**Administrative Preparedness Legal Guidebook**

**Background and Introduction**

Administrative preparedness, an often-overlooked component of public health preparedness, is the process of ensuring that fiscal, legal, and administrative authorities and practices governing funding, procurement, contracting, and hiring can be modified, accelerated, and streamlined during an emergency to support public health preparedness response and recovery efforts. Though many laws, policies, and procedures impacting administrative preparedness are available in most jurisdictions, only about half of local health department emergency preparedness coordinators are aware of their existence.[[1]](#footnote-1) Additionally, nearly half do not have, or are unsure whether they have, a formal written administrative preparedness plan.[[2]](#footnote-2) A lack of knowledge regarding these available options can cause undue delays in the acquisition of goods and services, hiring or assignment of personnel, disposition of emergency funds, and determination of laws needed to implement health and protective measures, potentially resulting in major consequences for communities facing public health emergencies.

The National Association of County and City Health Officials (NACCHO) developed this legal guidebook to assist public health professionals improve their department’s administrative preparedness capabilities and ensure that its administrative operations support response activities by encouraging collaborative preparatory work among preparedness, legal, human resources, procurement, and other staff.

**How to Use this Guidebook**

While the *Administrative Preparedness Legal Guidebook* is geared towards local health departments, many of its guiding principles can be scaled to assist decision-makers at the state level. This guidebook contains four sets of standalone tools (e.g., decision-aids and visual pathways) that help users incorporate their jurisdiction’s individual laws, policies, and procedures into a formal written administrative preparedness plan:

* Emergency Declaration Toolset: Supports health department decision-making processes for considering, implementing, or reviewing the use of state/local emergency declarations
* Emergency Procurement Toolset: Assists efforts to quickly procure resources during public health emergency response and recovery
* Expedited Staffing Toolset: Provides guidance for determining if/when an agency should expedite hiring, volunteer organization, or reassign personnel
* Mutual Aid Agreement and Memorandum of Understanding Toolset: Outlines steps for requesting aid from collaborating jurisdictions or entities participating in mutual aid agreements or memoranda of understanding

Each toolset may be utilized independently and follows no specific order. Please refer to the instructions below to maximize their value:

* Decision-aids
	+ Begin using each decision-aid with “Question #1”
	+ Please read the question and corresponding answers in their entirety before answering each question
	+ Answer each question using “yes” or “no” responses and closely follow the instructions. Some answers will instruct users to proceed to the following question while others will refer to a different document or suggest alternative courses of action
	+ Consult with legal counsel and other relevant staff (e.g., procurement, human resources, health department administration, etc.) to identify and insert appropriate state and local laws, policies, or procedures into the underlined locations in the decision-aid tools
	+ Use decision-aid in conjunction with its corresponding visual pathway from the same toolset to gain high-level perspective on progression through the described process
* Visual Pathways
	+ Start by reading and answering the first question featured in pathway
	+ Follow the path matching your response to the most recently answered question and continue to follow the pathway until you have answered all the questions
	+ Use visual pathway in conjunction with its corresponding decision-aid from the same toolset to gain additional insight regarding suggested courses of action, state/local law, policies, and procedures

Additional NACCHO resources and other sources are included in this guidebook to help you develop administrative preparedness capabilities.

Always consult with legal counsel for jurisdiction-specific legal advice regarding preparedness or other areas of public health.

Thank you for using the NACCHO Administrative Preparedness Legal Guidebook **[[3]](#footnote-3)**

Expedited Staffing Toolset

During emergency situations, local health departments and other response organizations may find that they need to adjust their staffing levels to keep up with the demands of their communities. Adjustments in staffing for emergency situations are often achieved through mechanisms that are highly structured by law or policy, including the hiring of new or temporary staff, the realignment of existing staff, or the coordination of volunteers. This *Expedited Staffing Decision-aid* may be used to quickly hire and/or temporarily reassign personnel during emergency situations and meet community response needs.

Prior to an event, you should first work with colleagues to identify and contact all key individuals who might be involved with normal and emergency staffing. These individuals may be staffed within your health department, within another governmental agency, or elsewhere. Contacting these individuals will raise awareness of their existing and potential roles during emergency situations. Additionally, connecting with these key individuals can help with the creation and implementation of effective staffing plans. Seek existing written policies/procedures to gain an understanding of their utility to fully prepare for a potential event. Pay close attention to common tools such as mutual aid agreements (MAAs), memorandum of understandings (MOUs), and the Medical Reserve Corps (MRC).

In addition to those who work directly on staffing, identify and work with health department staff, legal counsel, and other individuals who may be able to assist with the completion of the following decision-aid tool and provide assistance during the staffing process.

**Expedited Staffing Decision-aid**

**Question #1:** Determine if your department or agency should expedite staffing and/or temporarily reassign personnel. Does the current situation exceed your department or agency’s ability to respond effectively to maintain the public’s health?

* If yes, proceed to Question #2.
* If no, there may be no need to expedite staffing and/or reassign personnel. Consider the use of staffing tools and volunteer resources. Additionally, consult your human resources department regarding standard hiring procedures. Other staffing options may include activating existing memorandum of understandings (MOUs) and mutual aid agreements (MAAs) with partner organizations.

**Question #2:** Based on the text of *Insert relevant State/Local Citation(s) regarding State/Local staffing and reassignment policies and procedures*, does the current situation meet the standards, laws, and/or internal policies required to activate expedited staffing and/or temporary reassignment?

* If yes, follow the policies to implement expedited staffing and/or temporary reassignment, then proceed to Question #4.
* If no, consider the law as related to emergency declarations *Insert relevant State/Local l Citation(s) regarding State/Local Emergency Declarations policies and procedures*. Can expedited staffing and/or temporary reassignment be implemented during a declared emergency?
	+ If yes, proceed to Question #3.
	+ If no, follow policies related to regular staffing *Insert relevant State/Local Citation(s) regarding State/Local staffing and reassignment policies and procedures*.

**Question #3:** Has an emergency declaration been declared?

* If yes, proceed to Question #4.
* If no, use the *Local Health Department Emergency Declaration Algorithm* to determine if an emergency can and should be declared.
	+ Alternative solutions to expedited staffing and/or temporary reassignment include activating MOUs and MOAs with partner and volunteer organizations such as the Medical Reserve Corps (MRC).
	+ Another alternative solution to expedited staffing and/or temporary reassignment is to active the Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP).
	+ If an emergency declaration results from the *Emergency Declaration Toolset,* proceed to Question #4.

**Question #4:** Who is responsible for implementing expedited staffing and/or temporary reassignment?

* Use *Insert relevant State/Local Citation(s) regarding State/Local staffing and reassignment policies and procedures* to determine who may be responsible for expedited staffing and/or temporary reassignment. Examples include the health director, health officer, secretary of Health and Human Services, and emergency management coordinator.
* After the designated authority has been determined, begin implementing expedited staffing and/or temporary reassignment in collaboration with the identified authority and proceed to Question #5.

**Question #5:** As you begin implementing expedited staffing and/or temporary reassignment, consider the following:

* How could your agency cover liability for expedited staff and volunteers? Refer to *Insert relevant State/Local Legal Citation(s)* to decide.
* How could your agency compensate expedited staff? Refer to *Insert relevant State/Local Legal Citation(s)* to decide. A surge fund or special charge code may exist.
* Does your state allow for the waiver and reciprocity of licenses and privileges during declared emergencies for expedited staff and volunteers? Refer to *Insert relevant State/Local Legal Citation(s)*to decide.
* Who should be involved in expedited hiring? How can the procedures be adjusted depending on the current situation? Refer to *Insert relevant State/Local Legal Citation(s)* to decide.
* Does your state allow for the waiver of standard hiring procedures during declared emergencies? Refer to *Insert relevant State/Local Legal Citation(s)* to decide.
* Does your jurisdiction limit the duration of employment for expedited personnel? Refer to *Insert relevant State/Local Legal Citation(s)* to decide.
* Proceed to Question #6.

**Question #6:** Does the emergency no longer exceed your ability to respond effectively to maintain the public’s health?

* If yes, look to the *Local Health Department Emergency Declaration Algorithm* to renew or continue expedited staffing and/or temporary reassignment.
* If no, look to the *Emergency Declaration Toolset* toend the state of emergency.

**Expedited Staffing Visual Pathway**

No

Expedited staffing and/or reassignment may not need to be implemented. Consider staffing tools and volunteer resources.

Does the situation exceed your ability to protect the public’s health?

Yes

Does the situation meet the standards required to activate expedited staffing and/or temporary reassignment emergency?

No

Can expedited staffing and/or temporary reassignment be implemented during a declared emergency?

Yes

Yes

No

Follow the policies to implement expedited staffing and/or temporary reassignment.

Follow policies related to regular staffing.

Has an emergency declaration been declared?

Yes

No

Use *Emergency Declaration Toolset* to determine if an emergency can and should be declared.

Determine who is responsible for implementing expedited staffing and/or temporary reassignment.

If declared 

If not declared 

If an emergency cannot be declared, use alternative solutions such as MOUs, MAAs, and volunteer organizations.

If an emergency declaration results from the *Emergency Declaration Toolset,* begin staffing and or and/or temporary reassignment.

Begin implementing expedited staffing and/or temporary reassignment.

Consider the following **internal policies**:

1.Who **else** should be involved?

2.**How** should internal procedures be adjusted?

3. **Can** standard hiring procedures be waived?

4.Does your jurisdiction **limit** the duration of employment for expedited personnel?

Consider the following for **volunteers and staff**: liability coverage, compensation, waiver and reciprocity of licenses, standard hiring waivers,

No

Look towards the Emergency Declaration Toolset to end state of emergency.

Is there is a continued need for expedited staffing and/or temporary reassignment.

Yes

Look towards the Emergency Declaration Toolset to renew or continue expedited staffing and/or temporary reassignment.

**Disclaimer**
Do not solely rely on this document during an emergency. Please work with your counsel when completing and using this tool.

1. NACCHO 2015 Preparedness Profile Assessment [↑](#footnote-ref-1)
2. NACCHO 2016 Preparedness Profile Assessment [↑](#footnote-ref-2)
3. This guidebook was made possible through the support of the Centers for Disease Control and Prevention (CDC), cooperative agreement #5U38OT000172-05-00. NACCHO is grateful for this support. The views expressed within do not necessarily represent the official views of the CDC. [↑](#footnote-ref-3)