

# FEMA RESERVIST PROGRAM

Federal Emergency Management Agency (FEMA)

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## BACKGROUND

This Directive is applicable to all FEMA Reservists and organizational elements. This Directive supersedes FEMA Instruction 8600.1: *Disaster Assistance Employee Program*, dated June 21, 1991 and FEMA Directive (FD) 010-6: *FEMA Reservist Program*, dated June 14, 2012.

FEMA Reservists are geographically dispersed, intermittently employed professionals with common objectives that support the Agency's mission. This Directive describes a collaborative, multidisciplinary approach to support all FEMA Reservists.

## PURPOSE

This Directive provides agency-wide policy for the administration, implementation, and oversight of FEMA's Reservist Program.

## PRINCIPLES

The Reservist Program builds and sustains a robust incident workforce of well-trained, intermittent employees who can readily deploy to support the needs of disaster survivors and their communities. The Agency will effectively perform emergency management functions in accordance with FEMA's legal authorities, policies, and procedures.

The Reservist Program operates under the following guiding principles:

- A. FEMA is an expeditionary agency with a fundamental goal to serve the Nation by supporting citizens and first responders, especially when they are most in need. To meet this goal, FEMA employs Reservists and other personnel to deliver FEMA programs consistently and effectively to disaster survivors.
- B. FEMA Reservists will be qualified, well-trained, well-equipped, and reliably available to effectively and consistently deliver programs and accomplish the Agency's mission.
- C. FEMA will develop and implement fair, equitable, and transparent policies and procedures to recruit, select, certify, and retain highly qualified U.S. citizens to serve as emergency managers in the Reservist Program.
- D. Reservists will be considered national assets subject to activation and deployment nationwide at any time. Reservists will be certified for specific

- Incident Management positions through experience, training, and demonstrated performance in accordance with FEMA's Qualifications System (FQS).<sup>1</sup>
- E. Reservists, individually and collectively, must be prepared to activate and deploy quickly, effectively, and consistently to respond to and recover from Stafford Act emergencies and disaster declarations.
  - F. FEMA leaders will communicate with Reservists, regardless of activation status, regarding all FEMA-wide activities and events to the fullest extent permitted by law.
  - G. Reservists can communicate systemic problems and issues affecting the Reservist Program with their respective Cadre Coordinator, the Reservist Ombuds, within the Office of Chief Counsel or the Reservist Advisory Board, which is comprised of up to 10 current Reservists and chaired by the Deputy Administrator.

## **REQUIREMENTS**

Reservists shall only perform disaster-related work that is payable out of the Disaster Relief Fund. The work must involve specific disasters, emergencies, projects, or other activities of a non-continuous nature performed under the authority of the Stafford Act. The duties typically are directly related to their FQS position job title(s); however, Reservists may be assigned to perform any disaster-related duty, irrespective of their position title, based on the needs of the Agency. Certain discrete, disaster-related tasks and activities may be suitable for completion from a Reservist's official duty station when not deployed, if authorized by the Supervisor of Record. When deployed, Reservists may be approved to work from an alternate location with approval from their Temporary Duty Supervisor. Approval of work from a Reservist's official duty station or an alternate location must be approved in accordance with Appendix A of the Cadre Management Guide. Reservists will not be assigned to such duties at FEMA Headquarters or in the FEMA Regions in lieu of Permanent Full-Time Employees (PFT) or Cadre of On-call Response/Recovery Employees (CORE). Reservists shall not be activated to circumvent an Agency hiring freeze or to avoid the cost of salary and benefits associated with employing full-time equivalents.

### **A. Hiring and Pay**

Outcome: FEMA recruits candidates to meet FEMA's Force Structure while establishing requirements for their employment.

#### **1. Recruitment**

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<sup>1</sup> The Director of Workforce Management Division, in coordination with the Reservist Program Managers, will determine the number of Reservist personnel in each FQS position based on force structure as necessary to meet FEMA mission requirements articulated by the Regional Administrator, Federal Coordinating Officer and Federal Disaster Recovery Coordinator.

- a. FEMA will recruit and hire the required number and distribution of positions identified by the FEMA Force Structure.<sup>2</sup> Consistent with policies established by the Office of the Chief Component Human Capital Officer (OCCHCO), FEMA shall consider:
  - (1) The most efficient means to recruit the best-qualified candidates for specific positions;
  - (2) The FQS qualifications required to perform the duties; and
  - (3) Non-discrimination, diversity and inclusion goals.
- b. Reservists must be U.S. citizens and pursuant to Federal law, the Agency may ascertain the fitness of applicants, including health, character, knowledge, and ability before appointing them to the Reservist Program. FEMA will comply with FEMA Directive 112-14: *Equal Opportunity and Affirmative Employment* when hiring Reservists. Reasonable accommodations will be provided consistent with the Rehabilitation Act of 1973.
- c. All Reservists are subject to federal ethics laws, rules, and regulations, to include DHS Management Directive 0480.1: *Ethics/Standards of Conduct* and DHS's regulation requiring pre-approval of outside employment and activities.

## 2. Appointments

- a. Reservists hold time-limited intermittent appointments in the excepted service.<sup>3</sup> Appointments shall not exceed 24 months (absent re-appointment) and shall expire biennially on the last day of the sixth pay period of each even-numbered year (the "not to exceed date").
- b. A Reservist is required to have a Residence of Record in a Stafford Act "State," as defined by Section 102(4) of the Stafford Act.
- c. FEMA will announce Reservist job openings through USAJOBS.gov, or other alternative means of recruitment.
- d. Cadre Coordinators may execute name requests without publishing a job announcement to meet a hiring need.
  - (1) Name requests must be justified in writing by the Cadre Coordinator and approved by the Certifying Official;
  - (2) OCCHCO must approve that the individual is minimally qualified for the position; and
  - (3) The justification must be preserved for one year from the effective date of the hiring, in accordance with 29 C.F.R. § 1602.14.

## 3. Re-appointments and Resignations

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<sup>2</sup> The Assistant Administrator for the Field Operations Directorate will ensure FEMA establishes and maintains a sufficient and capable force structure and disaster workforce to respond to Stafford Act major disasters and emergencies.

<sup>3</sup> The appointment does not confer Federal competitive status on the appointee. See Stafford Act Section 306.

- a. Cadre Coordinators may, based upon operational needs and the current/future Force Structure, reappoint a Reservist in their cadre at the conclusion of the appointment period.
  - b. Decisions to non-renew a Reservist's appointment will be documented, coordinated with OCCHCO, and maintained by the Cadre Coordinator in accordance with 29 C.F.R. § 1602.14.
  - c. A Reservist's appointment may be terminated by the Cadre Coordinator, in coordination with OCCHCO, at any time prior to the not-to-exceed date. Justification for the removal will be documented and maintained in accordance with 29 C.F.R. § 1602.14.
  - d. Termination of a Reservist's appointment prior to the not to exceed date must be coordinated with OCCHCO/Employee Relations prior to initiating the action.
  - e. Reservists may resign, in writing to their cadre coordinator, at any time prior to termination or expiration of their appointment.<sup>4</sup>
4. Annuitants
- a. FEMA's OCCHCO can waive the salary offset for the first 120 days of a Presidentially Declared Disaster.<sup>5,6</sup> Waiver requests for employment exceeding the first 120 days of a Presidentially Declared Disaster must be forwarded to DHS for further transmittal to OPM per 5 U.S.C. §§ 8344(i), 8468(f).
  - b. The program Cadre Coordinator determines whether an Annuitant's declination of an activation qualifies as a declination under "reasonable cause" rationale. (see Declinations)
5. Pay
- a. Unless specified, FEMA pays Reservists only for those periods when they are activated by the Field Operations Directorate (FOD). At all other times, Reservists remain FEMA employees in a non-pay status.
    - (1) When not deployed, Reservists may be compensated up to 32 hours a year for coordination activities with their cadre, as well as 40 hours a year to complete mandatory training.
    - (2) FEMA will pay Reservists to complete tasks directed by FEMA that require the individual to dedicate a substantial measure of time and must be completed as a condition of continued employment. The amount of pay authorized for the tasking will be established by FOD in coordination with OCCHCO and the office that issued the task.
    - (3) Tasks, whether required or voluntary, that require 15 minutes or more to complete will be considered compensable.

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<sup>4</sup> The Reservist must provide an effective date of the resignation and provide a forwarding address.

<sup>5</sup> FEMA has not received the authority to apply this waiver to emergencies or for Other Duty Travel (e.g. training, exercises, meetings, course development).

<sup>6</sup> OPM has authority to waive annuity-offset requirements on a case-by-case basis for positions for which there is exceptional difficulty in recruiting or retaining a qualified employee. 5 U.S.C. §§ 8344(i)(1)(A), 8468(f)(1)(A).

- (4) Reservists may be deployed and paid to participate in disaster readiness activities such as exercises or Reservist working groups.
- b. Reservists are paid only for those hours they work, unless authorized by applicable Agency Directives.<sup>7</sup>
  - c. FEMA may hire Reservists into positions, other than entry-level specialist positions, based on their knowledge, skills, and abilities (including special qualifications). The following general pay alignment provides the baseline guidance used to implement this policy:
    - (1) Pay Band IM-1 – Specialist;
    - (2) Pay Band IM-2 – Manager/Crew Leader;
    - (3) Pay Band IM-3 – Unit Leader/Group Supervisors
    - (4) Pay Band IM-4 – Branch Director, Division Supervisor, Advisor, Section Chief III; and
    - (5) Pay Band IM-5 – Section Chief II and I, Command Staff Officer, Lead Advisor, Lead Legal Advisor.
  - d. The Assistant Administrator of the Field Operations Directorate (FOD), in coordination with OCCHCO and the leadership of the affected program office may approve variations to the pay scale. FOD will maintain a current list of approved pay variations to account for unique requirements of specific positions (e.g., licensure, mandatory compliance with codes of professional responsibility).
  - e. Reservists holding active appointments who transitioned directly from the Disaster Assistance Employee Program into the Reservist Program (before the end of calendar year 2012), without a break in service of more than three days, shall be paid at the Disaster Assistance Employee Program rate to which they were last entitled, or the Reservist Program rate for their FQS position, whichever is higher.
  - f. If an individual applies for a position that has a lower rate than his/her qualified FQS position, they will receive the commensurate pay rate of the lower position consistent with this Directive.
  - g. Reservist's deployed to perform a subordinate FQS job title (located in the career progression path of their primary FQS job title) will be paid at the rate assigned for their primary FQS job title.
  - h. When a Reservist is deployed for field operations, the servicing field unit is responsible for WebTA, timekeeping, and travel authorizations. Per FD 253-4-1 "Disaster Reservist Holiday Pay and Administrative Leave Policy<sup>8</sup>" and FEMA Manual 122-1-1, "Travel Policy Manual," all travel must be performed in accordance with a travel authorization and meet the requirements of the Federal Travel Regulation and supplemental authorities.

## 6. Benefits

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<sup>7</sup> FEMA Manual 253-2-1: Premium Pay Manual; FEMA Manual 253-4-1: Disaster Reservist Holiday Pay and Administrative Leave; and FEMA Manual 122-1-1, Travel Policy Manual.

<sup>8</sup> This Directive supersedes other pertinent Reservist Travel and Leave Directives.

- a. Reservists are eligible for Federal Employees Health Benefits (FEHB) if FEMA expects the Reservist's total hours in a pay status (including overtime hours), plus qualifying leave without pay hours, to be at least 130 hours in a calendar month.<sup>9</sup>
  - (1) Once enrolled in FEHB, FEMA Reservists will maintain their eligibility until they receive a new appointment that is subject to different FEHB eligibility requirements; they accrue over 365 days in a non-pay status, subject to 5 C.F.R. § 890.303(e); or they are separated from the Federal service.
  - (2) Except as otherwise provided by law, the FEHB enrollment of a FEMA Reservist continues while he/she is in nonpay status for up to 365 days.<sup>10</sup>
  - (3) If a FEMA Reservist has at least four (4) consecutive months in pay status after a period of nonpay status he/she is entitled to begin the 365 days' continuation of enrollment anew.<sup>11</sup>
- b. FEMA will send a Reservist enrolled in FEHB options to continue or terminate coverage when entering a non-pay status. The Reservist must elect, in writing, one of the options and return the signed form to OCCHCO within 31 days after receipt. Failure to return the signed form by the deadline will result in automatic termination of the coverage.
- c. Reservists are not entitled to civil service retirement.
- d. Reservists who sustain injuries or illnesses while in the performance of duty may be eligible for benefits under the Federal Employees' Compensation Act.
- e. Reservists have free access to work life enhancement services through FEMA's Employee Assistance Program at all times (activated or not).<sup>12</sup>

## **B. Leave/Unavailability**

Outcome: FEMA establishes clear guidance regarding the use of each type of leave available to Reservists.

### **1. Pre-Approved Non-Availability**

- a. Reservists may take up to 90 days per year of PANA when not deployed.<sup>13</sup> Unexpended PANA will not be carried over from one calendar year to a subsequent calendar year.

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<sup>9</sup> "Qualifying leave without pay hours" includes leave without pay under the Family Medical Leave Act, for performance of duty in the uniformed services under the Uniformed Services Employment and Reemployment Rights Act of 1994, for receiving medical treatment under Executive Order 5396, and for periods during which workers compensation is received under the Federal Employees Compensation Act.

<sup>10</sup> The 365 days' nonpay status may be continuous or broken by periods of less than four (4) consecutive months in pay status.

<sup>11</sup> For the purposes of this paragraph, four (4) consecutive months in pay status means any four (4) month period during which the FEMA Reservist is in pay status for at least part of each pay period.

<sup>12</sup> Employees may call toll-free at 1-800-222-0364, 24 hours a day, seven (7) days a week. Employees can also access services online at [www.FOH4you.com](http://www.FOH4you.com).

<sup>13</sup> While Reservists will not receive a deployment request while on PANA, Reservists with approved PANA may receive a deployment request for a period that would encompass their approved PANA; the Reservist will have the right to decline the deployment request without receiving a declination penalty or cancel their approved PANA, without those days counting against their allotted PANA.

- b. Reservists may request the use of PANA from their Supervisor of Record for any purpose. The Supervisor of Record will adjudicate each PANA request. During times of operational necessity, PANA requests may be denied. If the PANA request is received after being notified of a deployment, a deployment declination will be recorded.
  - c. PANA requests that are for five days or more must be submitted to their Supervisors of Record 30 days in advance. PANA requests that are equal to four or less days may not be requested more than two weeks in advance of the last day of the request.
2. Sick Leave
- a. Reservists will accrue one hour of sick leave for every 20 hours in pay status, not to exceed four hours per pay period. Reservists accrue sick leave only during non-overtime regularly scheduled working hours.
  - b. FEMA Temporary Duty Supervisors may approve use of accrued sick leave to a Reservist when the employee:
    - (1) Receives medical, dental, or optical examination or treatment;
    - (2) Is physically or mentally ill or otherwise incapacitated;
    - (3) Would, as determined by appropriate health authorities, jeopardize the health of others by his or her presence in the workplace because of exposure to a communicable disease; or
    - (4) Makes necessary arrangements in connection with the death of a family member (spouse, child, sibling, and/or parent).
  - c. To use sick leave, a Reservist must:
    - (1) Be in a pay status;
    - (2) Be scheduled to work during the period sick leave is requested;
    - (3) Apply sick leave only to an employee's applicable basic 40 hour work week;
    - (4) Not be on any rotation as provided under FEMA Manual 122-1-1, "Travel Policy Manual," travel during extended TDY assignment or in an administratively directed non-pay status;
    - (5) Not be in-transit between the TDY assignment and the home of record in accordance with a travel authorization; and
    - (6) Not be using concurrently with Holiday or Administrative Leave Pay. If claimed on the same day as Administrative Leave Pay, it must involve a period of reporting for duty prior to the granting of Administrative Leave Pay.
  - d. Sick leave may be granted for short periods of time (less than three work days) without medical documentation. Temporary Duty Supervisors may, however, request medical evidence to support requests for sick leave regardless of the duration of the absence.
  - e. FEMA will reimburse the Reservist for lodging, meals & incidental expenses, and rental car (if applicable), during the period of sick leave up until he or she returns to work or demobilizes.
  - f. A Reservist's Supervisor of Record or appropriate Regional Administrator (RA), Federal Coordinating Officer (FCO) or Federal Disaster Recovery Coordinator

(FDRC) shall take appropriate steps to demobilize a Reservist if the supervisor has reason to believe the Reservist will be unable to perform his or her duties, due to illness, for more than seven days.

- (1) If the Reservist is still unable to perform his or her duties, due to illness, upon return to his/her home duty station, the Reservist must request pre-approved non-availability (PANA) for recuperative time from his or her Cadre Coordinator.
  - (2) In these circumstances, the Reservist will be placed into the normal rotation for redeployment after the PANA has expired, unless the Reservist requests and is approved for an additional period of unavailability.
- g. In situations where a Reservist is unable to perform his or her duties due to confirmed or suspected illness during a contagious phase, the Reservist's supervisor will approve accrued sick leave or non-pay status (if sick leave is exhausted) for the Reservist. At the discretion of the FCO, employees who are suspected or confirmed to have contracted a highly contagious disease may return to work following the contagion period with a medical note that they are no longer symptomatic.
- h. A Reservist's sick leave from prior federal service will be re-credited pursuant to 5 C.F.R. § 630.502. Reservists must communicate with OCCHCO to ensure appropriate re-crediting of sick leave accrued during prior federal service.
3. Family and Medical Leave Act (FMLA)
- a. Reservists may be eligible to receive unpaid unavailability pursuant to FMLA.<sup>14</sup> To be eligible for FMLA, a Reservist must have been employed by FEMA or elsewhere in the U.S. Government for 12 months cumulatively and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.<sup>15,16</sup> An eligible Reservist's FMLA unavailability entitlement is limited to a total of 12 work weeks of leave during any calendar (see 29 C.F.R. § 825.200(a))
  - b. An eligible Reservist who is the spouse, son, daughter, parent, or next of kin of a Covered Service member who suffers a serious injury or illness on active military duty is entitled to 26 weeks of leave during a single 12-month period to care for the service member (see 29 C.F.R. § 825.127).
  - c. A Reservist must provide their Supervisor of Record at least 30 days advance notice, including all relevant supporting or medical documentation, before FMLA leave is to begin if the need for the leave is foreseeable. A Reservist will give

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<sup>14</sup> 29 U.S.C. § 2612 and implementing regulations at 29 C.F.R. part 825.

<sup>15</sup> 52 weeks is deemed to be equal to 12 months for purposes of determining whether intermittent employment qualifies as 12 months. See 29 C.F.R. § 825.110(b). The week counts as a week of employment if an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave during which other benefits or compensation are provided by the employer. *Id.*

<sup>16</sup> See 29 C.F.R. § 825.109-110. The 12 months need not have been consecutive, except that employment prior to a continuous break in service of seven years or more will not be counted toward the time-in-service requirement. See 29 C.F.R. § 825.110(b)(1). Exceptions exist if the break in service was due to military service obligations or if there is a written agreement regarding the agency's intention to rehire the employee after the break in service. See 29 C.F.R. § 825.110(b)(2).

notice to their Supervisor of Record as soon as practicable if 30 days' notice is not practicable (see 29 C.F.R. § 825.302).

- d. The Supervisor of Record may consult their Certifying Official who has the final authority to approve or deny a Reservist's request for FMLA and to determine the increments by which they grant FMLA.
  - e. Unavailability may be taken intermittently or on a reduced leave schedule, depending upon the purpose for which the unavailability is requested. Cadre Coordinators should consult with OCCHCO to determine whether intermittent unavailability or a reduced leave schedule is available for the requesting Reservist pursuant to 29 U.S.C. § 2612(b)(1); 29 C.F.R. § 825.202.
  - f. Any eligible Reservist who takes FMLA leave shall, on return from their leave, be restored to their previously-held FQS position or to an FQS position title with equivalent benefits, pay, and other terms and conditions of employment.
  - g. Reservists shall not accrue any sick leave or other employment benefits during their FMLA leave or receive any right, benefit, or position of employment upon their return other than any right, benefit, or position to which they would have been entitled if they had not taken the leave.
4. Extended Reservist Leave (ERL)
- a. Reservists that require additional unpaid unavailability may request ERL for a period of not greater than 84 days per calendar year. ERL may be requested for one or more of the following:
    - (1) The birth of the Reservist's son or daughter, and to care for the newborn child;
    - (2) The placement of a son or daughter with the Reservist for adoption or foster care;
    - (3) A serious health condition that makes the employee unable to perform one or more of the essential functions of his/her job;
    - (4) The care for the Reservist's spouse, son, daughter, or parent with a serious health condition;
    - (5) Bereavement of a spouse, or a son, daughter, or parent of the Reservist;
    - (6) Jury duty;<sup>17</sup> or
    - (7) Other extenuating circumstances.<sup>18</sup>
  - b. Reservists found eligible to receive unavailability pursuant to FMLA will not be eligible for ERL, unless the Reservist requests the ERL for a purpose not covered by FMLA.

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<sup>17</sup> A Reservist, who has received a court-ordered summons to serve on a jury, or as a witness in a non-FEMA court proceeding, shall be granted ERL for the entire period of such service. If the Reservist receives the summons while deployed and wishes to delay their jury service, the Supervisor of Record shall provide to the Reservist all necessary documentation to request relief of duty from the court. The eligible period of ERL runs from the date upon which the Reservist is required to report to the court until the date he/she is discharged.

<sup>18</sup> Reservists may apply for ERL to address unforeseen circumstances which are extreme, unusual, or of sufficient severity and magnitude to warrant an extended absence. For example, when a Reservist's home of record has been damaged, destroyed, or otherwise adversely affected by a natural or man-made disaster.

- c. Certifying Coordinators have the authority to determine the increments of time for which they grant ERL, taking into account the facts and circumstances of each request, supporting documentation, and the increments previously provided to other Reservists in their cadre. The Certifying Coordinator shall convey their decision to the Supervisor of Record who must convey the Certifying Coordinator's decision to the Reservist. If the ERL was approved, the Certifying Coordinator will inform the FOD Deployment Branch of the ERL unavailability to ensure that the Reservist is made unavailable in the Deployment Tracking System for the appropriate amount of time.
- d. At the conclusion of their ERL, the Reservist will be expected to deploy upon request and, subject to the exceptions previously noted, a deployment declination will be considered to be without reasonable cause.
- e. Prior to returning to availability for deployment from a serious medical condition, a Reservist must provide documentation to their Supervisor of Record from their attending health care provider that he/she is cleared to return to work and is able to perform the essential functions of their FQS position title(s) or designated light duty assignment.

## **C. Activation and Deployment**

Outcome: FEMA activates and deploys Reservists to support Stafford Act declared events.

### **1. Activation**

- a. FOD shall activate and deploy Reservists in response to Stafford Act event-specific requirements established by RAs, FCOs, and/or FDRCs.
  - (1) FOD will not activate or employ Reservists to perform functions that full-time staff (permanent full-time or CORE) should appropriately perform.
  - (2) When requested by the RA, FOD may also activate and deploy Reservists for incidents in anticipation of a Stafford Act declaration.
  - (3) The Director of the Workforce Management Division (WMD) will track and account for all Reservists' availability, readiness, deployment, training and FQS qualifications.
  - (4) Except as noted in FD 010-8: FEMA Incident Workforce Deployment, FOD shall activate and deploy Reservists for all Incident Management assignments on a rotational basis by position and FQS qualification level.<sup>19</sup>
  - (5) Reservists will not be assigned to Incident Support job titles.
  - (6) Individual deployments away from a Reservist's residence of record to a single temporary work location will have a maximum duration of 50 consecutive weeks (including time spent on rotational travel). In extraordinary circumstances when FEMA requires a Reservist to deploy away from home to a single temporary work location for not less than six months, but no more than 30 months, the Associate Administrator for

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<sup>19</sup> When necessary and appropriate for effective mission accomplishment, FOD may elect to modify or deviate from the rotation list by deploying those Reservists nearest to the location of disaster.

Response and Recovery may authorize a Temporary Change of Station in accordance with Federal Travel Regulation.

- (7) FEMA requires Reservists to update their contact information and availability through the Deployment Tracking System and to be available to deploy on 24 hours' notice at all times during the term of their appointment unless approved for:
  - i. PANA;
  - ii. Reservist military leave;
  - iii. FMLA
  - iv. ERL.
- (8) When on PANA, Reservist Military Leave, FMLA or ERL, Reservists are not available to deploy on demand and FOD will not place them in rotation for deployment.
- (9) FEMA also requires Reservists to maintain a government issued travel card in good standing at all times. If travel card is placed in suspension, Supervisor of Record will change the Reservist status to "unavailable" in the Deployment Tracking System.
- (10) When not activated, Reservists shall respond to deployment notifications at the earliest possible time, and in all cases, within 24 hours of the transmission of the call or email. Failure to return a deployment request call/email from FOD within 24 hours of FOD placing the call or the time/date stamp on the email constitutes a declination to deploy.
- (11) The Director, Workforce Development Division, in coordination with the respective Cadre Coordinator shall deploy Reservists who require classroom instruction per an open Qualification Sheet when the Reservist is not in a deployed status and is listed as "available" in FEMA's Deployment Tracking System to scheduled courses. Failure to accept this deployment will constitute a declination to deploy.

## 2. Declinations

- a. If a Reservist listed as "available" in FEMA's Deployment System fails to deploy upon activation, FOD shall document each such failure and maintain a record of it for three years or longer if required by applicable records retention policies.
- b. If a Reservist declines three deployments within one calendar year while in "available" status, and without reasonable cause for doing so, the Cadre Coordinator in coordination with FOD shall direct OCCHCO to terminate the Reservist's appointment.
- c. Reasonable cause for declining a deployment request includes, but is not limited to the following scenarios:

- (1) An annuitant who receives a deployment to a specific incident site whose salary offset will not be waived at the time of deployment;<sup>20</sup>
  - (2) A Reservist who submitted a timely request for PANA, ERL, FMLA, or Reservist Military Leave to their Supervisor of Record prior to the deployment request and whose request would have otherwise made them unavailable to deploy on the date of the deployment request
  - (3) A Reservist who has a spontaneous life event, as determined by the Cadre Coordinator, that qualifies for ERL and/or FMLA or receives military activation orders but was reasonably not able to notify their Cadre Coordinator of the life event or activation orders to obtain approved unavailability
  - (4) A Reservist who has requested or is otherwise engaged in the reasonable accommodation process pursuant to Section 501 of the Rehabilitation Act of 1973 and cannot deploy without that accommodation or whose previously-agreed upon accommodation prevents them from accepting the deployment request;
  - (5) A Reservist who has already declined one deployment on the date of the deployment request;
  - (6) A Reservist who has already received activation orders for a separate deployment;
  - (7) A Reservist who declines a deployment immediately subsequent to their demobilization from another deployment, such that the Reservist was not provided one day of unavailability for every month of deployment that did not contain rotational travel; or
  - (8) A Reservist deployment request occurred on the basis of an administrative error not already listed above.
- d. Reservists may not deploy or accept deployment if they do not hold a government-issued travel charge card in good standing. In the event that a Reservist must decline a deployment request because their government-issued travel charge card is lost or suspended, FOD shall normally consider this a declination without reasonable cause.
3. Unavailability for Military Service
- a. Reservists who are members of the National Guard or Reserve component of the U.S. Armed Forces and present valid military activation orders to their Supervisors of Record are eligible for unavailability for the duration of their military activation orders.
  - b. Reservists shall not receive compensation or be in a pay status during this period of unavailability.

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<sup>20</sup> Annuitants under the Federal Employees' Retirement System (FERS) and under the Civil Service Retirement System will have their salaries reduced (offset) by the amount of the annuity that are entitled to receive during their period of employment unless FEMA is able to utilize an offset waiver authority. See 5 U.S.C. § 8344(a) (covering CSRS); 5 U.S.C. § 8468(a) (covering FERS).

- c. Upon notification of deactivation of military orders, Reservists are encouraged to contact their Supervisor of Record as soon as possible to coordinate their availability.

## **D. Training**

Outcome: FEMA establishes training requirements for all Reservists and for specific FQS positions.

### **1. Mandatory Training**

- a. Reservists shall complete all mandatory training identified by FEMA, including initial ethics orientation provided by the Office of the Chief Counsel (OCC). Initial ethics orientation will be completed within 90 days of the Reservists date of entry (in accordance with 5 C.F.R. § 2638.703). Confidential financial disclosure filers must complete one hour of annual ethics training per calendar year required by 5 C.F.R. § 2638.705.
- b. The cadre coordinator must activate the Reservist for the applicable pay period to be compensated for verified training. Mandatory online training completion will be tracked by the cadre coordinator and compensation will be authorized to Reservists in non-pay status.

### **2. FEMA Qualification System**

- a. FEMA shall train and certify all Reservists in accordance with FQS. All personnel shall carry out FQS operations in accordance with the *FEMA Qualification System Guide for Incident Management and Incident Support Positions* (available at <http://www.fema.gov/about/employees/fqs.shtm>) and other authorized FQS supporting documentation.
- b. Reservists will remain in entry-level "Trainee" positions until they have completed the requisite training and position task-book (PTB), at which point they will be certified by the proper Certifying Authority as "Qualified" for that FQS Position.
- c. An FQS-qualified Reservist may pursue a higher FQS title as a "Candidate" when selected by a Certifying Official to open a new PTB.
- d. If a deployed Reservist has an open PTB in the FQS position to which they are a candidate, that Reservist must receive a PTB evaluation from an FQS coach evaluator (if assigned) prior to demobilization.
- e. It is the responsibility of the respective Cadre Coordinator, in coordination with the Director, WDD to ensure a qualified coach evaluator is assigned to all Reservists who are deployed in a "Trainee" or "Candidate" status.

## **E. Government Equipment**

Outcome: Reservists are equipped with the requisite equipment to efficiently meet mission requirements.

### **1. Equipment**

- a. As soon as practicable after appointment, FEMA shall furnish every Reservist with appropriate, OCIO approved mobile communication equipment.

- b. Reservists in specific FQS positions, as identified by, Certifying Authorities, and approved by the Assistant Administrator, FOD, may also receive computing equipment.
- c. Reservists in non-identified positions will receive equipment as soon as possible upon arrival at their deployed location. Type and nature of equipment provided will be dependent on the FQS position held.
- d. All FEMA-distinctive clothing issued to Reservists shall be ordered, issued, and worn in accordance with FD 123-18: *Standard FEMA-Distinctive Clothing*, or its successor.
- e. Reservists shall use, display, and present their FEMA-issued Government identification card only when activated and for lawful purposes.

## 2. Accountability

- a. Each Reservist must accept receipt and sign a Revocable License Agreement acknowledging acceptance and responsibility of, and custody of all government property, issued to them.
- b. Each Reservist is responsible for the proper use, care, and physical protection of all such property while in their custody. For Reservists who are issued laptops during non-activation, proper care includes connecting to a FEMA network at least once every two weeks.
- c. FOD, in coordination with the Logistics Management Directorate, or the Cadre Coordinator may recall government equipment at any time and for any reason.<sup>21</sup>
- d. Each Reservist will immediately, and within no more than 24 hours, notify their Supervisor of Record in the event that any government issued equipment is lost, stolen, damaged, unserviceable or destroyed due to negligence, misconduct, or unauthorized use.
  - (1) Reservists must complete and submit FEMA Form 119-7-1-1: Report of Survey, to their Accountable Property Officer to document the circumstances of any loss, theft, damage, unserviceability or destruction to government-issued equipment; and
  - (2) Reservists must file a police report for stolen equipment.
- e. In coordination with their Supervisor of Record and Accountable Property Officer, Reservists must return all FEMA-issued equipment to either the Disaster Information System Clearinghouse (DISC), or an Accountable Property Officer at a FEMA facility, at the earliest opportunity upon the conclusion of their term of employment and/or activation. A Reservist may be charged the Market Value for any equipment not returned within 14 days via a payroll deduction or collections.
- f. In the event that a Reservist dies while deployed to a disaster site, the Supervisor of Record for the deceased shall coordinate with the FCO -

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<sup>21</sup> See FD 119-7: *Federal Personal Property Management Directive* and FEMA Manual 119-7-1: *Personal Property* for custodian responsibilities.

designated Federal Official and the Joint Field Office Logistics Section Chief to ascertain the status and retrieve all Government issued property.

## **F. Performance Management and Disciplinary Process**

Outcome: FEMA has clear expectations for performance management, feedback and has a process to address disciplinary actions.

### 1. Performance Management

- a. Performance management is dictated by the OCCHCO, who will develop and maintain an agency approved Deployment Performance Appraisal to evaluate all Reservists in a deployed status.
- b. Temporary Duty Supervisors will complete a Deployment Performance Appraisal on each Reservist and provide Cadre Coordinators with feedback on the performance of Reservists during deployments. Temporary Duty Supervisors must report and document instances of poor performance or misconduct to the Cadre Coordinator or the Supervisor of Record. The Cadre Coordinator or the Supervisor of Record must consult with the OCCHCO Employee Relations Branch prior to initiating any disciplinary action.
- c. Temporary Duty Supervisors will provide day-to-day supervision of the deployed Reservists and assign work that corresponds to their FQS qualifications.
- d. Each Reservists will be provided with a Deployment Performance Appraisal by their Temporary Duty Supervisor prior to their demobilization. The performance evaluation will identify if the Reservist deployed the requisite amount of days, and ensure documentation is recorded in the approved system of record.

### 2. Disciplinary Process

- a. In coordination with OCCHCO, Cadre Coordinators are responsible for acting on all allegations of misconduct. Allegations of misconduct shall be referred to the Office of the Chief Security Officer and OCCHCO Employee Relations Branch.
- b. Cadre Coordinators will follow FEMA Directive 123-19: *FEMA Administrative Investigations Policy*, to report misconduct to the DHS Office of Inspector General.
- c. In all cases where misconduct is alleged, the OCCHCO Employee Relations Branch shall advise the FCO and Cadre Coordinator as to demobilization or continued activation of the Reservist. If the Cadre Coordinator and FCO disagree concerning whether to demobilize the Reservist, the issue will be presented to the Associate Administrator of Response and Recovery for resolution.
- d. If FEMA receives information that a Reservist has been arrested or indicted for a crime, the Reservist's Supervisor of Record and the FCO shall contact both Office of the Chief Security Officer and the OCCHCO Employee Relations Branch for guidance. The FCO, after consulting with the Supervisor of Record and OCCHCO, will issue a final decision concerning

whether the Reservist will be allowed to continue working or will be demobilized. The Reservist may be placed temporarily in a non-duty, non-pay status until a decision is made by the Agency.<sup>22</sup>

- e. Temporary Duty Supervisors, in consultation with Employee Relations, who have reason to believe that a Reservist has misused sick leave privileges may place the Reservist on sick leave restriction. When placed on sick leave restrictions, the Reservist is required to provide medical documentation from a health care provider to support all requests for sick leave.
- f. If a Reservist who has been placed on a sick leave restriction fails to comply with the terms of the sick leave restriction notice, he or she may be demobilized and may be subject to disciplinary action, up to and including removal.
- g. Violation of the Reservist's Revocable License Agreement (see Government Equipment, Accountability) may result in disciplinary action, including termination of employment.

### 3. Awards and Recognition

- a. Reservists are eligible to receive recognition awards for performance, achievements, innovations, and contributions toward meeting Agency strategic and performance goals and improving efficiency, effectiveness, and economy of the government.<sup>23</sup> Temporary Duty Supervisors and Cadre Coordinators may make award nomination recommendation with the approval of the FCO.
- b. Award types vary and, subject to the availability of appropriations, may be:
  - (1) Non-Monetary – awards that do not convey money. Recipients generally receive certificates.
  - (2) Monetary – when funded for Reservists, Cadre Coordinators or Temporary Duty Supervisors may nominate a Reservist for a special act award for exceptional contributions, services, achievements, or quality work for an appropriate amount in accordance with FEMA policy and OCCHCO guidance.
- c. Reservists are ineligible for time-off awards.
- d. Eligibility for award nomination will be dictated by OCCHCO.

## **G. Deviating From Existing Doctrine, Policy, Directive, or Instructions to Address the Unique Needs of an Ongoing Disaster or Emergency**

Consistent with FEMA Directive 112-12 and its supporting Instructions 112-12-1, the Field Operations Directorate will consult with the Office of Policy and Program Analysis and OCC to consider issuing a disaster-specific waiver of this directive. Doctrine,

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<sup>22</sup> Items of consideration include, but are not limited to: the nature of the offense; whether the Reservist is incarcerated; the existing evidence concerning the offense; whether the Reservist is a security risk; whether there is a reasonable belief that the employee committed an offense for which a prisons sentence may be imposed; and the notoriety of the offense, that is, the impact of the offense on the field office's ability to conduct business due to the Reservist's continued presence.

<sup>23</sup> FM 255-4-1: Employee Awards and Recognition, does not apply to Reservists.

policies, directives, and instructions that apply to only one disaster or emergency situation are not allowed. Following the disaster or emergency, the Field Operations Directorate will assess whether changes are required to the waived doctrine, policy, directive, or instructions.

A handwritten signature in black ink, appearing to read 'Corey D. Gruber', with a long horizontal flourish extending to the right.

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Corey D. Gruber  
Acting Associate Administrator  
Office of Response and Recovery

January 26, 2017

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Date

## ADDITIONAL INFORMATION

### REVIEW CYCLE

FEMA Directive 010-06 will be reviewed, reissued, revised, or rescinded within four years of the issue date.

### AUTHORITIES

- A. Homeland Security Act of 2002, Pub. L. No. 107-296.
- B. Post-Katrina Emergency Management Reform Act (PKEMRA), Pub. L. No. 109-295 (Oct. 4, 2006).
- C. Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended (Stafford Act), 42 U.S.C. § 5149.

### REFERENCES

- A. FEMA Qualification System Guide.
- B. Cadre Management Guide, October 2014.
- C. FD 010-8, FEMA Incident Workforce Deployment, Revised, October 16, 2014.
- D. FD 010-9, Cadre Management Directive, June 9, 2014.
- E. FD 119-7: Federal Personal Property Management Directive, April 13, 2011
- F. FD 123-18-REV, Standard FEMA-Distinctive Clothing, July 25, 2011.
- G. FD 123-19, Administrative Investigations Directive, April 3, 2012.
- H. FEMA Manual 123-9-1, Telework, January 9, 2013.
- I. FEMA Manual 253-4-1, Disaster Reservist Holiday Pay and Administrative Leave Policy, May 7, 2010.
- J. FEMA Manual 253-2-1, Premium Pay, February 11, 2014

### FORMS PRESCRIBED

- A. Custody Receipt For Government Property Issued for FEMA Reservist Workforce Retention, FEMA Form 119-7-1-3A.
- B. Health Benefits Election Form, SF-2809.
- C. Report of Survey, FEMA Form 119-7-1.
- D. Request for Personnel Action, Standard Form 52.

### DEFINITIONS

**Accountable Property Officer:** An individual designated in writing to maintain the accountability for FEMA property (in use or storage) in accordance with a prescribed system which shows the authorized debits, credits, and available balances on hand or obligated for use in such an activity. An Accountable Property Officer must be a FEMA employee. Contractors may not be used to fulfill the Accountable Property Officer roles and responsibilities.

**Activation:** The call-up, deployment, or mobilization process that places a Reservist in a pay status for work at a specific disaster site, training facility, or at home for training. Only the FOD may activate a Reservist.

**Annuitant:** A current or former civilian employee who is receiving, or meets the legal requirements and is applying or has announced intention to apply for, an annuity under subchapter III of chapter 83 or chapter 84 of Title 5, United States Code, based on his or her service.

**Appointment:** The act of placing a Reservist in FEMA employment under the authority provided within the Stafford Act

**Available:** The status of a FEMA incident workforce member who can readily deploy in support of an incident in either an Incident Management or Incident Support role.

**Break in Service:** The period at which a Reservist no longer works in the Federal Government. A break of three calendar days or less between appointments to federal service is not considered to be a break in service.

**Cadre:** A group of FEMA full-time equivalent and intermittent employees organized by operational or programmatic and FEMA Qualification System (FQS) positions that perform disaster-related duties during FEMA incident operations.

**Cadre Coordinator:** A FEMA employee with delegated authority from the Certifying Authority to oversee all aspects of day-to-day cadre management, including staffing, equipping, training, qualifying, and performance of the cadre and its members.

**Candidate:** An individual who is qualified in at least one FQS position and selected by a Certifying Official to open a new position task book for a higher FQS job title. The individual remains a candidate until he or she completes the entire qualification process and receives a new FQS qualification letter.

**Certification:** The validation and affirmation of the qualification process for a FEMA FQS position.

**Certifying Authority:** The highest-ranking FEMA official – Assistant Administrator equivalent or higher – for an incident workforce cadre. The CA may delegate FQS authority (in accordance with the FQS Guide) and cadre management authorities to the Certifying Official and/or Cadre Coordinator, but is responsible for assigning, certification, recertification and decertification of the cadre members and bears the responsibility for the effective management and performance of the cadre.

**Certifying Official:** A person designated by the CA to manage FQS for a specific incident workforce cadre, with the authority to issue position task books and certify individuals for specific FQS positions. The CO cannot delegate this authority.

**Conditions of Employment:** The terms under which all Reservists must comply to maintain an Appointment.

**Confidential Financial Disclosure (Office of Government Ethics (OGE) Form 450) Filer:** A Reservist who, due to their assigned FQS title, must file confidential financial disclosure reports (OGE Form 450s) as directed by the OGE and FEMA OCC per 5

C.F.R. § 2634 Subpart I. Reservists in these titles are assigned FEMA duties that involve the exercise of significant discretion in certain sensitive areas. The OGE Form 450 reports serve to ensure confidence in the integrity of FEMA operations by preventing conflicts of interest and to identify potential conflicts of interest. If required by their position title, timely filing of OGE Form 450 reports is a condition of employment for filers.

**Covered Servicemember:** A covered member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. 29 U.S.C. § 2611(15).

**Demobilize:** The release of a deployed individual from an incident for return to his or her official duty station.

**Deployment:** The movement of personnel based on official orders to a Temporary Duty (TDY) station to fulfill incident management or support requirements, including training related to those activities.

**Duty Station of Record (or Official Duty Station):** The Reservist's address of primary residence.

**Deployment Tracking System:** A central database used to ensure the accuracy of employee information and deployment records, determine workforce readiness, track personnel, and generate accurate reports of FEMA deployment activity for use by the Department of Homeland Security (DHS)/FEMA management.

**Extended Reservist Leave (ERL):** A special form of unpaid leave available only to Reservists not activated for deployment. ERL will not be provided to Reservists found eligible for unpaid leave under Family and Medical Leave Act (FMLA), unless the Reservist requests the ERL for a purpose not covered by FMLA. When on approved ERL, a Reservist is not available to deploy on demand and FOD will not place them in rotation for deployment. Reservists may take up to 84 calendar days per year of ERL when necessary. Unexpended ERL may not be carried over from one calendar year to a subsequent calendar year.

**FEMA Qualification System (FQS):** A performance-based system for certifying FEMA employees as "Qualified" or "Trainees" in Incident Management and Incident Support positions. Certification is based on successful completion of required experience, required training, and demonstrated performance.

**Force Structure:** A FEMA model that establishes incident personnel staffing requirements based on analysis of historical deployment data, readiness requirements, and likely future conditions.

**Paid Leave:** Holiday, administrative or accrued sick leave accounting for basic work hours while in an active status.

**Pay Status:** Any period of time during which an employee receives pay for time worked.

**Pre-Approved Non-Availability (PANA):**<sup>24</sup> A special form of unpaid time during which a Reservist is unavailable. This designation is only available to Reservists when they are not activated for deployment.

**Position Task Book (PTB):** A document that lists the critical behaviors, activities, and tasks required to become certified for a given Incident Management or Incident Support position within FQS; successful completion of all tasks in the PTB, as determined by an authorized FQS evaluator, is the basis for recommending a trainee or candidate for certification.

**Qualifying Exigency:** for purposes of FMLA, see 29 C.F.R. § 825.126.

**Readiness:** The condition of an individual, team, group, or organization that demonstrates their ability to meet a designated assignment.

**Reservist:** Employees hired under FEMA's Stafford Act authority who works intermittently as required in support of disaster operations.

**Reservist Military Leave:** Leave for members of the National Guard or Reserve components of the U.S. Armed forces while called to active duty, and in accordance with 5 U.S.C. § 6323, except that FEMA Reservists shall not receive compensation or be in a Pay Status for any period of Reservist Military Leave. A Reservist who presents valid military activation orders shall be entitled to military leave for the entirety of any periods covered by the military orders. Reservist Military Leave is provided in addition to PANA, ERL, and FMLA.

**Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. See 29 U.S.C. § 2611(11).

**Special Qualifications:** Unique skills or abilities not required for core FQS certification, but valuable to Agency operations, including, but not limited to, professional certifications (such as a warranted contracting officers), professional skills (such as a language), or unusual certifications required for particular assignments (e.g. Hazardous Materials qualification).

**Temporary Duty Supervisor:** The manager under whose supervision a deployed employee will work.

**Supervisor of Record:** The supervisor with the responsibility to exercise independent judgment to direct an employee on all matters relating, but not limited to, assignment and evaluation of work, administration, training, property accountability, and to discipline or terminate the employee.

## QUESTIONS

Please direct questions or comments regarding this Directive to the Field Operations Directorate at [FEMA-WMD Cadre Support@fema.dhs.gov](mailto:FEMA-WMD_Cadre_Support@fema.dhs.gov).

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<sup>24</sup> This term was formerly known as Reservist Leave in the original version of this Directive. These terms are one in the same and can be used interchangeably.