



**Grant Programs Directorate Information Bulletin
No. 497**

MEMORANDUM FOR: All State Administrative Agency Heads
All State Administrative Agency Points of Contact
All Urban Area Security Initiative Points of Contact
All State Homeland Security Directors
All State Emergency Management Agency Directors
All Fusion Center Directors
All State and Provincial Law Enforcement Executives
All Major City and County Law Enforcement Executives

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SUBJECT: State Homeland Security Program and Urban Area Security
Initiative Operational Overtime

I. Purpose

This Information Bulletin (IB) serves to provide additional clarity on the Operational Overtime requirements for the Homeland Security Grant Program (HSGP). Specifically, this IB provides applicants and recipients further guidance on when State Homeland Security Program (SHSP) and Urban Area Security Initiative (UASI) funds may be used to support select operational expenses associated with increased security measures in authorized categories, when post-incident operational overtime requests will be considered, and factors for applicants and recipients to consider if they plan to request post-incident operational overtime requests.

II. Applicability

This IB is applicable to all open HSGP awards.

III. Guidance

A. Organizational Overtime Generally. In support of efforts to enhance capabilities for detecting, deterring, disrupting, and preventing acts of terrorism and other catastrophic events, operational overtime costs are allowable for

increased protective security measures at critical infrastructure sites or other high-risk locations. Operational overtime costs are intended to help enhance public safety during mass gatherings and high-profile events, as well as facilitate other related information, investigative, and intelligence sharing activities. SHSP or UASI funds may be used to support select operational expenses associated with increased security measures in the authorized categories outlined below. Additional information can be found in the [Preparedness Grants Manual \(Appendix A\)](#).

	Category	Description
1	National Terrorism Advisory System (NTAS)	Security measures in response to an increase in the threat level under the NTAS to an “elevated” or “imminent” alert status. FEMA Information Bulletin No. 367, Impact of National Terrorism Advisory System on Homeland Security Grant Programs , remains applicable; therefore, advance authorization from FEMA is not required. Refer to https://www.dhs.gov/topic/ntas for additional information on the NTAS.
2	National Security Special Event (NSSE)	Security measures for a designated NSSE. NSSEs are events of national or international significance deemed by DHS to be a potential target for terrorism or other criminal activity.
3	Special Event Assessment Rating (SEAR) Level 1 through Level 4 Events	<p>Security measures required for SEAR Level 1 through Level 4 events as designated by DHS and included in the DHS National Special Events List, as defined below:</p> <ul style="list-style-type: none"> • SEAR 1: A significant event with national and/or international importance that may require extensive federal interagency support. • SEAR 2: A significant event with national and/or international importance that may require some level of federal interagency support. • SEAR 3: An event of national and/or international importance that requires only limited federal support. • SEAR 4: An event with limited national importance that is managed at state and local level. <p><i>NOTE: In cases where a threat of terrorism can be associated with a SEAR Level 5 event, the event planners should coordinate with their state or territory Homeland Security Advisor to seek re-adjudication of the SEAR rating. Operational overtime for security measures associated with such events will be considered for approval by FEMA if re-adjudication results in a SEAR 1 through 4 rating.</i></p>
4	States of Emergency	Declarations of states of emergency by the Governor associated with a terrorism-related threat or incident. This excludes Presidentially declared major disasters or emergencies where federal funding support for the proposed grant-funded activity is made available through

		the FEMA Public Assistance program or other federal disaster grants.
5	National Critical Infrastructure Prioritization Program (NCIPP)	Protection of Level 1 and Level 2 facilities identified through DHS's NCIPP based on a terrorism-related threat to critical infrastructure.
6	Directed Transit Patrols	Targeted security patrols in airports and major transit hubs based on a terrorism-related threat to transportation systems.
7	Other Related Personnel Overtime Costs	Overtime costs may be authorized for personnel assigned to directly support any of the security activities relating to the categories above. Examples include firefighters and emergency medical services personnel; public works employees who may be responsible for installing protective barriers and fencing; public safety personnel assigned to assist with event access and crowd control; emergency communications specialists; backfill and overtime for staffing state or major urban area fusion centers; and state Active Duty National Guard deployments to protect critical infrastructure sites.
8	Operational Support to a Federal Agency	Overtime costs are allowable for personnel to participate in information, investigative, and intelligence sharing activities related to homeland security/terrorism preparedness, and in support of a federal agency. Allowable costs are limited to overtime associated with participation in eligible activities, including anti-terrorism task forces, Joint Terrorism Task Forces (JTTFs), Area Maritime Security Committees (as required by the <i>Maritime Transportation Security Act of 2002</i>), DHS Border Enforcement Security Task Forces, and Integrated Border Enforcement Teams. In addition, reimbursement for operational overtime law enforcement activities related to combating transnational crime organizations in support of efforts to enhance capabilities for detecting, deterring, disrupting, and preventing acts of terrorism is an allowable expense under SHSP and UASI on a case-by-case basis. Grant funding can only be used in proportion to the federal man-hour estimate and only after funding for these activities from other federal sources (i.e., FBI JTTF payments to state and local agencies) has been exhausted.
9	Response to Catastrophic Incidents that are Acts of Terrorism	Operational overtime is allowable for responding to acts of terrorism. This includes overtime accrued during the immediate response to events, such as mass casualty acts of targeted violence or other activities where the act (i) is dangerous to human life or potentially destructive of critical infrastructure or key resources; and (ii) is a violation of the criminal laws of the United States or of any State or other subdivision of the United States, and the

		act appears to be intended to coerce civilian populations, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by mass destruction, assassination, or kidnapping.
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B. Post- Incident Operational Overtime: SHSP or UASI funds may only be spent for operational overtime costs upon prior written approval by FEMA. Post-incident operational overtime requests will only be considered on a case-by-case basis by FEMA, where it is demonstrated that exigent circumstances prevented submission of a request in advance. All organizational overtime used for exigent circumstances will be repurposed from existing grant awards.

C. Post-Incident Operational Overtime Considerations: HSGP funding is limited in scope and purpose. Not all post event or incident operational overtime is reimbursable. Before accruing costs without prior approval, recipients should consider the following limitations:

- i. **Nexus to Terrorism.** Today’s threats - including international and domestic terrorism, drugs, gangs, active shooters, targeted violence, transnational organized crime, and cyber - require a coordinated approach across federal, state, and local governments to effectively respond to the evolving nature of the various national and homeland security threats confronting our Nation. While allowable investments must have a nexus to terrorism preparedness, it is recognized that many activities that support the achievement of target capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for other threats and hazards unrelated to acts of terrorism.
- ii. **Personnel Costs.** All SAAs are allowed to use up to 50% of their SHSP funding, and all high-risk urban areas are allowed to use up to 50% of their UASI funding, for personnel costs per 6 U.S.C. § 609(b)(2)(A). Personnel hiring, overtime, and backfill expenses are permitted under this grant only to the extent that such expenses are for the allowable activities within the scope of the grant. Personnel expenses may include, but are not limited to training and exercise coordinators, program managers and planners, intelligence analysts, and Statewide Interoperability Coordinators (SWICs). Recipients may request a waiver of this cap under the process described in [IB 421b, section III.C.1](#), but are reminded that they may not incur any costs in excess of the 50% cap prior to the approval of the waiver request by the FEMA Administrator.
- iii. **Supplanting.** Grant funds will be used to supplement existing funds and will not replace (supplant) funds that have been appropriated for the same purpose. Applicants or recipients may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds. HSGP funds may not be used to support the hiring of any personnel

to fulfill traditional public health and safety duties nor to supplant traditional public health and safety positions and responsibilities. The following definitions apply to personnel costs:

1. **Hiring.** State and local entities may use grant funding to cover the salaries of newly hired personnel who are exclusively undertaking allowable FEMA grant activities as specified in this guidance. This may not include new personnel who are hired to fulfill any non-FEMA program activities under any circumstances. Hiring will always result in a net increase of Full Time Equivalent (FTE) employees.
2. **Overtime.** These expenses are limited to the additional costs that result from personnel working over and above 40 hours of weekly work time as the direct result of their performance of FEMA-approved activities specified in this guidance. Overtime associated with any other activity is not eligible.
3. **Backfill-Related Overtime.** Also called “Overtime as Backfill,” these expenses are limited to overtime costs that result from personnel who are working overtime (as identified above) to perform the duties of other personnel who are temporarily assigned to FEMA-approved activities outside their core responsibilities. Neither overtime nor backfill expenses are the result of an increase of FTE employees.