

PUBLIC ASSISTANCE COVID-19 LABOR POLICIES AND GUIDANCE

BULLETIN #13 – 4/6/20

1. Applicant (Force Account) Labor

An Applicant's personnel is referred to as "force account". FEMA reimburses force account labor based on actual hourly rates plus the cost of the employee's fringe benefits.

2. Fringe Benefits

The fringe benefit cost is calculated based on a percentage of the hourly pay rate. Because certain items in a benefit package are not dependent on hours worked, the percentage for overtime is usually different than the percentage for straight-time.

Fringe benefits may include:

- Holiday leave
- Accrued vacation leave
- Sick leave
- Social security matching
- Medicare matching
- Unemployment insurance
- Workers compensation
- Retirement
- Health Insurance
- Life and disability insurance
- Administrative Leave

3. Eligibility Criteria

For Emergency Protective Measures (Category B) work, only overtime labor is eligible for budgeted employees. For unbudgeted employees both straight-time and overtime labor are eligible. Please use the following table for reference:

Budgeted Employees	Overtime	Straight-Time
Permanent employee	X	
Seasonal employee working during normal season of employment	X	

Unbudgeted Employees	Overtime	Straight-Time
Essential employee called back from administrative leave	X	X
Permanent employee funded from external source	X	X
Temporary employee hired to perform eligible work	X	X
Seasonal employee working outside normal season of employment	X	X

Reassigned Employees

Applicants may assign an employee to perform work that is not part of the employee's normal job. FEMA provides Public Assistance funding based on the reassigned employee's normal pay rate, not the pay level appropriate for the work, as the Applicant's incurred cost is the employee's normal pay rate.

Straight-time of a permanent employee funded from an external source (such as a grant from a Federal agency or statutorily dedicate fund) is eligible if the employee is reassigned to perform eligible Emergency Work that the external source does not fund. Confirmation that no duplication of funding exists will happen prior to approval.

Backfill Employees

Applicants may need to temporarily replace an employee who is responding to the incident. Overtime costs for the backfill employee are eligible even if the backfill employee is not performing eligible work as long as the employee that he/she is replacing is performing eligible Emergency Work.

Straight-time Public Assistance funding can be provided for the backfill employee if the employee is a:

- o Contracted or temporary employee; or
- o Permanent employee called in on a normally scheduled day off

If the employee is called in from scheduled leave, only overtime is eligible.

Supervisors

Second-level supervisors and above are usually exempt employees and are not directly involved in the performance of a specific project. They are not eligible for overtime, unless the Applicant:

- o Demonstrates that the employee was directly involved with a specific project;
- o Normally charges that individual's time to a specific project regardless of Federal funding;
- and

- o Incurs overtime costs for the employee in accordance with a labor policy that meets the criteria in the Public Assistance Program and Policy Guide (PAPPG).

Other

Extraordinary costs (such as call-back pay, night-time and weekend differential pay, and hazardous duty pay) for essential employees who are called back to duty during administrative leave to perform eligible Emergency Work are eligible if costs are paid in accordance with a labor policy that meets the criteria in the PAPPG.

Administrative leave or similar labor costs incurred for employees sent home or told not to report are not eligible.

Stand-by Time

FEMA provides funding for costs related to stand-by time incurred in preparation for and directly related to actions necessary to save lives and protect public health and safety. For it to be eligible stand-by time must be reasonable, necessary, and consistent with the Applicant's practice in non-federally declared incidents.

FEMA will determine if stand-by time claimed is eligible based on whether:

- o There is a contractual obligation to pay for stand-by time based on a labor agreement
- o The stand-by time occurred when it was necessary to have resources available to save lives and protect health and safety

4. Eligible Emergency Work

Please refer to [Bulletin #1 – Disaster Declaration Information](#), as well as, [FEMA's Eligible Emergency Protective Measures Fact Sheet for COVID-19](#) for additional information on eligible emergency work.

References:

- [FEMA Public Assistance Program and Policy Guide](#)

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