

ALABAMA EMERGENCY MANAGEMENT AGENCY
ADMINISTRATIVE CODECHAPTER 320-0-1
GENERAL

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320-0-1-.01 Establishment Of Department.

The Alabama Emergency Management Agency (AEMA), formerly the Department of Civil Defense, was established by Section 4, Alabama Law 1955, Act No. 47, to administer the emergency management program for the State of Alabama. The act was amended in 1978, Acts 1978, No. 852, to provide for the making of grants to political subdivisions of the state; and on July 25, 1983, the act was amended to rename the Department of Civil Defense, formerly known as the "civil defense agency," as the "emergency management agency."

Author:

Statutory Authority: Code of Ala. 1975, §§ 31-9-1, et seq.

History: Filed June 13, 1990

320-0-1-.02 Purpose.

The Alabama Emergency Management Agency (AEMA) administers the policies and procedures set forth herein which are applicable to and mandatory for compliance by AEMA and applicable political subdivisions. The agency adopts by reference the Alabama Emergency Management Agency Administrative Manual, dated October 1, 1985, and revised December 15, 1988.

Author:

Statutory Authority: Code of Ala. 1975, §§ 31-9-1, et seq.

History: Filed June 13, 1990.

320-0-1-.03 Legal Basis.

The legal basis for the Emergency Management Program in Alabama is Alabama Emergency Management Act of 1955 (Public Law 31-9), Act 47, June 13, 1955); Executive Order No. 14, June 14, 1971; Executive Order No. 27, March 3, 1966; and Executive Order No. 40, July 23, 1985.

(a) Executive Order No. 27. This executive order provides for the "Creation of the State Office of Emergency Planning," March 3, 1966, and was adopted by reference by the Alabama Emergency Management Agency.

(b) Executive Order No. 14-71. This executive order provides for "Assignment of Emergency Preparedness Functions to State Departments and Agencies," June 14, 1971, and was adopted by reference by the Alabama Emergency Management Agency.

(c) Executive Orders 27 and 14 authorize the Governor to use the services, equipment, supplies and facilities of existing departments, offices and agencies of the state for emergency management purposes. Section 4 of Executive Order 14 authorizes the transfer of direction, personnel or functions of state agencies, boards, commissions for the purpose of performing or facilitating disaster or emergency services in the event of an impending or actual attack or manmade, technological or natural disaster.

(d) Executive Order No. 40. In the event of an incident/accident involving a leak, spill, release of hazardous material, or threat of same, the Alabama Emergency Management Agency shall act as the coordinating agency for the state. The agency shall develop, in cooperation with other departments and agencies of state government, the necessary plans, rules and procedures for responding to these incidents/accidents. The AEMA will be responsible for ensuring that these plans, rules and procedures are implemented and carried out in the State of Alabama. This executive order further requests that departments and agencies of state government who have response capability cooperate with the Alabama Emergency Management Agency, the Department of Public Safety and the Department of Environmental Management in the establishment of a coordinated and unified system that will assure the citizens of Alabama have the best protection available from hazardous materials, spills, leaks, and releases, July 23, 1985. This executive order was adopted by the Alabama Emergency Management Agency.

(e) Executive Order No. 4. This executive order authorizes implementation of the Federal Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499), issued March

6, 1987, and was adopted by the Alabama Emergency Management Agency.

(f) Section 10, Alabama Law, 1955 Act No. 47, authorizes and directs local governments to establish organizations for emergency management. Emergency management organizations are required in each county, either individually or jointly. Each local organization must be established by the governing body by appropriate ordinance and/or resolution. The ordinance or resolution must provide for the organization, powers, and duties, divisions, services and staff of the emergency management organization. Functional statements and organizational charts must be maintained in current status and charts displayed in the EMA office. Initially, local EMAs will submit with their annual budget a functional statement and an organizational chart. Subsequent submission of the chart and statement is required only when a change/revision is published. A Federal Emergency Management Agency (FEMA) Form 85-17, Staffing Pattern for each participating political jurisdiction, is a required part of the state's annual Comprehensive Cooperative Agreement. Thus, the current annual state submission reflects local agencies meeting eligibility criteria to receive EMA funds.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 31-9-1, et seq.**History:** Filed June 13, 1990.**320-0-1-.04 Civil Rights Act.**

Title VI of the Civil Rights Act of 1964 provides for nondiscrimination in programs or activities receiving federal financial assistance and was adopted by reference by the Alabama Emergency Management Agency. It extends to all federal departments and agencies empowered to extend financial assistance to any program or activity by way of grant, loan or contract. Title VIII of the Civil Rights Act of 1968 (Amended by Community Development Act of 1974) broadens the Civil Rights Act of 1964 to include prohibition against discrimination based on sex. Both acts were adopted by reference by the Alabama Emergency Management Agency.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 31-9-1, et seq.**History:** Filed June 13, 1990.**320-0-1-.05 Equal Employment Opportunity Affirmative Action.**

As an agency of the State of Alabama, the Alabama Emergency Management Agency is an equal opportunity employer. In its efforts to assure compliance with the Civil Rights Act of 1964 and to reaffirm its continual commitment to a program of equal employment

opportunity through merit employment policies, the agency adopts an Equal Employment Opportunity Affirmative Action Plan.

Author:

Statutory Authority: Code of Ala. 1975, §§ 31-9-1, et seq.

History: Filed June 13, 1990.

320-0-1-.06 Rehabilitation Act.

Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified handicapped individual shall solely by reason of his/her handicap be excluded from the participation in, be denied benefits of, or be discriminated against under any program or activity receiving federal financial assistance. This act was adopted by reference by the Alabama Emergency Management Agency.

Author:

Statutory Authority: Code of Ala. 1975, §§ 31-9-1, et seq.

History: Filed June 13, 1990.

320-0-1-.07 Age Discrimination Act.

The Age Discrimination Act of 1975, as amended, provides that no persons in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This act was adopted by reference by the Alabama Emergency Management Agency.

Author:

Statutory Authority: Code of Ala. 1975, §§ 31-9-1, et seq.

History: Filed June 13, 1990.

320-0-1-.08 Appeals.

Local governments may submit an appeal to the state director for reconsideration of any determinations the director has made relating to that local government. The written request shall be made within 60 days of the date of the director's action that is being appealed and shall include such additional information and appropriate justification.

(a) Upon receipt of an appeal, the director shall review the material submitted and make such additional investigation as deemed appropriate. Such investigations shall include established appeals to the State Personnel Board, the State Board of Adjustments, the Federal Emergency Management Agency, and other agencies as authorized in state and federal statutes and rules and regulations. Following the review and

investigation, the director shall notify the local government, in writing, of the decision to grant or deny the appeal. If the decision is to grant the appeal, the director shall take such additional action as is necessary to implement the decision.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 31-9-1, et seq.**History:** Filed June 13, 1990.**320-0-1-.09 Forms.**

The Alabama Emergency Management Agency Administrative Manual contains a copy of all forms used by local emergency management organizations and these forms are adopted as referenced therein.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 31-9-1, et seq.**History:** Filed June 13, 1990.**320-0-1-.10 Adoption By Reference.**

Any federal or state law or regulation hereafter cited within any rule of any division of this agency as a referral basis for that rule shall be considered to be an adoption of that law or regulation by this agency. Copies of each such law or regulation thus cited as a referral basis for a rule shall be properly filed with the Legislative Reference Service and with the secretary of the agency in accordance with the Alabama Administrative Procedure Act.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 31-9-1, et seq.**History:** Filed June 13, 1990.**320-0-1-.11 Obtaining Copies Of Rules.**

A copy of any rule adopted by reference and found within the Code of Administrative Procedure of the Alabama Emergency Management Agency may be obtained from the office of the Secretary of the Alabama Emergency Management Agency upon written request and a fee of 25 cents per page.

Author:**Statutory Authority:** Code of Ala. 1975, §§ 31-9-1, et seq.**History:** Filed June 13, 1990.