

Mutual aid agreements

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Unfortunately, as vividly illustrated by the aftermath of Hurricane Katrina, often assistance in the wake of a disaster does not flow as smoothly as in tabletop exercises.¹ When aid does not arrive promptly, finger pointing begins quickly, and careers can be brought to an end.² The post-Katrina problems appear to have resulted from failure of coordination between the local, state, and federal levels of government. In contrast, mutual aid agreements typically are between governmental equals: state to state or county to county.

Mutual aid agreements are a key part of emergency management. They are mandated by a number of standards, including the National Fire Protection Agency guidelines (NFPA 1600)³ and the National Incident Management System (NIMS).⁴ Their importance to the emergency operations plan (EOP) is obvious: They allow multiplication of resources. The proper contents for intrastate and interstate mutual aid agreements are found on the National Emergency Management Association (NEMA) Web site.⁵ The NIMS suggested requirements are⁴:

- definitions of key terms used in the agreement;
- roles and responsibilities of individual parties;
- procedures for requesting and providing assistance;

- procedures, authorities, and rules for payment, reimbursement, and allocation of costs;
- notification procedures;
- protocols for interoperable communications;
- relationships with other agreements among jurisdictions;
- workers' compensation;
- treatment of liability and immunity;
- recognition of qualifications and certifications; and
- sharing agreements, as required.

Authorized officials from each of the participating jurisdictions will collectively approve all mutual-aid agreements.

The Emergency Management Assistance Compact (EMAC) is the benchmark for interstate agreements. Various states, such as Indiana, have adopted slightly differing versions of EMAC.⁶ One issue that EMAC does not address is the credentialing of visiting emergency responders such as emergency medical technicians and doctors. This was reportedly a matter

of such controversy when EMAC was written that the decision was made to allow each state to deal with the issue separately.⁷ The draft version of EMAC limits interstate recognition of professional licenses and certifications to state officers and employees, which, of course, leaves out most emergency responders. For example, Section 10-14-3-3 of the Indiana Code defines “emergency management worker” as any full- or part-time paid, volunteer, or auxiliary employee of 1) the state; 2) other states, territories, or possessions; 3) the District of Columbia; 4) the federal government; 5) any neighboring country; 6) any political subdivision of an entity described in subdivisions 1-5; or 7) any agency or organization performing emergency management services at any place in Indiana subject to the order or control of, or under a request of, the state government or any political subdivision of the state.⁷ According to Section 15(b), “Any requirement for a license to practice any professional, mechanical, or other skill does not apply to any authorized emergency management worker who, in the course of performing duties as an emergency management worker, practices a professional, mechanical, or other skill during a disaster emergency.”⁷ It is unfortunate that there is not a uniform national approach to this issue in EMAC.

For those who become federally certified under the authority of NIMS, nationwide credentialing will be a part of the package. According to NIMS, “Personnel certification entails authoritatively attesting that individuals meet professional standards for the training, experience, and performance required for key incident management functions. Credentialing involves providing documentation that can authenticate and verify the certification and identity of designated incident managers and emergency responders.”⁸ This approach will do a great deal to lessen potential confusion in the aftermath of an emergency or disaster.

The EMAC Web page also contains a model intrastate agreement.⁹ Some states already have made provisions for an intrastate agreement. For example, Indiana has an intrastate mutual aid program that applies to every political subdivision of the state unless they have adopted an ordinance or resolution opting out of the program.¹⁰

Jurisdictions that request mutual aid assistance

must be aware of potential legal claims that may arise from doing so. While the model agreements cover issues like who is responsible for injuries to members of the assisting unit, case law indicates that the requesting entities may be responsible for their workers’ compensation claims if they are injured during the response.¹¹

ACKNOWLEDGMENT

This article was produced under a grant from the FEMA Higher Education Project.

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