

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

S

2

SENATE BILL 940  
Second Edition Engrossed 4/22/03

Short Title: Disaster Leave/Vol. Emergency Personnel. (Public)

Sponsors: Senator Kerr.

Referred to: State Government, Local Government, and Veterans' Affairs.

April 3, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE JOB PROTECTION FOR VOLUNTEER FIREFIGHTERS,  
3 RESCUE SQUAD WORKERS, AND EMERGENCY MEDICAL SERVICES  
4 PERSONNEL CALLED INTO THE SERVICE OF THE STATE IN RESPONSE  
5 TO A PROCLAMATION OF A STATE OF DISASTER BY THE GOVERNOR  
6 OR THE GENERAL ASSEMBLY, OR IN RESPONSE TO AN EMERGENCY  
7 SITUATION RESULTING IN THE ACTIVATION OF THE STATE  
8 EMERGENCY RESPONSE TEAM.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** Article 1 of Chapter 166A of the General Statutes is amended  
11 by adding a new section to read:

12 **"§ 166A-17. Leave options for voluntary firefighters, rescue squad workers, and**  
13 **emergency medical service personnel called into service.**

14 (a) A member of a volunteer fire department, rescue squad, or emergency  
15 medical services agency called into service of the State after a proclamation of a state of  
16 disaster by the Governor or by the General Assembly, or upon the activation of the State  
17 Emergency Response Team in response to a disaster or emergency, shall have the right  
18 to take leave without pay from his or her civilian employment. No member of a  
19 volunteer fire department, rescue squad, or emergency medical services agency shall be  
20 forced to use or exhaust his or her vacation or other accrued leave from his or her  
21 civilian employment for a period of active service. The choice of leave shall be solely  
22 within the discretion of the member.

23 (b) For the volunteer member to be entitled to take leave without pay pursuant to  
24 this section, his or her services shall be requested in writing by the Director of the  
25 Division of Emergency Management or by the head of a local Emergency Management  
26 Agency. The request shall be directed to the Chief of the member's volunteer fire  
27 department, rescue squad, or emergency medical services agency and a copy shall be  
28 provided to the member's employer. This section shall not apply to those members  
29 whose services have been certified by their employer to the Director of the Division of

1 Emergency Management, or to the head of a local Emergency Management Agency, as  
2 essential to the employer's own on-going emergency or disaster relief activities.

3 (c) For purposes of this section, a disaster or emergency requiring the activation  
4 of the State Emergency Response Team means a disaster or emergency at Activation  
5 Level 2 or greater according to the North Carolina State Emergency Operations Plan of  
6 November 2002. Activation Level 2 requires the State Emergency Operations Center to  
7 be fully activated with 24-hour staffing from all State Emergency Response Team  
8 members.

9 (d) The Commissioner of Labor shall enforce the provisions of this section  
10 pursuant to Chapter 95 of the General Statutes."

11 **SECTION 2.** This act is effective when it becomes law and applies to any  
12 volunteer firefighter, rescue squad worker, or emergency medical services personnel  
13 called into service of the State after the proclamation of a state of disaster or the  
14 activation of the State Emergency Response Team occurring on or after that date.