

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE DRS85170-RF-9 (3/27)

Short Title: Disaster Leave/Vol. Emergency Personnel.

(Public)

Sponsors: Senator Kerr.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE JOB PROTECTION FOR VOLUNTEER FIREFIGHTERS,  
RESCUE SQUAD WORKERS, AND EMERGENCY MEDICAL SERVICES  
PERSONNEL CALLED INTO THE SERVICE OF THE STATE IN RESPONSE  
TO A PROCLAMATION OF A STATE OF DISASTER BY THE GOVERNOR  
OR THE GENERAL ASSEMBLY, OR IN RESPONSE TO AN EMERGENCY  
SITUATION RESULTING IN THE ACTIVATION OF THE STATE  
EMERGENCY RESPONSE TEAM.

The General Assembly of North Carolina enacts:

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

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

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

(b) For the volunteer member to be entitled to take leave without pay pursuant to  
this section, his or her services shall be requested in writing by the Director of the  
Division of Emergency Management or by the head of a local Emergency Management  
Agency. The request shall be directed to the Chief of the member's volunteer fire

1 department, rescue squad, or emergency medical services agency and a copy shall be  
2 provided to the member's employer.

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.