

INCIDENT BUSINESS MANAGEMENT

1 Introduction

The National Park Service (NPS) has adopted the National Wildfire Coordinating Group (NWCG) [Standards for Interagency Incident Business Management](#) as the official guide to execution of the Incident Business Management Program. For additional guidance and policy on items in this chapter, reference the current edition of the [Interagency Standards for Fire and Fire Aviation Operations](#).

2 Responsibilities

2.1 National Level

The national office will:

- Serve as a member of the NWCG Incident Business Committee.
- Coordinate the NPS mission objectives when developing interagency and Servicewide fire business policy, guidance, and standards.
- Provide interdisciplinary coordination with other Servicewide programs relative to incident business and other mission assignments.
- Provide oversight and program reviews of incident business practices to the regional offices and contribute when requested on park reviews.
- Serve as a resource to regions and parks on technical issues related to incident business practices.

2.2 Regional Level

The regional offices will:

- Manage the implementation of incident business practices at the regional level.
- Provide direction and serve as a resource to the parks in the region for compliance with Department of the Interior and Servicewide incident business policies, standards, and guidelines.
- Provide on-going evaluation of all park-level incident business practices to determine effectiveness, efficiencies, and prudent management.
- Serve as an advocate for integrated programs within the region.

2.3 Park Level

Each park with a fire program will:

- Plan, manage, and provide an on-going evaluation of the incident business program that fosters adherence to incident business standards, accomplishes park incident business objectives, and supports regional and national goals.
- Make cost-effective incident business decisions in the management of fire and all-hazard response programs.
- Correspond with the region on issues requiring regional involvement.

3 Fire Management Support of Non-fire Programs

Wildland fire funds may be used to provide direct administrative program support by funding permanent administrative support positions. These wildland fire positions are expected to work at least 80 percent of the time on wildland fire-dedicated budget and administrative duties.

4 Agreements and Contracts

Parks are encouraged to develop agreements with local cooperators. To address larger geographic areas Regional level agreements should be used. Drafts of all agreements and contracts for fire protection will be submitted to the appropriate regional office for review prior to implementation. The authority to enter into interagency agreements is extensive and is expressed in [Director's Order 20, Agreements](#) and the [Departmental Manual Part 620 \(620 DM\)](#).

Multi-agency wildland fire activities may be in one of the four following categories: (1) mutual-aid agreements, (2) service-first agreements, (3) contracts, or (4) emergency assistance.

4.1 Mutual-Aid Agreements

Agreements for mutual aid are essential and, where appropriate, should be used. The national agreement for interagency assistance among federal agencies is the [Interagency Agreement for Fire Management between the Bureau of Land Management, Bureau of Indian Affairs, National Park Service, U.S. Fish and Wildlife Service, of the United States Department of the Interior and the Forest Service of the United States Department of Agriculture \(2017\)](#). This agreement and other national agreements provide a framework for, and grant substantial latitude in, the development of regional and local agreements. Refer to *DO 20* for detailed instructions and the format for developing agreements.

Agreements should lead to positive interaction among the participating parties by incorporating areas of interaction beyond emergency operations and by

encompassing potential areas of cooperation and coordination in fire management programs. In addition to meeting the requirements of *DO 20*, they should specifically address the following, as applicable:

- Cooperation in prevention, preparedness, response, suppression, and prescribed fire management operations.
- Coordination in development and implementation of fire management plans, including fire management strategies and tactics.
- Facilitation of the exchange of personnel, equipment (including aircraft), supplies, services, and funds among the agencies.
- Assignment of direct protection areas to other agencies, either federal or state. Note that there should be a statewide aim for balance of acres under protection, or balance of response. Without either the balance of acres or the balance of response, the agreement may be less a mutual-aid agreement and more a contracted response agreement with another federal agency or state response agency.
- Identification of parties responsible for implementing various aspects of the agreement.
- Resolution of differences in qualification standards for suppression and prescribed fire personnel.
- Joint training and exercises.
- Procedures for initial response, notification, and transition into extended attack.
- Incident management responsibilities, including unified command within the Incident Command System (ICS) framework and resolution of command responsibility in particular situations.
- Special considerations for fire management along administrative boundaries.

All park units must also adhere to the following general guidelines relating to agreements:

- A warranted contracting officer must sign any agreements that obligate federal funds or commit anything of value.
- Specifications for funding responsibilities should include billing procedures and schedules for payment.
- Any agreement that extends beyond a fiscal year must include a clause that addresses availability of funding.
- Any transfer of federal property must be in accordance with federal property management regulations.
- All agreements must undergo periodic joint review and revision, as appropriate.

4.2 Service First Agreements

The philosophy underlying the Service-First authority is for agencies to meet public and resource needs, regardless of organizational or land management jurisdiction. The goal of the Service First statute is for the agencies to pool resources to design, develop, and implement joint projects that will provide a greater benefit to citizens and resources than any individual agency could achieve. The Service First statute authorizes the agencies to form and promote partnerships across agency boundaries to develop joint solutions to common problems and to address federal land management issues in an integrated way.

Under the Service First authority, the agencies have the discretion not to assess indirect costs or negotiate an indirect cost rate. Additionally, the Service First authority is separate from procurement authorities, including the Federal Acquisition Regulations (FAR) (48 CFR, Parts 1-53).

Interagency agreements (IAs) entered into under the Service First authority are not subject to procurement authorities, including the FAR. Any Service-First projects involving reimbursement of funds must be documented in an IA and are implemented pursuant to the Service First Master Agreement. The Service First Master Agreement is a non-fund-obligating document that establishes a framework for general terms and conditions for fund-obligating IAs. The fund-obligating IAs must cite the Service First Master Agreement and use Treasury Form 7600-B.

4.3 Contracted Protection

Contracts can be used when they are the most cost-effective means for providing fire protection commensurate with the overall need. However, a contract does not absolve a superintendent of the responsibility for managing a park's fire program. The park's approved fire management plan or Wildfire Emergency Response Procedure (WERP) must define the role of the contractor in the overall program.

All protection contracts should be developed and administered in accordance with federal acquisition regulations and should include language that clearly specifies the conditions under which the contractor may need to abandon response activities on park lands in order to respond to a higher priority incident elsewhere.

4.4 Emergency Assistance

Upon their request, the NPS may provide emergency assistance to adjacent jurisdictions without a formal agreement. However, some state and local departments will not provide assistance to neighboring jurisdictions without an agreement. To ensure emergency assistance can be provided and that costs can be reimbursed, parks with very infrequent wildfire occurrence should develop agreements with their neighboring agencies.

The authority for rendering emergency fire or rescue assistance outside the National Park System is contained in the [National Park Service Organic Act \(54 USC 100101\(a\) et seq.\)](#); and [620 DM](#).

5 Office of Workers' Compensation (OWCP) Costs

Regardless of where the injury or illness occurred, personal injuries or occupational illnesses covered by OWCP will be processed by, and charged to, the employee's home or employing unit.

When the bureaus reimburse OWCP, all costs under their respective charge-back codes will be identified as payable under specific sub-activity codes. Proper coding will accurately display the OWCP costs in the correct activity category.

6 Claims

The park or incident agency's policy must be followed for claims processing. Incident management teams do not have the authority to approve personal property claims or to authorize expenditure of funds to replace items. The incident agency will review the claim for accuracy and completeness and will forward it to the appropriate adjudicating official. Employee claims should be forwarded to the employee's home unit if the home unit is not part of the incident agency.

Individual tort claims that do not exceed \$2,500 and are associated with wildland fire activities should be charged against the appropriate wildland fire activity account. The NPS Accounting Operations Center (AOC) forwards tort claims in excess of \$2,500 to the Justice Department for payment from their account. However, it is possible that the solicitor(s) and/or Department of Justice will remand these claims back to the NPS unit for payment.

7 Review, Audit and Process Teams

7.1 Purpose/Objectives

The purpose of the Review, Audit, and Process Teams (RAP) is to expedite payment of financial obligations incurred because of an emergency incident and to relieve the local administrative unit of additional work generated by the incident.

7.2 Responsibility

After receiving a written delegation of authority from the agency administrator, the team is responsible for auditing and processing all invoices for supplies, services, and rental equipment utilized on an incident.

7.3 Determining Need

The agency administrator may request a RAP Team when an incident generates, or expects to generate a large volume of vendor invoices or when the demand on local vendors is so great a need arises to process interim payments to prevent financial hardship.

7.4 Organization

The type and number of team members needed is determined based on the individual incident. More information is available on duties, responsibilities, and procedural guidelines in the RAP Team folder at the [NPS Incident Business SharePoint](#) site. NPS RAP Teams are coordinated through the NPS Branch of Wildland Fire at the Fire Management Program Center. The RAP Teams are available on a rotational schedule, which is included in Chapter 20 of the [National Interagency Mobilization Guide](#).

8 Resource Order Form

The resource order form used on emergency incidents serves as a record of all resources ordered (personnel, equipment, supplies, aircraft, etc.) for incident response, as well as for step-up or severity actions. The form can also be used as a substitute for a requisition form to track resources ordered from a non-federal cooperator who may bill the NPS for services utilized.

The current interagency agreement between the DOI Bureau of Land Management, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, National Park Service, and the USDA Forest Service describes the billing and payment procedures for fire management activities. The agreement is located on the [National Interagency Coordination Center](#) website. Federal wildland fire management agencies do not crossbill for fire response activities.

Wildfire suppression costs are tracked using the [FireCode](#) system. FireCode is an Internet-based program that generates an alphanumeric code that is unique for each suppression, severity, or step-up event. A FireCode is assigned once a fire is discovered and each federal wildland fire management agency will use the fire code within their accounting string to track incident specific expenses.

9 Emergency Incident Hiring & Payroll

9.1 Casual Employees

In accordance with the Department of the Interior Administratively Determined (AD) Pay Plan, the National Park Service may use the AD hiring authority for suppression incidents, regardless of the management strategy. The NPS can also use this authority to hire casual employees for hazardous fuels projects (reference the DOI AD Pay Plan for restrictions), severity, search & rescue, or other all-hazard incidents. The DOI AD Pay Plan is updated annually and should be reviewed each year for any changes.

Although NPS policy is to complete a personnel action to return employees to pay status, NPS employees on furlough or in intermittent status can be hired as casual (AD) employees to respond to an emergency incident.

9.2 Shifting Base Hours to Fire Accounts

Personnel who are not fire funded may shift their base-eight funding to an incident account while assigned to a wildfire incident. Their regular positions can be backfilled with the lapse base funding. The [NPS Wildland Fire & Aviation Budget Rules](#) provides guidance for the shifting base hours

The park or region has the option of either shifting base-eight funding to an incident and backfilling with the lapse funds, or charging the backfill position base funding directly to the incident. This mechanism for backfilling positions alleviates the impacts of wildfire operations on routine day-to-day park operations.

Backfilling or shifting base-eight only applies to those hours when an employee is assigned to a wildfire incident and may not be used to augment program capabilities. Backfilling must be based on, and limited to, the normal duty hours of the employee who is unavailable because of an incident assignment.

This does not apply to prescribed fires, which are planned events. Managers may decide in advance whether it is appropriate for employees from various programs

to participate in these operations. They also have the ability to hire or contract for additional staff to manage prescribed fires, in contrast to unplanned wildfires.

9.3 Park Staff Assigned to a Local Incident

The incident usually assumes no responsibility for the meals and/or per diem of local staff who do not meet the qualification criteria in the [Federal Travel Regulations](#). However, local personnel on the fire line can be compensated for their meal period if all of the following conditions are met (reference Chapter 10 of the NWCG Standards for Interagency Incident Business Management):

1. The fire is not controlled; and
2. The Operations Section Chief makes a decision that it is critical to the effort of controlling the fire that personnel remain at their post of duty and continue to work as they eat; and
3. The supervisor at the next higher level approves and it is documented on the CTR, SF-261.

9.4 Compensatory Time Not Authorized for Suppression Work

Compensatory time is not authorized for employees performing suppression or suppression-related work for the following reasons:

- 1) Suppression accounts must reflect expenditures as they occur and not months later;
- 2) Compensatory time used (041) is paid at base rate and preparedness personnel cannot charge base time to a suppression account; and
- 3) Lump-sum payments at the end of the 12-month period would have a detrimental impact on the year-end closeout for suppression funds.

Compensatory time is not paid at the uncapped hourly overtime rate,

9.5 Paid Day Off

To assist in mitigating fatigue, days off are allowed during and after assignments. Reference the [NWCG Standards for Interagency Incident Business Management](#) and the [Interagency Standards for Fire and Fire Aviation Operations](#) for further guidance on paid days off.

9.6 Management Directed Days Off at Home Unit

Supervisors must manage schedules for initial response, dispatch, and incident support personnel during extended incident situations on their home unit. Guidance and policy for management-directed days off at the home unit can be

found in the [NWCG Standards for Interagency Incident Business Management](#) and the [Interagency Standards for Fire and Fire Aviation Operations](#).

10 Pay Entitlements

10.1 Overtime for Exempt Employees

Public Laws 106-558 and 107-20 allow exempt employees to be compensated at a rate equal to one-and-one-half times their hourly rate of basic pay under the following circumstances:

1. Employees are engaged in emergency wildfire activities.
2. They are involved in the preparation and approval of a Burned Area Emergency Response Plan (BAER). Once the BAER plan is submitted for approval, the exempt employee is no longer entitled to full overtime under the provisions of the two laws.
3. They are required to augment planned preparedness staffing levels to enhance short-term wildfire response capability, severity activities, accident or after-action reviews, or emergency wildfire-funded prevention activities.

The overtime provision does not apply to personnel involved in prescribed fire, other fuels management activities, implementation of fire rehabilitation plans, or to overtime incurred in conjunction with any other activity not specified above. The full overtime provision authorized by Public Laws 106-558 and 107-20 applies only to wildfire and related activities and cannot be extended to other activities.

For all-hazard emergency incidents or planned events, Public Law 108-136 amends 5 USC 5542(a)(2) and allows exempt employees to receive at least their hourly rate of basic pay or the hourly overtime rate for a GS-10/1, whichever is greater.

10.2 Overtime for Non-exempt Employees

Under the Fair Labor Standards Act, non-exempt employees are entitled to time-and-a-half overtime when their basic workweek requirements have been met, regardless of the type of work they are doing.

10.3 Biweekly Pay Cap

Employees (exempt and non-exempt) are subject to a biweekly pay cap that is equivalent to the biweekly earnings of a GS-15/10. This pay cap is waived for any pay period that they were determined to be performing work in connection

with a wildfire suppression or all-hazard incident (reference USC 5547{b} and 5 CFR §550.105). However, the annual pay cap (annual maximum earnings of a GS-15/10) always remains in place (5 CFR §550.106).

10.4 Other Biweekly Pay Cap Waivers

In accordance with Title 5, Code of Federal Regulations ([5 CFR 550](#)), the biweekly pay cap may be waived by NPS WO-HR for all-hazard emergency incidents. An emergency is “a temporary condition posing a direct threat to human life or property” or any situation requiring action to preserve and protect the natural or cultural resources that have been defined by the Director as being “mission critical” for the National Park Service. The biweekly pay cap can be waived for other emergencies if approved by the Office of Personnel Management (OPM), the head of a federal agency or the president of the United States. Examples of waivers of the biweekly pay cap include the recent Hurricanes Harvey, Irma, and Maria, as well as the annual Sturgis Rally.

According to Title 5, Code of Federal Regulations, Chapter 1, Subpart A ([5 CFR 550](#)), the following entitlements apply:

- Full time-and-a-half overtime is authorized only for wildfire suppression and related activities.
- Use of pay code 113 OT automatically waives the biweekly earnings limitation for wildfire suppression and related activities.
- Biweekly earnings limitation may be waived for all-hazard emergency incidents if declared by OPM, the agency head, or the president of the United States.

TABLE 1. Pay Entitlement Chart

Category	Overtime Pay Rate	Earnings Limitation	Remarks & Payroll
1. Exempt employee working on wildfire, severity, or step-up	Full overtime. One-and-one-half times basic hourly rate of pay.	Annual pay cap remains in place (not to exceed GS-15/10).	Payroll code 113
2. Exempt employee working on prescribed fuels project in exempt position	Either the employee's basic rate of pay or overtime rate of GS-10 Step 1, whichever is greater ²	Not to exceed biweekly earnings of GS-15/10	Payroll code 110
3. Exempt employee working an all-hazard incident or planned event in an exempt position	Either the employee's basic rate of pay or overtime rate of GS-10/1, whichever is greater ²	Annual pay cap remains in place (GS-15/10). For biweekly pay cap to be waived, the emergency must be declared by the President of the United States, agency head, or OPM.	Payroll code 110
4. Exempt employee working an all-hazard incident or planned event in a non-exempt position for more than 50% of total hours per week	Full overtime. One and one-half times their basic rate of pay	Annual pay cap remains in place (GS-15/10). In order for biweekly pay cap to be waived, the emergency must be declared by the president of the United States, agency head, or OPM.	Payroll code 110 with boxes checked for "exempt, working non-exempt," LB in message code box, as well as non-exempt incident position code worked

Category	Overtime Pay Rate	Earnings Limitation	Remarks & Payroll
5. Non-exempt employee working on an all-hazard incident or planned event.	Full overtime. One and one-half times their basic rate of pay.	Biweekly pay cap was waived by the agency heads. Earnings paid under the Fair Labor Standards Act (FLSA) are not subject to the maximum annual pay cap.	Payroll code 110 with LB in message code box.
6. Non-exempt employee working on wildfire or severity in non-exempt position.	Full overtime. One and one-half times their base hourly rate of pay.	Earnings paid under the Fair Labor Standards Act (FLSA) are not subject to the bi-weekly pay or annual pay cap.	Payroll code 110

10.5 Payroll Procedures

Employee time will be recorded on either the OF-288, Emergency Incident Time Report, or the Crew Time Report (CTR). All employee time must be verified and signed by incident personnel, and forwarded to the employee's home unit for processing through the Federal Personnel Payroll System (FPPS). Further payroll information may be found at the Interior Business Center site: <https://www3.ibc.doi.gov/services/hr/payroll/index.cfm>.

11 Use of Emergency Equipment Rental Agreements

A warranted contracting officer must prepare all incident-only Emergency Equipment Rental Agreements (EERAs). Park units may use resources assigned to EERAs for suppression and suppression-related work. Park units may also use agreements authorized by other bureaus and agencies (e.g., Bureau of Land Management, U.S. Forest Service) and should follow payment instructions as indicated on the agreement. If the EERA does not define payment instructions, the payment request, including the signed invoice and all backup documentation, should be processed through the NPS Accounting Operations Center or an NPS Review, Audit and Process (RAP) Team.

12 Cross-billing Procedures for Hazardous Fuels Reduction Operations

Per the FY 1998 Wildland Fire Management Appropriation, the federal fire management agencies have agreed not to crossbill for hazardous fuels reduction projects. Fuels management projects are planned activities; therefore, park units have the right to turn down requests to assist other federal agencies with fuels management activities. Park units should not provide resources at the expense of their own target accomplishments and should not subsidize another agency's fuels management activities.