GENERAL GOVERNMENT CABINET

Department of Military Affairs

Division of Emergency Management

(New Administrative Regulation)

106 KAR 1:211. Local emergency management training.

RELATES TO: KRS 39A.050(2)(l), 39B.020(3)(d), 39C.050(1), (2)

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39C.050(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(l) requires the
Division of Emergency Management to institute emergency management training
programs. KRS 39C.050(1), (2) require local emergency management agency personnel
to complete required training. This administrative regulation establishes training
requirements for a local director and other local emergency management agency
personnel.

Section 1. Definitions.

(1) "Emergency Management Development Program" means the training
curriculum established in Section 2(2) and (3) of this administrative regulation.

(2) "Emergency management training" means a seminar, workshop, course,
class, or instruction conducted, sponsored, specified, offered through, or approved by
the Division of Emergency Management.

(3) "Federal fiscal year" means a period beginning October 1 of a calendar year and
ending September 30 of the following calendar year.

(4) "Local staff member" means a deputy director, paid or volunteer, or a person
appointed to a local emergency management agency pursuant to KRS 39B.070(3), and
specified in KRS 39C.050(2).

(5) "Successfully complete" means to attend or participate in emergency
management training and to acquire and submit a copy of instructor-provided training
completion certificate or record to the Division of Emergency Management.

Section 2. Local Director Training Requirement.

(1) Within thirty (30) calendar days of appointment pursuant to KRS 39B.020(1), a
local director shall successfully complete an orientation conducted by the Division of
Emergency Management covering Kentucky's emergency management system and
programs administered by local directors in Kentucky.

(2) Within the first full federal fiscal year following appointment pursuant to KRS
39B.020(1), a local director shall successfully complete the following:

(a) A course covering incident command and incident management system basic
concepts;

(b) A course covering mitigation benefits, methods, resources, and planning;

(c) A course of at least four (4) hours covering emergency operations center basic
concepts;

(d) A course conducted by the Division of Emergency Management covering rapid
assessment of disaster scenes and proper damage and reporting procedure; and

(e) A course of at least eight (8) hours covering hazardous materials and “first
responder awareness level” emergency response competencies as defined by the U.S.
Occupational Safety and Health Administration, to include instruction on employer and
community operating procedures.

(3) By the second full federal fiscal year following appointment, a local director
shall begin study to successfully complete the following:

(a) A course conducted or approved by the Division of Emergency Management
covering principles in the integrated emergency management system, including
interagency teams, coordination methods, and emergency or disaster case studies;
(b) A course conducted by the Division of Emergency Management covering
development of a local emergency operation plan consistent with the Kentucky
Emergency Operations Plan;
(c) A course of at least twenty-four (24) hours covering exercise assessment,
design, delivery, and evaluation skills, including a practical application component;
(d) A course of at least two (2) hours covering local emergency management
planning committee member duties and Kentucky’s system for implementation of the
federal Emergency Planning and the Community Right to Know Act (EPCRA);
(e) A course of at least twelve (12) hours covering hazardous materials and “first
responder operations level” emergency response competencies as defined by the U.S.
Occupational Safety and Health Administration, to include instruction on Commonwealth
of Kentucky hazardous materials response plan;
(f) A course of at least eight (8) hours approved or offered by the Division of
Emergency Management covering the eight (8) component elements of an incident
command system and incident management system, to include practical application;
(g) A module offered by the Division of Emergency Management covering the
incident command system and incident management system competencies for on-the-
scene incident commander level as defined by the U.S. Occupational Safety and Health
Administration for hazardous materials response; and
(h) A course of at least four (4) hours covering requirements and procedures for
obtaining and implementing state and federal disaster assistance programs.
(4) A local director shall complete:
(a) At least two (2) of the courses specified in subsection (3) of this section in each
consecutive federal fiscal year until all courses are completed;
(b) All courses of the Emergency Management Development Program within the first five (5) full federal fiscal years following appointment pursuant to KRS 39B.020(1);

(c) Emergency management training conducted annually at the in each federal fiscal year at the Governor’s Emergency Management Workshop; and

(d) At least thirty-two (32) hours of emergency management training in each federal fiscal year following appointment or reappointment pursuant to KRS 39B.020(1) or (3).

(5) In meeting the annual training requirement established in subsection (4)(d) of this section, a local director shall receive credit for:

(a) Emergency management training completed in compliance with subsections (2) and (3) of this section;

(b) No more than four (4) hours per emergency management training completed on-line or through a correspondence course, not to exceed twelve (12) hours annually;

(c) No more than four (4) hours per Division of Emergency Management-sponsored emergency management training completed on-line or through a correspondence course, not to exceed eight (8) hours annually; and

(d) The training required by subsection (4)(e) of this section.

Section 3. Local Staff Member Training Requirement.

(1) In each full federal fiscal year following appointment, a deputy director shall successfully complete at least sixteen (16) hours of training selected from:

(a) Emergency management training listed in subsection (2) of this section;

(b) No more than four (4) hours per emergency management training completed on-line or through a correspondence course, not to exceed a total of eight hours; and

(c) No more than four (4) hours per Division of Emergency Management-sponsored emergency management training course a deputy director instructs, not to exceed a total of eight (8) hours.
(2) Except as provided in subsection (1) of this section, a local staff member shall successfully complete at least twelve (12) hours of emergency management or administrative training in each full federal fiscal year following appointment.

Section 4. Request for Training Credit.

(1) In meeting the annual emergency management training requirement specified in Section 2(4)(d) or 3 of this administrative regulation, a local director or local staff member may request credit for training not conducted or sponsored by the Division of Emergency Management.

(2) To request credit for training not conducted or sponsored by the Division of Emergency Management, a local director or local staff member shall submit a completed KYEM Form 300, “Request for Training Credit,” to an area manager for transmittal to the Director of the Division of Emergency Management for each training course or instructional offering for which credit is requested.

(3) A local director or local staff member may receive credit for emergency management training under this section if:

(a) A completed KYEM Form 300, “Request for Training Credit,” is approved in writing by the Director of the Division of Emergency Management; and

(b) The training approved for credit is successfully completed.

Section 5. Training Documentation. A local director or local staff member shall submit documentation of all successfully completed emergency management training to an area manager within thirty (30) calendar days following completion of training.

Section 6. Incorporation by Reference.

(1) KYEM Form 300, “Request for Training Credit” is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Emergency Management, Emergency Operations Center, 100 Minuteman Parkway, Frankfort, Kentucky 40601-6168, Monday through
Friday, 8 a.m. to 4:30 p.m.
This is to certify that The Adjutant General (TAG) has reviewed and approved this administrative regulation prior to its adoption, as required by KRS 39A.070(3).

Haldane B. Lambert
Major General, KYNG
The Adjutant General

Date

Jeremy C. Slinker
Director
Division of Emergency Management
Kentucky Department of Military Affairs

Date

Charles T. Jones
Brigadier General US Army (Ret)
Executive Director
Office of Management & Administration
Kentucky Department of Military Affairs

Date
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, August 24, 2022, at 10:15 a.m. Eastern time at 100 Minuteman Parkway, Bldg. 100, Room 202 (EOC 2nd Floor Conference Room) Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Corey Ann Howard Jackson, Legislative Liaison and Policy Specialist, Department of Military Affairs, 100 Minuteman Parkway, Frankfort, KY 40601, phone (502) 330-3323, fax (502) 607-1240, email corey.a.jackson23.nfg@army.mil.
106 KAR 1:211 Local emergency management training.
Contact Person: Corey Ann Howard Jackson
Phone: (502) 330-3323
Email: corey.a.jackson23.nfg@army.mil

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes training requirements for a local director and other local emergency management agency personnel.

(b) The necessity of this administrative regulation: The Division of Emergency Management is required to provide training. This administrative regulation defines training and sets out the training requirements for a local director and other local emergency management agency personnel. Training is one of the requirements of a local emergency management agency to receive state and federal emergency management funding and this regulation sets out standards for compliance.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 39A.050 authorizes the Division of Emergency Management to coordinate the development, implementation and maintenance of comprehensive emergency management programs by local emergency management agencies in a city, county, charter county or urban-county government. KRS 39A.050(2)(m) and 39A. 070(3) allow the Division of Emergency Management to promulgate administrative regulations to carry out the provisions of KRS Chapter 39 A to 39F.KRS 39A.050(2)(l) requires the Division of Emergency Management to institute emergency management training programs. KRS 39C.050(1), (2) require local emergency management agency personnel to complete required training. This administrative regulation establishes training requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation defines training and sets out the training requirements for a local director and other local emergency management agency personnel.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect the Department of Military Affairs, Division of Emergency Management and city, county, urban-county or charter county government emergency management agencies that request emergency management funding.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either
the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Local emergency management agency personnel will have to complete the required training and submit the application for training credit as required by 106 KAR 1:210.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to these entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Training is required for funding which decreases the local entities’ obligations and expenses while allowing an increase in their ability to plan, train, operate, mitigate, and respond to local disasters.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: N/A

(b) On a continuing basis: N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State and federal funding including grants and cooperative agreements. These include: the Chemical Stockpile Emergency Preparedness Program Fund established in 50 USC 1521; The Federal Disaster and Emergency Assistance Fund granted to the division by the Federal Emergency Management Agency (FEMA), under 42 USC 5170(c), 5172, and 5173; The Federal Emergency Management Assistance Fund granted to the division by FEMA, under 42 USC 5196 and the Supplementary State Fund established in KRS 39C.010 and 39C.020.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: N/A.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or relate to fees.

(9) TIERING: Is tiering applied? Tiering was not used. The regulation will not reduce or modify substantive regulatory requirements, eliminate some requirements entirely, simplify and reduce reporting and recordkeeping requirements, reduce the frequency of inspections, provide exemptions from inspections and other compliance activities, or delay compliance timetables.
FISCAL NOTE

106 KAR 1:211. Local emergency management training.
Contact Person: Corey Ann Howard Jackson
Phone: (502) 330-3323
Email: corey.a.jackson23.mfg@army.mil

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Cities, Counties, urban-counties, or charter county governments

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 39A.050(2)(m), 39A.070(3), 39C.050(1), 39C:050(2)

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
   (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue will be generated.
   (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue will be generated.
   (c) How much will it cost to administer this program for the first year? No additional cost will be incurred.
   (d) How much will it cost to administer this program for subsequent years? No additional cost will be incurred.
   Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
   Revenues (+/-): No additional revenue will be generated by the regulations.
   Expenditures (+/-): No additional expenditures will be incurred.
   Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.
   (a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? No additional cost savings.
   (b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? No additional cost savings.
   (c) How much will it cost the regulated entities for the first year? No additional cost will be incurred
   (d) How much will it cost the regulated entities for subsequent years? No additional cost will be incurred.
Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
Cost Savings (+/-): No additional cost savings will be realized.
Expenditures (+/-): No additional costs will be incurred
Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars ($500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]
The administrative regulation will have no economic impact.
SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The "Request for Training Credit," KYEM Form 300, is a form to request credit for training not conducted or sponsored by the Division of Emergency Management. KRS 39A.050(2)(l) requires the Division of Emergency Management to institute emergency management training programs. KRS 39C.050(1), (2) require local emergency management agency personnel to complete required training. 106 KAR 1:211 establishes the required training and this form allows for the application for training credit when it is not conducted or sponsored by the Division of Emergency Management.
REQUEST FOR TRAINING CREDIT
KYEM Form 300

Name and E-Mail of Person Requesting Credit: ____________________________
Agency: ____________________________ Position: ____________________________

Title of Training Program: ____________________________
Provider of Training: ____________________________

Date of Training: ________________ Length of Training: ________________

Please provide a copy of the training announcement, syllabus, and certificate of completion for the course.

Explain how this training will assist you in carrying out your local Emergency Management responsibilities.

KYEM Staff Comments Only:

Signature of Applicant: ____________________________ Date: ____________________________

☐ Approve Signature of KYEM ________________ Date: ____________________________
☐ Disapprove Area Manager: ____________________________ Date: ____________________________

☐ Approve Signature of KYEM ________________ Date: ____________________________
☐ Disapprove Director/Assistant Director: ____________________________ Date: ____________________________