


# CERT Liability Guide

## A Risk Management Overview
## For Local CERT Programs

FEMA

COMMUNITY EMERGENCY RESPONSE TEAM

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## Introduction

When disasters occur, professional first responders are not the first on the scene. If access is obstructed or the agency's capacity is exceeded, it may be hours — or days — before professional help arrives. In this environment, non-professional members of the public spontaneously reach out to help those affected. Without information and training, however, spontaneous assistance can sometimes fail to meet its objectives. Community Emergency Response Team (CERT) programs support and direct post-disaster public energy to ensure that non-professional response is as safe and effective as possible. CERT program activities can create risk and adverse consequences; however, perceptions about liability may be a larger barrier for CERT formation, activities and partnerships than is justified by reality. There is no indication that CERT programs have any unusual liability experience. Still, perceptions can pose as great a barrier as reality. The purpose of this Guide is to offer information and suggested techniques to help CERT programs overcome this barrier. Those who will benefit from this information include local CERT programs, their sponsoring government agencies and legal advisors, and CERT members themselves.

## 1. Overview

The foundation of the CERT Program is FEMA's CERT Basic Training Course, which provides a baseline of knowledge for all CERT members. This national training curriculum educates the public about emergency preparedness and teaches basic emergency response skills. Completing the course prepares the public to safely assist family, friends, neighbors, co-workers or fellow students before professional first responders arrive, whether or not the trainee joins a CERT team. Those who join a CERT team may also participate in organized activities (community service opportunities) that are not part of an emergency response, such as distributing preparedness materials. In an emergency, CERT members may be called upon to assist professional responders with operational activities under the command and control of an affiliated or sponsoring local government agency. To prepare for participation in operational activities, members complete training about the Incident Command System. Many CERT programs go beyond the baseline training and offer their members supplemental training to develop additional skills.

**Examples of Supplemental CERT Training**

- Animal response and care
- Advanced first aid
- Automatic external defibrillator
- CPR
- Community relations
- Debris removal
- Donation management
- Emergency communications
- Team leadership
- Shelter management
- Special needs concerns
- Traffic and crowd management

Local CERT programs around the country have much in common, but they also have significant differences. CERTs are grassroots community groups with specific goals and levels of expertise determined by their sponsoring organizations to fit community needs and resources. Thus, CERT programs differ in their mix of educational, operational, and community service activities. Local CERT programs are usually sponsored by local government—typically fire or police departments or emergency management agencies—or other organizations in the community such as large businesses or universities. With inherent differences in community hazards and available resources, there is no single CERT program profile.

Although CERT programs differ in some ways, they share the potential to offer substantial benefits to their sponsoring organizations, their communities, and their members. As with any activity, however, there is risk. Although not common in CERT program activities, bodily injuries, illnesses, property damage, and other harmful events can result in adverse consequences for the sponsoring agency or organization, the CERT, or the CERT members, trainers, leaders, and affiliates. Some of these consequences are direct: lawsuits, settlements, payment of benefits to injured CERT members, attorney's fees, court costs, and civil and criminal penalties under state law. Others are indirect, including the following: disruption of relationships, damage to reputation, and increased insurance costs. In this Guide, we refer to risk and its adverse consequences for brevity purposes as "liability."

Unfortunately, there is no simple, complete, and uniform remedy to address liability. Various state laws provide some relief, but many laws have detailed requirements and exclusions. Liability protections differ significantly from state to state, and even within different jurisdictions within a state. Although CERT's operational activities pose greater risk than non-operational activities, operational activities often receive greater liability protection and access to injury benefits. Insurance can be just as unpredictable. CERT members may be covered by their local government or sponsoring agency's liability and workers' compensation insurance in some activities, but not in others. Or they may not be covered at all. Consequently, neither the law nor insurance provides absolute protection to CERT programs and their members.

These complexities leave many advocating a federal liability solution, but there are factors working against that approach. Congress is reluctant, for constitutional reasons, to pass laws that override state liability laws. Even the Federal Volunteer Protection Act of 1997 (VPA) provides only limited protection, which leaves much control in the hands of the states. Thus, for the present, liability protection for most CERT members is likely to remain primarily at the state level.

Discussions about liability often focus on insurance and liability protection afforded under the law. The law and insurance are both important, but they are only part of the solution. CERT programs can best address liability protection by adopting risk management procedures that include, but are not limited to, using the protection provided by the law and by available insurance. This Guide suggests a five-step risk management process. The practices discussed will be familiar to many users because they are effective management practices, many of them already used by CERT programs. Highlighting good management practices within this document will provide a collection of sample resources and demonstrate the value of risk management procedures and their relationship to liability.

**Risk management:** A process of risk identification and analysis, risk control and mitigation, and risk financing that seeks to reduce the negative consequences of risk.

The *CERT Liability Guide* is offered for general informational purposes only. It does not provide legal advice, and the user is encouraged to seek out state-specific legal advice from a qualified attorney before taking any action. Keep in mind that, with a few limitations, anyone can file a lawsuit against anyone else. Nothing, including following the recommendations in this Guide, is a guarantee against being sued.

## 2. The Benefits of Risk Management

Meeting a CERT program's goals requires access to resources: volunteers, equipment, premises, funding, and relationships. Liability, and the perception of liability, diminish these resources and impact the program's ability to achieve its goals. A CERT program that manages risk preserves the resources it needs to achieve its goals. Benefits of risk management include the following:

**Confidence in the program.**
CERT programs must be affiliated with or sponsored by a local government agency, and engage in operational activities only under the command and control of that agency. Thus, CERT programs do not operate without the confidence of professional emergency response agencies, and those agencies are more likely to have confidence in a CERT program that takes steps to manage risk.

**A positive public image.**
CERT programs that successfully manage risk have a more positive public image, which enhances their ability to build relationships with other organizations, and obtain resources and funding. A reputation for safety in a CERT program's own operations also enhances the credibility of its emergency preparedness outreach efforts.

**Reduced expenses.**
Successful risk management helps avoid costs that include:

- Defense costs (the costs of attorneys and court fees)
- Claims administration costs (the costs of managing claims, including claims administrator fees and the lost productivity of workers involved in claims administration)
- Settlements (agreed sums paid to claimants to resolve claims or litigation)
- Judgments and awards (sums paid under an order of a court or administrative agency)
- Medical and income replacement benefits (sums paid to injured workers who are covered by workers' compensation or a similar program)
- Fines and penalties (sums required to be paid as a penalty for a legal offense)

**Reduced insurance costs.**
If the CERT program is covered by insurance, the premiums charged may be based in part on loss history. In those cases, reduction of insured losses is likely to result in lower premiums, preserving financial resources for other purposes.

**Preservation of the CERT program's investment in members.**
CERT programs make a substantial investment in their teams and members. If the CERT loses a member due to an injury or illness, it loses the value of its investment in that member, including training and screening. Ripple effects may include losing other members that become concerned about the safety of participating in CERT activities.

**Increased participation in CERT**
Some potential CERT members may be concerned about personal liability or about being injured or contracting an illness during CERT activities, and they may decline to participate if not protected. Providing liability protection and injury benefits limits this barrier and conveys the message that CERT members are a valuable part of the sponsor's team.

## 3. The Five Steps to Managing Risk

This section describes a five-step approach to managing risk in a CERT program. The steps are:

- Step One – Get Leadership Support
- Step Two – Gather Information
- Step Three – Identify and Assess Risk
- Step Four – Adopt Strategies to Manage Risk
- Step Five – Maintain the Momentum

This approach can be used by any CERT program, whether established or just beginning. Throughout this process, think about the program's mix of activities.

Some activities are riskier and more likely to result in liability, but that does not mean that they should be avoided if they are otherwise useful. Effective risk management strategies can reduce the likelihood of liability and raise everyone's comfort level.

The CERT National Program Office has published a recommended process for starting a CERT program at http://www.citizencorps.gov/cert/start.shtm. The process includes many recommendations that incorporate key components of risk management. Review those recommendations to see how they complement the risk management process described in this Guide.

Here is a description of the five steps to managing risk:

**Step One – Get Leadership Support**

The support of local leaders is critical when establishing a CERT program and is just as important for managing risk. An effort that has the support of upper management is more likely to receive the resources and visibility it needs to make a difference.

The structure of the local CERT program will affect where it looks for support. CERT programs are most often sponsored by public agencies. Occasionally, CERT programs establish a separate nonprofit organization, or are sponsored by an educational or business entity, but they must *always* be endorsed by local government. Where multiple agencies or organizations are involved, obtain support from all of them.

The source of support for managing the CERT program's risk may differ among programs. If the CERT program is just beginning, then support may well come from some of the same leaders who are involved in establishing the program. If the CERT program is already established, then an advocate for managing risk will usually seek supporters from the leadership of the CERT program and the sponsoring organization.

Obtaining management support often requires diplomatic skills. Leaders who oppose the use of "non-professionals" - especially in operational activities - may see liability as an argument against starting or maintaining a CERT program. Not everyone understands the role and importance of CERT, therefore, it helps to begin with leaders who already support the CERT program and appreciate its value to the community. It is wise to anticipate questions and objections, and you should prepare responses before engaging leaders. Be prepared to negotiate differences with leaders and to help resolve differences of opinion.

Obtaining initial leadership support is just the beginning. Managing risk is an ongoing process, so support must be nurtured, expanded, and revisited when circumstances change or new information is identified. Think about Step One as playing a role in each of the following steps.

## Step Two – Gather Information

During this phase, it is important to gather information about the local CERT program's history, activities, protocols, and the community's environment, which can help the local program identify its liability exposures. Risk management is successful only if it is grounded in the characteristics of the CERT program, its sponsoring agency, and the community.

Start off by reviewing the CERT program's written materials and talking to key players. Ask them to suggest others who may have useful information. Look for references in the written materials to other documents or people. Build upon that foundation by following up with the additional sources.

The following are suggestions for beginning an inquiry about liability exposure:

**What type of organization is the CERT program sponsor?**
Most sponsors will be public safety agencies. For much of the following discussion, the type of sponsoring organization is unimportant because the process for managing risk follows the same steps. For some issues, the type of sponsoring organization is important For example, some public agencies provide governmental immunity to government-sponsored volunteers and this is not available to their nonprofit or business counterparts.

**What is a liability exposure?**

Liability is a legal responsibility, especially for one's acts or omissions. "Exposure" to a certain type of liability exists when an organization or person engages in activities that create the possibility for liability. Not every organization is "exposed" to all types of liability (for example, a CERT program and its volunteers are not "exposed" to motor vehicle liability if they do not operate motor vehicles as part of CERT activities).

**Does the sponsoring agency have standard operating procedures or other policies and procedures that govern the operation of the CERT program?**
These documents establish the expectations for management of the program and may address important topics such as recruitment and screening, work rules, and activation procedures.

**Does the CERT program or the sponsoring agency have documentation beyond the CERT Basic Training materials that describes members' activities and responsibilities?**
The key to identifying liability exposures is to know what members will be doing. The *CERT Basic Training* course cross-trains members for operational activities, so separate position descriptions are not required. Does your CERT program have documentation of the requirements of any activities that are not included within the *CERT Basic Training* course (for example, in supplemental training materials or descriptions of non-operational community service opportunities)?

**Are other organizations closely involved with the CERT program?**
Each organization's risk should be considered separately, because each has its own liability exposures.

**Does the CERT program or the sponsoring agency already have volunteers?**
Gather documentation about current and past volunteers and review past claims, losses, or "near-miss" events that can help identify the CERT program's liability exposures.

**Does the CERT program have members under the age of 18?**
A CERT program that has members under the age of 18 may have to comply with child labor law and must train its personnel about special issues related to interaction with minors, adapt its procedures to protect minors, and document parental consent for their participation in the program.

**Does the CERT program have a set of forms that members are instructed to use during operational activities?**
CERT Basic Training provides forms that are designed to document operational activities and communicate necessary information. Individual CERT programs may adopt other forms as well. Consistent use of adopted forms is important, so gather a complete set.

**Are the members of a CERT program sponsored by a fire department identified as "members" in the fire department's by-laws?**
Identification as "members" of a fire department may entitle volunteers to different protection under the law or the department's insurance in some circumstances.

**Does the sponsoring agency or local government have a safety officer, human resources officer, or risk manager who handles injuries to CERT members?**
If so, that person can provide information about the current program for managing CERT member injuries and about any injuries that have occurred.

**Does the CERT program keep written training records for each member?**
Training records document the training completed by each member, including supplemental training.

**Does the CERT program deploy teams to other states to assist in disaster response?**
If yes, find out whether the program works with state emergency management officials to ensure that CERT members are designated as part of the state's response force under the Emergency Management Assistance Compact.

The information gathered in Step Two forms the basis for Step Three.

## Step Three – Identify and Analyze Risk

Step Three focuses on identifying and analyzing risk. This process lays the foundation for Step Four. Who conducts Steps Three and Four depends on the CERT program's needs and resources. A key person is likely to do the ground work of actually reviewing and distilling the existing information for a larger group of stakeholders. If possible, this key person should involve or consult with the sponsor's or local government's risk manager or attorney, who will be able to provide a broader perspective on potential liability. The information gathered can be brought to the key stakeholders to discuss how the CERT program's activities might result in liability, and how liability would affect members, the program, the sponsoring agency, and the public.

It is important to emphasize to all stakeholders that actively addressing liability does not mean that CERT programs are too risky. Liability risk is part of all activities. The goal of risk management is to ensure that the risk is outweighed by the benefits. CERT members who are properly selected, trained, and managed pose no greater risk of liability than do paid personnel performing the same activities.

### Identify risk.

The first part of Step Three is to consider everything that has been learned about the CERT program and imagine how liability could result.

First, consider the different types of civil liability that volunteers and CERT programs should be aware of. Civil liability results when there is legal basis for holding someone responsible for injury or damage. The four main types of civil liability that apply to CERT programs include:

- **Negligent acts or omissions** —The failure to fulfill a duty to use "ordinary care", which is the care that a reasonable person would use under similar circumstances. Any activity in which carelessness can cause injury or property damage may be considered negligent.
- **Intentional acts** — Intentionally committed wrongful act; this may require proof that person intended to cause harm.
- **Strict liability** — Legal responsibility for damages based on the nature of an activity, rather than on a negligent or intentional act. Because CERT members are trained only to respond to events they're capable and trained to handle, strict liability exposure is limited.
- **Liability for the acts of others** — Legally responsible for actions of someone you have the right to control. An employer is usually liable for job-related actions of its employee. Failing to screen or train a volunteer may result in CERT program being liable.

Activities are a primary driver of liability, so each activity deserves individual attention. CERT Basic Training materials emphasize safety and are an excellent resource for identifying risk related to CERT's baseline *operational* activities. Also consider the *non-operational* community service opportunities that are not described in CERT Basic Training., because they also have risks, for example, lifting heavy — or not so heavy — boxes of brochures, driving motor vehicles, helping to manage crowds or traffic, distributing materials from house to house, to name just a few.

Organizational responsibility is also a driver of liability, and several organizations may share responsibility for a CERT program and its members. CERT members are often trained by the employees of more than one public safety agency. Conversely, a business that sponsors a CERT may be responsible for its CERT's activities only until the CERT is activated to respond to an emergency under the command and control of its affiliated emergency response agency. It is not enough to identify *what* can go wrong. To address liability, it is also important to know *who is responsible* to prevent that outcome.

Review of loss history and near-miss events is part of any risk management effort because an event that has occurred previously can occur again, especially if the underlying cause was not addressed. In most CERT programs, however, there will have been few or no prior events that resulted in losses. If the program has a history of losses or near-misses, consider the risks, but do not be limited by it.

Standard operating procedures and rules of conduct minimize liability by instructing CERT leaders and members how to carry out their responsibilities. They also suggest the types of liability they seek to prevent, and thus can be useful risk identification tools.

The absence of procedures that address recruiting, screening, accepting, supervising, and terminating members increases risk. A CERT program that does not have and consistently follow such procedures is more vulnerable to liability based on its members' negligent or wrongful actions and on members' claims of wrongful discrimination. If the CERT program has no procedures, put this on the list of issues to address in Step Four.

Some CERT programs activate their members for response. For those programs, the absence of procedures for and documentation of activation, assignment, and deactivation is also a risk. Procedures help ensure a consistent activation and deactivation approach, and documentation can serve as useful defense evidence in the event a claim is made against a volunteer or the program. Keep in mind that instructing members/teams to self-activate does not eliminate all chances of liability, as will be discussed later in this Guide.

Look for any circumstances under which CERT members might respond outside their home state or jurisdiction. Members responding in another state or jurisdiction may be operating in a less familiar environment and have different liability and injury protection than is offered in their home state.

Peer discussions with other CERT programs can help identify risk. It is difficult to anticipate liability that has not yet occurred. Fortunately, most CERT programs do not have a substantial loss history from which to draw. Pooling knowledge with other CERT programs allows a program to benefit from others' experience.

**Analyze risk.**
The second part of Step Three is analyzing the identified risks to estimate their likely consequences for the CERT program, its sponsoring agency, and its members. Consider two things: how often liability is expected to result, and what the associated costs would be when it does. In addition to costs such as payment of judgments, settlements and member injury claims, remember intangible costs, such as damage to the CERT program's reputation and partnerships. Focus the analysis on identifying risks that can cause the greatest harm.

## Step Four – Adopt Strategies to Manage Risk

There is no single correct approach to managing a CERT program's liability risk. Practices used by CERT programs differ significantly, and these differences provide an opportunity for CERT programs to learn from one another. The Appendices of this Guide provide examples of approaches that CERT programs throughout the U.S. have contributed to help their peers.

Ideally, strategies for managing liability in a CERT program are implemented before the program begins. In reality, they are often adopted over time as the need appears. Whatever a CERT program's current state of development is, the following strategies are worth considering.

**Position descriptions.**
Position or job descriptions are important risk management tools for most organizations. They help the organization identify risk and ensure the best fit between applicants and jobs.

A CERT program's need for position descriptions with regard to operational activities is satisfied by the *CERT Basic Training* course. These materials provide an excellent resource for identifying risk and CERT program policy of cross-training all members for operational activities gives both the CERT program and the potential member an opportunity to assess the fit. Development of position descriptions for the activities included in the *CERT Basic Training* course is therefore not necessary for risk management purposes.

Some CERT programs offer supplemental training for functions beyond those in the *CERT Basic Training* course. If they are sufficiently detailed, the training materials for those functions can serve the same purpose to document operational activities for specific positions.

Some CERT members may assume managerial responsibilities. These include the CERT leader and any section chiefs designated by that leader during an operational response. Their responsibilities require additional management, communication, documentation, and organizational skills, and their decisions may affect the safety of more people. Consequently, their liability exposures are broader than those of team members who are assigned to individual tasks. Supplemental position descriptions for these responsibilities will help CERT members prepare to discharge these additional responsibilities effectively and with less risk for everyone.

Non-operational community service opportunities are different because CERT Basic Training does not cover these activities. A CERT program should consider developing an activity description for each community service opportunity it offers and manages. In addition to providing a basis for identifying risk, these descriptions can do the following:

- Identify which non-operational member activities are CERT related
- Provide an objective basis for determining eligibility to participate (i.e., prior training or qualifications)
- Provide information that helps members make a fully informed decision about participating
- Establish supervisory authority and accountability

Here are some basic elements to consider including in community service opportunity descriptions:

- Title of the opportunity
- Date(s) and location(s)
- Working conditions (inside/outside, extensive walking, etc.)
- Narrative description of purpose (usually a sentence or two)
- The essential functions (a brief description of each important activity)
- Required qualifications, if any (education, special skills, completion of supplemental training, etc.)
- Required satisfactory completion of any additional background checks
- Required time commitment
- The title of the CERT leader in charge of that opportunity

Some CERT programs announce to their members community service opportunities offered by other organizations. There is no need to develop activity descriptions for opportunities in which the CERT program does not play a role, but keep a copy of all announcements and be sure they clearly identify the sponsor.

**Membership management.**
The CERT program mission means that its recruitment goals differ somewhat from those of other programs. CERT programs recruit for multiple purposes. First, CERT programs train members of the public about community emergency preparedness, even if those people never go beyond meeting the needs of their own families and neighbors. Second, CERT programs train people who are willing to become involved in non-operational community service opportunities. Finally, CERT programs train people who are willing to join CERT teams and activate to support professional first responders in their immediate surroundings and throughout the community.

To meet these goals, CERT programs cast a broad net to recruit participants for CERT Basic Training. To manage the potential risk associated with new participants, CERT programs often adopt a formal application, screening, and acceptance process, especially for those who want to take a response role in CERT. The application and screening process is a risk management tool, but it also poses its own risk if it is discriminatory or inconsistently followed.

***Application***
Complete and accurate information about potential CERT members is a powerful tool for reducing risk. Using a standard application form helps the program collect consistent information about each applicant. Application forms that require the applicant to sign a statement agreeing that the information provided is accurate and complete (the language used may vary) may also discourage misrepresentation. In addition, the application form can include language that:

- Notifies applicants that the CERT program will verify the information provided and reject the application if it is inaccurate or incomplete
- Obtains the applicant's written permission to conduct specific types of background checks, as discussed under *Screening* below
- Notifies the applicant that any position offered will be "at will" and subject to termination at the CERT program's discretion

The content of application forms used around the country may vary, because the content must meet the needs of each CERT program. Avoid including questions that could lead to actions that would be discriminatory in an employment setting (for example, questions about age, race, religion, national origin, pregnancy, disability, health problems, and prior workers' compensation claims). Several forms used by existing CERT programs are included in the Appendices as examples. Prior to use, it is advisable to have the application form approved by an attorney or a human resources professional familiar with federal law and your state's employment law. Programs that accept participants under the age of 18 should also require the youth to provide a parent's or guardian's written permission to participate. This can be included on the application form.

Require any participant and, if the participant is a youth, his or her parents or guardians, to sign a written waiver of liability that describes the risks of the CERT program's activities. Waivers of liability are often not enforceable under a state's laws, especially against minors, however, a waiver that describes the activities and associated risks shows that the volunteer (and his or her parents) knew of the risks and chose to participate. Waivers can also be useful in settlement negotiations. Check with an experienced attorney for advice on the best language to use in your state.

***Interview***

Some CERT programs conduct personal interviews of applicants. Interviews may be conducted prior to training or as a requirement for joining a team after training. Interviews can help assess the applicant's suitability for a team, and, if conducted improperly, they are also a potential source of liability or bad publicity based on wrongful discrimination.

If the CERT program conducts interviews, use the same caution as for paid positions. A standardized list of interview questions helps the interviewer gather all the required information and reduces the chances of asking a discriminatory or other problematic question. Have the questions pre-approved by an attorney or a human resources professional familiar with federal and state employment laws. Inevitably additional conversation and follow-up questions occur, so be sure CERT interviewers know how to make good decisions about follow-up questions.

***Screening***

Screening verifies an applicant's representations and identifies background or history inconsistent with the responsibilities of the position. Programs make different decisions about when and how they screen. Some screen only applicants who want to be included in a team activated for response. Others screen applicants before they are admitted to CERT training. If the CERT offers membership to applicants before screening is completed, the offer should be in writing and contingent upon the satisfactory completion of the screening.

An incorrectly managed screening process can be a source of liability either for wrongful discrimination against an applicant or for failure to screen adequately to identify an applicant who poses a risk to the community. To avoid claims of wrongful discrimination, screen all applicants in the same manner. Identify in advance how the program will address specific findings and equally enforce those consequences with all applicants. To avoid liability for failure to identify an applicant who poses a risk, be certain to meet state requirements for screening individuals who will work with vulnerable populations. Keep complete records of all screening results for both accepted and declined applicants, and be certain those results are addressed consistently with each applicant. Screen CERT applicants in a manner consistent with paid employees who perform similar functions.

When developing screening protocols, it may be helpful to consider protocols used by surrounding jurisdictions.

Do not begin screening without the applicant's written permission for the specific types of screening the program will use. Consent may be obtained on the application form or a separate consent form signed prior to screening. The consent should identify the specific screening to be performed and include an agreement that the applicant releases and holds harmless from liability the program and any person or organization that provides information about the applicant. The sponsoring agency's existing policies and procedures for screening employees or emergency response volunteers may be helpful models. Additional examples are included in the Appendices.

Common screening approaches include:

- **Volunteer interviews.**
- **Reference checks.** *Contact employers for which the applicant has performed paid or volunteer work and any personal references identified by the applicant.*
- **Criminal background checks.** *Criminal background checks may not be required for every member, but they are advisable (and may be legally required) when members' work puts them in a position to deal directly with vulnerable individuals, such as children, the elderly, people with disabilities, and disaster victims. Check with local police to determine the appropriate agency, which may include a state law enforcement agency or department of justice.*
- **Fingerprinting.** *Fingerprinting is one component of a criminal background check. Contact the local police department.*
- **Drug testing.** *This is more invasive testing and thus should be used with caution. If drug testing is necessary, consider contracting with a private vendor who provides good recommendations from trusted sources.*
- **Driving record checks.** *Driving record checks are good practice for members who will operate their own or the sponsoring agency's motor vehicle as part of CERT activities. Contact the state department of motor vehicles for procedures.*

***Acceptance and offer***

The procedures used to accept members from the pool of applicants differ among programs. Any process that is based on consistently applied objective criteria and is not wrongfully discriminatory will help the program avoid liability and unfavorable publicity.

The program can avoid possible misunderstandings by putting information into a written offer letter or service agreement to be signed by the member and the member's parents, for minors.

The information should include:

- Name, address, and contact information for the member
- Title of position ("CERT Member" for example)
- Effective date
- A statement that the member's appointment is "at will" and can be terminated at any time by the program or by the member
- Any contingencies the member will have to fulfill before the appointment is official, such as screening or completion of training
- Any specific requirements the member must fulfill after the appointment is official, which could include participating in program activities a minimum number of hours per month, attending refresher training, etc.

Other information and commitments may also be included:

- A description of benefits (such as workers' compensation or accident and injury insurance and liability protection) and privileges (such as use of sponsoring agency vehicle or personal vehicle on program business) that apply to the member
- A waiver by the member of program and sponsoring agency liability for injury, illness, or death sustained by the member in connection with CERT service
- An Oath of Allegiance, which may sometimes be required by state law for the member to qualify for liability and injury protection as an emergency or disaster volunteer
- Any requirement that the member must meet to use a personal vehicle on program business (for example, to maintain liability insurance)
- Acknowledgement that the member has received a copy of the program's policies and procedures (or member Handbook) and will comply with their terms (including any work conduct rules)
- A commitment by the member to maintain the confidentiality of certain information

Any statements made in the offer letter or service agreement will be a binding commitment by the CERT program and the member. Consequently, use great care in describing benefits (for example, do not refer to accident and sickness insurance as workers' compensation coverage). Secure legal or human resources approval of the offer letter or service agreement before adopting it for use in the CERT program.

***Privacy of volunteer records***

The recruitment and selection process generates written information about potential members that can be highly confidential. Disclosure of this information can harm the individual and expose the CERT and its sponsor to significant liability. Consequently, the confidentiality of all volunteer records, including information about unsuccessful applicants, should be respected to the same degree as the records of sponsoring agency personnel.

**Work and conduct rules.**

CERT programs are often sponsored by public safety organizations that operate in high-risk environments and adopt strong management practices to help them safely achieve their missions. CERT members usually do not face the same degree of danger as professional emergency responders, but CERT programs that follow management practices geared to their operations can operate more safely and better manage liability.

Clear work and conduct rules are an important management practice. They provide guidance on how members carry out their responsibilities and apprise them of actions that the program considers to be unacceptable. Work and conduct rules let members know what is expected of them and provide the program with an objective basis for managing performance and, if necessary, terminating members. These rules should include even the obvious – such as prohibiting sexual harassment and disclosure of confidential information. Identify within the work and conduct rules any infractions that warrant immediate termination. Refer to the program's progressive discipline and termination procedures, if the program has them. Give each CERT member a copy of the rules and require the member to sign an agreement to obey them.

The following are examples of work and conduct rules that can help reduce the chance of liability:

***Time commitments and records***

Require that CERT members meet the program's minimum time commitments (if any) and that they record their time when engaged in program activities.

***Periodic retraining and background check requirements***

Require that CERT members meet the program's periodic retraining and background check requirements.

***Uniforms and program issued identification***

Require that CERT members wear "uniforms" and carry program identification while they are participating in CERT activities. The uniforms may be simple – a program logo T-shirt, a safety vest, and a hard hat, when appropriate. Uniforms and identification help the program prevent unauthorized persons from accessing restricted areas and posing as program members.

Because logo materials and identification represent the member as part of the CERT and a representative of any agency whose name is on the materials and identification, clear instructions should be given about when they are – and when they are not – permitted to use those items.

***Procedures for reporting injuries, illnesses, accidents, and property damage***

Require CERT members to report any injuries or illnesses they believe to be related to their CERT activities. Give them detailed instructions about when, how, and to whom reports shall be made based upon written program procedures. Also require them to report any accidents they have in a motor vehicle and any injuries or property damage they cause while participating in CERT activities.

***Compliance with safety rules, including use of required personal protective equipment***

CERT members usually do not engage in activities that require the kind of personal protective equipment used by firefighters, however, their activities may require protective headgear, safety vests, goggles, gloves, or dust masks. If the CERT program has responsibilities that require the use of personal protective equipment, make its use an explicit requirement in the position descriptions and work rules and enforce that requirement.

***Statements to media***

Require that CERT members refer media representatives to a designated public relations contact.

***Confidentiality and privacy***

Prohibit disclosure of confidential or private information about the program, its members, the sponsoring agency and its employees, members of the public, and others.

***Wrongful discrimination***

Prohibit discrimination, including but not limited to discrimination based on race, gender, religion, color, national origin, age, marital status, disability, and sexual orientation.

***Harassment (sexual and other)***

Prohibit all harassment as well as the display of sexually suggestive or other offensive materials.

***Alcohol and drug use***

Prohibit the use of alcohol, drugs, or substances that can impair physical or mental functioning while participating in CERT activities.

***Smoking***

Prohibit smoking while participating in CERT activities.

***Cell phone usage***

Adopt reasonable restrictions on personal cell phone use while participating in CERT activities and prohibit any cell phone use while driving as part of performing CERT activities.

***Photography***

Prohibit photography while participating in CERT activities unless it is ordered by the member's supervisor and taken with the CERT program's or the sponsoring agency's equipment. Assure that members have signed a release form to allow the program to use their image in any print or digital material to which the program might contribute or that the program might produce itself. Require the supervisor's approval for any publication or distribution of photos, and prohibit members from using any photographs taken while participating in CERT activities for private purposes. Digital cameras and the Internet increase the chance that a photo taken by a CERT member could be widely published in violation of a subject's privacy rights, and the program and sponsoring agency could be liable to the subject for damages.

***Personal use of computers/e-mail***

Prohibit personal use of sponsoring agency's or CERT program's computers and e-mail.

***Carrying weapons***

Prohibit members from bringing weapons to CERT activities unless they are sworn law enforcement officers and carrying the weapon is part of their job.

***Reporting changes in driving record, criminal background, or professional licensure status***

Require members to report any change in their driving record, criminal record, professional licensure, or other record required for the position they hold.

**CERT training.**

Training helps CERT manage liability because it helps CERT members know what is expected of them and prepares them to deal safely and effectively with the situations they are likely to encounter. Training is especially important for CERT's operational activities. Deploying CERT members into emergency situations without adequate training would increase significantly the likelihood of liability for the sponsor, its trainers, and CERT members.

Fortunately, CERT programs do not have to create a training program from the ground up. The CERT National Program Office at FEMA has an extensive pre-prepared training curriculum that is available for download online at http://www.citizencorps.gov/cert/training_downloads.shtm. The *CERT Basic Training* course materials include a Participant Manual, and an Instructor Guide and PowerPoint files for use by CERT trainers.

The materials provide background information and describe CERT procedures in detail. This national baseline for CERT training promotes consistency among programs and makes it more difficult to argue that a program is not training its members adequately.

CERT training provides information to help members respond safely in emergencies; it does not establish inflexible standards to which members must strictly adhere. Inflexible standards could increase liability risk for CERT members who must adjust or even disregard a particular part of CERT training based on the circumstances at the scene. Consider including on any CERT materials that might be construed as standards, including training, a statement that the content does not replace what a reasonable person would do under similar circumstances, and that the content may be adjusted or disregarded based on circumstances at the scene. Review standard operating procedures and other program materials to be sure they do not suggest that they impose inflexible standards. An exception may be work rules that prohibit certain actions (for example, sexual harassment) that are never appropriate. Consult with an attorney for advice on establishing the right balance under the state's law.

It is good practice to maintain training records that identify the members who were trained, when they were trained, and the topics covered. Records help manage the training schedule and ensure there are no training gaps. If the training of CERT members becomes an issue in a lawsuit, the records will document that the appropriate training was provided.

CERT training is a more effective risk management tool if the CERT program requires refresher and ongoing training for members who join CERT teams. Refresher training enables members to maintain their current skill levels and informs them of any updates in procedures. Without refresher training, skills will rapidly be forgotten and the chances of liability increase. Information about planning and delivering refresher training is available online at http://www.citizencorps.gov/cert/start-2-3.shtm

CERT programs can customize their training to better reflect the community's hazards and vulnerabilities and the characteristics of the group being trained. The CERT National Program Office offers suggestions for tailoring training at http://www.citizencorps.gov/cert/start-1-5.shtm. Some additional topics to consider addressing include:

- The mission and goals of the sponsoring agency and the CERT program
- The chain of command in the sponsoring agency and the CERT program
- The program's work and conduct rules
- The benefits offered to participants, including any liability and injury protection provided to members by the program or by law
- Periodic re-training requirements
- Procedures for volunteer evaluation and termination

- Training for additional skills, community service opportunities, or other non-operational CERT activities that are not covered by the *CERT Basic Training* course

Developing and distributing a member handbook helps members remember this information and can also serve as an important foundation for the program's performance evaluation, progressive discipline, and termination procedures. A handbook can summarize information not included in the standard CERT curriculum and should incorporate by reference the *CERT Basic Training* Participant Manual. If you distribute a handbook, have each member sign an agreement acknowledging receipt and agreeing to comply with its requirements.

The *CERT Basic Training* course is delivered in a classroom setting, so selection and preparation of trainers is important. Good presentation skills are important to hold students' attention and effectively convey the information. Training is often delivered by a sponsoring agency's first responders, but a CERT program may choose to use other instructors, such as experienced CERT members, to present some of the units. The National CERT Program Office offers a framework to guide the process of choosing and training instructors at http://www.citizencorps.gov/cert/start-1-6.shtm. In addition, FEMA offers training for CERT instructors (*E428 CERT Train-the-Trainer* course), as well as training for local CERT program managers (*E427 CERT Program Manager* course). Both are offered at FEMA's Emergency Management Institute. More information about the courses and applications are available at http://training.fema.gov/.

CERT members who want to join a CERT that is activated to respond to emergencies are sometimes required to complete additional Incident Command System training, such as ICS 100a and subsequent courses in that series. This course is available online at http://training.fema.gov/EMIWeb/IS/IS100a.asp. Be sure that completion of this course is part of the training record for any CERT member who participates in operational response.

State and federal law mandate certain types of employee training, usually on safety or discrimination issues (for example, federal and state occupational safety and health laws ("OSHA") require employers to train employees about safety issues relevant to their positions. Some states require training of employees about sexual harassment). Statutes that mandate training often require that certain information be included and that trainees have an opportunity to ask questions and receive an answer.

Mandatory training laws usually apply only to volunteers who are considered to be employees under their state's law, but this is not absolute. Some training requirements may apply to volunteers. A few states extend their occupational safety and health laws to volunteer emergency response personnel. Environmental Protection Agency regulations require that volunteer firefighters receive hazardous materials training. Even where training requirements apply

only to employees, the line between employee and volunteer under state law is not always clear (for example, some CERT members may be considered "members" of a fire department for purposes of workers' compensation coverage, which might tip the balance in favor of "employee" status). Check with an attorney before concluding that CERT members are not subject to mandatory training requirements.

Training decisions should not be driven solely by legal requirements. It is good practice to train volunteers if the sponsoring agency would train an employee performing the same activities. The relatively small training investment is offset by the benefits of reducing the chance of costly liability.

**Supervision, performance evaluation, progressive discipline, and termination.**
Every CERT program should assign a supervisor for its members. Ideally, a supervisor should be an agency employee who is familiar with CERT responsibilities and able to carry out the program's performance evaluation, progressive discipline, and termination procedures.

A CERT program invests significant time and resources in recruiting and training members. Regrettably, an occasional member will be unable or unwilling to perform as expected. A procedure for progressive discipline and termination will help the CERT program manage these situations consistently and successfully. The program should develop the procedure with the advice of an employment attorney or skilled human resources professional. It is important that the progressive discipline and termination process include:

- Clear identification of actions that warrant immediate dismissal rather than progressive discipline (often those that present an unacceptable risk of damage to property or injury to a person, or that evidence intent to do harm or break the law)
- Consistent communication with the member of any deficiencies in performance, the reasons for any disciplinary action, and expected changes
- Written documentation of each step
- Administration in an objective, consistent, and non-discriminatory manner

A sponsoring agency that has adopted progressive discipline and termination procedures for its employees and/or volunteer emergency responders but that does not intend to apply those procedures to CERT members should consult with an attorney. It is very important to clearly identify procedures that apply to emergency responders but not to CERT members. Failure to differentiate can result in CERT members benefiting from procedures intended to apply only to emergency responders.

Privacy is important in the disciplinary and termination process. Avoid making written or oral public statements that could damage the member's reputation and possibly provide grounds for a lawsuit. Administer discipline and termination in a private setting, with only the member, the supervisor, and a witness (who will maintain confidentiality) present. Keep member files in a secure place at all times, providing them with the same protection as the sponsoring agency's personnel files. If contacted for a reference on the member, follow the sponsoring agency's or the local government's procedures for employee references.

**Activation/deployment approaches.**
CERT programs adopt different approaches to activation of members in emergencies. Some CERT programs have a standard operating procedure that instructs members in advance when and how to self-activate. Others require their members to activate only when ordered. Still others may combine approaches, permitting self-activation in the member's immediate surroundings (i.e., neighborhood, university, or workplace) and issuing specific activation orders for participation in larger emergencies.

Both forms of activation have benefits. The self-activation approach recognizes the realities that people naturally respond to emergencies in their immediate surroundings, and that they will respond more effectively and safely if they have basic CERT training. The activation upon order approach enables the sponsoring agency to maintain greater direct control of responding CERT members.

When adopting an activation strategy, it is important to understand that there is no activation approach that guarantees against liability. On its face, self-activation may appear to insulate the program leaders and the sponsoring organization from liability by separating them from deployment or direction of members. This fails to recognize two important factors.

First, there are links with the CERT program even if members self-activate.

- Self-activation may be pursuant to a standing order, and not all that different – for liability purposes – from an order to activate issued at the time of an emergency.
- CERT programs have multiple points of contact with their members. Even if its members self-activate, an injured person might argue that the CERT program has put the member in a position to respond and that CERT training shaped their actions. An injured member might argue that CERT training did not adequately prepare for the situation encountered.
- By accepting members and instructing them to self-activate, some might argue that the CERT program has implicitly made a decision that the members are capable of responding without supervision, and an injured person may question that decision.

- Even self-activated CERT members can appear to the public to be acting on behalf of the CERT program if they carry officially issued CERT identification, wear CERT identifying vests or personal protective equipment, or identify themselves as CERT members during a response.

Any of the above might be argued as grounds for program liability, even if CERT members self-activate.

Second, self-activation does not offer the risk control benefits of program activation for specific emergencies. A CERT that activates its members to respond to specific emergencies may reduce the chance that its members will respond to situations that are beyond their capabilities. If CERT program activation enhances oversight at the emergency scene, it can also help ensure that members work within their level of training and comply with the CERT program's rules. Both of these effects reduce, although they do not eliminate, the chances of liability.

Another concern is that self-activation may prevent CERT members from qualifying for liability protection under various federal and state laws. This will be discussed further below in ***Providing benefits for injured CERT members*** and ***Protecting CERT members from liability***.

Neither activation strategy eliminates a CERT program's potential liability for the acts of, or injuries to, its members. Each program should analyze the risks and benefits of each approach and choose the strategy that is most effective for its needs. Then acknowledge and manage the remaining risks.

**Protection from the financial effects of liability.**
Even the best risk control program cannot eliminate all liability. There remains a small but real chance of an injury, property damage, or other harm. A sponsoring agency has this "residual" risk from all of its activities – whether or not it sponsors a CERT program. The cost of damages, defending a claim or lawsuit, and providing injury benefits can be substantial, so no risk management program is complete until there is a plan to pay these costs. Recruiting members is also easier if there is a plan to protect volunteers from liability and to provide them with benefits if they are injured or become ill.

While CERT programs are most often sponsored by a local government agency, incorporated nonprofit organizations, businesses, or educational institutions may coordinate training and organize teams. In addition, a few CERT programs have established separate nonprofit organizations to raise funds. Thus, more than one legal entity can be involved in a CERT, and each is responsible for protecting itself and its officials, employees, and volunteers from the financial effects of liability. Protection for one person or legal entity – whether by law or insurance – does not automatically protect others.

The remainder of this section summarizes different sources of protection that may be available for CERT programs and their members. For a more in-depth discussion and guidelines on how to investigate a specific state's law, see *Finding Statutes and Bills Online* (from the Citizen Corps Volunteer Liability Guide) in the Appendix.

### *Providing benefits for injured CERT members*

Statutory benefits. A paid employee who suffers a work-related injury, illness, or death usually receives from the employer "no-fault" workers' compensation benefits, including replacement for lost wages and medical expenses. Most state laws require employers to have workers' compensation insurance or an approved self-insurance plan to ensure they can provide these benefits to their employees. To avoid double compensation, state laws usually limit an injured employee's right to sue an employer that provides workers' compensation benefits.

Paid firefighters and emergency medical service (EMS) workers are "employees" and are thus covered under their employer's workers' compensation coverage. Unpaid volunteers, such as CERT members, often do not qualify for protection under their states' workers' compensation laws.

In some states, CERT members are covered by workers' compensation, or can be covered at their sponsoring agency's option. If they are covered, it is likely to be under a provision in their state's emergency management or homeland security statute. Occasionally workers' compensation protection will be available because the state's workers' compensation statute specifically includes emergency volunteers in its definition of "employee." Benefits for emergency volunteers may be subject to limitations or contingencies that do not apply to regular employees.

The wording of the statute(s) is critical to determining whether coverage is provided to CERT members during a specific CERT activity. One consistent requirement in emergency management and homeland security statutes is that the volunteer be engaged in emergency or disaster work, as defined by the statute. Another is that the volunteer be registered with, accepted by, or working under the direction of a state or local emergency management agency. Some states protect during participation in drills and exercises, but others limit coverage to emergencies or disasters declared by the governor. Thus, CERT members are more likely to be protected during operational activities than during non-operational or administrative activities. Members who self-activate, especially without a standing order to do so, are less likely to be protected than are members who are activated by an order of their sponsoring agency to work under the agency's direction. Find out what the sponsoring agency says it does and does not cover. Because state laws differ significantly, only a qualified attorney can give state-specific advice.

CERT members who are considered to be "members" of a fire department may have access to different protection. Again, the terminology used in the state's statutes is the key to making this determination. Some state laws require or authorize workers' compensation benefits for "members" of fire companies or departments. Others do so only for volunteer "firefighters." A state law that requires or authorizes workers' compensation benefits for "volunteer firefighters" is less likely to protect CERT volunteers than is a law that protects volunteer "members" of fire companies or departments. In states that mandate or authorize workers' compensation for "members" of fire companies or departments, an amendment to the department's by-laws or a local ordinance classifying CERT members as "members" of the fire company or department may allow those members to benefit from workers' compensation coverage for purposes of those activities.

Even if CERT members cannot receive administrative workers' compensation benefits, that does not preclude liability for their injuries or illnesses. An injured CERT member who is not eligible for workers' compensation benefits can file a civil lawsuit seeking lost wages, medical costs, pain and suffering, and other damages from an injury caused by the act or omission of someone else. Potential targets of lawsuits include the sponsoring agency or local government, other volunteers, trainers and team leaders, to name a few. The lawsuit will fail, however, unless the target was at fault, the fault caused the injury and resulting damages, and the target of the lawsuit is not protected by governmental or another statutory immunity.

A different avenue for providing injury and illness benefits to injured volunteers is accident and sickness insurance. This is discussed in the next section. Talk to an experienced risk manager or attorney for additional information and options.

Accident and sickness insurance. If workers' compensation is not an option, "accident and sickness" insurance can provide some injury benefits to CERT members. The local government or the sponsoring agency may have existing accident and sickness insurance for its regular volunteers that can cover CERT members. Compare the coverage provided under such insurance with the benefits the program wants to provide. Volunteer accident and sickness insurance sometimes covers only medical expenses, not lost income, has a relatively low maximum payment, or pays only what the volunteer's regular health insurer does not pay. Also, before choosing this path, be sure that the policy does not exclude emergency or public safety volunteers.

Waiver of liability. A written waiver signed by an adult CERT member can help limit potential liability for injuries and illnesses. A waiver documents in writing that the member understands the risks of the position and agrees to waive the right to bring a claim for an injury or illness. It can thus help establish that the activity is not risk-free and that an injury does not necessarily mean the program was at fault. It can also include written notice of any injury and illness benefits that are provided.

The enforceability of waivers is governed by state law, and such waivers are not equally effective in all states. States are usually unwilling to recognize an advance waiver of liability for careless actions. Waivers for injury to minors are even more problematic than waivers by adults, because state law often permits minors to avoid their obligations under contracts they have signed. Waivers on behalf of minors should be signed by both the minor's parents or legal guardians and the minor. Check with an attorney for advice on how to craft a waiver that will have maximum effect.

### *Protecting CERT members from liability*

Liability law enforces the critical social value of accountability by encouraging individuals and organizations to use reasonable care and discouraging them from committing wrongful acts. However, concerns about liability can discourage volunteerism, which is another important social value. If these social values remain in balance, society benefits from volunteerism without sacrificing accountability. Thus, state and local governments and agencies that use volunteers or promote volunteerism seek solutions that balance these values.

In most states, protective laws have been adopted over a period of many years to address then-current needs. Volunteer liability protection takes two basic forms: immunity (legal exemption of the volunteer from liability) and indemnity (payment of the volunteer's costs arising from a liability claim – such as attorney's fees, judgments, and settlements). Immunity and indemnity are complementary. Immunity limits an injured person's legal right to recover damages from the volunteer, but does not pay any costs to defend the volunteer. Indemnity does not limit the injured person's rights to recover, but it provides the volunteer with a legal defense and pays judgments and settlements, if necessary. Some immunity laws are statutory, and others are part of the state's common ("case") law. Indemnity may be provided by statute, by agreement, or a combination of both. For the volunteer, it is ideal to have both immunity and indemnity.

The critical points to remember are that immunity and indemnity vary greatly from state to state and that they are helpful but do not provide complete liability protection. Most immunity and indemnity laws have threshold requirements that the volunteer must meet - such as type of activity and registration as a volunteer. They uniformly exclude protection for gross negligence, willful misconduct, and similar extreme conduct. Many also exclude protection for volunteers when they are driving motor vehicles.

The following are the general categories of volunteer liability protection. An attorney can provide complete information about the scope of protection available in a particular state.

Volunteer protection laws. The federal and many state governments have adopted volunteer protection laws that provide certain volunteers with limited immunity. The protection offered by state laws can differ, so this discussion is based on the federal Volunteer Protection Act of 1997 (VPA).

The VPA gives individual volunteers who are working without compensation for government or nonprofit organizations limited immunity from liability for harm based on the volunteer's actions. It does not protect any specifically described set of activities, and so it can apply in both emergency and non-emergency situations. It does not protect the organization that uses the protected volunteers. Under the VPA, a CERT's sponsoring agency can still be sued if otherwise permitted by law, even if its member cannot.
The VPA and its state cousins include many exclusions. The VPA excludes protection for volunteers who are operating a motor vehicle or other vehicle for which the state requires an operator's license or insurance. It also excludes volunteers who are performing acts for which the volunteers are not appropriately licensed or are not within their area of responsibility. It provides only immunity, and thus does not provide for payment of legal defense costs, judgments, and settlements. It does not protect against liability for gross negligence, willful and wanton negligence, or similar extreme conduct. Despite these (and other) limitations, however, volunteer protection acts may be the best source of immunity for CERT members who volunteer for non-operational/community service opportunities.

Emergency volunteer protection. The following types of laws provide liability protection specifically to volunteers who assist in emergencies. Protection varies and follows specific criteria set forth in the state's statute. Check with an attorney to determine what protection is available under your state's law.

*Good Samaritan laws:* "Good Samaritan law" is the popular name for statutes that provide limited immunity to individuals who, in good faith, without a duty, and without compensation, help a person who is experiencing a health emergency in a setting where there is no ready access to professional care. Protection is not limited to declared emergencies, so Good Samaritan laws can protect people who happen to be present at the scene of an emergency as well as CERT members or teams who self-activate, if they meet the other requirements of the statute. These laws are unlikely to protect CERT members in their non-operational or administrative capacities. Every state offers some form of Good Samaritan protection, but the scope of protection varies greatly. Some states protect "any person" who tries in good faith to assist, while others require that the "Good Samaritan" have certain professional qualifications (for example, as a health care provider). In states that require the Good Samaritan to have specified credentials, the protection is less useful to most CERT members.

*Emergency management and homeland security laws:* State emergency management and homeland security statutes may provide limited immunity from liability to individual CERT members who are working as registered emergency or disaster workers. These laws sometimes provide indemnity as well. They are most likely to protect CERT members who are ordered to activate and participate in an official emergency response under the direction of an emergency response agency. Members who self-activate under a standing order or standard operating procedure may also be protected. Members who self-deploy without any order are less likely to be protected by emergency management laws, but they may still benefit from Good Samaritan protection. Check with an attorney or risk manager to determine how activation methods affect CERT members' liability protection.

Historically, organizations (such as businesses) that volunteer their resources in an emergency have not been provided with similar liability protection. As the important role of businesses and nonprofit organizations in emergency response has become more apparent, however, there is increasing attention to protecting them as well. State laws are thus beginning to incorporate protection for these important partners.

*Fire/EMS volunteers:* Some states provide limited immunity to fire/EMS volunteers. CERT members who work with fire and EMS organizations may benefit from this protection. A statute that gives immunity to "all persons providing voluntary service to a fire department, ambulance service, or rescue squad" is more likely to protect CERT members who work for a fire or other rescue service than is a statute that limits protection to "volunteer firefighters." Fire/EMS volunteer immunity laws often limit their application to active fire/emergency response situations, so look carefully at the scope of activities covered by the immunity.

*Interstate mutual aid:* Some CERT programs operate teams that are capable of responding to disasters across state lines. Activities outside the home state often raise concerns about the adequacy of liability protection in the state where the aid is being provided. These concerns can be warranted, because protection varies from state to state, and CERT members are protected outside their home state only to the extent that the other state has adopted protection for emergency management volunteers. Many states' emergency management laws protect emergency workers from other states who are responding to an official request for assistance. It pays to be familiar with the liability protection provided by the states to which the CERT(s) responds, but this can be difficult due to variation in state laws and the speed with which response takes place in the aftermath of a disaster.

The Emergency Management Assistance Compact (EMAC) is a partial remedy to this challenge, but its effect is limited. Under EMAC, a responding state and its "officers and employees" are protected from liability.

Local government employees, volunteers, and employees of businesses who respond across state lines in a disaster are not protected by EMAC unless their state designates them as part of its official response force. Those who self-activate are not protected by EMAC. Do not rely on EMAC to protect your CERT program's members without legal advice.

Liability insurance/self-insurance. Liability insurance is a form of indemnity and is an important tool for protecting CERT members. It does not prevent an injured party from suing and recovering damages, but, from a CERT member's perspective, the protection of good liability insurance can be broader than immunity. Liability insurance that covers emergency management volunteers is less likely to have some of the exclusions and limitations that leave gaps in the protection offered by immunity statutes, and, unlike immunity laws, liability insurance also provides funds to pay defense costs, settlements, and judgments.

Some states require political subdivisions to provide their emergency volunteers with liability insurance and others allow but do not mandate coverage. This protection may be in the form of liability insurance or inclusion under a government's self-insured plan. In states where government volunteers also have limited immunity, this can provide two-part protection.

CERT programs may be operated by or affiliated with many different types of emergency services organizations. Any of these legal entities may have existing liability protection for volunteers that could cover CERT members. Here are some possibilities to investigate:

- The local government or agency liability insurance policies
- The local government's self-insurance plan
- The coverage document from a public risk pool that provides insurance to the local government or agency
- The volunteer liability insurance policy held by the local government or one of its agencies (it may be possible to add CERT members to a volunteer liability insurance policy held by another agency)
- A separately incorporated CERT or auxiliary program's general liability and directors and officers liability insurance policies
- A contract for fire/EMS services in which CERT members may participate, including a nonprofit volunteer fire/EMS company's contract to provide services to a local government
- Mutual aid agreements
- Insurance available to volunteers through other affiliations if the volunteers will respond in a dual capacity

The protection afforded by liability insurance, self-insurance plans, public risk pools, and contracts is not all the same. With a knowledgeable risk manager or attorney, identify and review available insurance and other protection to confirm that it includes the CERT activities the program wants to protect.

Review insurance maintained by local governments to be sure it includes volunteers and does not exclude emergency management activities. Find out how the activation approach affects coverage: many sponsoring agencies do not cover CERT members during self-activation. Identify any coverage required to protect CERT members' special activities. If no existing insurance coverage or other protection is available, consider investigating commercially available volunteer liability insurance policies.

### *Protecting CERT members from penalties for violation of license, certificate, or permit requirements*

This usually is not an issue for CERTs because their members respond within the level of their CERT training, rather than in their professional capacity. The functions they perform should not trigger the need for a license, certificate or permit.

This issue might arise for professionals who are dual trained for CERT and another emergency volunteer program. Clear activation procedures help to differentiate when a volunteer is responding as a CERT member and when he or she is responding with the other group.

If the issue of credentials arises, there is some statutory protection. EMAC provides that states receiving assistance will recognize licenses, certificates, and permits held by members of a responding state's forces, subject to conditions and limitations imposed by the state governor. Many states include similar provisions in their regular emergency management statutes, without the explicit requirement of a link to EMAC forces. Often these state-specific statutes recognize existing credentials from another jurisdiction, but sometimes they just state that their requirements do not apply to emergency forces working in a declared emergency. Few states currently provide for recognition of retired professionals who do not maintain a current license.

### *Protecting CERT sponsors from liability*

A CERT sponsor's best liability protection is the five-step process described above, because it focuses on preventing the losses that result in liability. Immunity and indemnity do not prevent a loss; they only shift the cost to the injured party or to an insurer. Everyone wins if the loss is prevented.

The following are general categories of protection that may be available to the sponsoring organization. Contact an attorney or an experienced risk manager for complete information about the scope of protection available in a particular state. Immunity. Governments and their agencies often benefit from governmental immunity, especially during emergency operations. This immunity may extend to liability for volunteers' negligent actions and for volunteer injuries.

Because businesses and educational organizations that coordinate CERTs are much less likely to have entity immunity, it is important that they operate under the guidance of the community's CERT program. The scope of immunity varies substantially from state to state, and its application may depend on factual issues. It is good practice to obtain legal advice before relying on immunity. Even if immunity is available, a source of indemnity is important to pay for defense.

Indemnity. CERT program sponsors that are government departments or agencies are likely to have some protection through the local government's self-insured plan or liability insurance from liability for the negligent actions of their volunteers. Talk to the local government's risk manager or attorney to be sure there is coverage and that there are no significant limitations (for example, exclusion of volunteers or emergency management activities).

A CERT sponsor that is an independent emergency response organization (for example, an independent volunteer fire company) may also have its own liability insurance. A sponsor that buys separate insurance designed for emergency response organizations is likely to be covered for liability arising from harm caused by its volunteers, and its volunteers may also be covered. If CERT volunteers are "members" of a volunteer fire/EMS company, those volunteers may also be covered under the company's workers' compensation coverage. Review any policies upon which the sponsor relies and consult with a risk management or legal advisor to understand the limits of the protection provided.

Businesses and educational organizations that coordinate CERTs should check their insurance carefully and consult with a risk manager or insurance agent to determine whether it covers their CERT activities and volunteers, especially for involvement in activities outside the coordinating entity's own operations. Be alert for any exclusion of emergency response activities. Explore with an attorney whether an agreement that gives the local emergency management agency control of the coordinator's CERT members in an active response will help separate the coordinator from liability for volunteers' actions or injuries.

When relying on inclusion under another organization's insurance or self-insured plan, require written documentation of coverage for the sponsoring agency, such as a current insurance certificate.

Workers' compensation and accident and sickness insurance. A sponsor that provides statutory workers' compensation benefits to CERT members may be protected under the workers' compensation law from a lawsuit for the same injury (referred to as "exclusive remedy" protection). Organizations that provide CERT members with accident and sickness insurance do not receive exclusive remedy protection, but combining accident and sickness insurance with a waiver of liability signed by the CERT member may reduce the chances of being sued.

State laws differ on the exclusive remedy protection and in their recognition of waivers of liability, so check with an advisor experienced in the state's law before adopting a strategy.

**Step Five – Maintain the Momentum**

Managing liability is an ongoing process. A CERT program's activities, partners, and environments change, and so must its strategies. Some strategies will be less effective than expected, and so must be revised or replaced. The keys to success are monitoring changes in the CERT program, evaluating the effectiveness of adopted strategies, and making changes as needed.

The five-step process discussed above helps liability management in two ways. First, it provides structure for a regular, fresh look at the CERT program's risk management approaches. Working through the five steps every few years – especially with new participants - gives the program a fresh perspective on vulnerabilities and new ideas about strategies. Secondly, the five steps suggest how the organization can incorporate managing liability into its ongoing operations, ensuring that everyone from the chief to the newest volunteer thinks about liability when working.

**Revisiting Step One – Get Leadership Support**.

Changes in priorities - and even in upper management personnel - can diminish support over time if the liability management effort does not maintain visibility and demonstrate its value. Regularly scheduled reports to upper management about activities and outcomes can help maintain upper management support.

**Revisiting Step Two – Gather Information**.

The environment of a CERT program is not static. Changes in the community or the sponsoring agency will affect the operations and resources of the CERT program. Although change is inevitable and often desirable, unrecognized change is dangerous because it increases the chances of liability.

Stay alert for changes that affect the CERT program by reading reports, budgets, and proposals for new activities and maintaining contacts throughout the sponsoring agency, and the emergency management community, and the state and National CERT Program Office. Empower CERT members to advise program leaders of changes they observe. Review the CERT program's documents, including policies and procedures and position descriptions, to ensure they are still accurate.

**Revisiting Step Three – Identify and Analyze Risk.**

When new activities or other changes in circumstances are identified under Step Three, examine them and determine how they may increase the chances of liability. Encourage everyone associated with the CERT program to think about potential liability within the scope of their activities.

Empower CERT members to immediately correct problems within their authority (anyone can wipe up liquid spilled on the floor to prevent a fall) and to report to their supervisors problems that must be addressed at a higher level (for example, the need for retraining in a specific procedure).

**Revisiting Step Four – Adopting Strategies to Manage Risk.**
When a new liability exposure is identified, work within the system to develop and adopt a strategy. The information in this Guide, the CERT Web site, the *Citizen Corps Volunteer Liability Guide*, and networking with other CERT representatives are all resources that can help identify solutions.

## 4. Conclusion

CERT programs that consistently follow the process described in this Guide benefit themselves, their sponsors, their members, and the community. Programs that successfully manage liability are more likely to have long-term viability because they are more useful and pose less risk to their sponsors. They are also more attractive to new members, because they work in a safer environment, have clear responsibilities, and may benefit from injury and liability protection. Finally, the public benefits from the additional services performed by CERT members, and is protected from harm by the program's screening and training procedures.

The National CERT Program Office welcomes thoughts, comments, suggestions, and additional contributions to this effort. If you know of a resource that would be helpful or an innovative program effort, or if you have comments or suggestions about anything in this Guide, contact CERT at cert@dhs.gov.

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# Appendices

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# Glossary

**CERT member:** An individual who has successfully completed the Federal Emergency Management Agency's *CERT Basic Training* course.

**Community service opportunities:** Non-operational activities engaged in by CERT members, such as distributing disaster preparedness materials.

**Hold harmless and indemnification agreements:** An agreement, often part of a contract or memorandum of understanding, in which one person agrees to assume the liability and risk that may arise from an activity.

**Indemnity:** Protection against hurt, loss or damage; exemption from liabilities or penalties.

**Immunity:** Exemption from liability under the law in situations where liability would otherwise exist.

**Incident Command System:** The command and control structure that is the organizing principle for emergency response in the United States and in many areas of the world, and is used by CERTs.

**Intentional tort:** A deliberate act that causes damage for which there may be liability. Examples include assault, battery, defamation, fraud, discrimination, and trespass.

**Liability:** A legal responsibility, especially for one's acts or omissions. The term "liability" is often used to mean direct adverse financial consequences, such as payment of damages, legal costs, and fines and penalties.

**Negligence:** Failure to act as a reasonable person would act under similar circumstances, which can result in liability for damages arising from resulting bodily injury, property damage, and personal injury.

**Non-operational activities:** See community service opportunities.

**Operational activities:** Emergency response and recovery activities undertaken by a CERT under the command and control of a local government agency.

**Professional errors and omissions/malpractice:** Similar to negligence, but for someone with professional skills or expertise: the failure to provide professional services as would a reasonable person with similar skills or expertise. Medical malpractice is a familiar example.

**Risk:** A measure of the potential for deviation from an expected outcome: uncertainty.

**Risk management:** A process of risk identification and analysis, risk control/mitigation, and risk financing that seeks to reduce the negative consequences of risk.

**Sponsoring agency or organization:** A government agency that endorses a CERT and, in many cases, funds and administers the program, conducts training, organizes teams, and sets program policies. Sponsoring agencies are typically the local fire department, emergency management agency, or law enforcement agency.

**Strict liability:** Liability imposed by law for harm arising from inherently dangerous activities, even in the absence of the liable person's fault.

**Tort:** A negligent or intentional act that violates a duty owed by a person or entity to someone else, other than a breach of contract or statutory law, and that causes damages that are recoverable under the law.

# Resources: Sample Documents

*See each document on the following pages.*

**Butler County Kansas CERT**
*Application form*
*Organization and Standard Operating Guidelines*

**Fresno California CERT**
*Registration and Hold Harmless Agreement*
*Release Waiver and Indemnity Agreement for Volunteer Service*
*Volunteer Application Form*
*Workers' Compensation Resolution*

**Los Angeles California CERT**
*Code of Conduct*
*Hold Harmless Form*

**Nassau County New York CERT**
*Acknowledgement of Information and Equipment*
*Background Check Request*
*CERT Activation Plan*
*Preparedness Memo*
*Training Evaluation Form*

**Santa Rosa County Florida CERT**
*Online Application Form - http://www.santarosa.fl.gov/citizencorps/cert.html*

**Stearns and Benton County Minnesota CERT**
*Criminal Background Check Consent Form*
*Volunteer Enrollment Form*

*Butler County Emergency Management*
*Community Emergency Response Team (CERT) Training*
*2100 N. Ohio, Ste B*
*Augusta, KS 67010*

## Community Emergency Response Team (CERT) Application

Name (first, middle, last):_____
Address:_____Apt. No.:_____
City:_____State_____Zip Code_____
Home Phone (___)_____Work Phone (___)_____
Social Security Number: _____ Date of Birth____/____/____ Sex_____
Driver's License #:_____State:_____Issued:_____Expires:_____
Email Address:_____

Emergency Contact: Name:_____Phone:_____

Address:_____
City State Zip

Relationship:_____

Name:_____Phone:_____

Address:_____
City State Zip

Relationship:_____

Prior Volunteer Experience:_____
_____
Special Skills/Training:_____
_____
Are you a licensed amateur radio operator?_____Call sign:_____Class:_____
Are you a licensed: Medical Dr_____ DVM_____ RN_____ LPN_____ Paramedic_____
EMT_____ Fire Fighter_____
Any medical conditions or physical disabilities we need to be aware of, if so, please list:_____
_____

WORK EXPERIENCE: Are you presently employed? (Check as many as apply)
_____Full-time _____Part-time _____Unemployed _____Retired _____Student
Current/Previous Employer:
Name:_____
Address:_____
Phone #(____)_____Job Title:_____

Do you have transportation to and from your volunteer assignment? _____Yes _____No
Fluent Languages (other than English):
Language _____ Language _____
Read____Speak____Write____ Read____Speak____Write____

List all schools that you have attended, including high school, college, trade or technical schools, military training, and employment training programs.

| Name of School (List most recent first) | Location of School (City/State) | From Mo/Yr | To Mo/Yr | Major area of study | Type of degree or certificate | Date received or expected |
|---|---|---|---|---|---|---|
| A. | | | | | | |
| B. | | | | | | |
| C. | | | | | | |
| D. | | | | | | |

SKILLS, SERVICES, AND RESOURCES INVENTORY
In each list, please circle all items or services that you would be willing to donate to response efforts during an emergency if called upon.

**Help you would provide:** First aid/medical Transport those in need Construction/Carpentry

General damage assessment Plumbing Search & Rescue Child care

Removing fallen trees Other emergency clean up Set up shelter areas

Shelter for pets Emergency feeding Language translation Traffic control/evacuation

**Equipment you would share:** First aid supplies Medical equipment Work tools

Chain saw Heavy duty jack Extension ladder Fire extinguisher

Ham radio/walkie-talkie Portable generator Spare bedding/sleeping bags

Tent Charcoal grill/camp stove 4-wheel drive vehicle Bicycle lantern

Have you ever been convicted and/or placed on probation for any criminal offense? _____Yes _____No
If yes, provide dates and detailed information below (include minor offenses).
_____
_____

Have you been convicted and/or placed on probation for traffic offenses in the past 3 years? __Yes __No
If yes, provide dates and detailed information below.
_____
_____

**NOTE: A "YES" answer on the above questions will not automatically disqualify you.**

CHARACTER REFERENCES: Please list the names of two people to be contacted for character references:

| Name | Address | Phone |
|---|---|---|
| | | |
| Name | Address | Phone |

CONDITIONS:

I fully understand, acknowledge, and agree to the following:

The program is under no obligation to accept all interested volunteers.

Any or all of the following may be required before placement in any sensitive volunteer position:

a. Background Investigation b. Fingerprinting c. Substance Abuse Testing

All statements made in this application are true and authorization is given to investigate all matters contained in the application.

Any false statement or misrepresentation on this application will be cause for refusal of placement or immediate dismissal at any time during the period of my placement.

Signature of Volunteer Applicant_____Date_____

**Please Return To:**
Butler Co. Emergency Management
2100 N. Ohio, Ste B
Augusta, KS 67010

**OFFICE USE ONLY:**

Approved_____
Date Rcvd_____Interviewed_____
References_____Supervisor_____
Computer Entry_____Orientation_____

# Organization and Standard Operating Guidelines of Butler County Community Emergency Response Teams (Butler County CERT)

***Introduction:***

*Butler County recognizes the need for an organized and trained group of volunteers that can respond to a disaster or the imminent threat of disaster within Butler County. This group of volunteers is known as the Community Emergency Response Team (CERT). CERT teams operate under the umbrella of the Butler County Local Emergency Planning Committee/Citizen Corps Council and under the authority of the Butler County Emergency Management/Homeland Security Department.*

*CERT, when activated for an emergency, will function under the direction of the Butler County Department of Emergency Management within the Emergency Operations Plan. In the event of a disaster, the Emergency Operations Center (EOC) will be activated and directing emergency operations including CERT teams. CERT is unique in that it is designed to operate independently for a given period of time when normal emergency response services are overwhelmed. This is usually anywhere from a couple of hours to several days.*

*Butler County CERT will train and prepare individual citizens in communities, businesses, schools and institutions in emergency preparedness and basic disaster response techniques and enable them to prepare, as volunteers, to take an active role in providing critical support to Emergency Management, and emergency response personnel during emergencies. In addition, training that CERT members receive will help them to assist effectively in other smaller scale mishaps that are within the scope of everyday crisis. Members may be utilized for various assignments, which may include neighborhood, countywide, statewide, or even national activation.*

*The structure of CERT will provide improved communications, management of resources, specific action plans and a better understanding of the events that are taking place prior to and during a disaster and how to respond to them. CERT also carries a big responsibility to act and function professionally during very special times. This requires self-discipline and the ability to take direction from the leaders.*

*There are three basic categories of CERT graduates.*

*<u>Category 1</u> is comprised of persons who only want to take the course so they can better understand, prepare for, and respond to disasters in their own surroundings. They are not interested in on-going training or in being a part*

*of any CERT related community service projects. They benefit the community by being better able to respond should an emergency arise.*

*<u>Category 2</u> is comprised of persons who want to take part in on-going training. They may or may not be willing to take part in community service projects that CERT coordinators would arrange and establish or are not willing or able to take part in the management of on-going CERT activities. However, they are interested in responding should a local or National emergency arise. They are people who will be members of the team when the real need comes. Butler County CERT needs to keep in contact with these persons to let them know of opportunities and have in place a communication system to contact them as needed.*

*<u>Category 3</u> is comprised of persons for whom CERT is a passion. They want to receive on-going training and, at least periodically, take part in special public service projects. They are the core of the CERT program. They help with training, they help with managing the CERT program, and they make themselves generally available whenever CERT needs them. These are people who are included within the CERT structure. It is for these CERT members that the following Standard Operating Guidelines are established.*

## Section 1: Membership

1.1 The membership of Butler County CERT shall be volunteers of the community who are over the age of eighteen (18) or age fourteen (14) if accompanied by a parent or legal guardian, and have successfully completed the required Federal CERT training as determined by the Director of Butler County Emergency Management.

1.2 Individuals wishing to become Category 2 or Category 3 members of a Butler County CERT team will be required to fill out an application that will be provided at the final training session of the CERT training program, and return the application to the Director of Emergency Management for consideration.

1.3 Applicants will be subject to a background and drivers license check.

1.4 Applicants must provide a current, valid drivers license and required proof of automobile insurance.

1.5 Butler County CERT memberships will be for an annual period ending December 31 of each year.

1.6 Persons participating in the Butler County CERT program agree to and will abide by the following rules and understand that members will be removed from membership for violation of the following:

1.6.1. Conviction of a felony
1.6.2 Conduct unbecoming a member
1.6.3 Any act of insubordination
1.6.4. Neglect of duty
1.6.5 Any flagrant violation of rules or guidelines governing this program
1.6.6 Failure to maintain annual training hours

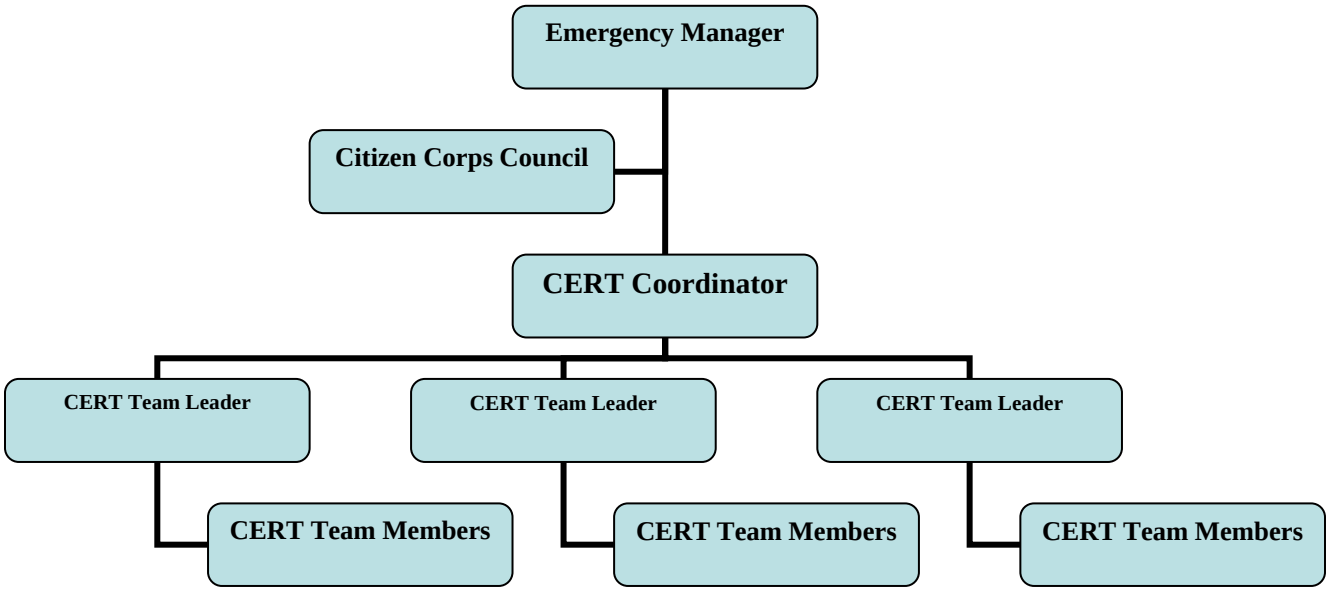
## Section 2: Administration

2.1 The chain of command will be as follows:

2.1.a Emergency Management Director/Asst. Director
2.1.b CERT Coordinator
2.1.c CERT Vice Coordinator
2.1.d CERT Team Leaders
2.1.e CERT Team Members

2.2 In addition, the Butler County LEPC/Citizen's Corps will have an advisory role and will make recommendations to the Emergency Management Director and the CERT Coordinator.

## Section 3: Command Structure



## Section 4: Butler County CERT Officials

4.1 The Butler County CERT program will be structured with officers to oversee the organization and assist in the training and activation of members.

4.2 There shall be a Coordinator, Vice Coordinator, Secretary, and any other officers that may need to be established as determined by the Butler County CERT membership and the Director of Emergency Management.

4.3 The Coordinator and Vice Coordinator will be an assigned position by the Director of Emergency Management. The Secretary and other officers will be voted on by the active membership of the CERT organization at their annual November meeting.

4.4 Election of Officers

4.4.1 All elected positions will serve a one-year term of office beginning January of the new year.

4.4.2 Nominations will be accepted from the floor during the annual January meeting.

4.4.3 A simple majority (1/2 members present + 1) favorable vote is required for the nominee's name to be elected to the office sought.

4.5 All votes will be by concealed ballot and will be destroyed at the conclusion of the elections.

4.6 There will be no term limitations for elected officers.

4.7 A member can only be a nominee for one office per election.

4.8 In the event of a tie vote, the CERT Coordinator will cast the tie-breaking ballot.

4.9 Outgoing officers are encouraged to train the incoming officers in an appropriate manner to assist in a smooth transition.

4.10 The CERT Coordinator will report the election results to the Emergency Management Director following the election.

4.11 Qualifications and Responsibilities of Officers

4.11.1 Coordinator: must have completed the CERT training program and maintain his/her annual training hours. This position will be required to complete a National Incident Management System/Incident Command System (NIMS/ICS) course and will have such powers and duties as described by custom or parliamentary rules of office. The Coordinator shall also perform other duties as determined by the membership and/or Director of Emergency Management.

4.11.2 Vice Coordinator: will have the same requirements as the Coordinator, and in the absence of the Coordinator, will assume the duties of that office.

4.11.3 Secretary: shall record and distribute minutes of the Butler County CERT meetings.

4.11.4 The Director of Emergency Management will maintain a permanent file of the minutes of each meeting.

4.12 Subcommittees

4.12.1 Subcommittees may be formed or appointed by the Coordinator of the Butler County CERT or Director of Emergency Management as needed to investigate, research, prepare or analyze information and data relative to the group and provide maintenance and inventory of supplies and equipment.

4.12.2 A designated member of the Butler County CERT shall chair subcommittees, although non-members may serve on sub-committees as resource persons.

4.12.3 Members will vote on changes to the operating guidelines and procedures at the August meeting and submit them to the Butler County EMA Director for consideration and final approval.

4.12.4 Changes require a two-thirds (2/3) majority favorable vote of members present.

4.12.5 The Director of Butler County Emergency Management reserves the authority to reject any part or all of the requested changes to the operating guidelines and procedures.

## Section 5: Activation and Call-Out Procedures for Teams

5.1 Butler County CERT Teams may be called upon by Butler County Emergency Management or specifically identified public safety officials to provide specific aid or assistance in a manner determined by the Director of Emergency Management or Incident Commander.

5.2 CERT Teams will be activated by the Director/Asst. Director or designee of Emergency Management when an emergency or other event requires additional human resources for assistance and will follow the chain of command as outlined in Section 3: Command Structure.

5.3 Industrial or specific business group CERT Teams will be activated for that business as determined in that business' Standard Operating Guidelines.

5.4 Butler County CERT trained individuals will act first to aid their families and adjacent neighbors. Once safety measures have been completed, team members will self-mobilize, assessing damages, problems, and conducting size-up of the situation while in route to their predetermined staging location.

5.5 The team will contact Butler County Emergency Management with size-up information and will wait for activation deployment instructions.

5.6 Teams will be given specific instructions on where to go, or procedures to initiate to begin the response and recovery process.

5.7 Teams will select a team leader from those present. The leader will provide for safety by assuring that all team members have completed CERT training, have the appropriate safety and other equipment necessary and are physically capable of performing the assigned tasks.

5.8 Team leaders will set priorities and delegate responsibility and specific assignments for each team member.

5.9 Teams will always have a minimum of two (2) members before activating, and those teammates shall stay together until reassigned.

5.10 Team leaders will be responsible for the team communications with the Butler County Emergency Operations Center (EOC) and Incident Commander at the scene of deployment.

5.11 Team members will communicate only with the team leader as pre-instructed using NIMS/ICS span of control procedures.

5.12 Team members must stay together as assigned and will not "free lance" away from their assigned task.

5.13 Team members will only perform tasks equal to their level of training, and at no time will they attempt to perform tasks beyond their scope of training and the assignment directive.

5.14 Team leaders and members will "stand by" for further instructions after they have completed the assigned task(s), and will await further deployment or dismissal instructions from Butler County Emergency Management or the Incident Commander.

5.15 After dismissal from the incident, each team will return to their predetermined staging location to critique the situation. The team leader will, as soon as possible, contact the Director of Emergency Management to convey the results of the team's critique of the deployment.

**There are no exceptions to 5.1 through 5.15 of Section 5: Activation. This is for the safety of the Team Members.**

5.16 Activation for Other Events (Within Butler County)

5.16.1 Butler County CERT teams may be called upon for special occasion functions, such as parades, large community events, etc. The CERT teams may also be utilized to assist with crowd control, human rehab stations, lost person searches, or any other type of light duty functions that require human resources.

5.16.2 When the CERT teams are activated for these types of events, the same organizational structure and chain of command will be followed as previously outlined in these guidelines to insure accountability and safety to all members and the public that we are assisting.

5.17 Activation Outside of Butler County

5.17.1 Butler County CERT team(s) will be activated for out-of-county response only at the direction of the Emergency Management Director or designee.

5.17.2 CERT team members who are deployed outside of our county must be prepared to sustain themselves for a period of 24-hours (money, fuel, etc.).

5.17.3 Butler County Emergency Management will provide directions and point of contact for the deployed team(s).

5.17.4 The receiving Emergency Management Director or designee is responsible for the localized deployment and accountability of the deployed team(s).

5.17.5 The requesting agent will provide the following information to Butler County Emergency Management:

- What skill levels they need
- What tools the team should bring
- When the team is needed
- When the team will be released
- Where the team will report
- Who the team will be under the direction of
- Who the team will report to
- How many team members are needed
- How long the team members will be needed
- Other pertinent information

## Section 6: Equipment

6.1 Butler County CERT Team members (Category 2 and 3 only) are provided with basic supplies within and including a backpack upon the successful completion of the FEMA approved CERT training course. These backpacks and the equipment supplied with them become the property of the individual and are not subject to the requirements listed in this section with the exception of 6.2. The provision of these supplies is contingent upon the continued funding of the Butler County Citizen Corps Program through either grant or privately funded means.

6.2 Butler County CERT Team members are responsible for replenishing their own supplies contained within their backpacks.

6.3 The Butler County Citizen Corps Council will provide equipment and supplies for training and activation. The equipment and supplies are maintained and distributed through the Department of Emergency Management, acting as the sole agent for the Butler County Citizen Corps Council.

6.4 Persons participating in the Butler County CERT program agree to and understand that equipment and supplies provided to them for training and/or activation is the property of the Butler County Citizen Corps Council.

6.5 Members will use the equipment and supplies provided only for Butler County CERT training sessions and/or activations.

6.6 Members will maintain equipment and supplies in proper working condition.

6.7 Members will report damaged equipment and supplies to the Director of Emergency Management and the CERT Coordinator immediately.

6.8 Equipment and supplies must be returned to Butler County Emergency Management when a member:

a. Resigns from the Butler County CERT program
b. Is physically unable to complete tasks
c. Is removed from membership roles for rules violations

## Section 7: Training/Recertification Requirements

7.1 Butler County CERT team members will be required to attend a minimum of twenty (20) hours of training per membership year no more than six (6) of which may be "on-line" internet based training to maintain membership status.

7.1.1 Mandatory training

7.1.1.a Annual CERT class attendance – CERT team members will be required to attend one (1) full CERT training class during which time they will act as auditors during the skills and exercise portion of the class. Category II and III members should remember that the skills and exercise portions of classes are designed to instill confidence and team-building skills in the current class members. Existing CERT team members should not inject themselves as leaders during these classes, but rather utilize these classes as an opportunity to enhance their own skills.

7.1.1.b Exercises – In addition to the exercises utilized as part of the CERT training, other exercises are often conducted by entities such as Emergency Management, EMS, law enforcement, fire departments, etc. CERT team members are required to participate annually in an exercise in some capacity.

7.1.2 Training/recertification hours may include participation in emergency or solicited activations; public information activities; meeting attendance; subcommittee activities; and volunteer hours contributed to agencies outside of emergency management that focus on humanitarian efforts or have a mutual aid agreement with Butler County (i.e. Dept. on Aging, American Red Cross, United Way, etc.).

7.2 Training will be provided by Butler County EMA/CERT at quarterly meetings in February, May, August, and November. Additional training opportunities may be open to CERT members at local, regional or state sponsored events.

7.3 The department will send information via email and web site posting. Those wishing to attend must contact the department to RSVP space at such events.

7.4 It is the responsibility of each member to receive the required hours of continuing training each year to renew membership and to provide appropriate proof (i.e. certificate, attendance roster, letter of appreciation, etc.) to the department.

# REGISTRATION AND HOLD HARMLESS AGREEMENT

❑ I would like to register for the Community Emergency Response Team (CERT) course – September 10, 2009

NAME:_____

WORK EMAIL:_____

HOME EMAIL:_____

(Email is the primary means of communication with CERT participants, please provide an email address, if possible)

TITLE/OCCUPATION:_____

EMPLOYER:_____

ADDRESS - Home or Work:_____

(Please circle one)

CITY:_____ ZIP:_____ CELL:_____

PHONE - HOME:_____ WORK:_____

I, the individual named above, hereby request permission to participate in the Community Emergency Response Team (CERT) program. Participants must be 16 or older, unless accompanied by a parent/guardian. For individuals under the age of 18, approval is required by a parent or guardian indicated by a signature below. I understand that training will involve active physical participation, which includes a potential risk of personal injury and/or personal property damage; and I make this request with full knowledge of these risks. Further, I have read and understand the program outline that describes the class sessions and associated activities (a complete description is available at http://www.citizencorps.gov/cert/.) I agree to hold the City of Fresno, County of Fresno, Fresno Police Department, Fresno Fire Department and the Fresno Citizen Corps Council, and each of their officers, governing bodies, agents, employees, personnel and volunteers, harmless from any and all claims, actions or suits for any injury or loss that I may suffer, or which may arise, as a result of my participation in the above mentioned program/class. Personal safety is the foundation of CERT training. I agree to follow the rules established by the instructors, and to exercise all reasonable care while participating in the CERT program. I understand that I can be administratively removed from the program. Additionally, I authorize the use of my image, photographed in connection with my participation in the program, without prior approval or compensation. I understand that my submission of this application, whether mailed; or sent electronically via email or faxed, shall have the same force and effect as an original. Further, I understand that a criminal history check will be completed on all applicants, and my acceptance to the course is subject to clearance of the background check. I authorize the Fresno Police Department to conduct a background investigation, including a check of criminal records and other information regarding me that may be of a confidential or privileged nature. I further authorize the Fresno Police Department to use any original, fax or copy of this application for the purpose of authorizing the background investigation. By executing this release, I certify that I have read this release in its entirety, understand all of its terms and have had any questions regarding the release or its effect satisfactorily answered. I sign this release freely and voluntarily.

Signature:_____ Date:_____

Date of Birth:_____ Drivers License Number:_____

Signature of parent/guardian, if applicant is under 18:_____

## Please return this form by mail, fax or email to:

Fresno Citizen Corps-CERT @ FPD Homeland Security Unit - 2326 Fresno Street-Room 201, Fresno CA 93721
FAX (559) 488-1010; CitizenCorps@Fresno.gov

FOR OFFICE USE – Registration Confirmation Date:_____ Via:_____ CERT 34 Fall 2009

City of FRESNO

**RELEASE, WAIVER AND INDEMNITY AGREEMENT**
**FOR VOLUNTEER SERVICE**

_____ ("Volunteer") is providing voluntary services to the City of Fresno pursuant to his/her Volunteer Service Application No. n/a, dated _____.In consideration of permitting Volunteer to serve, the Volunteer agrees to indemnify, hold harmless and defend City of Fresno and its officers, officials, agents, employees and other volunteers from and against any and all loss, liability, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City of Fresno or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of the negligence or willful misconduct of Volunteer related to his/her voluntary service to the City of Fresno. IT IS THE INTENTION OF VOLUNTEER (INCLUDING THAT OF PARENT/GUARDIAN) BY THIS DOCUMENT, TO HAVE AGREED TO THE ASSUMPTION OF THE RISK FOR PERSONS SERVING AS VOLUNTEERS TO THE CITY OF FRESNO AND HE/SHE DOES HEREBY VOLUNTARILY RELEASE THE CITY OF FRESNO, AND ITS OFFICIALS, OFFICERS, EMPLOYEES, AGENTS AND VOLUNTEERS FROM, AND DOES WAIVE ANY RIGHT OF ACTION OR CLAIM FOR, ANY LIABILITY FOR PROPERTY DAMAGE CAUSED BY ANY OF THEIR NEGLIGENCE.

The Volunteer, for him/herself, his/her heirs, executors, administrators or assigns agrees and understands that he/she has been designated a "Volunteer" in accordance with City of Fresno Resolution No. 2005-157 and is deemed to be an employee of the City of Fresno solely for the purpose of Workers' Compensation coverage, and agrees and understands that his/her sole and exclusive remedy for personal injury or death while performing services as a volunteer shall be a claim for Workers' Compensation benefits in accordance with the laws of the State of California. Further the Volunteer, for him/herself, his/her heirs, executors, administrators or assigns waives and relinquishes any interest or right to claim any interest in any other City of Fresno employment benefits offered employees of the City by reason of any common law employee rights theory or similar employment entitlements of any kind.

The Volunteer agrees that the contents of this document shall be binding upon his/her heirs, executors, administrators and assigns.

The Volunteer acknowledges that he/she (i) has read and fully understands the content of this Release, Waiver and Indemnity Agreement; (ii) has been fully and completely advised of the potential dangers incidental to providing the voluntary service to the City of Fresno; (iii) has had the opportunity to consult with his/her attorney, in his/her discretion; and (iv) is fully aware of the legal consequences of signing this document.

_____ _____
Signature of Volunteer Date

_____ _____
Signature of Volunteer's Parent or Legal Guardian (if minor) Date

_____ _____
Witness Date

# FRESNO CITIZEN CORPS VOLUNTEER APPLICATION 2009-2010

Please check program affiliation(s): ☐ MRC ☐ CERT ☐ Fresno Citizen Corps

## PERSONAL INFORMATION

Name:_____
(Last) (First) (Middle) (Title - Mr. Ms. Dr. Other)

Previous Name (if Applicable):_____ Date of Birth:_____

Home Address:_____
(Street) (City) (State) (Zip Code)

Home Phone:_____ Cell:_____ Pager:_____

Personal E-mail Address:_____

## EMPLOYMENT INFORMATION

You may include a resume or additional pages, as needed. *If retired, provide information for most recent position.*

Employer and Title:_____

Work Address:_____
(Street) (City) (State) (Zip Code)

Work Phone:_____ FAX:_____

Work E-mail:_____ Retired: Yes No
(Circle)

# PROFESSIONAL LICENSURE, CERTIFICATION, SPECIALITIES AND EXPERIENCE

List all post-secondary education - indicate degree(s), where obtained and year:_____

_____

_____

_____

Professional licenses and certifications, if applicable: (MD, DO, DDS, DC, RN, LPN, LVN, EMT, DVM, PA, NP, pharmacist, psychiatrist, LCSW, other mental health, etc.) For each, list the type, licensing agency, state issued by and expiration date. ***Please attach a copy of each license or certificate that you have listed below.***

_____

_____

✓ *If your medical license has been limited, revoked, suspended or placed on probationary status attach an explanation.*

Do you have prescriptive authority?____ No ____ Yes Foreign Medical Doctor? ____No ____ Yes-Country:_____

Describe any specialized training and/or credentials; include military and other technical training (CERT, CPR, first aid, disaster response, military medic, bioterrorism, incident command, SEMS, epidemiology, etc.) For each, list the type, certifying agency and expiration date, if applicable: _____

_____

_____

Please describe any other skills or experiences that are relevant to your interest in volunteer service:_____

_____

_____

_____

(Use additional pages, if needed)

Bilingual? No_____ Yes_____ If yes, what is your second language?_____
(Include American Sign Language)

Describe your proficiency: Speak: Fair Good Excellent; Read: Fair Good Excellent; Write: Fair Good Excellent
(Circle one) (Circle one) (Circle one)

California Drivers License Number:_____ Expires: _____

# AREAS OF VOLUNTEER INTEREST

*Please indicate your preference(s) regarding volunteer service by checking <u>all</u> categories that reflect* your interests: ☐ During a disaster only ☐ On an ongoing basis, or ☐ Both

## DISASTER MEDICAL + MENTAL HEALTH

Provides patient care/treatment during a major disaster
*Specific skills, training and/or licenses are required*

- ❑ Medical treatment at/near a disaster scene
- ❑ Support at hospital or other emergency facility
  List hospital affiliation(s):_____
- ❑ Care/treatment of first responders on extended calls
- ❑ Infectious disease outbreak support
- ❑ Pharmaceutical dispensing
- ❑ Mass vaccination
- ❑ DVM-Veterinarian – animal care
- ❑ Mortuary services
- ❑ Crisis counseling (professional)
- ❑ Crisis counseling (trained lay person)

## DISASTER – NON-MEDICAL

Provide services and support that does <u>not</u> involve direct patient care during a disaster

- ❑ Volunteer management
- ❑ Administration; or patient or volunteer registration
- ❑ Information systems and data management
- ❑ Legal or finance/accounting (circle one)
- ❑ Logistics (supplies, donations management, etc.)
- ❑ Security
- ❑ Shelter management – mass care
- ❑ Food service
- ❑ Other human needs—childcare, errands, laundry, etc.
- ❑ Animal care (non-medical)

## HEALTH, WELLNESS AND EDUCATION

Ongoing/non-disaster volunteerism

- ❑ Inoculations; shot clinics
- ❑ Medical screenings
- ❑ Dental screenings
- ❑ Disease surveillance and reporting
- ❑ Public Education and Outreach
- ❑ Other *(If you select this option, please include details on a separate sheet of paper.)*

## COMMUNICATION, TRANSPORTATION AND SPECIAL NEEDS

- ❑ Amateur radio – Call Sign:_____
- ❑ Translation – Language:_____
- ❑ American Sign Language Interpreter
- ❑ Welfare check on elderly or those with special needs
- ❑ Transportation (Describe)_____

For additional information about Community Emergency Response Team (CERT) training, or other non-disaster medical, public health or public safety volunteer opportunities (559) 621-2328 or email CitizenCorps@Fresno.gov.

# LIABILITY, INSURANCE, BACKGROUND CHECK AND RELEASES

Credentials Check: I hereby consent to the disclosure, inspection and copying of information and documents relating to my licensure, certifications, credentials and qualifications for the purpose of evaluating this application.
Background Check: I authorize the Fresno Police Department or other law enforcement agency to conduct a background investigation; including a check of criminal records and other information that may be of a confidential or privileged nature. Check any that apply. I have been: (____) Arrested (____) Convicted of a felony (____) Convicted of a misdemeanor On a separate page, provide details related to any arrest (charges, dates of arrest, and disposition—*excluding* traffic tickets). I authorize the use of a copy, electronic/email submission or facsimile of this form to be considered the same as the original for the purposes of the background investigation or credentials check.
Release of Liability: I hereby request authorization to participate in one or more of the Fresno Citizen Corps volunteer programs. I understand that training and volunteer activities will involve physical activities, which include a risk of personal injury and/or personal property damage; and I make this request with full knowledge of these risks. I agree to hold the City and County of Fresno, Medical Reserve Corps, CERT, Fresno Citizen Corps Council and its local, state and national directors, and their agents, volunteers and personnel, harmless from any and all claims, actions, suits and/or injury that may arise from my participation in the above mentioned programs.
Insurance: I certify that I am able to perform the volunteer assignment(s) that I am applying for, and will disclose any medical conditions that may affect my safety, the safety of others, or my ability to perform my duties. No insurance coverage is offered by the program(s). I am covered by the following health insurance:_____.
At-Will Status: I agree to follow all procedures and safety rules, and to exercise reasonable care while participating in the volunteer program. I understand that I am an unpaid, at-will volunteer, without vested property rights in my position as a citizen volunteer and I may be administratively removed/released at any time without cause and without right of appeal. If I am released, all program identification cards and other equipment, clothing, etc. provided by the program must be surrendered immediately.
Photographs: I authorize the use of any photograph taken in connection with my participation in the program(s) without prior approval or compensation by local, state and/or national program representatives or their affiliates.
Contact Information: My phone numbers, email address and/or other contact information may be entered into record-keeping and automatic notification systems for program management and emergency call-out purposes.

In case of emergency, contact:_____ _____
(Name) (Relationship)

_____ _____
(Address) (Phone)

*By executing this form, I certify that I have read this release in its entirety, understand all of its terms and have had any questions regarding the release or its effect answered. I understand that my submission of this form, whether mailed; or sent electronically via email or faxed, shall have the same force and effect as an original I sign this release freely and voluntarily.*

Signature:_____ Date:_____

Office Use: Received_____ Background Check:_____

Credentials check:_____

_____ CERT 33 June 2009

Return Completed Application to:
Fresno Citizen Corps – CitizenCorps@Fresno.gov
2326 Fresno Street, Room 201; Fresno, California 93721
Phone (559) 621-2328 – FAX (559) 488-1010

citizen corps

# CITY OF FRESNO RESOLUTION 2005-157

## WORKERS COMPENSATION COVERAGE FOR VOLUNTEERS AND CRIMINAL OFFENDERS

1. RESOLUTION NO. 2005-157 - APPROVING ESTABLISHMENT OF WORKERS COMPENSATION BENEFITS FOR VOLUNTEERS ENGAGED IN PERFORMING WORK OR SERVICE FOR THE CITY IN ACCORDANCE WITH THE LABORCODE, AS AMENDED

2. AUTHORIZE STAFF TO CONTRACTUALLY EXTEND WORKERS COMPENSATION COVERAGE TO CRIMINAL OFFENDERS ENGAGED IN PERFORMING WORK OR SERVICE FOR THE CITY

Risk Manager Turner reviewed the issues as contained in the staff report as submitted. Councilmember Duncan stated he supported volunteers being covered as that was the right thing to do, made a motion to adopt the resolution (#1), and spoke briefly in opposition to #2 stating it was inappropriate and criminal offenders could take advantage of the system. The motion was seconded by Councilmember Westerlund. Councilmember Boyajian commended staff on the issue; spoke in support of extending workers comp to criminal offenders stating they were hard workers, they wanted to work, and they are well supervised; and presented questions relative to whether the City has experienced any abuse by criminal offenders and how long the City has been utilizing them, with City Manager Souza responding. Councilmember Westerlund spoke in support of covering volunteers and stated #3 in the resolution needed to be amended to add the following italicized language: "...perform work or service without remuneration other than it may include meals, transportation, lodging, ...", etc., which amendment was supported by the city attorney and accepted by the motion-maker. Councilmember Westerlund continued stating he would have to oppose #2 at this time and clarified in order for him to support it he would need more information--besides just the one paragraph in the staff report -- on exactly what the legalities were for criminal offenders and their being covered under workers compensation.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-157 hereby adopted, as amended above, by the following vote:
Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
Noes : None
Absent: Perea

Councilmember Sterling advised she spoke with the public works director on the use of criminal offenders, stated she was very supportive emphasizing they have done great work in her district, added using them was smart financially and was very creative in these tough budget times, and recommended those members opposed to this talk with staff and made a motion to approve #2. Councilmember Calhoun stated a year ago he made a mistake and he did just the kind of work

his colleagues were disparaging, advised he met a lot of people and stated with few exceptions they were good people who made a mistake, stated by opposing #2 the City was sending the message of "to hell with them" and stressed these were human beings, stated it also needed to be realized that people make mistakes and one way to rehabilitate them is to send them out to do something constructive and not keep them confined, and thanked staff for bringing the issue forth and seconded the motion. Councilmember Westerlund concurred with Councilmember Calhoun that criminal offenders were human and should be covered when appropriate but reiterated he would not support this at this time and encouraged staff to report back with further information on liability and on coverage for who/what/when stating the one paragraph in the report was not sufficient. Councilmember Boyajian stated there was nothing dishonorable about cleaning median islands and he agreed with Councilmember Calhoun and also saw this as redemption and an opportunity to give people back their pride. President Dages stated Councilmember Calhoun made a very courageous statement and added covering criminal offenders was also a very prudent business decision and an
absolute must.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, staff authorized to contractually extend Workers Compensation coverage to criminal offenders engaged in performing work or service for the City of Fresno, by the following vote:
Ayes : Boyajian, Calhoun, Sterling, Dages
Noes : Duncan, Westerlund
Absent : Perea

# LAFD CERT CODE OF CONDUCT

The LAFD CERT program is the most active and respected CERT program in the nation. This has been achieved due to the dedication and commitment of our members, who continually strive to be a resource to the Los Angeles communities.

You represent the CERT program to new members, to the public, and to those to whom we render our services. It is important to portray a positive image.

ALL VIOLATIONS WILL BE THOROUGHLY INVESTIGATED. DURING THE INVESTIGATION PROCESS, INVOLVED MEMBERS WILL BE TEMPORARILY SUSPENDED FROM ALL CERT ACTIVITIES, PENDING THE OUTCOME OF THE INVESTIGATION. SAID MEMBERS WILL BE NOTIFIED AS TO THEIR STATUS WITH THE CERT PROGRAM BY THE CERT COMMANDER.

PROGRESSIVE DISCIPLINE INCLUDES, BUT IS NOT LIMITED TO, COUNSELING, WRITTEN NOTICE AND RESTRICTION OF INVOLVEMENT WITH THE LAFD CERT PROGRAM TO CERT COMMUNITY MEETINGS, QUARTERLY DIVISION TRAININGS AND REFRESHERS.

As a volunteer with the LAFD CERT program, you are expected to comply with the following:

1. Dial 911 for all emergencies, first.

2. Know you are not a Firefighter. You are trained to function as an extension of the fire department's response to CATASTROPHIC disasters, when such circumstances exist or when directed by emergency services officials.

   When disaster occurs, your first responsibility is to ensure your own safety and the safety of your family.

   After, you can respond to your Battalion Headquarters to join with other CERT members.

   You shall not respond to any large incidents.

3. Do not self-deploy to local events (fires, accidents, etc). Only the CERT Call-Out Teams that are requested by the LAFD may respond. LAFD ALERT Messages (email, Twitter, radio etc.) are not official instructions or authorization to take action.

4. Stay within the scope of your training. You have been trained under the curriculum of FEMA's Community Emergency Response Team program. Confine your actions to those guidelines and stay within the scope of your training and certification.

5. Bring or wear your personal safety equipment: helmet (no baseball hats), vest, dust mask, goggles, gloves (rubber/latex and leather), sturdy shoes, long pants, flashlight (with extra batteries), bottled water, non-perishable food, and a set of the CERT forms. Bring any other items you feel appropriate. Absolutely no shorts, sandals or open-toed shoes are allowed!!

6. Confine your actions to your physical and resource limitations when responding as a member of CERT. Such limitations may be determined by, but not limited to, equipment available, physical abilities, knowledge, authority and hazards.

7. Conduct yourself with professionalism, dignity and pride, and act appropriately and responsibly at all times while assisting others.

8. Treat fellow team members, visitors, other volunteer program participants, guests, and property with respect and courtesy.

9. Be sensitive to the diversity of team members and those we assist.

10. Direct anyone who is looking for official statements from LAFD CERT to the LAFD CERT Commander at 818-756-9674.

11. Respect the privacy of persons served by LAFD CERT and hold, in confidence, all sensitive, private, and personal information.

12. Keep LAFD CERT leadership informed of any progress, concerns, or problems with tasks which you have been assigned.

13. Partake of no alcohol while responding as CERT and do not report for duty while under the influence of alcohol or drugs.

14. You are forbidden to carry guns, knives, sticks or other weapons (You can have multi-purpose tools, pliers, screwdrivers, wrenches, etc.). You have been trained for immediate disaster response and there is no need, place or legal authorization for you to carry or use any of the above. To do so will jeopardize your own safety and the continued existence of the CERT program in Los Angeles.

15. You shall not authorize the use of, or use for the benefit or advantage of any person, the name, emblem, endorsement, services or property of the LAFD CERT program, without the approval of the LAFD CERT Commander.

16. You shall not accept, or seek on behalf of any other person, any money or gifts offered as a result of your affiliation with the LAFD CERT program.

17. You shall not use your participation in CERT to promote any partisan politics, religious matters or positions on any issue.

18. You shall avoid inappropriate conduct, both on- and off-duty, that would jeopardize program effectiveness. Such behavior includes, but is not limited to, the following:

    a. Offensive or profane language or gestures

    b. Public criticism of a CERT team member, its leaders or the CERT program

    c. Jeopardizing another team member's safety.

LAFD CERT is committed to a policy of fair representation and will not discriminate on the basis of race, ethnicity, age, disability, gender, color, religion, sexual orientation, geography, or group affiliations. Volunteers will adhere to these same standards in the course of their duties.

CERT
Community Emergency Response Teams

**CERT Resources: Special Topics**

---

**Sample Hold Harmless/Permission Request**

Hold harmless/permission requests can reduce your CERT program's liability. Many CERT programs have all students sign this type of agreement before starting training. A model agreement is shown below.

## [COMMUNITY NAME]
## COMMUNITY EMERGENCY RESPONSE TEAM PROGRAM
## HOLD HARMLESS/PERMISSION REQUEST

I, _____, hereby request permission to participate in the _____ Community Emergency Response Team (CERT) program. I understand that this training will involve active physical participation, which includes a potential risk of personal injury and/or personal property damage. I make this request with full knowledge of the possibility of personal injury and/or personal property damage. Further, I have read and understand the program outline that describes all class sections and the associated activities.

I agree to hold The American Red Cross, the _____, _____ Fire Department, [COMMUNITY NAME] and [COMMUNITY NAME] Emergency Management, and their agents and personnel, harmless from any and all claims, actions, suits, and/or injury that I may suffer and which may arise as a result of my participation in the above mentioned class.

I agree to follow the rules established by the instructors, and to exercise reasonable care while participating in the CERT program. I understand that if I fail to follow the instructor's rules and regulations or if I fail to exercise reasonable care, I can be administratively removed from the program.

By executing this release I certify that I have read this release in its entirety, understand all of its terms and have had any questions regarding the release or its effect satisfactory answered. I sign this release freely and voluntarily.

_____ _____

***Signature*** ***Date***

_____ _____

***Emergency Contact Name*** ***Emergency Contact Number***

Comments:

_____ _____

***Signature of Instructor*** ***Date***

# Nassau County CERT
## Bylaws, CAP and Equipment Acknowledgement Form

I hereby certify that I have received a copy of and have read the information presented in the Nassau County Community Emergency Response Team (CERT) Program's Bylaws document. Further, I acknowledge that I will abide by all rules and regulations that are set forth in the Bylaws.

_____ _____

Print CERT Member Name Date

_____

CERT Member Signature

I hereby certify that I have received a copy of and have read the information presented in the Nassau County Community Emergency Response Team (CERT) Program's CERT Activation Plan (CAP) document. Further, I acknowledge, that in my decision to respond "when called" to an emergency or disaster situations within Nassau County, it is my duty to obey all federal, state and local laws while functioning as a CERT member and follow the directions of the emergency response agencies and supervisors appointed over me.

_____ _____

Print CERT Member Name Date

_____

CERT Member Signature

I hereby certify that the equipment I receive from CERT, during Basic Training and any time thereafter is the property of Homeland Security and must be returned to the Nassau County Office of Emergency Management (OEM) in the event that I no longer participate in the Nassau County CERT program.

Helmet
Gloves
Goggles

_____ _____

Print CERT Member Name Date

_____

CERT Member Signature

\

# OFFICE OF EMERGENCY MANAGEMENT
## Background Request Form

**You must return original with your signature**

Nassau County Office of Emergency Management (OEM) pre-screens all Community Emergency Response Team (CERT) Volunteers. This policy was enacted to comply with the Federal Emergency Management Agency (FEMA) recommendations to ensure a professional working environment, as well as, for the protection of sensitive/ confidential information. Please answer the following questions below and sign and date the release on the bottom of the page.

**APPLICANT NAME**: (First)_____/(Middle)_____/(Last)_____

**SOCIAL SECURITY NUMBER**: _____

**ALIASES:** _____

**ADDRESS:** _____
Street City State Zip Country

**PREVIOUS ADDRESS:**_____
(List all previous address in the last 7 years. Use the back of this form if necessary.)

**DRIVER'S LICENSE:** (number/state) _____ / _____

**DATE OF BIRTH:** (month/date/year)_____ / _____ / _____

**UNIVERSITY/COLLEGE ATTENDED**:_____
School City/State

**DEGREE REC'D:**_____**YEAR CONFERRED**: _____

**1. HAVE YOU EVER BEEN CONVICTED OF A CRIME?** _____YES_____NO
(If YES, please explain on a separate sheet. Please indicate in which city and state these offenses occurred)

**2. HAVE YOU EVER RECEIVED DEFERRED ADJUDICATION OF ANY CRIME? THIS INCLUDES ANY PRE-TRIAL DIVERSION PROGRAM.** _____YES_____NO
(If YES, please explain on a separate sheet. Please indicate in which city and state these offenses occurred)

I understand that in connection with the application process, Nassau County Office of Emergency Management will conduct a background check on me. The information provided by me will be the basis for the search of public records, which may include, but not be limited to, a search for criminal arrests/convictions, warrants, civil filings, social security number trace, past employment, bankruptcies, department of motor vehicle records, fictitious business filings, degree confirmation, articles of incorporation/limited partnership records, and drug test.

I indemnify and hold harmless, Nassau County Office of Emergency Management, and any person providing the requested information, from any liability and all damages whatsoever, resulting from the acquisition, use, retention, or disclosure of any such information. I will not hold Nassau County Office of Emergency Management, or their employees, or agents responsible for errors or inaccuracies in the acquisition or transmittal of information pertaining to the verification of my background.

If any adverse decision is made with regard to my application or employment (if any) based entirely or in part on the information contained in the consumer report, I understand I will be notified as to the basis of that decision and given a copy of the report, as well as a summary of my applicable rights

I have provided complete and truthful information to the Nassau County Office of Emergency Management and fully understand that any misrepresentations or material omissions concerning the information provided will be grounds for denying my application, withdrawing any offer, or immediate discharge.

My signature below indicates I have carefully read and understand this notice and consent to the release of a consumer report to Nassau County Office of Emergency Management for CERT volunteer purposes either in connection with my CERT application, or in connection with any future decisions concerning my, retention as an CERT volunteer. I understand my consent remains in effect indefinitely until it has been revoked in writing.

Signature: _____ _____
Candidate's Signature Consent Date

# NASSAU COUNTY, NEW YORK
# CERT ACTIVATION PLAN



# Nassau County CERT Activation Plan

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Attachments:

1. Attachment 1 CERT Organization Chart
2. Attachment 2-CERT Calling Tree
3. Attachment 3-CERT Activation Notification Log
4. Attachment 4-CERT Activation Standby Log
5. Attachment 5-CERT Activation Log
6. Attachment 6-CERT Activation Standby Schedule
7. Attachment 8-CERT Deactivation Log
8. Attachment 8-CERT After Action Report
9. CERT Membership Activation Plan
10. Emergency Communications Plan
11. Current General Staff Organization

Supplements Published Separately:

1. Shelter Operations Plan
2. POD Plan
3. Non-Nassau County CERT Volunteer Plan (Pending)
4. Spontaneous Unaffiliated Volunteer Plan (Pending)
5. CARE Plan

## I. Authority and Signatories to the CERT Emergency Activation Plan

This Plan shall be an addendum to the CERT Bylaws as approved by the CERT voting membership as stipulated in Article IX of the CERT Bylaws.

This Plan and organization shall be subordinate to Nassau County Office of Emergency Management (NCOEM) plan during a disaster.

## II. Record of Changes to Plan

## III. Basic Plan

### A. Purpose

The purpose of the CERT Activation Plan (CAP) is to establish policies, procedures, and tasks for the operational actions that will take place prior to, during and following an emergency or disaster when the Nassau County, NY CERT organization is activated.

An activation is initiated only when an Office of Emergency Management (OEM) designee notifies the CERT Director, or other approved representative of the OEM or local first responder, that CERT is being activated when an emergency or other event requires additional human resources for assistance.

The CAP utilizes the National Incident Management System (NIMS) and incorporates operating procedures from the "Incident Command System" (ICS).

### B. Definitions

**National Incident Management System (NIMS)** was enacted in February 2003 to provide a consistent framework for incident management using an Incident Command System. NIMS establishes standard incident management processes and procedures so that all responders can work together more effectively. Components include:

- Command and Management
- Preparedness
- Resources Management
- Communications and Information Management
- Supporting Technologies
- Ongoing Management and Maintenance

**Incident Command System (ICS)** is the national standard for on-scene emergency management. It is designed to meet the needs of any size event and allows personnel to integrate in a common management structure. Unified Command (multiple agencies, and/or multiple jurisdictions) provide logistical and administrative support to operations and maintain cost effectiveness/accountability during the incident. ICS objectives are to:

- Understand policy & direction
- Assess situation
- Establish incident objectives
- Establish appropriate strategy to meet objectives
- Develop tactical direction
- Perform follow up (After Action Report)

**Nassau County Office of Emergency Management (OEM):** Nassau County OEM coordinates the County's efforts during emergencies and disasters.

**Nassau County Office of Emergency Management Emergency Operations Center (NCEOC):** EOC is located at a facility designated by Nassau County OEM.

**CERT Emergency Operations Center (CEOC):** CERT is located at a facility designated by NCEOC.

**CERT Incident Command Post (CICP):** Cert CICP will be staffed by CERT members and will provide a standardized process for site incident command of emergency operations in the field. CERT Command Posts will also provide a contact point for teams and arriving resources, radio communications with the EOC, a process for requesting resources and notification of emergency operations status.

**CERT Muster Sites:** CERT Muster Sites for local CERT Teams will be designated with in each CERT Teams Emergency Activation Plan.

**CERT Staging Area(s):** CERT Staging Area is a temporary location of available resources and established by CERT Operations Section Chief to enable positioning of and accounting for resources not immediately assigned. The CERT Staging Area can be any location in which personnel, supplies, and equipment can be temporarily housed while awaiting operational assignment.

**The Nassau County CERT Activation Calling Tree (Calling Tree):** The document that provides the up-to-date names and contact information which is utilized for notification of entire membership.

**C. General Information**

CERT members are not emergency services personnel as defined by State law and as such are not exempt from federal, state and local laws when responding to emergencies.

There are three (3) emergency level classifications that are relative to the magnitude of the emergency:

> Level I ("Standby/Alert" Decentralized): The emergency includes incidents that can be managed using normal response operations. The EOC is not activated, but appropriate EOC personnel are informed and placed on alert status.
>
> Level II ("Partial Activation" EOC Open Small): The emergency can no longer be managed using normal procedures. The EOC is partially activated, i.e. some, but not all positions are filled to coordinate and support the response to the incident. EOC staffing decisions are made by the Director.

Level III ("Full Activation" EOC Open Big): A major emergency, such as an earthquake or significant terrorist event. The EOC is fully activated and all positions are filled to coordinate and support the response the incident.

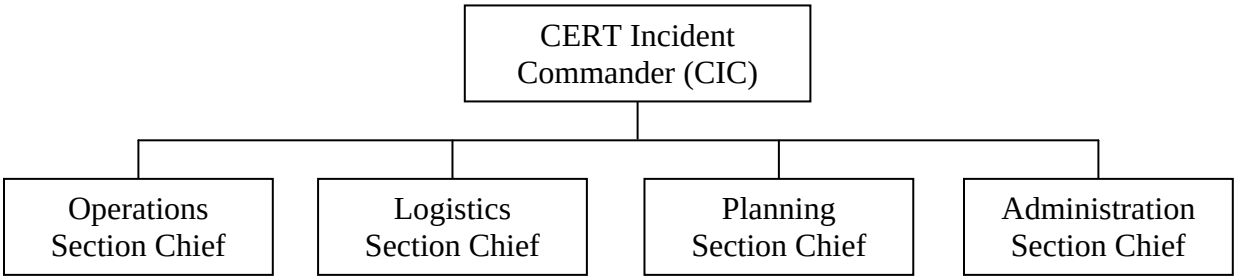
**D. Tasks and Responsibilities**

It is imperative that all CERT members will act first to aid their own families and adjacent neighbors before responding to activation.

The Director or other approved Representative of the Nassau County OEM is responsible for appointing the CERT Incident Commander (CIC), providing the initial event information and acting as the liaison between Nassau County EOC and CERT.

The CIC initiates and maintains the communication process within CERT and with the General Staff. The General Staff will be provided with ongoing statuses as soon as a potential activation situation has been identified.

CERT members will be provided with specific instructions on where to go, and/or Guidelines to initiate the response and recovery process. These communications will follow the Calling Tree Process noted in the (F) Communications section of this Plan. All instructions will be provided by the CIC to designated Team Leaders who will be selected at the time of activation.




**CERT Incident Command** – A CERT Incident Commander (CIC) and General Staff will be assigned for the CEOC and CICP if needed. The CIC has overall responsibility for management of an incident by setting objectives, planning strategy and implementing tactics. The CIC activates and assigns the General Staff positions as needed: Operations Section Chief, Logistics Section Chief, Planning Section Chief, and Finance & Administration Section Chief.

**2009 Activation General Staff Organization**

| | |
|---|---|
| Incident Commander | First available Sections Chief, appointed by Director |
| Operations Section Chief | Mike Acari |
| Deputy Operations Section Chief | Maria Gallo |
| Logistics Section Chief | Jerry Barnett |
| Deputy Logistics Section Chief | Al Turschmann |
| Planning Section Chief | Nancy Fischer |
| Deputy Planning Section Chief | Kathy Seyfried |
| Administrative/Finance Section Chief | Maria Gallo |
| Deputy Administrative/Finance Section Chief | Linda Walkowiak |

The CIC will prepare the initial Incident Briefing Form (ICS 201) and the Incident Objectives Form (ICS 202). ICS 201 includes a map sketch of the event area usually provided to CERT by OEM), summary of current actions (all response actions to the point of the initial briefing), current organization, and resource summary (both personnel and equipment needed for the event). ICS 202 outlines the Incident Action Plan which includes general objectives, weather forecast and safety message/issues for the incident. These documents are provided to the General Staff at the initial Incident Briefing meeting.

After the Initial Incident Briefing Meeting, the Incident Command Organization Chart (ICS 207) is prepared once all positions have been identified and assigned.

Depending on the size and duration of the event, additional Incident Briefing meetings may be held and the Planning Section Chief will be responsible for preparing updated versions of the ICS 201 and 202 documents to be presented at future Incident Briefing meetings.

The use of these forms is to relay information to CICP IC and CEOC on a regular basis for inclusion in the hourly briefings at EOC and for compiling data for the After Action Report. The completion of these forms is important to the success of the activation.

**Operations Section Chief** is responsible for developing and managing the operations section to accomplish incident objectives set by the CIC (per form ICS 202), including light search and rescue, triage and first aid, and sheltering. Members will be assigned to these specific tasks at the CERT Staging Area. The Operations Section Chief will brief leaders of assignment divisions/groups using the Incident Briefing form (ICS 201). The Operations Section Chief will work closely with both the Planning Section Chief and Logistics Section Chief to coordinate the accomplishment of the Incident Objectives. The Operations Section will prepare the following forms:

Operational Planning Worksheet (ICS 215) which provides a list of work assignments required by division or group, the resource type (personnel or equipment) requirement for each work assignment alone with their reporting location and requested arrival time. A copy of this form will be given to the Planning Section Chief to fulfill the required resources (personnel or equipment) for Operations Section to complete their work assignments.

Incident Status Summary (ICS 209) provides an update of the incident operations. This form outlines all task assignments and provides the status of each task (i.e., completed, on going, etc.). This form is provided to the Planning Section Chief for inclusion in the Incident Objectives package for presentation at Incident Briefing meetings**.**

The use of these forms is to relay information to CICP IC and CEOC on a regular basis for inclusion in the hourly briefings at EOC and for compiling data for the After Action Report. The completion of these forms is important to the success of the activation.

**Logistics Section Chief** provides the resources and support services, including communications, food, supplies, and transportation. Members will be assigned to these specific tasks at the CERT Staging Area. The size of the incident determines the need and extent for this section. The Logistics Section Chief will work closely with both the Planning Section Chief and Operations Section Chief to coordinate the accomplishment of the Incident objectives. The Logistics Section will prepare the following forms:

Incident Radio Communications Plan (ICS 205) which provides for radio communications for the incident, including radio channels and their assignment to specific incident personnel/operation. This form is provided to the Planning Section Chief for inclusion in the Incident Objectives package for presentation at Incident Briefing meetings.

Radio Requirements Worksheet (ICS 216) which outlines the radio requirements for each division/group involved in the incident.

Radio Frequency Assignment Worksheet (ICS 217) which provides a list of radios needed and the area to which they are assigned.

Medical Plan (ICS 206) which provides a list of incident medical aid stations, ambulance services available, incident ambulances on site, hospitals in the area that can receive victims, and medical emergency procedures protocols. This form is provided to the Planning Section Chief for inclusion in the Incident Objectives package for presentation at Incident Briefing meetings.

The use of these forms is to relay information to CICP IC and CEOC on a regular basis for inclusion in the hourly briefings at EOC and for compiling data for the After Action Report. The completion of these forms is important to the success of the activation.

**Planning Section Chief** is responsible for preparing the Incident Action Plan (IAP), collecting information, maintaining resource status and documenting incident records. The IAP includes ICS 202. ICS 203, ICS 204, ICS 205, and ICS 206 (explained below). Branches under this heading would include but not limited to, resources both personnel & equipment, Documentation of activities and demobilization of resources. Members will be assigned to these specific tasks at the CERT Staging Area. The Planning Section Chief will work closely with both the Logistics Section Chief and Operations Section Chief to coordinate the accomplishment of the Incident objectives. The Planning Section will prepare the following forms:

Incident Objectives (ICS 202) outlines the Incident Action Plan which includes general objectives, weather forecast and safety message/issues for the incident.

Organization List (ICS 203) provides names of personnel to assigned areas and is included as an attachment to the Incident Objectives form.

Assignment List (ICS 204) provides a list of teams for the incident including each Incident Team Unit Leader, operation for the teams, any special instructions and communication protocol. This form is included as an attachment to the Incident Objectives form.

Check In/Check Out form provides the means for members responding to an incident to record the time they arrive at the check in point and the time they have be released from duty. Once the incident has been completed and all personnel have been demobilized, this form is forwarded to the Finance and Administration Section Chief.

The use of these forms is to relay information to CICP IC and CEOC on a regular basis for inclusion in the hourly briefings at EOC and for compiling data for the After Action Report. The completion of these forms is important to the success of the activation.

**Finance & Administration Section Chief** is responsible for handling the administration of the incident, including accounting, time keeping, and procurement (contracts). Branches under this heading would include but not limited to Procurement (monitoring contracts), Accounting (dollars spent), and Time Keeping for personnel. These Branches will be assigned at the CERT Staging Area. Members will be assigned to these specific tasks at the CERT Staging Area.

The Finance & Administration section will receive the Check In/Check Out form from the Planning Section upon completion of the incident. This form will be used to total the member hours during the incident for inclusion in the AAR.

The use of these forms is to relay information to CICP IC and CEOC on a regular basis for inclusion in the hourly briefings at EOC and for compiling data for the After Action Report. The completion of these forms is important to the success of the activation.

**Member Volunteers** will assemble at the location assigned to them by the assigned phone contact person or by their local TUL at the team's local emergency site. All volunteers should sign in when they arrive at any/each muster site.

Designated Incident Team Leaders will be selected at the time of activation by the Director, other OEM representative or local first responder.

All Incident Team Leaders should maintain complete and accurate records of the incident that will be submitted in the After Action Report.

Unit Log (ICS 214) should be completed during the operation of the task. It provides a list of team members and any major event activities that occur during the operational period of the team.

The use of these forms is to relay information to CICP IC and CEOC on a regular basis for inclusion in the hourly briefings at EOC and for compiling data for the After Action Report. The completion of these forms is important to the success of the activation.

**E. CEOC**

If you are assigned to the CEOC, you will occupy the CERT desk to perform your tasks. All pertinent information, instruction and forms for the activation will be located in the Activation binder located on top of the CERT desk.

**F. Communications**

CERT Members will be activated only by the Director or other approved representative of NCOEM when an emergency or other event requires additional human resources for assistance. Activation begins when the Director or other approved representative of OEM contacts the Primary Contact from the Nassau County Calling Tree and contacts the Planning Section Chief. Until a formal CIC is established, the Primary Contact will act as CIC.

**1) Initial Volunteer Communications**

A. Primary Contact

I. First contact the Planning Section Chief.

II. Then initiates the Nassau County Calling Tree and provide the following information: type of incident (description), area of the incident (address), number of volunteers needed for the incident (if available), mustering area, any available instructions, and the name/contact information of the Planning Section Chief. (This first notification may be limited in scope and CERT will be on Standby Activation until further information can be obtained.)

III. Will email the completed Activation/Standby sheet to all Team Unit Leaders and Deputy Team Unit Leaders. The email will include the name/contact information of the Planning Section Chief.

B. Tier 1

There are two branches that flow from Tier 1. Each Tier 1 contact will contact Tier 2 in their branch. In the event, that they are unable to reach any of their Tier 2 contacts, they must continue down the tree to the next Tier 3 contact. The Tier 1 contact will provide the following information: type of

incident (description), area of the incident (address), number of volunteers needed for the incident (if available), mustering area, any available instructions, and the name/contact information of the Planning Section Chief. (This first notification may be limited in scope and CERT will be on Standby Activation until further information can be.)

C. Tier 2

Each Tier 2 contact will contact the Tier 3 in their branch. In the event, that they are unable to reach any of their Tier 3 contacts, they must continue to contact all the members in that Tier 3 group. The Tier 2 contact will provide the following information: type of incident (description), area of the incident (address), number of volunteers needed for the incident (if available), mustering area, any available instructions, and the name/contact information of the Planning Section Chief. (This first notification may be limited in scope and CERT will be on Standby Activation until further information can be.)

The availability of any and all members should be reported directly back to the Planning Section Chief. The CERT Activation Log is used to track all contact efforts and can be called in to 516 573-0648 or emailed to OEMCERT@nassaucountyny.gov with "Activation Log" in the subject line.

D. Tier 3

Each Tier 3 contact will contact the members in their team(s). The Tier 3 contact will provide the following information: type of incident (description), area of the incident (address), number of volunteers needed for the incident (if available), mustering area, any available instructions, and the name/contact information of the Planning Section Chief. (This first notification may be limited in scope and CERT will be on Standby Activation until further information.

The availability of any and all members should be reported directly back to the Planning Section Chief. The CERT Activation Log is used to track all contact efforts and can be called in to 516 573-0648 or emailed to OEMCERT@nassaucountyny.gov with "Activation Log" in the subject line.

E. The Planning Chief will contact the rest of the General Staff.

**2) Subsequent Volunteer Communications**

A. The Planning Chief will send the Activation/Standby Sheet to the General Staff.

B. The CIC will determine the necessity of activating the specific members of the General Staff.

C. The Planning Chief will maintain the master Activation Schedule.

D. The Planning Chief will set up an email list with available/potential volunteers and call and/or email the volunteers on the Activation Schedule as updated information is available.

**3) Coordination with NCOEM**

The CIC will maintain on-going contact with Director or OEM representative for Activation Status and will proceed to NCEOC to assist with the activation, if warranted.

The Planning Chief and the Administrative/Finance Chief will also proceed to NCEOC, if warranted.

The CIC will hold periodic briefings with the General Staff and provide updates to the NCOEM.

**4) Deactivation Procedures**

Deactivation refers to the end of a volunteer's shift duty and/or when the activation is over. Upon notification to begin deactivation CERT members must:

- Complete all tasks you are performing, unless otherwise directed.
- Ensure that all of your records and files are up to date.
- Brief your relief or if you are not being relieved, your supervisor on the status of your assignments.
- Brief your subordinates, and introduce your relief, if applicable.
- Return or transfer custody of all equipment that you have been assigned to you.
- Attend debriefing meeting (hot wash) to review activation procedures, including but not limited to what went right and what went wrong with activation procedures.

Incident Team Leaders should complete an After Action Report (AAR) during the activation and forward to the CIC. The CIC compiles a summary AAR and presents it to the Planning Team.

Depending on your assignment and the nature of the incident, you may also be required to attend CERT Care Team Debriefings (CCTD). *Do not* ignore these debriefings. They are intended to ensure that you are all right and to inform you of special services that may be available to you should you experience physical and/or psychological problems when you return home.

# C.E.R.T. PREPAREDNESS

## A. Pre-Activation Readiness

Your pre-Activation readiness and your ability to perform your assigned task during an emergency/disaster greatly depend on your personal and family preparedness. In this section we will first review steps you can take to properly prepare yourself for Activation, Check-in and post check-in procedures, and demobilization.

If you know that you are on an Emergency call-up roster of personnel who will work at an incident – or if your day-to-day position is one that would be activated for all incidents reaching a specific size and/or complexity, you will do well to prepare in advance. Knowing what position you will fill on scene will help you prepare, but even if you aren't sure when or how you will be deployed, there are some items you should assemble in advance. Preparing your "CERT BAG" will help ensure that you have everything that you will need and reduce the time between Activation and check in.

### Assembling your "CERT BAG"

Your CERT Bag should include all of the items that you received during your basic training. Make sure all items are in good condition (i.e., batteries for flashlight). Additional items you may want to consider are as follows:

Pens/pencils, Paper
Calling Tree
Clipboard
Whistle
Marker
Water bottles

In addition to your CERT bag, you should also prepare a "Go Kit" for your personal items in the event your activation requires an extended period. Below is a list of items you should include in your "Go Kit":

- One or more change of clothing (including shoes) as appropriate to the incident, season, or climate.
- Outerwear, as appropriate to the incident, season, or climate.
- Toiletries and hygiene supplies
- Medication (prescription and over the counter) (Note: If the medication that you take has a shelf life, always keep the newest medication in your Go Kit and replace it with new medication.
- Snacks
- Bring Reading material, portable CD player or other entertainment for your time off.

If you are on the emergency call-up list you should assemble these items and keep them available at all times. If you may only be deployed occasionally, make a checklist of the items that you want to take so that you can gather them quickly, if needed.

## B. Activation Procedures

CERT members will be activated only by the Director or other approved representative of the OEM or local jurisdiction OEM when an emergency or other event requires additional human resources for assistance. Here are some examples of question you should ask when receiving your Activation notification:

- When and where should I report?
- To whom will I be reporting?
-
- How long should I plan to be activated?
- How many CERT Volunteers are needed?

You may not be able to gather all you information you need at the time of activation, but you should gather as much information as you can. The next step is to activate your "Call Tree". Prepare a list of CERT volunteers who will be responding to the activation and proceed to the "mustering" site.

## C. Check-In and Post-Check-In Procedures

Once you have arrived at the mustering site, you should immediately check in as directed when you are activated. After checking in, report to your supervisor immediately and provide the list of CERT volunteers who will be responding. Designated Team Leaders will be selected at the time of activation by approved representative of the OEM or local jurisdiction OEM. If you are designated as a Team Leader, get the information that is critical to your job. You may need to ask the following questions:

- What is the current situation?
- What are my specific job responsibilities?
- Who are my co-workers
- Where will I be working?
- What equipment is available to help me do my job?
- What are the procedures for obtaining additional supplies and/or equipment?
- Who do I see if I need help?
- Where will I eat? (If applicable)
- Where will I sleep? (If applicable)

Take notes during your briefing, you will then need to brief your Team members.
As a Team Leader, you will need to maintain a log, indicating the names of the personnel assigned to you and the activities accomplished during your operational period.

# EVALUATION FORM

**NAME (optional):** _____

**LOCATION**: _____

**CLASS DATE:** _____

**COURSE INSTRUCTORS:**
*PLEASE PRINT THE NAMES OF YOUR INSTRUCTORS:*

_____ _____

**Part 1**. This information will be used to assess the effectiveness of this course and to improve course content.

On a scale of 1 to 5 with "5" being the highest, please a check✓ in the response which best reflects your opinion.

Course:

**"5" is Best, "1" is the worst**
**Explanation for a score in the "1" column is requested**
**If column "1" is checked✓ please explain why you strongly disagree in the COMMENTS section below.**

| | **Strongly Disagree** 1 | 2 | 3 | 4 | **Strongly Agree** 5 |
|---|---|---|---|---|---|
| **A.** Requirements and objectives were clear. | | | | | |
| **B.** Activities supported course objectives. | | | | | |
| **C.** Printed materials were complete and well organized. | | | | | |
| **D.** Audio-Visual materials were appropriate and effective. | | | | | |
| **E.** Contributed to my knowledge and skills. | | | | | |
| **F.** Course managers were knowledgeable. | | | | | |
| **G.** Course managers presented material in a creative manner. | | | | | |
| **H.** I would recommend this class to others. | | | | | |

**COMMENTS**:

_____

_____

_____

_____

_____

_____

_____



***Please see reverse side****

1. What would you do to improve this course?

_____

_____

_____

2. What types of training would you like to be held in the future?

_____

_____

_____

3. Would you like to be informed about future volunteer opportunities at any of the following organizations? Please check✓ the appropriate boxes:

□ **American Red Cross, Nassau Chapter**
□ **Nassau County Office of Emergency Management**
□ **Salvation Army**
□ **Long Island Volunteer Center**
□ **Fire Department**

*If so, please fill in the following:*

NAME:

_____

ADDRESS:

_____

PHONE NUMBER:

_____

EMAIL ADDRESS:

_____

4. Do you feel that you may assist others better than you would have before the training? (Please circle one)
**YES NO**

5. Do you feel CERT should be offered to other communities within Nassau County? (Please circle one)
**YES NO**

6. What was the most valuable piece of information you have learned throughout the CERT training?

_____

_____

_____

7. Overall, do you feel the CERT training has been a positive experience?
**This question is to be answered for classes** 7 & 8 only **(Please circle one) YES NO**

# CRIMINAL BACKGROUND CHECK CONSENT FORM

RSVP/Stearns and Benton County Emergency Management

Applicant: _____
(PLEASE PRINT)

**A local records check of the St. Cloud Police Department/Stearns County Sheriffs Department and a Search of the Minnesota State Criminal Records and or the Federal Bureau of Investigations Criminal Justice Information files will be performed on you. By signing this form you are allowing the St Cloud Police Department to release the criminal data maintained in those files which applies under Statues and Ordinance.**

1. You have the right to be informed that **RSVP and Stearns or Benton County Emergency Management** is requesting Criminal Background Check to determine if you have been convicted of a crime.
2. You have the right to be informed by **RSVP and Stearns or Benton County Emergency Management** of the results of a Criminal Background check and to obtain a copy of the results.
3. You have the right to obtain from **St Cloud Police Department/Stearns County Sheriffs Department and / or The Bureau of Criminal Apprehension**, any records that forms the basis for the report obtained.
4. You have the right to challenge the accuracy and completeness of information contained in the report or record under section 13.04, sub.4.
5. You have the right to be informed by **RSVP and Stearns or Benton County Emergency Management** if your application for acceptance has been denied because of the results of this Background Check.

## Application Information – Please Print Clearly

_____

Last Name First Name Middle Name

Have you ever been known by another name? Maiden, Aliases _____

Date of Birth _____ Gender: Male _____ Female _____ Race: _____

Driver Lic. # _____ State: _____ Social Security # _____

_____

Current Address Apt# City State & Zip County

Have you lived in Minnesota for at least the past 10 years? Yes _____ No _____ Please list complete…

_____

Prior Address Apt# City State & Zip County

**This release shall be effective for ONE (1) year from date signed.**

_____ _____

Applicant Signature Date

# COMMUNITY EMERGENCY RESPONSE TEAM
# VOLUNTEER ENROLLMENT FORM

Rev. 07/09

NAME_____PHONE_____ BIRTHDATE_____

ADDRESS_____ CITY_____ ZIP CODE_____

COUNTY _____ E-MAIL ADDRESS_____

CURRENT/PREVIOUS OCCUPATION_____Retired? ☐Yes ☐No

SPECIAL TRAINING_____

ORGANIZATION MEMBERSHIP _____

_____

OTHER VOLUNTEER SERVICE_____

EMERGENCY CONTACT - NAME_____

_____

Relationship Address City, Zip Phone

HEALTH RELATED CONCERNS? _____

DO YOU CONSIDER YOURSELF DISABLED? ☐**No** ☐**Yes** How?_____

HOW DID YOU FIND OUT ABOUT CERT?_____

WHAT MOTIVATES YOU TO VOLUNTEER?_____

CERT may use photos/ videos taken of me in my volunteer service for public awareness and educational purposes. ☐ **Yes** ☐ **No**

All volunteers 55+ years of age are required to enroll with RSVP to fulfill eligibility requirements for CERT training.

**CERT applicants with felony convictions will not be admitted to the program.**

_____

**SIGNATURE OF VOLUNTEER** **DATE**

_____

**SIGNATURE OF DISASTER RESOURCE DIRECTOR** **DATE**

**CERT,** RSVP-Whitney Center, 1529 Northway Drive, St. Cloud, MN 56303 (320) 255-7265

# Resources: Links to Other Resources

***CERT Resource Page***
http://www.citizencorps.gov/cert/start-3-1d.shtm
Links to information about liability during various CERT activities.

***CERT National Website***
http://www.citizencorps.gov/cert
CERT training materials and other resources for local CERT programs.

***Citizen Corps Volunteer Liability Guide***
http://www.citizencorps.gov/pdf/Citizen_Corps_Volunteer_Liability_Guide.pdf
A toolkit that provides an overview of liability issues affecting Citizen Corps, liability checklists, and other resources.

***Emergency System for Advance Registration of Volunteer Health Providers Legal and Regulatory Issues Draft Report***
http://www.publichealthlaw.net/Research/PDF/ESAR%20VHP%20Report.pdf
This publication provides a thorough discussion of liability, licensing, and volunteer injury issues relating to volunteer health providers in emergencies. Includes state-by-state details on some issues.

***State Liability Laws for Charitable Organizations and Volunteers — 4th Edition***
Online Library of the Nonprofit Risk Management Center, www.nonprofitrisk.org. Beginning with an overview of the liability environment, this publication provides a state-by-state review of the evolving landscape of charitable immunity and volunteer protection laws.

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# Finding Statutes and Bills Online

This section is from the *Citizen Corps Liability Guide.*

### Statutes

When researching the law online, it is important to distinguish between statutes and bills. Statutes are current laws that have been passed by the state's legislature and signed by its governor. Statutory law is already in effect. **Bills** are proposed law that have not yet been passed by the legislature and signed by the governor. Bills are important to include in research because they show what the statutory law may become.

### Statutory Websites

Most states provide access to their statutes through a link from their website. The page will usually say that it provides access to the state's "code", "statutes" or "laws". In most cases, the website for a state's current statutes can be located by:

- Using the direct links provided in the ***Links to State Statutory and Legislative Websites.*** While these links were current at the time this Toolkit was released, links change from time to time, so it may be necessary to conduct your own search.

- Searching the Internet for the state's official website (search for the state's name or the state's name and the word "statutes") and looking on the home page for a link to "statutes", "code", or "laws".

### Legislative Websites

Most states also provide a link from their home page to their legislature's web page. The legislature's web page provides information about:

- Bills that have been introduced but have not yet passed, including each bill's status, text, and sponsors

- Bills that have been passed by the legislature

Links to the state legislatures' web sites are also included in ***Links to State Statutory and Legislative Websites.*** A state legislature's website is an important supplement to the statutory website because it often provides the most current information about changes to the state's law. It can take several months for the state's online statutes to reflect changes made by the legislature. New legislation is usually posted more promptly on the legislature's website.

Many states post a disclaimer on their statutory website, warning that the website may not be current or accurate, or that the statutes posted are an "unofficial version". Be sure to obtain advice from a legal professional before taking any action based on the statutes you find on the state's website.

**Federal Legislation**

Federal statutes and legislation can be accessed online through the GPO Access website, http://www.gpoaccess.gov/. For federal statutes, look under the "U.S. Code" link. Federal statutes and legislation are also accessible through the Library of Congress' website, Thomas, at http://thomas.loc.gov/.

**General Guide to Finding Statutes**

The following tools are often available to find statutes on a state's website:

- **Search for keywords**
    - **Statutes as a whole:** The state statutory website may provide a search function for words likely to be in the statute. The search function is similar to searching the Internet for a topic of interest: type in the words that describe the topic and the search function should provide relevant results.
    - **Particular statutes:** It may also be possible to search lengthy statutory text for an important term by using the find function, which is under "edit" in the internet browser toolbar, or other find tools available for the software being used.
- **Browse** (read through) the table of contents for the state's statutes, looking for topics where volunteer liability protection is likely to be located. Browsing is similar to looking at a textbook table of contents to find a section of particular interest.
- **Search for statutory numbers.** Statutes are identified by section numbers for organizational purposes. If a statute's number is available from another source – for example in a handout from a meeting - that number can be used to either search or browse the statutes.

Search functions may permit a search for more than one keyword at once: for example, volunteer, liability, immunity and emergency. This type of search produces fewer but usually more specific results. However, the narrower results may exclude statutes that would be of interest. Note that search functions do not all work the same way. It is important to read the website's instructions for its search function before beginning. Suggested search terms for different topic

areas are provided below. Alternative terms with similar meanings are separated by "/" mark.

**Every State is Different**

Every state organizes its statutes differently. Some states, like Texas and California, have a number of different "codes" not just one state code. Other states have "titles" that are not part of the statute number, which can complicate the search, as the researcher tries to determine in which title a specific section is located. Be prepared for a learning curve.

**Civil Liability**

Civil liability protection for emergency management volunteers can be found in several different parts of state statutes. The most common locations are the state's emergency management act or in a Good Samaritan Act. Governmental immunity under the state's tort claims act may be extended to emergency management volunteers through an emergency management or homeland security act.

To locate emergency management and homeland security statutes:

- Use the citations provided in ***Links to State Statutory and Legislative Websites*** for the emergency management acts in each state where one was located.

- Search for:
    - Emergency
    - Disaster
    - Military/military affairs/militia/civil defense/civil preparedness/defense
    - Law enforcement
    - Public safety/public health/health and safety

  Results can be refined by combining one of the above terms with "immunity" or "immune", "liability" or "liability", or "volunteer"

- Browse for:
    - Emergency management
    - Homeland security
    - Military/military affairs/militia/civil defense/civil preparedness/defense
    - Law enforcement
    - Public safety/public health/health and safety
    - Government

- Once the emergency management or homeland security act is identified, look or search for sections that refer to:

- Volunteer
- Emergency management worker
- Disaster worker
- Liability/liable
- Immunity/immune
- Tort
- Claims

To locate statutes relating to governmental immunity:

- Locate the state's emergency management or homeland security statutes, as described above, and look for references to immunity or liability of public entities, their employees and emergency or disaster workers during emergency management activities. Immunity may be provided within the emergency management or homeland security statute; or by providing emergency or disaster workers "the same rights and immunities as" public employees engaged in similar functions; or by referring to the section number of the state's tort claims act.

- Search or browse for:
  - Tort claims
  - Public employees

- If a statute providing immunity or other liability protection is identified, then look for:
  - Inclusion of emergency or disaster workers in the group protected by immunity, and
  - A section (including a definition) that treats volunteers as protected emergency or disaster workers for purpose of immunity.

To locate Good Samaritan acts and volunteer protection acts:

Good Samaritan and volunteer protection acts are often part of a state's statutes on courts or judicial remedies. They may also be included in state licensing statutes for certain types of licensed workers.

- Search for:
  - Good Samaritan
  - Volunteer
  - Civil procedure/civil remedies/civil practice/civil proceedings/civil actions/causes of action/actions/courts/judicial procedures/rights of action
  - Exemption from liability
  - Emergency medical
  - Professions/professionals
  - Health professionals

- Public health

Results can be refined by combining one of the above terms with "immunity" or "immune", "liability" or "liability", "volunteer"

- Browse for:
  - Civil procedure/civil remedies
  - Courts
  - Professions/professionals/physician (or other professional group that is of specific interest)
  - Health and safety
  - Public health
  - Insurance/health security

- If a statute providing immunity or other liability protection is identified, then look for the requirements to be in the protected group as defined and the scope of protection provided.

**Workers' Compensation**

Workers' compensation for emergency management volunteers will likely be found either in the state's emergency management or homeland security act or in its workers' compensation statute. Worker's compensation statutes may be referred to by other names, which are likely to include the word "industrial" or "labor" in their title. The emergency management or homeland security act may incorporate by reference the protection provided to state or local government employees.

Locate emergency management and homeland security laws as described above in *Civil Liability*.

- If a statute providing workers' compensation for emergency or disaster workers is identified, look for:
  - Language extending protection to *volunteer* emergency or disaster workers as well as those employed by a government
  - A separate, more limited program for volunteer emergency or disaster workers

To locate the state's workers' compensation act:

- Search for:
  - Workers' compensation
  - Labor/labor and industry/labor and employment
  - Industrial board/industries

- Browse for:
  - Workers' compensation
  - Labor/labor and industry/labor and employment
  - Industrial board/industrial commission

- If a statute providing workers' compensation or other injury, illness or death benefits for emergency management or disaster workers is identified then look for:
  - A definition of "employee" that includes *volunteer* emergency or disaster workers, or
  - A special section of the workers' compensation or similar statute for emergency or disaster workers, including volunteers

**Licenses, Certificates and Permits**

Statutory provisions that recognize out of state licenses, certificates or permits or waive those requirements in an emergency will likely be found in an emergency management or homeland security act. Licenses for retired professionals who are volunteer emergency or disaster workers are likely to be found in the state licensing statute for that type of professional.

Locate emergency management and homeland security laws as described above in *Civil Liability*. Refine the search by including the term "license" in the search, or search or browse the statute for the word "license".

To locate state licensing statutes:

- Search for
  - Professions/professionals/specific name of a profession (architect, engineer, physician nurse etc.)/professions and occupations
  - Licenses

- Browse for
  - Licensure statutes for the affected professions and occupations

- If a statute is found, look for:
  - Waiver of license requirements during emergencies or disasters
  - Recognition of licenses from other jurisdictions during an emergency, and any limitations on that recognition.