

# STATE OF WISCONSIN

## WISCONSIN DISASTER FUND -ADMINISTRATIVE PLAN-

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### WISCONSIN EMERGENCY MANAGEMENT

Department of Military Affairs

STATE OF WISCONSIN  
DEPARTMENT OF MILITARY AFFAIRS  
2400 WRIGHT STREET  
P. O. BOX 7865  
MADISON, WI 53707-7865

WDF Coordinator  
widasterfund@wisconsin.gov  
Office: (608) 242-3259  
Fax: (608) 242-3247

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## **Introduction**

The Wisconsin Disaster Fund (WDF) was created by [2005 Wisconsin Act 269](#) which was enacted April 5, 2006. Wisconsin Emergency Management (WEM) was designated as the agency responsible for administering the fund and subsequently developed an Administrative Rule, [WEM 7](#), for this purpose.

WDF is a state-funded program designed to reimburse local governmental units – hereafter referred to as “the Applicant” – for costs imposed by a disaster event when FEMA Public Assistance funding is not available. The state reimburses 70% of eligible costs while the Applicant is responsible for the remaining 30%. The fund reimburses three categories of work: debris clearance, protective measures (such as sandbagging against floodwater), and repairs made to roads and bridges that were damaged by a disaster.

WDF is modeled after FEMA’s Public Assistance Program and is also guided by the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#). However, it is more limited in scope – therefore, the fund does not cover losses suffered by individuals, businesses, or the agricultural sector.

This handbook was prepared by WEM and contains the required administrative procedures, references, and guidance that will assist you in applying for WDF reimbursement. It is important to remember that WDF is a reimbursement program based on eligible, documented costs that were imposed by a disaster event. Accurate records are essential in documenting the costs of disaster recovery and are necessary to support a WDF claim. No funds will be disbursed until required documentation is provided to WEM-WDF.

## Eligibility Criteria

1. "Applicant" means a local governmental unit, which includes counties, cities, villages, towns, and federally recognized tribal governments.
2. The local governmental unit suffered a disaster and applies for disaster assistance funding.
3. A disaster or emergency declaration was issued by the local governmental unit or the state during the incident period of the disaster.
4. The local governmental unit incurred disaster costs that are equal to or exceed \$3.68 per capita.<sup>1</sup> For a town of 2,000 residents, this would be \$7,360 in damages (2,000 x 3.68).
5. Federal disaster assistance is not available to the Applicant because either (1) the state did not meet eligibility thresholds for federal assistance<sup>2</sup> or (2) the state did achieve eligibility, but the local governmental unit does not reside within a federally declared county.<sup>3</sup>

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<sup>1</sup> The 2010 census is used to determine a local governmental unit's population.

<sup>2</sup> The state is deemed eligible for FEMA assistance if there is \$1.46 in documented damages per capita on a statewide basis.

<sup>3</sup> If the state receives FEMA assistance, specific counties will be deemed eligible for federal assistance by demonstrating \$3.68 in damages per capita on a countywide basis; these federally declared counties serve as FEMA assistance boundaries. A local governmental unit is not eligible for WDF if it resides within a federally declared county.

## **Application Process**

The application process involves two county documents: the Uniform Disaster Situation Report (UDSR) and the Notification to WEM of Eligible Applicants for Wisconsin Disaster Fund, known as the County Notification Form. Subsequently, Applicants submit the Applicant Request for State Public Assistance and the Local Documentation Toolkit, which is a WEM-developed excel document. Upon receiving a complete application package, the WDF Coordinator will evaluate submitted materials to ensure claims are eligible for reimbursement and properly documented. When the application is deemed complete, the WDF Coordinator will send approval documents to the Applicant and subsequently request reimbursement in the form of a check.

## **County Responsibility**

Within 24 hours of the event, the County Emergency Management (EM) Director submits a UDSR. Only one UDSR should be submitted for the entire county – therefore, individual UDSRs will not be submitted for each Applicant. Revised editions of the UDSR should be made as necessary to reflect situational changes.

Within 30 days of the event, the County EM will submit a County Notification Form, which lists potential Applicants (jurisdictions that plan on completing a WDF application), their damage estimates, and population totals to determine whether each Applicant meets the eligibility threshold of \$3.68 in damages per capita. Only one County Notification form needs to be submitted for the entire county – therefore, individual County Notification forms will not be submitted for each Applicant.

The County EM Director should direct Applicants to the WEM-WDF webpage where application materials can be obtained and a “how to” video can be viewed to ensure accuracy of the application on the first submission. Applicant contact with the WDF Coordinator should be established early to facilitate the application process.

- If submitted application materials are not developed and organized according to the instructional “how to” video, the application materials will be returned the Applicant and they will be encouraged to consult with the WDF Coordinator before resubmitting the application package.

Note: If there has been damage to roads, contact should be made as soon as possible with DOT-DDA program personnel.<sup>4</sup> The County Highway Commissioner often acts as a liaison between the local Applicant and the DOT-DDA program. County EMs should inform Applicants of both the WDF and DDA programs and encourage them to pursue the best available option.

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<sup>4</sup> DDA has better cost-sharing rates compared to WDF. Also, DDA allows for mitigation and/or improvements whereas WDF only allows roads to be restored to pre-disaster condition.

## **Applicant Responsibility**

Within 60 days of the event, the local jurisdiction must submit the Request for State Public Assistance, which allows the Applicant to communicate damage cost claims along each category of work to the WDF Office. The form requires the signature of the local government's Chief Elected Official and codifies the jurisdiction's status as an active Applicant.

- Potential Applicants that are listed on the County Notification Form have 60 days after the disaster event to submit an Applicant Request for State Public Assistance. If an Applicant fails to meet the 60-day deadline, the WDF Coordinator will provide a final notice in writing to the County EM and the (potential) Applicant that the Request for Public Assistance is required and needed. If the Applicant fails to submit the Request for State Public Assistance in response to the WDF Coordinator's request, the Applicant will not be eligible for WDF funds regarding that disaster event and will be removed from all WDF tracking documents.<sup>5</sup>

Within 90 days of the event, all recovery work should be completed and application materials submitted to the WEM-WDF for review. Application materials include:

- Declaration of Disaster/Emergency by the local jurisdiction or county – signed by appropriate official(s).
- Local Documentation Toolkit to identify the costs being claimed – submit electronic version.
- All supporting documentation.
  - Labor Claims: Timesheets AND proof of compensation (including fringe benefits, if claimed).
  - Equipment Usage Claims: Official equipment log/dispatch records OR timesheets that validate a specific employee (operator) used the equipment for the hours claimed.
  - Contractor and Material Claims: Invoices AND proof of payment – often cancelled checks.
  - Volunteer Labor: Sign-in sheets that provide the date, volunteer's name, hours volunteered, location of work, and work performed.
  - Volunteer Equipment: Official dispatch logs OR timesheets that demonstrate employee usage OR volunteer sign-in sheets if volunteer labor operated the equipment.

Application documents can be submitted to WEM-WDF through the County EM or directly to the WDF Coordinator. At all times, the County EM should be kept apprised of Applicants within their county, which is typically done by including the County EM in all email correspondence.

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<sup>5</sup> It is often the case that (potential) Applicants listed on County Notification Forms never come to fruition. The 60-day deadline is an accountability procedure to ensure WDF tracking documents accurately reflect demand on the fund.

## Vetting, Approval and Payment Phases

The WDF Coordinator will respond within 45 days of receiving all application materials with either a request to the Applicant for more documentation or a determination that the application is complete.

- The Applicant will have 45 days to respond in full to any request from the WDF Coordinator or their application may be denied.

When the application is deemed complete, the WDF Coordinator will send approval documents via email which require the Chief Elected Official's signature on the following forms:

- DMA Form 1017 – Wisconsin Disaster Fund Public Assistance Form
- DMA Form 1017A – Assurance of Construction
- DMA Form P.4 – Project Completion Form

The signed documents will be returned – electronically or by mail – to the WDF Office within 30 days or funding may be withdrawn.

Upon receipt of the signed approval documents, the WDF Coordinator requests a reimbursement check which, upon receipt, is sent to the County EM Director for distribution to the Applicant.<sup>6</sup>

The Applicant must keep all documentation in accordance with [WEM 7.06 \(3\)](#)

## Time Extensions

Within 90 days of the event, all recovery work should be completed and application materials submitted to the WEM-WDF for review. If unforeseen or extenuating circumstances<sup>7</sup> prevent the Applicant from meeting the 90-day deadline, the jurisdiction must submit an extension request form and explain why recovery work could not be completed within 90 days of the disaster. The WDF Coordinator will review the request and the proposed completion date of the pending work. If the request is approved, time extensions will be granted based on the extenuating circumstances, when such circumstances are expected to subside, and the amount of recovery work still pending. More than one extension may be submitted and granted depending on the situation.

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<sup>6</sup> The Check is sent to County EM offices because the addresses are known and verified. However, if a County EM wants a check sent directly to the Applicant, the County EM shall validate the Local Applicant's mailing address during the approval documents phase, inform the WDF Coordinator of the validated address, and request via email, to the WDF Office, that the check be sent directly to the Applicant.

<sup>7</sup> Extensions are typically provided when a disaster imposes so much damage on a region that materials and/or contractors are unavailable in the near term. Additionally, projects may also be postponed due to seasonal changes.

## **Eligible and Ineligible Costs**

To be eligible for WDF, costs must be the direct result of the declared disaster or emergency, have occurred during the designated incident period, and be the legal responsibility of an eligible Applicant at the time of the disaster. There are three eligible categories of work: Debris Removal (Category A), Emergency Protective Services (Category B), and Road and Bridge Repair (Category C). Category A and B are considered Emergency Work while Category C is Permanent Work.<sup>8</sup>

### **Eligible costs**

- Category A – Debris Clearance to include woody debris, stump grinding, dirt to fill stump holes, building wreckage, work to clear public roads, and debris placed on roadside for pickup.
- Category B – Protective Measures to eliminate or reduce immediate threats to life, public health or safety or a hazard that threatens significant damage to improved public or private property. Most often includes sandbagging for water control or road closure services.
- Category C – Roads and Bridges to include surfaces, bases, shoulders, ditches, drainage structures, piers, girders, abutments, slope protection and approaches.<sup>9</sup>
  - Roads are eligible for repair if they do not receive federal funds for maintenance. This typically applies to rural major, rural minor and rural local roads. See the Wisconsin DOT webpage on [Functional Classification](#) to determine road classification by county.
  - Private roads, including homeowners' association roads, are not eligible. Roads owned by a tribal government may be eligible even if they are not open to the general public.
  - Mitigation and/or improvement work on roads and bridges is not allowed under WDF.

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<sup>8</sup> The only permanent work eligible under WDF is Roads and Bridges. Therefore, other buildings and infrastructure, such as a public library or public utility infrastructure, are ineligible for permanent work. (See "Ineligible Costs" on the next page for more clarification.)

<sup>9</sup> Road damage that resulted from debris removal or other emergency work – for example, heavy machinery operating on roadways – may be reimbursable if the damage was based on necessity not negligence.

## Ineligible costs

- Damage to water control facilities including dams, reservoirs, levees, drainage channels, shore protective devices, irrigation facilities and pumping facilities.
- Damage to buildings and equipment.
- Damage to utilities including power generation facilities, sewage collection systems and water treatment plants.<sup>10</sup>
- Ordinary operating expenses of local governmental units, such as salaries and expenses of public officials, which are not directly related to the disaster.
- Administrative overhead costs associated with disaster response and recovery.
- Costs for which payment has been, or will be, received from any other funding source.
- Disaster-related costs which should be covered and compensated by insurance.
- Applications totaling less than \$500.00.
- Mitigation/improvement projects.
- Assistance provided under written or verbal mutual aid agreements.<sup>11</sup>
- Costs associated with snow removal.
- Interest incurred on loans for disaster recovery work.

## Work Performed by Fire Departments

Guiding Principle: WDF funds are only available if a disaster event imposed additional costs on a local governmental unit. If an established contract between a fire district and municipality covers disaster activities without imposing additional costs on a municipality, then WDF funds will not be available because additional billing beyond the contract was not necessary. In contrast, if the fire district operates on a pay-per-call basis, or if the fire district provided services not covered under contract, the amount billed to the Applicant for disaster work is reimbursable under WDF as long as it is eligible work. Please contact the WDF Coordinator with questions regarding fire departments/districts as this document does not cover every plausible circumstance.

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<sup>10</sup> In some circumstances, emergency work (Debris Clearance and Protective Measures) performed on utility infrastructure and water control facilities is reimbursable if the utility is (1) owned and operated by the local governmental unit and (2) if the local governmental unit can document the costs of performing emergency work. Under such circumstances, the costs of emergency work would be claimed on the local jurisdiction's WDF application. Examples of emergency work include Protective Services against downed wires and emergency pump services to prevent wastewater from entering public spaces. However, WDF does not reimburse for permanent work on Utilities (Category F) – therefore, reconstructing utility infrastructure is not eligible.

<sup>11</sup> Guiding Principle: WDF funds are only available if a disaster event imposed additional costs on a local governmental unit. Because mutual aid agreements are based on the neighbor-helping-neighbor concept without billing procedures, mutual aid does not impose additional costs on the affected jurisdiction applying to WDF. Therefore, there is no cost to claim.

## **Documentation Requirements**

The Local Applicant Documentation Toolkit must be completed and submitted to the WDF Coordinator with all supporting documentation. Costs are claimed in four categories: Labor costs, equipment usage, material costs, and contractor costs. All costs should be submitted in one Toolkit – separate Toolkits are not used for individual projects. The following documentation must be submitted with the Toolkit to support costs claimed.

### **Labor**

- Labor costs include actual wages paid plus fringe benefits.
- Legible time cards must be submitted that show date(s) and hours worked per employee.
- Pay stubs or other proof of payment may be requested to validate hourly wage, overtime pay, and/or fringe benefits.

### **Category C (Permanent Work)**

For permanent work on roads and bridges (Category C), both regular time and overtime work is eligible for reimbursement for all employees regardless of their status as a part-time, full-time, or temporary employee.

### **Category A & B (Emergency Work)**

Only overtime is reimbursable in Categories A and B for regular (force account) employees.<sup>12</sup> However, regular and overtime pay is eligible for reimbursement for non-budgeted employees (temporary hires) that are tasked to perform Category A or B work in response to a disaster.<sup>13</sup> If a part-time worker is called in beyond their regularly scheduled hours, this work may be considered overtime and therefore eligible for reimbursement.<sup>14</sup> However, documentation must be provided establishing the hours worked per week as a part-time employee prior to the event.

The value of compensatory time may be eligible for WDF reimbursement if the Applicant can provide a written policy which details employee eligibility and payment procedures. Standby labor costs are not eligible.

No elected official can benefit from his/her position within a unit of government under the code of ethics. As such, WDF cannot reimburse for the cost of any elected official's labor.

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<sup>12</sup> Regular time is not reimbursable as the jurisdiction would have compensated force account employees (budgeted employees) for this time worked regardless of the disaster event.

<sup>13</sup> In this instance, temporary hires are non-budgeted employees who are brought on as an additional expense to help with emergency response efforts such as Debris Clearance. This is an example of an additional cost imposed on the local governmental unit as a result of the disaster event.

<sup>14</sup> For example, if it can be established that a part-time employee works 20 hours per week, but was called in for 10 overtime hours to perform debris removal, which would necessarily create a 30-hour work week, then the additional 10 hours can be claimed as reimbursable overtime pay.

## Equipment

All equipment usage is eligible for reimbursement, regardless of whether the employee was on regular or overtime hours while operating the equipment, as long as the equipment was used to perform an eligible category of work. Standby equipment costs are not eligible.

Equipment use is validated through either (1) an equipment log or dispatch record that includes a description of the equipment and the hours it was used or (2) timesheets that validate an operator (employee) was on the job, operating the equipment, for the stated amount of time on a specific date.

Equipment reimbursement is an hourly rate established by the Wisconsin DOT Highway Maintenance Manual, Chapter 02 (Administration), Section 25 (Cost Invoicing), [Subject 50 \(Classified Equipment Rates\)](#).<sup>15</sup> If the Wisconsin DOT schedule of rates does not include the equipment in question, the [FEMA Schedule of Equipment Rates](#) will be used to determine an hourly rate (this is most common for chainsaws). Equipment rates in both the state and federal documents include depreciation, maintenance, fuel, lubricants, and other costs incidental to operations. Therefore, WDF does not reimburse incidental costs such as fuel.

If the Applicant uses equipment that does not have an established rate in the State and FEMA documents, any submitted rate must include documentation that shows each component of the rate is comparable to current market prices. The rate cannot be based on rental rates as they include profit calculations that go beyond operational and maintenance costs for force account equipment. However, rental equipment can be reimbursed if it was used to perform eligible work – for example, a rented chainsaw used to perform debris removal.

Automobiles and trucks are reimbursed on a mileage basis. For reimbursement, accurate records must be kept to document mileage in and mileage out. Routine patrolling, checking on sites, distribution of water, and welfare checks on workers are not eligible for reimbursement. A vehicle must actively perform Category A, B, or C work. For example, a truck used to haul away downed trees would be eligible for mileage reimbursement under Debris Clearance (Category A). In the event that vehicles were used in a mostly stationary manner, such as road closure services, hourly reimbursement rates can be used.

## Materials

Materials purchased for disaster response and recovery are eligible for reimbursement if the invoice showing quantities and cost is provided along with proof of payment in the form of cancelled checks. Eligible materials include, but are not limited to, culverts, gravel, other aggregate for road repair, as well as sand and bags for water control operations (typically, only materials used for road repair are eligible for reimbursement). Items such as gloves, rakes, chainsaws, tape, and cones are not eligible. If material is used from a municipal stockpile, a log showing quantity used and invoices that document cost per unit must be provided. Lastly, food costs for emergency workers are eligible but must fall within the first 72 hours of the event and be reasonable.

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<sup>15</sup> Ensure the most recent (updated) document is accessed as the current rates and archived rates are stored on the DOT site.

## **Contractors**

For all persons and/or companies hired as contractors, an invoice on company letterhead detailing date(s), hour(s), and location(s) worked must be provided. Cancelled checks should accompany each invoice as proof of payment. The process to hire contractors within 72 hours of the disaster may be exempt from the state bidding procedures. Any hiring done after that timeframe must be done following local and/or state bidding rules. Guidance on this can be found through local or county highway departments, public works departments, or the regional DNR or DOT office. Very few projects claimed under WDF are large enough to warrant bidding procedures.

## **Volunteers**

The value of volunteer labor is used to offset the 30% local share – it does not add to the WDF reimbursement claim, which is based on damages and recovery costs. Examples of eligible volunteer claims include volunteer fire departments and residents who specifically perform eligible work under WDF. Volunteer labor is reimbursed at \$7.25 per hour, the prevailing federal minimum wage. To qualify, there must be a sign-in sheet that documents the date, each volunteer's name, total time worked, work performed, and the location of work. Additionally, volunteer equipment can be claimed based on rates provided in the aforementioned Wisconsin DOT and FEMA documents. Volunteer equipment usage is validate through either (1) an equipment log or dispatch record that includes a description of the equipment and the hours it was used or (2) timesheets that validate an operator (employee) was on the job, operating the equipment, for the stated amount of time on a specific date, or (3) a volunteer labor sing-in sheet that describes the type of work a volunteer operator performed by location, date, and the total usage time of the equipment.

## **Appendices**

Appendix A – Uniform Disaster Situation Report

Appendix B – County Notification Form

Appendix C – Applicant Request for State Public Assistance

Appendix D – Example of a Notification Memorandum

Appendix E – Example of a Determination Memorandum

Appendix F – Extension Request Form