

Chapter 118-04 WAC

EMERGENCY WORKER PROGRAM

WAC

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- 118-04-210 Eligibility requirements and procedures for filing personal injury claims by emergency workers. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-210, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-230 Eligibility requirements and procedures for filing property loss/damage claims by emergency workers. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-230, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-250 Fuel and toll claims. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-250, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-270 Extraordinary expense claims. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-270, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-290 After action reports—Search and rescue. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-290, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 118-04-010 Purpose. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-010, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-030 Scope. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-030, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-050 Definitions. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-050, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-070 Registration. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-070, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-090 Scope of emergency duties. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-090, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-110 Classes of emergency workers. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-110, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-130 Emergency worker criteria and standards. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-130, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-140 Search and rescue emergency worker guidelines. [Statutory Authority: RCW 38.52.310. WSR 84-11-022 (Order 118-04), § 118-04-140, filed 5/11/84.] Repealed by WSR 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.

WAC 118-04-020 Purpose and intent. The purpose of this chapter is to adopt rules pertaining to the use, classes, scope, conditions of duty and training of emergency workers and compensation of emergency workers' claims.

The intent of these rules is to clearly delineate the responsibilities of authorized officials and emergency workers before, during, and after emergencies, disasters, and other specific missions.

[Statutory Authority: Chapter 38.52 RCW. WSR 93-23-005 (Order 93-08), § 118-04-020, filed 11/4/93, effective 12/5/93.]

WAC 118-04-040 Scope. This chapter is applicable for emergency activities as outlined in chapter 38.52 RCW for:

(1) Emergencies, disasters, and related incidents that are determined by appropriate state or local authorities to require the use of emergency workers and that are authorized by the issuance of an emergency management division mission number.

(2) Search and rescue missions, including urban search and rescue and evidence search missions, that are conducted under the authority of local law enforcement officers and that

are authorized by issuance of an emergency management division mission number.

(3) Training events authorized by issuance of an emergency management division training event number.

[Statutory Authority: Chapter 38.52 RCW. WSR 93-23-005 (Order 93-08), § 118-04-040, filed 11/4/93, effective 12/5/93.]

WAC 118-04-060 Definitions. (1) "Authorized official" means the adjutant general of the Washington military department or designee, director of the state emergency management division or designee, the director or designee of a local emergency management agency, the chief law enforcement officer or designee of a political subdivision, or other such officials as identified in the search and rescue annex or emergency support function of a local comprehensive emergency management plan.

(2) "Authorized organization" means the Washington military department, emergency management division; local emergency management agencies, and law enforcement agencies of political subdivisions.

(3) "Claimant" means the person making a claim or their legal representative.

(4) "Emergency management division" means Washington military department, emergency management division.

(5) "Engineer" means any person registered under chapter 38.52 RCW as an emergency worker who is an architect registered under chapter 18.08 RCW and/or a professional engineer registered under chapter 18.43 RCW.

(6) "Evidence search" means an unscheduled, nonemergency training activity utilizing emergency worker skills to look for evidentiary material resulting from criminal activity.

(7) "Incident" means an occurrence or event, either human-caused or natural phenomena, that requires action by emergency services personnel to prevent or minimize loss of life or damage to property and/or the environment.

(8) "Local emergency management agency" means the emergency management or emergency services organization of a political subdivision of the state established in accordance with RCW 38.52.070.

(9) "Local director" means the director or designee of a local emergency management agency.

(10) "Mission" means a distinct assignment of personnel and equipment to achieve a set of tasks related to an incident, emergency, disaster, or search and rescue operation that occurs under the direction and control of a local authorized official.

(11) "Training event" means a planned, nonemergency activity for the development, maintenance, or upgrading of emergency worker skills.

(12) "Urban search and rescue (US&R)" means locating, extricating and providing for the immediate medical treatment of victims trapped in collapsed or damaged structures.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-060, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-060, filed 11/4/93, effective 12/5/93.]

WAC 118-04-080 Registration. Registration is a prerequisite for eligibility of emergency workers for benefits and legal protection under chapter 38.52 RCW.

(1) Emergency workers shall register in their jurisdiction of residence or in the jurisdiction where their volunteer orga-

nization is headquartered by completing and filing an emergency worker registration card, Form EMD-024 or equivalent, with the local emergency management agency.

(a) The information provided during registration may be used by local authorized officials to conduct criminal history and driving record background checks.

(b) Failure to truthfully respond to statements set forth on the registration form may result in the denial of registration, revocation of registration as an emergency worker, or denial of compensation for claims or damage.

(c) Registration and subsequent issuance of an emergency worker identification card, Form EMD-025 or equivalent, shall be at the discretion of the local emergency management agency director. Denial of registration should only be made for cause.

(d) Each emergency worker shall be assigned to an emergency worker class as listed in WAC 118-04-100 in accordance with their skills, abilities, licenses, and qualifications.

(2) An employee of the state or of a political subdivision of the state who is required to perform emergency duties as a normal part of their job shall be considered as registered with the local emergency management agency in the jurisdiction in which they reside.

(a) When such individuals are outside the jurisdiction of their employment during a disaster or emergency, except when acting under the provisions of a mutual aid agreement, they should report to the on-scene authorized official and announce their capabilities and willingness to serve as a volunteer during the emergency or disaster. These individuals will be afforded the same protection as all other emergency workers.

(b) Such individuals, including volunteer firefighters enrolled under chapter 41.24 RCW, shall not be eligible for compensation as emergency workers when, during an emergency or disaster, they are performing their normal duties in the geographic area they are normally assigned to work or in another geographic area under the provisions of a mutual aid agreement.

(3) Temporary registration.

(a) Temporary registration may be authorized:

(i) In those emergency situations requiring immediate or on-scene recruiting of volunteers to assist in time-critical or life-threatening situations.

(ii) In those training or exercise situations where certain duties can be performed by persons who have no permanent and specific emergency worker assignments and who are not registered emergency workers but whose participation may be essential or necessary for the conduct of the training or exercise activity such as persons serving as disaster victims during a medical exercise.

(b) Persons shall be temporarily registered during the period of service if they have filled out a temporary registration card which includes name, date of birth, and address, as well as information describing the emergency, training, or exercise function they participated in, and the date and time they were involved in these activities, are issued a temporary identification card, and have reported to and are under the control and supervision of an authorized official operating under the provisions of chapter 38.52 RCW.

(c) When the lack of available time or resources precludes the completion of separate temporary registration and

identification cards for each person, entry of the person's name, assignment, date and times of work, total hours worked, and miles driven (if applicable) on an emergency worker daily activity report, Form EMD-078 or equivalent, shall suffice until such time as the required forms can be completed. In these cases, the emergency worker's date of birth shall be used in lieu of an emergency worker identification card number in the appropriate block on the Form EMD-078.

(d) Period of service:

(i) The period of service for persons temporarily registered shall commence no earlier than the date and time of issuance of an emergency management division mission, evidence search mission, or training event number.

(ii) The period of service for persons temporarily registered shall terminate no later than the termination date and time of the emergency management division mission, evidence search mission, or training event number.

(4) Any citizen commandeered for service in accordance with RCW 38.52.110 shall be entitled, during the period of this service, to all privileges, benefits and immunities provided by state law and state or federal regulations for registered emergency workers so long as that citizen remains under the direction and control of an authorized official. Such persons should complete temporary registration at the scene in order to facilitate the processing of any claim that may result from that service.

(5) Animals, such as dogs and horses used in search and rescue and other disaster response may be registered with the local emergency management agency.

(a) The purpose of this provision is to support those instances where a search dog or other animal must be transported on commercial aircraft. Registration as an emergency search and rescue animal will aid the airline in determining the proper method of transporting the animal.

(b) Registration of an animal also will facilitate the processing of claims for that animal should it become injured or killed during a training event or mission.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-080, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-080, filed 11/4/93, effective 12/5/93.]

WAC 118-04-100 Classes of emergency workers. The following classes of emergency workers and the scope of duties of each class are hereby established.

(1) Administration includes, but is not limited to, technical, administrative, and clerical services and may involve recruiting, coordinating, and directing any emergency support activities.

(2) Aviation includes duties performed by pilots licensed by the Federal Aviation Administration, operating Federal Aviation Administration approved aircraft, in support of emergency management activities. No compensation will be provided under chapter 38.52 RCW for those activities of air search which are the statutory responsibility of the Washington state department of transportation, aviation division.

(3) Communications includes, but is not limited to, any emergency communications activities carried out in accordance with approved state or local emergency operations and communications plans.

(4) Engineering includes, but is not limited to, structural, lifeline, electrical, civil, or mechanical engineering activities, inspection services, structural stability evaluation, and other emergency engineering-related activities such as construction, closure, demolition, repair, and maintenance of highways, roads, streets, bridges, as well as all types of buildings and facilities.

(5) Fire service includes, but is not limited to, assisting firefighting forces or agencies in both urban and rural areas, rescuing persons or protecting property, instructing residents regarding fire prevention, providing emergency information to individual citizens about methods of detecting fires and precautions to be observed to reduce fire hazards. This class does not include volunteer firefighters enrolled under and while in the performance of duty under chapter 41.24 RCW.

(6) General includes, but is not limited to, duties which can be performed by persons without permanent specific emergency assignment. These emergency workers may include personnel who are not ordinarily a part of an emergency response organization and who do not have any specific training or qualifications, but whose participation is essential to a specific emergency operation such as conducting sandbagging operations during a flood. These persons may be necessary for training or exercise activities such as serving as disaster casualties. These personnel shall register as temporary emergency workers for the period of time they are participating in emergency activities.

(7) Hazardous materials includes, but is not limited to, hazardous materials incident response duties, such as planning and coordination of response resources conducted in accordance with approved state or local emergency operations and hazardous materials plans.

(8) Law enforcement includes, but is not limited to, securing compliance with local, state, and federal laws, in a manner consistent with chapter 38.52 RCW, and assisting law enforcement officers with administrative and nonenforcement functions for the purpose of relieving commissioned personnel to carry out their enforcement duties.

(9) Mass care includes, but is not limited to, the provision of food, clothing, and lodging in mass care centers for persons whose homes have been destroyed or have been made temporarily uninhabitable by emergency or disaster, evacuation service for other than medical cases, registration and information, health and welfare inquiries, provision of temporary housing, counseling performed by qualified counselors, and other necessary assistance to disaster victims. It includes all duties required by current shelter management guidelines and procedures published in approved state or local emergency operations and shelter plans.

(10) Medical includes, but is not limited to, medical and surgical field teams, triage, general emergency and mobile hospitals, nursing service, first aid and ambulance service, sanitation, mortuary and laboratory service, medical-related radiological monitoring, precautionary measures for biological or chemical incidents, identification of sick and injured, and other medical and health services. This class also includes critical incident stress debriefing teams.

(11) Public education includes, but is not limited to, duties involving public education and informational activities necessary to keep the public informed during an emergency or disaster as well as activities designed to prevent persons

from becoming lost or injured during wilderness or other outdoor activities.

(12) Radiological includes, but is not limited to, radiological monitoring, gathering and evaluating radiological data, providing technical guidance concerning radiological decontamination operations, reporting, and planning duties that are in accordance with approved state or local emergency operations and radiological emergency plans.

(13) Search and rescue includes, but is not limited to, duties involving searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, human-caused, or technological disaster. These duties include instances involving searches for downed aircraft when ground personnel are used. This class includes urban search and rescue activities.

(14) Supply includes, but is not limited to, procurement, warehousing, staging, sorting, and release of supplies, equipment, and materials required during a mission, emergency, or disaster.

(15) Training includes, but is not limited to, all activities, public and private, relating to the education process and proficiency skill building for the enhancement of emergency preparedness under the concept of comprehensive emergency management, including but not limited to, specific courses, workshops, seminars, exercises, volunteer training activities, which includes the administration, reporting, and maintaining of appropriate records.

(16) Transportation includes, but is not limited to, the planning, organizing, maintaining, operating, and coordinating available means of transportation for the movement of supplies, evacuees, personnel, service animals, livestock, and equipment.

(17) Underwater diving includes, but is not limited to, the duties of underwater diving on any mission or training event. Workers serving in this capacity shall be certified in accordance with recognized national standards and shall provide proof of this certification to the local authorized official prior to conducting the task assigned.

(18) Utilities includes, but is not limited to, assisting utility personnel in the repair of water, gas, electric, telephone, telegraph, steam, sewer, and other utility facilities.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-100, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-100, filed 11/4/93, effective 12/5/93.]

WAC 118-04-120 Classes and qualifications of search and rescue emergency workers. There are three classes of search and rescue emergency workers: Novice, support personnel, and field personnel. The basic qualifications listed below define each of the three classes. Local requirements may include more extensive and detailed qualifications to meet local needs. Authorized officials also may require search and rescue emergency workers to demonstrate proficiency in the skills required to carry out their assignments.

Emergency workers who are not qualified for specific search and rescue duties shall not be assigned to such duties unless specifically directed by an authorized official and then only when under the direct supervision and control of personnel who are qualified for that specific assignment.

(1) The following are basic qualifications for novice search and rescue emergency workers without specific duties including those personnel in a training status. Novice personnel shall:

(a) Be physically and mentally fit for the position assigned.

(b) Possess sufficient knowledge of search and rescue skills and techniques to fulfill their emergency assignment.

(2) The following are basic qualifications for support search and rescue emergency workers. Support-qualified personnel shall:

(a) Be physically and mentally fit for the position assigned.

(b) Possess knowledge of the skills required of field search and rescue emergency workers but are not required to have the field tested experience nor the physical capabilities of field-qualified personnel.

(c) Possess knowledge in first aid for the control of bleeding, cardiopulmonary resuscitation, bone immobilization, protection from the elements, and protection from exposure to bloodborne pathogens.

(d) Possess basic knowledge of helicopter operations. Successful completion of a helicopter operations basic course approved by the emergency management division satisfies this requirement.

(e) If duties require involvement in helicopter operations, possess demonstrated knowledge and proficiency in helicopter operations. Successful completion of a helicopter operations intermediate and, as applicable, advanced course, approved by the emergency management division satisfies this requirement.

(3) The following are basic qualifications for field search and rescue emergency workers. Field-qualified personnel shall:

(a) Be physically and mentally fit for the position assigned.

(b) Possess knowledge of and demonstrated proficiency in survival techniques and outdoor living.

(c) Possess knowledge in first aid for the control of bleeding, cardiopulmonary resuscitation, bone immobilization, protection from the elements, and protection from exposure to bloodborne pathogens.

(d) Possess knowledge in wilderness navigation including map, compass, and other navigation methods as appropriate.

(e) Possess basic knowledge of helicopter operations. Successful completion of a helicopter operations basic course approved by the emergency management division will satisfy this requirement.

(f) Possess knowledge of search and rescue techniques.

(g) Possess knowledge of crime scene recognition, evidence recognition, human remains recognition and the provisions of RCW 68.50.010, 68.50.020, and 68.50.050.

(h) If duties require involvement in helicopter operations, possess demonstrated knowledge and proficiency in helicopter operations. Successful completion of a helicopter operations intermediate, and, as applicable, advanced course approved by the emergency management division, satisfies this requirement.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-120, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-120, filed 11/4/93, effective 12/5/93.]

WAC 118-04-160 Establishment of state standards.

When appropriate, and with input from local emergency management and law enforcement agencies as well as volunteer organizations, state standards may be established for classes of individual emergency workers and for search and rescue specialties. Upon establishment of a state standard, training programs within the state shall, at a minimum, comply with that standard.

[Statutory Authority: Chapter 38.52 RCW. WSR 93-23-005 (Order 93-08), § 118-04-160, filed 11/4/93, effective 12/5/93.]

WAC 118-04-180 Responsibilities of authorized officials registering and using emergency workers.

(1) Authorized officials registering emergency workers have the responsibility to ensure those emergency workers meet basic qualifications as stated in these rules. Authorized officials organizing and using emergency workers are responsible for assembling the proper combination of emergency workers with the skills and abilities to accomplish the mission being undertaken. It is acknowledged that authorized officials must use judgment and experience in assessing the scene and the requirements for the mission. Authorized officials shall ensure each team has, among its members, the skills and expertise necessary to safely accomplish the mission.

(2) Local requirements may include more extensive and detailed criteria than are specified in this rule to meet local needs. Authorized officials also may require emergency workers to demonstrate proficiency in the skills required to carry out their assignments.

(3) Authorized officials shall ensure that all emergency workers are aware of their duty to comply with the personal responsibilities contained in WAC 118-04-200. This shall be accomplished at the time of registration and should be reemphasized to the emergency worker at periodic intervals.

(4) The state recognizes that many situations to which emergency workers are asked to respond are inherently hazardous. It is incumbent upon authorized officials utilizing emergency workers to ensure that the workers are not needlessly endangered in mission activities or training events.

(a) Authorized officials utilizing emergency workers for actual missions or during training events or evidence search activities shall not place emergency workers nor shall they allow emergency workers to be placed in unnecessarily hazardous situations.

(b) All prudent and reasonable safety procedures, techniques, equipment, and expertise shall be used to ensure the safety of emergency workers at all times while going to, preparing for, performing, recovering from, and returning from, missions or training events.

(5) In accordance with RCW 38.52.030(3), 38.52.070(1), and 38.52.400(1), the incident command system shall be used for all multiagency/multijurisdiction operations.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-180, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-180, filed 11/4/93, effective 12/5/93.]

(12/28/00)

WAC 118-04-200 Personal responsibilities of emergency workers. (1) Emergency workers shall be responsible to certify to the authorized officials registering them and using their services that they are aware of and will comply with all applicable responsibilities and requirements set forth in these rules.

(a) Emergency workers have the responsibility to notify the on-scene authorized official if they have been using any medical prescription or other drug that has the potential to render them impaired, unfit, or unable to carry out their emergency assignment.

(b) Participation by emergency workers in any mission, training event, or other authorized activity while under the influence of or while using narcotics or any illegal controlled substance is prohibited.

(c) Participation by emergency workers in any mission, training event, or other authorized activity while under the influence of alcohol is prohibited.

(d) Emergency workers participating in any mission, training event, or other authorized activity shall possess a valid operator's license if they are assigned to operate vehicles, vessels, or aircraft during the mission unless specifically directed otherwise by an authorized official in accordance with RCW 38.52.180. All emergency workers driving vehicles to or from a mission must possess a valid driver's license and required insurance.

(e) Use of private vehicles, vessels, boats, or aircraft by emergency workers in any mission, training event, or other authorized activity without liability insurance required by chapter 46.29 RCW is prohibited unless specifically directed otherwise by an authorized official in accordance with RCW 38.52.180.

(f) Emergency workers shall adhere to all applicable traffic regulations during any mission, training event, or other authorized activity. This provision does not apply to individuals who have completed the emergency vehicle operator course or the emergency vehicle accident prevention course and who are duly authorized under state law to use special driving skills and equipment and who do so at the direction of an authorized official.

(2) Emergency workers have the responsibility to comply with all other requirements as determined by the authorized official using their services.

(3) When reporting to the scene, emergency workers have the responsibility to inform the on-scene authorized official whether they are mentally and physically fit for their assigned duties. Emergency workers reporting as not fit for currently assigned duties may request a less demanding assignment that is appropriate to their current capabilities.

(4) Emergency workers have the responsibility to check in with the appropriate on-scene official and to complete all required recordkeeping and reporting.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-200, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-200, filed 11/4/93, effective 12/5/93.]

WAC 118-04-220 Emergency worker duty status.

Emergency workers are considered to be on duty when they are performing their duties during a mission, evidence search mission, or training event authorized by the emergency man-

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agement division and they are under the direction and control of an authorized official.

In no event shall a public agency, other than an authorized organization as defined in these rules, use the services, including for training, of an emergency worker unless the agency has received the prior approval of the emergency management division director. Emergency management division approval shall set forth the time and purpose of the activity and the proposed use of the emergency worker.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-220, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-220, filed 11/4/93, effective 12/5/93.]

WAC 118-04-240 Mission numbers—Requests and requirements. (1) The emergency management division shall assign a mission number to approved missions or other emergency activities. The local authorized official shall notify emergency management division as soon as practical of all missions or other emergency activities under their jurisdiction and request the assignment of a mission number.

(2) The mission number assigned shall be a reference for the dispatch of resources to assist in the mission, recordkeeping, and reimbursement of any emergency worker compensation claims filed in connection with that mission.

(3) If additional resources from a different jurisdiction are needed to respond to an authorized mission, the local authorized official should make the request through the emergency management division duty officer.

(4) Requests from jurisdictions outside the state of Washington for the assistance of Washington state-based emergency workers should be coordinated through the requesting state, province or nation and the emergency management division duty officer. Compensation under chapter 38.52 RCW will only be available to individuals responding to missions outside of the state of Washington when the emergency management division duty officer has assigned a mission number, is coordinating the mission with the requesting state, province, or nation, and where an interstate mutual aid or similar agreement governs the mission.

(5) Upon notification by an authorized official to report to duty at a specific time and place, emergency workers are entitled to the benefits and provisions under chapter 38.52 RCW when acting in compliance with such notification and these rules. Eligibility for compensation shall be limited to the time and distance necessary to travel to the duty station, performance of services, and reasonable time to return to the point of origin.

(6) Mission numbers shall not be applied for or assigned, nor shall compensation be provided for activities which directly involve the search for, apprehension of, detention, or arrest of suspects or persons in the act of committing or having committed a crime.

(7) Emergency worker daily activity report, Form EMD-078 or the equivalent, shall be used as a part of the administrative record for each mission.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-240, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-240, filed 11/4/93, effective 12/5/93.]

WAC 118-04-260 Evidence search mission numbers—Requests and requirements. (1) The purpose of this

section is to provide additional training opportunities for emergency workers. Since the skills and techniques used to search for evidence relating to criminal activity are substantially the same as those used in the search for clues relating to lost or injured persons, search and rescue emergency workers can receive training benefit by participating in such evidence searches.

(2) An evidence search mission number shall be issued by the emergency management division for the utilization of emergency workers to search for evidence when the provisions of this section have been complied with.

(a) The requesting law enforcement agency shall send a hardcopy message requesting the evidence search mission number via facsimile, the law enforcement teletype system (ACCESS, address code OLYEM), or by other suitable means to the emergency management division.

(b) The hard copy message shall include the following items:

(i) Jurisdiction and law enforcement agency requesting the evidence search mission number.

(ii) Name of the officer in charge on-scene and call-back telephone number.

(iii) Description of specific location of the evidence search.

(iv) The approximate number of emergency workers being utilized and a list of participating units.

(v) A statement of the activity to be undertaken and training benefits to be derived by the emergency workers participating in the mission.

(vi) A statement certifying that the emergency workers will be utilized within the scope of their normal emergency worker assignment.

(vii) A statement certifying, verbatim, that: "This activity does not involve the search for, apprehension of, detention, or arrest of suspects or persons in the act of committing or who have committed a crime."

(3) After the hard copy is sent via facsimile, ACCESS, or other suitable means, the local authorized official shall call the emergency management division duty officer and coordinate the details of the mission.

(4) Upon receipt of the hard copy information, the request shall be reviewed to determine if the mission is in compliance with WAC 118-04-260. Upon approval, an evidence search mission number shall be assigned.

(5) Emergency worker daily activity report, Form EMD-078 or equivalent, shall be used as a part of the administrative record for each evidence search mission.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-260, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-260, filed 11/4/93, effective 12/5/93.]

WAC 118-04-280 Training event numbers—Requests and requirements. (1) Jurisdictions may request a training event number for individual training events or for a series of routine, recurring, training activities such as monthly training meetings or for an established training program such as a search and rescue academy.

(2) A request for a training event number for the purpose of developing, maintaining, or upgrading emergency worker skills for all types of emergency management activities shall be forwarded in writing using Form EMD-079, training mis-

sion request or equivalent, for approval by the emergency management division.

(a) All requests for training event numbers shall be signed by the local emergency management agency director or designee of the jurisdiction where the organization sponsoring the training activity is located.

(b) The Form EMD-079, training mission request or equivalent, shall be forwarded to the emergency management division so as to arrive ten working days prior to the scheduled date of the training activity.

(c) For training events that come to the attention of the local emergency management agency director less than ten working days prior to the scheduled date of the training activity, approval may be requested from the emergency management division by facsimile, telephone, or other method. Such requests shall be considered by the emergency management division on a case-by-case basis.

(3) All training shall conform to local comprehensive emergency management plans. The request for training event number shall cite those portions of the plans, annexes, appendices, and tabs which specifically address the activities for which emergency workers are being trained. Training activities planned for an area outside the jurisdiction of the requesting agency should be coordinated with the local emergency management agency in the jurisdiction where the training will take place.

(4) A training course curriculum, plan of instruction, or course outline shall accompany the training event approval request. If that particular curriculum, plan of instruction, or course outline will be used as a standard, recurring course of instruction, then the requesting local emergency management agency may number and title that curriculum, plan of instruction, or outline, keep it on file with the state, and refer to that number and title when requesting a training event approval for the same training in the future. Training event number requests for a series of training activities also shall include a schedule with proposed subjects, dates, times and locations.

(5) Upon approval of the training event, the emergency management division shall issue a training event number. The training event number assigned shall provide a reference for the local, state, or federal organization taking part in the training activity. Administrative records and reimbursement of eligible emergency worker compensation claims, filed as a result of activities on a training event shall include the training event number.

(6) The training event number issued is for the specified training activity or series of training activities at the specified date(s), time(s), and location(s). Any significant change in the training activity, location, date or time shall be reported to the emergency management division as soon as possible. The local authorized official may approve reasonable changes to the proposed schedule.

(7) If additional organizations other than those originally listed on Form EMD-079 request to participate in the training event and are approved by the sponsoring emergency management agency director, they shall provide appropriate information (the organization's name and address, names of participating personnel and emergency worker registration numbers) to the sponsoring local emergency management agency director for inclusion in the training event report prior to submittal to the emergency management division.

(8) Upon notification that the emergency management division has issued a training event number for a training event at a specific date, time, and place, emergency workers will be eligible for benefits and compensation under the provisions of chapter 38.52 RCW when acting in compliance with the notification and these rules.

(9) Compensation will be limited to medical services, property loss or damage, and liability under chapter 38.52 RCW during the time necessary to travel to the training site, performance of the training activity, and reasonable time to return to the point of origin.

(10) Authorized officials shall ensure that emergency workers participating in a training event or exercise are not placed in unnecessarily hazardous situations.

(11) Authorized officials shall ensure that emergency workers have successfully completed applicable helicopter operations training course(s), approved by emergency management division, prior to being transported by aircraft during a training event.

(12) Emergency worker daily activity report, Form EMD-078 or equivalent, shall be used as a part of the administrative record for each training event. When a series of training activities is covered by a single training event number, separate emergency worker daily activity reports, Form EMD-078, or equivalent, shall be used for each activity.

(13) Training event numbers shall not be assigned for any activities which involve the search for, apprehension of, detention, or arrest of suspects or persons in the act of committing or having committed a crime.

(14) Training event numbers shall not be assigned for training activities which involve the use of aircraft of any type without specific, prior approval of the emergency management division. The state shall not assume any liability for any accidents or incidents resulting from the unauthorized use of aircraft.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-280, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-280, filed 11/4/93, effective 12/5/93.]

WAC 118-04-300 Compensation eligibility and compensation board. (1) Compensation shall be authorized when emergency worker eligibility has been established and all appropriate regulations and statutes are complied with.

(2) Emergency workers are eligible for compensation when they are participating in a mission, evidence search mission, or training event authorized by the emergency management division and are under the direction and control of an authorized official.

(3) No eligibility or protection offered under chapter 38.52 RCW will replace other state mandated insurance coverage required for vehicles, vessels, boats, or aircraft except as specified in RCW 38.52.180.

(4) The emergency management division director may deny any claim under the amount set by statute requiring a compensation board on the basis of inadequate documentation, failure to follow prescribed reporting procedures, or when lack of compliance with these rules is sufficient to raise doubt as to the circumstances, extent of injury, damage, loss, or expense related to the claim. For claims over the amount set by statute, the provisions of RCW 38.52.240 shall apply.

(5) A compensation board shall be convened for claims over the amount set by statute (RCW 38.52.220).

(6) Compensation board hearing, procedural records, and claim preparations are the responsibility of the local emergency management agency director in the jurisdiction in which loss or injury occurred (RCW 38.52.210).

(7) Department of labor and industries workers' compensation forms shall not be used, nor shall medical expenses claims be submitted to the department of labor and industries for a claim made pursuant to chapter 38.52 RCW.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-300, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-300, filed 11/4/93, effective 12/5/93.]

WAC 118-04-320 Eligibility requirements and procedures for filing personal injury claims. (1) The injured person shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official.

(2) The emergency management division shall provide forms for personal injury claims (Form EMD-084, medical expenses claim), parts of which must be completed by the local emergency management agency, the claimant, and the attending physician. This form shall be submitted with documentation to the local emergency management agency.

(3) For missions occurring outside an injured person's jurisdiction of residence, the claimant may file the claim with the local agency in the jurisdiction of residence, provided that the local emergency management agency director in the injured person's jurisdiction of residence coordinates the claim with the local emergency management agency director in the jurisdiction where the mission occurred.

(4) In the event of injury to an emergency worker, the responsible agency's on-scene authorized official shall be notified as soon as possible.

(5) The on-scene authorized official shall advise the local emergency management agency director of any injuries, as soon as possible, and shall provide appropriate and timely documentation. The local emergency management agency director shall notify the emergency management division of any injuries as soon as possible. The emergency management division shall assist the local emergency management agency director in processing claims.

(6) Labor and industries workers' compensation forms shall not be used, nor shall medical expense claims be submitted to the department of labor and industries for a claim made pursuant to chapter 38.52 RCW.

(7) Documentation shall include any reports, mission logs, ambulance and hospital bills, receipts, medical reports, or other information helpful in describing the extent of the injury, the circumstances under which the injury occurred, and the costs that were incurred as a result of the injury.

(8) The injury, disability, or death shall not have been caused by the willful misconduct, gross negligence, or bad faith of the claimant.

(9) Compensation for injury, disability, death, and related claims shall be adjusted and paid in accordance with department of labor and industries workers' compensation schedules.

(10) For claims in excess of the amount set by RCW 38.52.220, a compensation board shall convene to review the claim under RCW 38.52.210, 38.52.220, 38.52.230, 38.52.240, and 38.52.250.

(a) The local emergency management agency shall notify the emergency management division of any pending claim in excess of the amount set by statute.

(b) The claimant shall be notified of date, time, and place of the compensation board hearing by the local emergency management agency director by personal service or registered mail.

(c) The compensation board established under chapter 38.52 RCW may request that the claimant appear before the board.

(d) The local emergency management agency director shall transmit the findings and recommendations of the compensation board to the emergency management division for disposition.

(11) In accordance with RCW 51.28.050, no claim for injury shall be valid unless filed within one year after the day upon which the injury occurred or the rights of dependents or beneficiaries accrued except as provided in RCW 51.28.055.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-320, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-320, filed 11/4/93, effective 12/5/93.]

WAC 118-04-340 Eligibility requirements and procedures for filing property loss and damage claims. (1) The person seeking reimbursement shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official.

(2) The emergency management division will provide forms (Form EMD-086, property loss or damage claim) for reimbursement of property loss or damage claims as authorized by chapter 38.52 RCW. All claims must include receipts and documentation and be submitted to the local emergency management agency.

(3) For missions occurring outside the person's jurisdiction of residence, the claimant may file the claim with the jurisdiction of residence, provided that the local emergency management agency director in the jurisdiction of residence coordinates the claim with the local emergency management agency director in the jurisdiction where the mission occurred.

(4) The original of the claim shall be sent to the department of general administration, division of risk management, who will register the claim and forward it to the emergency management division. The claimant should send a copy of the claim to the emergency management division.

(5) In the event of property loss or damage, the on-scene authorized official shall be notified as soon as possible.

(6) The on-scene authorized official shall advise the local emergency management agency director of any significant property loss or damage and shall provide appropriate and timely documentation. The local emergency management agency director shall notify the emergency management division of any significant property loss or damage. The emergency management division shall assist the local emergency management agency director in processing claims.

(7) Loss or damage shall not have been caused by the willful misconduct, gross negligence, or bad faith of the claimant.

(8) Only property that is deemed necessary and reasonable for the mission activity shall be considered for compensation, if lost or damaged.

(9) Loss or damage to personal property caused by normal wear and tear, mechanical or electrical breakdown, or any inconvenience consequent to such loss or damage that was not the result of the mission activity shall not be eligible for compensation.

(10) Compensation for the loss or theft of property left unsecured or for damage which could have been prevented through reasonable care may be denied.

(11) Animals such as dogs and horses, used in an official capacity on missions are considered personal property. Claims for the injury or loss of animals during either an authorized training event or mission shall be submitted on the property loss or damage claim form (Form EMD-086). Evaluation of the claim shall consider, at a minimum, replacement cost of the animal, special training required, and other costs for preparing the animal for the mission or duty.

(12) For claims in excess of the amount set by RCW 38.52.220, a compensation board shall meet to review the claim under RCW 38.52.210, 38.52.220, 38.52.230, 38.52.240, and 38.52.250.

(a) The local emergency management agency director shall notify the emergency management division of any pending claim in excess of the amount set by statute.

(b) The claimant shall be notified of the date, time, and place of the compensation board hearing by the local emergency management agency director by personal service or registered mail.

(c) The compensation board established under chapter 38.52 RCW may request that the claimant appear before the board.

(d) The local emergency management agency director shall transmit the findings and recommendations of the compensation board to the emergency management division for disposition.

(13) As provided in RCW 4.16.080, claims for property damage or loss shall be filed within three years after the date of the occurrence.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-340, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-340, filed 11/4/93, effective 12/5/93.]

WAC 118-04-360 Eligibility requirements and procedures for filing fuel, toll, and ferry expense reimbursement claims. (1) The person seeking reimbursement shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official. For individuals representing a volunteer organization, the organization must be a locally recognized emergency worker volunteer organization activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and a responsible unit official shall have reported to the authorized on-scene official.

(12/28/00)

(2) The emergency management division will provide forms (Form EMD-036, fuel, toll & ferry reimbursable expenses claim) for reimbursement of fuel, toll, and ferry expenses as authorized by chapter 38.52 RCW. All claims must include receipts and documentation and be submitted through the local emergency management agency to the emergency management division.

(3) For claims arising outside of the person's jurisdiction of residence, the claimant may file the claim with the jurisdiction of residence, provided that the local emergency management agency director in the jurisdiction of residence coordinates the claim with the local emergency management agency director in the jurisdiction where the mission occurred.

(4) Fuel, toll, and ferry reimbursable expense claims shall be considered for both individual emergency workers and for emergency workers representing volunteer organizations when missions:

(a) Occur outside a participating emergency worker's/volunteer organization's county of residence; or

(b) In which an emergency worker/volunteer organization has participated for more than twenty-four hours; or

(c) Occurring within an emergency worker's/volunteer organization's county of residence and lasting less than twenty-four hours, when:

(i) The mission required an emergency worker/volunteer organization to drive a vehicle more than fifty miles one-way; or

(ii) Authorized officials required an emergency workers/volunteer organization to drive a vehicle more than one hundred miles during the course of the mission.

(5) Fuel, toll, and ferry expenses resulting from training events shall not be eligible for reimbursement.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-360, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-360, filed 11/4/93, effective 12/5/93.]

WAC 118-04-380 Eligibility requirements and procedures for filing extraordinary expense claims. (1) Local authorized officials may submit extraordinary expense claims on behalf of emergency workers if the expenses were necessary to directly support emergency worker activity under an emergency management division mission number and the expenses represent extraordinary, expendable obligations such as feeding or lodging of emergency workers.

(2) Individual emergency workers submitting claims shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official.

(3) The emergency management division shall provide forms (Form EMD-089, extraordinary expense claim) for use by local authorized officials and emergency workers for reimbursement of extraordinary expenses for missions as authorized by chapter 38.52 RCW. All claims must include receipts and documentation and be submitted through the local emergency management agency to the emergency management division.

(4) All lodging and feeding claims shall be paid in accordance with current state per diem rates.

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(5) Extraordinary expenses resulting from training events shall not be eligible for reimbursement.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-380, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-380, filed 11/4/93, effective 12/5/93.]

WAC 118-04-400 After action reporting. (1) The emergency management division shall provide forms for use by local emergency management agency directors in providing after action information. After action reports shall be filed for:

(a) Search and rescue missions (Form EMD-077, search and rescue mission data sheet). The required information includes data on the subject, location of incident, response, weather conditions, results, subject behavior, and resources used.

(b) Training events. The required information includes data on the training activities conducted, resources used, problems noted, corrective actions assigned, and other information of a training nature. Form EMD-105L, incident report data sheet may be used.

(c) Other missions, including evidence search missions (Form EMD-105L, incident report data sheet). The required information includes location and other data on the incident, response, weather conditions, results, and resources used.

(2) All mission, evidence search mission, and training event after action reports shall include information from the participating emergency workers, including individual daily activity reports (EMD-078, or equivalent), other reports, rosters, mission event and communications logs, lost person information forms, training event logs, plans of instruction, instructor lists, and any other information that may be helpful in a descriptive reconstruction of the mission or training event.

(3) The local emergency management agency director shall forward all mission, evidence search mission, and training event after action reports to the emergency management division within twenty working days from the termination or suspension of the activity.

[Statutory Authority: Chapter 38.52 RCW. WSR 01-02-053, § 118-04-400, filed 12/28/00, effective 1/28/01; WSR 93-23-005 (Order 93-08), § 118-04-400, filed 11/4/93, effective 12/5/93.]

WAC 118-04-420 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

[Statutory Authority: Chapter 38.52 RCW. WSR 93-23-005 (Order 93-08), § 118-04-420, filed 11/4/93, effective 12/5/93.]