

TITLE 19. PUBLIC SAFETY
DIVISION 2. CALIFORNIA EMERGENCY MANAGEMENT AGENCY
CHAPTER 2. EMERGENCIES AND MAJOR DISASTERS
SUBCHAPTER 3. DISASTER SERVICE WORKER VOLUNTEER PROGRAM

§ 2570. Short Title.

This subchapter shall be known and may be cited as the Disaster Service Worker Volunteer Program (DSWVP) Regulations.

§ 2570.1. Purpose.

The Legislature has long provided a state-funded program of workers' compensation benefits for disaster service worker volunteers who contribute their services to protect the health and safety and preserve the lives and property of the people of the state. This Program was established to protect such volunteers from financial loss as a result of injuries sustained while engaged in disaster service activities and to provide immunity from liability for such disaster service worker volunteers while providing disaster service, including official out-of-state deployments to jurisdictions requesting mutual aid assistance. Out-of-state training conducted in a manner geographically and functionally specific to cross-border emergency response may also be considered a covered activity.

NOTE

Authority cited: Sections 8567 and 8585.5 Government Code.
Reference: Section 8657, Government code, Sections 3211.9 through 3211.93a, Labor Code., Section 1714.5 Civil Code.

§ 2570.2. Definitions.**(a) Disaster Service Worker Volunteer**

(1) A disaster service worker volunteer is any person registered with an accredited disaster council or the California Emergency Management Agency, or a state agency granted authority to register disaster service worker volunteers, for the purpose of engaging in disaster service pursuant to the California Emergency Services Act without pay or other consideration.

(2) Disaster service worker volunteer includes public employees, performing disaster work outside their regular employment without pay, and also includes any unregistered person impressed into service during a state of war emergency, a state of emergency, or a local emergency by a person having authority to command the aid of citizens in the execution of his or her duties.

(3) Exclusion: Disaster service worker volunteer does not include any member registered as an active fire fighting member of any regularly organized volunteer fire department, having official recognition, and full or

partial support of the county, city, town or district in which such fire department is located.

(b) Disaster Service.

(1) Disaster service means all activities authorized by and carried on pursuant to the California Emergency Services Act while assisting any unit of the emergency organization during a proclaimed emergency or during a Search and Rescue mission, including approved, documented and supervised:

- activities performed to mitigate an imminent threat of extreme peril to life, property and resources, and
- training necessary to engage in such activities.

Such activities are under the general direction of the accredited disaster council (or designated agency or authority) including how supervision will be performed (i.e. onsite, offsite) and who will act in a supervisory capacity, (i.e. paid staff, volunteers). It is the responsibility of the accredited disaster council (or designated agency or authority) that only persons with appropriate supervisory skills, as determined by the accredited disaster council (or designated agency or authority), act in a supervisory capacity.

(2) Exclusions. Disaster service does not include any activities or functions performed by a person if the accredited disaster council with which the person is registered receives a fee or other compensation for the performance of that person's activities or functions.

(c) Training. For purposes of these regulations, training is a pre-authorized activity, sponsored by an accredited disaster council (or designated agency or authority) and may include classroom instruction, disaster drills or exercises, or related activities designed to enhance the disaster response skills (including safety) of the disaster service worker volunteer. Out-of-state training conducted in a manner geographically and functionally specific to cross-border emergency response may also be considered a covered activity.

(d) Disaster Council. A disaster council is a public agency established by ordinance which is empowered to register and direct the activities of disaster service

worker volunteers within the area of the county, city, city and county, or any part thereof. In this respect, the disaster council is acting as an instrument of the state in aid of carrying out general state government functions and policy with regard to disaster services.

(e) Accredited Disaster Council. A disaster council may become accredited through certification by the California Emergency Management Agency when the disaster council agrees to follow and comply with the rules and regulations established by the California Emergency Management Agency pursuant to the provisions of the Emergency Services Act. Upon certification, and not before, the disaster council becomes an accredited disaster council. A disaster council remains accredited only while the certification of the California Emergency Management Agency is in effect and is not revoked.

(f) Auxiliary Fire Fighter. An auxiliary fire fighter is a person recruited, registered and trained as a supplement or reserve for unusual fire emergencies or disaster situations. Workers' compensation benefits for uncompensated auxiliary fire fighters may be provided by the state. An auxiliary fire fighter is not a "volunteer fire fighter," who is a person recruited and trained to meet the day-to-day operational requirements of a fire department. Workers' compensation insurance premiums for the volunteer fire fighter are the responsibility of the local government or fire entity.

(g) Public Employee. All persons employed by the state or any county, city, city and county, state agency or public district, excluding aliens legally employed, are considered to be public employees.

(h) Convergent Volunteers. Convergent volunteers are individuals who come forward to offer disaster response and recovery volunteer services during a disaster event. Convergent volunteers are not persons impressed into service at the scene of an incident.

NOTE

Authority cited: Sections 8567, 8585.5, and 8585.7, Government Code. Reference: Sections 3100, 8610 and 8612, Government Code; and Sections 3211.9, 3211.91, 3211.92, 3211.93, 3211.93a, and 3600.6 Labor Code.

§ 2571. Accredited Disaster Council.

(a) Disaster councils shall be accredited in accordance with Sections 8585.7 or 8612, Government Code.

(b) When applying for accreditation, disaster councils shall furnish the California Emergency Management

Agency with a certified copy of the ordinance which has provided for the following:

- (1) a disaster council;
- (2) a Chairperson or director of the disaster council;
- (3) an Emergency organization; and,
- (4) compliance with the Emergency Services Act.

NOTE

Authority cited: Sections 8567 and 8585.5, Government Code.
Reference: Section 8612, Government Code.

§ 2572.1. Classifications and General Duties.

The various classifications of disaster service worker volunteers and the general duties of the members of each classification shall be limited to those described below. It is the responsibility of the accredited disaster council (or designated agency or authority) to determine the appropriate level of background check, if any, for each classification.

(a) Animal Rescue, Care and Shelter. Veterinarians, veterinary support staff and animal handlers/specialists providing skills in the rescue, clinical treatment, euthanasia, disposal and transportation of all animals, including but not limited to companion animals, livestock, avian, fish, equine, exhibition animals, zoo animals, laboratory and research animals, and wildlife; assisting in the procurement of shelters, equipment, and supplies; documenting arrival, sheltering, treatment, and discharge or placement of animals.

(b) Communications. Install, operate and maintain various communications systems and perform related service, to assist officials and individuals in the protection of life and property.

(c) Community Emergency Response Team Member. Under the direction of emergency personnel or a designated team leader, assist emergency units within their block, neighborhood, or other area assignment; survey area conditions; disseminate information; secure data desirable for emergency preparedness planning; report incidents; and generally assist officials and individuals in the protection of life and property.

(d) Emergency Operations Center/Incident Command. Under the direction and supervision of the EOC/IC assist at the city, county, region, State, or departmental level of government in the coordination of overall response and support to an incident including performing in one or more of the Standardized Emergency Management System functions.

(e) Human Services. Assist in providing food, clothing, bedding, shelter, and rehabilitation aid; register evacuees to promote reuniting families and to support the needs of special populations; compile authoritative lists of deceased and missing persons; and other phases of emergency human services, such as maintaining morale and administering to the mental health, religious or spiritual needs of persons suffering from the effects of the disaster.

(f) Fire. As auxiliary fire fighters or auxiliary wildland fire fighters, assist regular fire fighting forces or fire protection agencies to fight fire, rescue persons, and save property; control forest or wildland fires or fire hazards; instruct residents in fire prevention and property defense methods, methods of detecting fire, and precautions to be observed in reducing fire hazards.

(1) For purposes of these regulations only, the ratios between auxiliary fire fighters, volunteer fire fighters, and paid fire fighters shall be one auxiliary for one volunteer and three volunteers for one paid fire fighter. The basis for applying these ratios is that the staffing of an engine company, truck company, or a squad shall not exceed six paid fire fighters, and a salvage and rescue company shall not exceed two paid fire fighters. A fire department that has no volunteer fire fighters is limited to three auxiliary fire fighters for each paid fire fighter in the companies and squads, staffed as above. These staffing standards are based on the number of first line (not reserve) apparatus operated by the fire department.

(2) When auxiliary fire fighters are registered with other than an established fire service organization; for example, auxiliary fire fighters in a county or city emergency management services organization, a total number of eligible auxiliary fire fighters shall be computed for that city or unincorporated area. The emergency management services organization is entitled to register auxiliary fire fighters not otherwise registered with other established fire service organizations, and to a number not to exceed the allowable total as indicated in Section 2572.1 (f) (1), above.

(g) Laborer. Under the direction and supervision of the responding agency, performs general labor services and supports emergency operations.

(h) Law Enforcement. As Auxiliaries, assist law enforcement officers and agencies to protect life and property; maintain law and order; perform traffic

control duties; guard buildings, bridges, factories, and other facilities; isolate and report unexploded ordnance.

(i) Logistics. Under the direction of the emergency organization, assist in procurement, warehousing, and release of supplies, equipment materials, or other resources. Assist in mobilization and utilization of public and private transportation resources required for the movement of persons, materials, and equipment.

(j) Medical and Environmental Health. Staff casualty stations, establish and operate medical and public health field units; assist in hospitals, out-patient clinics, and other medical and public health installations; maintain or restore environmental sanitation; assist in preserving the safety of food, milk, and water and preventing the spread of disease; perform laboratory analysis to detect the presence and minimize the effects of nuclear, chemical, biological, radiological or other hazardous agents.

(k) Safety Assessment Program Evaluator. Survey, evaluate and assess damaged facilities for continued occupancy or use; assist in safety evaluations of facilities for utilities, transportation, and other vital community services; and provide recommendations regarding shoring or stabilization of damaged or unsafe buildings or structures.

(l) Search and Rescue. Under the direction of the appropriate authority, perform search and rescue operations in one or more of several areas including, but not limited to: search and rescue; SAR conducted evidence searches; urban search and rescue; or mine and confined space rescue.

(m) Utilities. Assist utility personnel in the repair and restoration of public utilities damaged by disaster.

NOTE

Authority cited: Sections 8587 and 8585.5, Government Code.
Reference: Section 8585.5, Government Code.

§ 2572.2. Scope Of Disaster Service Duties.

Each disaster service worker volunteer in any classification shall, without regard to a formal designation or assignment, be considered to be acting within the scope of disaster service duties while assisting any unit of the emergency organization during a proclaimed emergency or during a SAR mission, or performing activities to mitigate an imminent threat of extreme peril to life, property and resources either:

(a) under the authorization and supervision of a duly constituted superior in the emergency organization; or,

(b) under the supervision and direction of the American Red Cross while carrying out its programs in consonance with state and local statements of understanding, or in carrying out a mission assigned to that agency by a responsible state or local authority.

NOTE

Authority: Sections 8567 and 8585.5, Government Code.
Reference: Section 8585.5, Government Code.

§ 2573.1 Registration and Training.

(a) Registration. A person shall be deemed to be registered if the following information is on file with the California Emergency Management Agency or with the appropriate authority as indicated in Section 2573.2:

- (1) name of registrant;
- (2) address of registrant;
- (3) date enrolled (established as the date the loyalty oath is administered);
- (4) name of registering government agency or jurisdiction with signature and title of authorized person;
- (5) classification of disaster service to which the volunteer is assigned; and
- (6) a signed statement that the loyalty oath or affirmation was taken or subscribed before an officer authorized to administer oaths.

(b) Training.

(1) Accredited disaster councils may require each person registered as a disaster service worker volunteer to satisfactorily complete a course of training or instruction, including periodic refresher training. If warranted by the classification, disaster councils may require documented proof of professional certification or licensing.

(2) The accredited disaster council (or designated agency or authority) shall ensure disaster training is approved, documented and supervised, and shall ensure disaster training is commensurate with the duties of the disaster service worker volunteer.

(3) Exclusions: Unless the volunteer is directly providing disaster services, activities that are not covered include, but are not limited to, parades, public exhibitions, physical fitness training, out-of-state training not conducted in a manner geographically and

functionally specific to cross-border emergency response or other training activities not related to disaster service.

NOTE Authority cited: Sections 8567 and 8585.5 Government Code.
Reference: Section 8585.5 Government Code.

§ 2573.2 File Retention and Recordkeeping.

(a) Documented proof of the oath or affirmation of any disaster service worker volunteer is an integral part of an injury claim for workers' compensation. File retention should follow the same rules as other public personnel records. The oath or affirmation shall be filed as follows:

(1) State. File as prescribed by the State Department of Personnel Administration within 30 days of the date it was taken or subscribed.

(2) County. File in the office of the county clerk or in the official department personnel file of the county employee who is designated as a disaster service worker.

(3) City. File in the office of the city clerk.

(4) Other Public Agencies or Districts. File with a public agency or district designated officer or employee.

(5) The oath or affirmation may be destroyed without duplication five years after the termination of the disaster service worker volunteer's service or, in the case of a public employee, five years after the termination of the employee's employment.

(b) All registration records shall be available for inspection by any officer or employee of the State Compensation Insurance Fund or of the California Emergency Management Agency.

(c) The personnel officer or other individual designated by the accredited disaster council shall be responsible for keeping the registration current, and for the accuracy and safekeeping of the official registration records.

(d) The California Emergency Management Agency may prescribe additional registration requirements as it may deem necessary.

NOTE Authority cited: Sections 8567 and 8585.5, Government Code. Reference: Section 3105, Government Code.

§ 2573.3 Workers' Compensation Claims.

Claim Packages. Workers' compensation claims for injuries/illnesses sustained by disaster service worker volunteers while performing disaster service, shall be filed under the same authorities and guidelines as claims filed by paid employees. The claim shall include:

- (a) the appropriate claim and employer's report of injury/illness forms as prescribed by the State Compensation Insurance Fund;
 - (b) a written narrative account of the incident that may include witness statements; and,
 - (c) a copy of the claimant's current disaster service worker volunteer registration form indicating the loyalty oath or affirmation was administered.
- (d) If injury due to a training activity, the claim shall also include:
- (1) a copy of a training document verifying the disaster service worker volunteer's participation, and
 - (2) a copy of the written pre-authorization of the training activity by the accredited disaster council or its designee.

NOTE

Authority cited: Sections 8567 and 8585.5, Government Code.
Reference: Section 3211.92 and 5400 et seq., Labor Code; and
Section 3102, Government Code.