment of Risk

Participation in the Community Emergency Response Team/Training (CERT) Program involves physical labor and carries a risk of personal injury. I recognize that there are natural and manmade hazards, environmental conditions, diseases, and other risks, which in combinations with my actions can cause injury to me. I recognize that activities associated with this program may include transportation to and from volunteer sites, extinguishing small fires, providing disaster medical care (e.g., controlling bleeding, treating shock, treating sprains and fractures, opening airways, transporting patients), performing light search and rescue activities and other similar activities.

Physical Activity

I understand that the physical activity involved in this program may cause physical and emotional discomfort. I am free from any known heart disease or other serious health problems that could prevent me from participating in any of the activities associated with this program. I am sufficiently physically fit to participate in the activities of the program.

Immunity

I recognize that the activities associated with this program fall within the general immunity from liability for emergency care pursuant to SDCL 20-9-4.1. I certify that I have medical insurance to cover the cost of any emergency or other medical care that I may receive for an illness or injury. If I do not have medical insurance, I will be personally responsible for the cost of any emergency of other medical care that I receive.

Release and Indemnification

I hereby assume all risk of injury or liability and waive any right of recovery from, or to bring suit against Brookings County and any other public or private entity involved with the Community Emergency Response Team/Training, together with all of their employees or agents, for any bodily injury, death, or other consequences arising out of my participation in this activity. I agree to indemnify, defend, and hold harmless the above listed entities and their agents or employees from all loss, costs, damage, injury, liability, claims, and causes of action whatsoever, arising out of or related to any act, error, or omission while participating in any aspect of this activity.

I HAVE READ THE ABOVE RELEASE AND CONSENT TO ITS PROVISIONS.

_____ _____
Signature of Participant Date

_____
Printed Name

_____ _____
Witness Date

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