



**Wisconsin Disaster Medical Assistance Team Policy and Guidelines**  
**City of Milwaukee**  
**Department of Employee Relations**  
**January 31, 2011**

**Background and Policy Statement**

The National Disaster Medical System (NDMS) is a federally-coordinated system that provides medical capabilities in the event of a large-scale emergency that overwhelms normal local medical resources. NDMS is administered through the United States Department of Health and Human Services (HHS). A major portion of the NDMS is a network of medical teams consisting of medical personnel, logistical and administrative personnel, and equipment that can rapidly deploy throughout the country in the event of an emergency.

Wisconsin-1 Disaster Medical Assistance Team (WI-1 DMAT) is part of NDMS and it is supported by a partnership of several state and national agencies, including NDMS, the State of Wisconsin Department of Health Services, and the Wisconsin Department of Military Affairs. WI-1 DMAT also has an academic partnership with the Medical College of Wisconsin and the University of Wisconsin School of Medicine and Public Health, along with the state's three academic medical centers – Children's Hospital of Wisconsin, Froedtert Hospital, and University of Wisconsin Hospital and Clinics (UW Health).

The City of Milwaukee supports WI-1 DMAT's mission and its commitment to the delivery of quality medical care to victims of disasters. The City of Milwaukee pledges to uphold its responsibilities to employees who are members of WI-1 DMAT by complying with applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), including releasing employees to report for duty when activated, allowing eligible employees to return to work after deployment, and maintaining usual medical coverage throughout deployment.

Furthermore, the City demonstrates its support through adoption of Common Council Files #100895 and #100894, establishing the authority to grant leaves of absence without pay and continuation of city employee benefits during periods of training or deployment associated with disaster medical assistance absences and continuing member contributions to the employees' retirement system during periods of such absence.

*Disclaimer: The Department of Employee Relations reserves the right to modify this Policy and Guidelines as necessary. Should any provision of this Policy conflict with applicable federal or state laws, the latter will prevail.*

**Employment Status and Requirements**

The WI-1 DMAT is an organized unit of medical, logistical, and administrative personnel who can be deployed to disaster zones to provide medical care for up to two weeks at a time. Members receive specialized training in order to deliver medical services in a front-line, field environment. It is anticipated that WI-1 DMAT will consist of personnel in the following fields: Nurses, Nurse Practitioners, Physician Assistants, Emergency Medical Technicians, Social Workers, Security Specialist, Administrative Specialist, Communication and Information Technology Specialists.

While activated under official NDMS orders, members of WI-1 DMAT are considered federal employees, and are protected by the Uniformed Services Employment and Reemployment Rights Act. When activated under official orders (which includes field deployments and NDMS field training, though not regular team meetings or training), team members receive:

1. Federal hourly wage. The City of Milwaukee is not required to pay hourly wages while their employees are under federal service, and *salaried* employees may not be required to make up missed time in order to collect salary.

2. Professional liability. Coverage during deployment: individuals are agents of the federal government while under official orders and federal tort law applies while activated (except in gross negligence or criminal acts).
3. Long-term disability coverage during deployment: individuals are covered by federal disability plan while activated and disability is provided at federal wage level.

Participation in a DMAT is a federal service commitment. Among other things, DMAT members are expected to undergo a federal employment process, a background investigation, attend team meetings (estimated 2 hours once per month) and training (estimated 8 hours each quarter), attend field training (5 days annually), report for duty within 8 hours for a deployment of 14 days (estimated once a year for any individual).

### **Employer Requirements**

The City of Milwaukee as an employer of WI-1 DMAT members is required to adhere to the provisions of the USERRA; a law intended to ensure that members of an authorized federal uniformed service are not disadvantaged or discriminated against in their civilian careers because of their service. In general, employees must retain same benefits, privileges, and rank as before deployment and must be treated like any other employee (federal service cannot be held against employee).

By law, the City of Milwaukee is required to release WI-1 DMAT employees to report for duty when activated, allow eligible employees to return to work after a deployment, and maintain the employee's usual medical insurance coverage.

While employees are required to inform their employers prior to deployment and to present proof of official orders to their employer, there is no small business or employer hardship exception to federal employment/activation. The City must allow the leave of absence and reinstatement/reemployment upon the employee's return (subject to applicable eligibility criteria).

Standard deployment length is 14 days and the average advance-notice time for NDMS is 24-48 hours (although it can be as short as 4-8 hours). The average individual will deploy once a year (will vary depending on number of critical incidents), plus one 4-day weekend a year for official NDMS training.

### **Notice Requirements**

DMAT members are required to provide proof of their official orders to City Departments in order for USERRA protection to apply. Because service on DMAT can result in an individual missing work with short notice, applicants are encouraged to discuss their possible participation before applying. The notice requirement applies to all categories of training or service. Notice, however, is not required if precluded by NDMS necessity or, if the giving of such notice is otherwise impossible or unreasonable under the circumstances. NDMS members are encouraged to provide their employers with as much advance notice as possible under the applicable circumstances.

### **WI-1 DMAT Leave and Continuation of Benefits**

Common Council File # 100895 establishes that employees participating in the National Disaster Medical System through service on a WI-1 Disaster Medical Assistance Team, shall be granted leaves of absence without pay and continuation of city employee benefits during disaster medical absence or field training. Said leave shall be granted by the head of the department in which the employee works upon presentation of satisfactory evidence of National Medical Disaster System authority to take such leave. NOTE: Although employees may not be forced to use vacation during deployment or field training, they are able to use earned vacation at their discretion.

Continuation of city benefits includes accrual of sick leave and vacation benefits while deployed or while attending field training. Health and Dental benefits will be consistent to those granted to employees on military leave. Applicable annual and ordinal salary increases will be received at the time that they are due to the employee as if they had no time off payroll. Furthermore, Common Council File #100894 establishes that the city, city agency and member contributions to the employees' retirement system shall continue to be made during periods of such absence as though the employee had continued to work the full working time for the employee's position during the time of the absence.

### **Reemployment Provisions**

USERRA reemployment rights apply to voluntary as well as involuntary NDMS service but do not apply to state or local government call ups of the NDMS teams/personnel for disaster relief, riots, etc.

Individuals must meet five conditions to be eligible for reemployment rights under USERRA following NDMS federal active service. The individual:

1. Must hold or have applied for a civilian job.
2. Must have given written or verbal notice to the employer prior to leaving the job for NDMS training or service except when precluded by NDMS necessity.
3. Must not have exceeded the 5-year cumulative limit on periods of active federal service with the same employer.
4. Must not have been terminated for misconduct while serving on a federal status as a NDMS member.
5. Must report back to the civilian job in a timely manner or submit a timely application for reemployment.

For periods of NDMS service of up to 30 consecutive days, the employee must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and safe transportation home, plus an 8-hour period of rest. If reporting back within this deadline is “impossible or unreasonable” through no fault of the employee, he or she must report back as soon as possible after the expiration of the 8-hour period.

### **Proof of Service**

The City of Milwaukee may request proof of performance of NDMS service or duty. USERRA provides that following periods of federal NDMS service of 31 consecutive days or more, the returning employee must, upon the employer’s request, provide documentation that establishes length and character of the service and the timeliness of the application for reemployment. Reemployment may not be delayed, however, if such documentation does not exist or is not readily available.

In general the following documents have been determined to satisfy proof of eligibility for reemployment; discharge papers, leave and earning statements, school completion certificate, endorsed orders, or a letter from a proper NDMS authority.

The City can also contact HHS/NDMS ombudsman about verification of a specific period of NDMS service.

### **Payroll Procedures and Instructions**

An earn code for Time Entry has been created for employees on DMAT leave. This will allow the employee to receive pension credit, insurance coverage, and continue to accrue sick leave and vacation that will be shown on the Time Owed & Allowed Reports.

- Employees taking unpaid leave for all categories of DMAT are required to submit a request for DMAT leave of absence form and a copy of the orders or training supporting documentation to their department’s personnel office. Both the DMAT leave of absence form and supporting documentation should then be forwarded to DER.
- Account code 9900 and earn code DMA must be entered on the employee’s online timecard for the number of days and hours the employee is on unpaid DMAT leave. Note: Employees using earn code DMA will not receive pay for that time. The use of earn code DMA does not pay the employee, but instead will provide required pension, insurance continuation, vacation and sick leave credits. Failure to enter DMA on a timecard may result in overpayments, pension credit issues, accrued time problems and extra work for many departments.
- Payroll Adjustments: If the hours for DMA were incorrectly entered or calculated, an adjustment to earn code DMA will have to be prepared. Please note that DMA will appear on the hours tab and you must assure correct event dates and accurate descriptions are used.
- If a step or annual increment is missed, a dollars adjustment will need to be prepared. This dollars adjustment will not pay the employee, but will update the employee’s pensionable earnings. Please note that earn code XXP appears on the dollars tab and that correct event dates and accurate descriptions are used.