

Sonoma County Operational Area

Disaster Service Worker Volunteer Program (DSWVP) Guidance & Policy

Registering, Training & Supervising for Success

Sonoma County Operational Area Disaster Service Worker Volunteer Program (DSWVP) Guidance & Policy

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Disaster Service Worker Volunteer Program

Introduction

Recent changes in California Disaster Service Worker (DSW) statutes have given additional responsibility to local disaster councils to accredit affiliated DSW programs that meet specific guidelines. The intent of the Sonoma County Operational Area (OA) Disaster Service Worker Volunteer Program (DSWVP) is to ensure qualified workers' are entitled to compensation insurance coverage in the event a Disaster Service Worker (DSW) volunteer is injured while performing assigned disaster duties. Included in this publication are the processes for registering DSWVP with the Sonoma County OA Emergency Council.

This publication provides program history, establishes Sonoma County OA DSW group registration/affiliation processes, and answers frequently asked questions.

This publication is to be used in conjunction with the DSWVP regulations. (Cal. Code of Regs., Title 19, §2570-2573.3)

The DSWVP Guidance & Policy dated November 2013 will be revised as regulations are amended, affiliated programs are recognized or decommissioned by the Sonoma County Operational Area Emergency Council or other significant changes are deemed appropriate.

Additional information can be obtained by contacting the Sonoma County Fire & Emergency Services Department at (707) 565-1152.

Disclaimer

This publication is a guidance document and establishes Sonoma County OA registration/affiliation procedures. It does not establish new standards. It is informational only and does not replace California regulations or statute. Legal questions should be addressed with your city or county counsel.

Disaster Service Worker Program History

In 1943, during World War II, the War Powers Act was signed which created the California War Council. Subsequently, the Council established subordinate county and city councils. The War Councils recognized that because of the war effort, human resources in California were inadequate to address the problems of mass attack or natural disasters. As a result, local war councils were forced to recruit numerous civilian volunteers.

Prior to the War Powers Act, civilian volunteers were not provided any form of compensation if injured during the course of their volunteer duties. In 1942, the State Attorney General issued an opinion that under the California Workmen's Compensation Act (later re-named Workers' Compensation), volunteers injured during civilian defense work were not eligible for compensation. The legal theory was that because these volunteers freely donated their time for the benefit of California citizens without expectation of compensation, they similarly could not expect compensation if they were injured, as there was no employment relationship.

Realizing that failure to compensate volunteers for injuries received while volunteering was not conducive to recruitment, the Legislature addressed the problem with the War Powers Act. The Act provided that volunteers might receive the benefits of the State Workmen's Compensation funds if the volunteer was injured in the course of his or her volunteer duty. One requirement of this benefit was that the volunteers must be registered with a local War Council, which in turn must be certified by the

California (State) War Council. On June 4, 1943, the California (State) War Council certified all existing War Councils in California as “accredited” for the purpose of qualifying their enrolled Civilian Defense workers for workers’ compensation for injuries incurred during the course of volunteer duties. Today War Councils are known as Disaster Councils

Sonoma County Operational Area (OA) Disaster Council

The Sonoma County Disaster Council was accredited December 19th, 1946 and continues to advise the County Administrator’s Office and review preparation for disasters and other emergencies. Sonoma County Code, Chapter 10, Civil Defense and Disaster establishes the local Disaster Council and sets their responsibility and roles as it relates to the California Emergency Services Act, Title Two, Division One, Chapter Seven. This accredited Disaster Council is known as the Emergency Council in Sonoma County. The Sonoma County Operational Area was established with the incorporation of the Standardized Emergency Management System (SEMS) Operational Area Agreement in 1997. The Sonoma County Operational Area Emergency Council currently meets semi-annually, in May and November. One of the statutory duties of the Disaster Council is to register disaster service worker volunteers in the DSW Volunteer Program (DSWVP). The DSWVP provides volunteers with Workers’ Compensation if they are injured performing disaster service work and, in addition, provides limited immunity from liability.

Accredited Disaster Councils

California law requires Disaster Service Workers register with an accredited Disaster Council, the Governor’s Office of Emergency Services, or an authorized State agency. Affiliation with an accredited Disaster Council and delegated authority from that council are required prior to a jurisdiction administering a disaster service worker volunteer program (Cal. Code of Regs., Title 19, §2571). Below, Table 1 identifies accredited local Disaster Councils within in the Sonoma County.

Table 1: Accredited Disaster Councils within the Sonoma County OA as of November 1, 2013

Jurisdiction	Date Accredited	Date Incorporated
Sonoma County OA	12/19/46	02/18/1850
Cloverdale	06/16/49	02/28/1872
Cotati	01/14/65	07/16/1963
Healdsburg	06/16/49	02/20/1867
Petaluma	06/16/49	04/12/1858
Rohnert Park	07/19/63	08/27/1962
Santa Rosa	04/27/48	03/16/1868
Sebastopol	11/29/50	06/13/1902
Sonoma	09/12/50	06/22/1900
Windsor	11/21/97	07/01/1992

Definitions

Disaster Service Worker Volunteer

Registered DSWs

A disaster service worker volunteer is “...any person registered with an accredited Disaster Council...for the purpose of engaging in disaster service...without pay or other consideration.” Registered

DSW volunteers are persons who have chosen to volunteer their time to assist a disaster or emergency services agency in carrying out the responsibilities of that agency. The person must:

- be officially registered with the accredited Disaster Council; and,
- not receive any pay, monetary or otherwise, for the service being provided.

Public Employees as DSWs

“Disaster service worker” includes public employees performing disaster work that is outside the course and scope of their regular employment without pay...” (Labor Code, §3211.92(b).

Impressed into Service

The definition “...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 the citizens in the execution of his or her duties.” Circumstances can occur when an emergency official (a fire fighter, law enforcement officer, or other public official having authority to command the aid of citizens to carry out assigned duties) requires the immediate assistance of another person who may not be a public employee or a registered volunteer. In such a time, that official can order a bystander to assist in an emergency situation. When the order is made under such circumstances, the bystander has been impressed into service, and as such, is covered by worker’s compensation and has immunity from liability to the same degree as a registered DSW volunteer. The emergency official should take note of the impressed person’s name, address, and phone number at the scene of the incident. The impressed person is under the supervision of that official until released from that duty.

Disaster Service

“Disaster service means all activities authorized by and carried on pursuant to the California Emergency Services Act, including approved and documented training necessary or proper to engage in such [disaster] activities.” (Cal. Code of Regs., Title 19,§2570.2. (3)(b)(1)) The California Emergency Services Act provides a definition of disaster activities resulting from a “State of war emergency”, a “State of emergency”, and/or a “Local emergency.” The disaster service, as defined for the DSW Volunteer Program, is designed primarily to aid in disaster events. It does not include the day-to-day emergency response activities typically associated with, law enforcement, fire services or emergency medical services.

Convergent Volunteers

Convergent volunteers are not pre-registered volunteers, and have not been impressed into service. They are volunteers who come forward spontaneously during the time of a disaster or emergency event, or post disaster to assist without pay or compensation. As many as 10,000 of these individuals came forward during the Loma Prieta earthquake in 1989. Convergent volunteers are used to augment existing OA departments/agencies. Pre-disaster registered volunteers are typically used before convergent volunteers. Convergent volunteers serve at the pleasure of the management of the agency they are assisting. The agency may restrict assignments, control their level of participation, or prohibit their use all together. The agency’s management assumes the responsibility to ensure that convergent volunteers are physically and mentally capable of performing duties to which they will be assigned, and must provide training appropriate to the assignment.

Single Event Registration

Volunteers who spontaneously come forward to assist can become registered as DSW volunteers for the duration of that single event. It is the responsibility of sponsoring Sonoma County Departments/Agencies to ensure volunteers are properly registered, appropriately trained and working under official supervision.

Good Samaritan Laws

Convergent volunteers that are not registered as DSW volunteers, have some liability protection for disaster service under Good Samaritan Laws. They are not, however, provided immunities to the extent as registered DSW volunteers and are not covered for workers' compensation insurance through the DSW Volunteer Program. (Govt.Code, §§820, §8657, Public Law 105-19, Volunteer Protection Act of 1997, 42 USCA 14501-14505)

Immunity from Liability

The Emergency Services Act (§8657) provides DSW volunteers with limited immunity from liability while providing disaster service as it is defined in §§2570.2 and 2572.2 of the *Disaster Service Worker Volunteer Program Regulation* (Cal. Code of Regs., Title 19). Additionally, U.S. Public Law 105-19, *Volunteer Protection Act of 1997*, provides limited protection. Immunity from liability protects the political subdivision or political entity, and the DSW volunteer in any civil litigation resulting from acts of good faith made by the political subdivision or political entity, or the DSW volunteer, while providing disaster service (e.g., damage or destruction of property; injury or death of an individual). Immunity from liability does not apply in cases of willful intent, unreasonable acts beyond the scope of DSW training, or if a criminal act is committed.

DSWVP

The Sonoma County OA "Disaster Service Worker Volunteer Program" sometimes referred to as the DSW volunteer program or the DSW program.

Classifications of Disaster Service Worker Volunteers

Classifications

DSW volunteers are used throughout the OA and State to augment first responder and rescue teams in a state of war, state of emergency, or a local emergency disaster, and to assist in recovery activities following a catastrophic event. The DSW current volunteer classifications are listed below. If an accredited Disaster Council determines a need for volunteer disaster services not included in one of these classifications, the Council may contact the Fire & Emergency Services Department.

State Recognized Disaster Service Worker Classifications	
<i>Animal Rescue</i>	<i>Care & Shelter Laborer</i>
<i>Communications</i>	<i>Law Enforcement</i>
<i>Community Emergency Response Team Member</i>	<i>Logistics</i>
<i>Finance & Administrative Staff</i>	<i>Medical & Environmental Health</i>
<i>Human Services</i>	<i>Safety Assessment Inspector</i>
<i>Fire</i>	<i>Search & Rescue</i>
<i>Utilities</i>	

Specialties

Classifications may further be defined into specialty areas (e.g.; *Human Services* may include, providers of food, shelter, registration of evacuees, and religious or spiritual needs. *Laborer* may include, a person under the direction and supervision of the responding agency who is doing general labor services and supporting emergency operations. *Medical and Environmental Health* may include, doctors, nurses, radiologists, laboratory technicians, etc.). The DSW volunteer registration form should include a space for the specialty.

Disaster Service Worker (DSW) Groups

Purpose of DSW Groups

The Sonoma County OA Emergency Council recognizes that in order to meet the criteria set forth in the Disaster Service Worker statute, it is responsible to ensure that DSW programs provide proper training, and that they effectively track and manage DSW volunteers registered within its jurisdiction. In order to provide sufficient oversight of numerous DSW programs the OA Emergency Council will require that only volunteers participating in approved DSW groups will be accredited. For a DSW group to be accredited by the Emergency Council, they must be sponsored by a County Department or Agency. Sonoma County Departments and Agencies or partnering Disaster Councils are responsible to develop and carry out training based on job classification and specific operational needs, conduct volunteer registration, and manage their individual volunteer programs. The DSW groups must submit an application to the Emergency Council for review prior to be affiliated. The table below indicates the DSW groups currently affiliated with and recognized by the Sonoma County OA Disaster Council.

Table 2: DSWVPs affiliated with the Sonoma County OA Disaster Council

DSWVP	Sonoma County Department	Program Manager
Medical Reserve Corps	Health Services, Division of Public Health	Christina Love
Auxiliary Communication Services	Fire & Emergency Services Department, Division of Emergency Management	Zachary Hamill

Developing DSW Groups

The OA Emergency Council will accept DSW group proposals for affiliation from county departments and agencies 60 days prior to the fall Emergency Council meeting of even numbered years (ex 2014, 2016, 2018, etc.) A DSW group application will consist of:

1. Sponsoring Department/Agency with contact information
2. Program Manager
3. Program Justification
4. Mission & Scope
5. Area of Operation/Jurisdiction
6. Organizational Chart
7. Unit Manning Roster (List of Volunteers)
8. Job Classification/Specialty by position to include:
 - a. Roles and Responsibilities

- b. Training Requirements
 - c. Activation Criteria
9. Training Outline to include:
 - a. Training Objectives
 - b. Two Year Training Plan

An example of a DSW group application is located in Appendix A. Proposals will be reviewed by the Fire & Emergency Services Department presented to the OA Emergency Council for adoption. The OA Emergency Council decision will be recorded in the OA Emergency Council meeting minutes. Table 2 within the Sonoma County OA DSWVP Guidance & Policy document will be updated following the adoption or decommission of any DSW group. The OA Emergency Council reserves to the right to establish volunteer groups or register individuals at anytime based on operational needs.

Accredited Disaster Councils within the Sonoma County OA reserve the right to affiliate with volunteer groups or individuals according to their internal policies, however the Sonoma County OA Disaster Council will only recognize/pre-registered volunteers participating in the DSW groups identified in table 2. All other volunteers will be considered “convergent” or “impressed into service.”

Questions regarding DSW groups and affiliation with the Sonoma County OA Emergency Council can be directed to the Fire & Emergency Services Department at (707) 565-1152.

DSW Group Audits

The Fire & Emergency Services Department will conduct audits of existing DSW groups two months prior to the fall OA Emergency Council meeting of odd numbered years (ex 2015, 2017, 2019, etc.). A DSW group inspection sheet is located in Appendix C. Audit findings will be presented to OA Emergency Council and any program deficiencies will be recorded in the following Emergency Council meeting minutes. A follow up audit will be scheduled 30 days prior to the following OA Emergency Council meeting to ensure any program deficiencies had been corrected. Follow up audit results will be recorded in the OA Emergency Council meeting minutes.

Volunteer Registration

Program Managers are responsible to ensure “group members” or volunteers are tracked, documented and updated at each Emergency Council Meeting. (Appendix D: Manning Roster)

Purpose of Registration

Disaster Service Worker volunteers are registered in order to:

- Assist the emergency organization in advance disaster planning
- Assist in the dispatch and management of resources
- Facilitate administration of the loyalty oath, as required by law
- Protect the interests of volunteers who provide direct services to government agencies and;
- Provide documentation required for workers’ compensation coverage under the DSW Program.

Registration

Volunteers, as well as the authority administering the loyalty oath, should sign and date the registration form. If under 18 years of age, the signature of a parent or legal guardian is required.

**It is illegal to retroactively register a volunteer as a DSW volunteer.*

Loyalty Oath

A loyalty oath is required for all DSW volunteers who wish to be a part of an affiliated DSW group. No workers' compensation benefit or reimbursement of expenses incurred may be paid to any DSW volunteer unless the loyalty oath has been taken or subscribed to.

Administration of the Oath

The oath is to be administered only by an officer authorized to administer oaths. The county clerk, at the request of the Fire & Emergency Services Department, may deputize selected staff from the sponsoring County Department. At a minimum, Program Managers will be deputized in order to administer loyalty oaths. Sponsoring county departments will retain all volunteer documentation, to include the loyalty oath (Refer to Appendix E: Govt. Code §3104 and Memo Subject: Administration of Oath).

Registration Expiration

All registered DSW volunteers must be given an expiration date. The effective period of a registration may differ according to circumstances.

- Single Event Registration - A DSW volunteer can be registered for a single event only; such as an exercise, a drill or an actual disaster, even though the person is not a regular active member of an organized response team. At the discretion of the accredited Disaster Council, a single event only registration can be extended to a period of up to one calendar year. (Govt. Code, §3102)
- Multi Event Registration - For a registered, active DSW volunteer response team member, the registration is effective for the period the person remains an active member of the organization, but no more than XX years. The accredited Disaster Council does have the discretion to establish a more limited oath/registration period such as a certain number of years. Registration renewal times could prompt the DSW volunteer to provide any updates on personal information such as address, telephone numbers and emergency contact information. If is not necessary for the active DSW volunteer to retake or re-subscribe to the loyalty oath with each registration renewal. If, however, the volunteer withdraws from service and later re-registers, the loyalty oath must be re-administered. (Govt. Code. 3102.(c))

Background Investigations

California does not have a statute or regulation requirement for criminal background investigation and health examinations for Disaster Service Worker volunteers. Sonoma County OA Agencies may make a determination to review the criminal and health background of potential DSWs based on the job classification or the agency operational needs. This determination should be made in consultation with legal counsel. Regardless, Sonoma County Agencies should request enough information on their volunteer application to conduct at minimum a basic background investigation. Program managers will verify professional licenses or certificates, when these documents are pertinent to the duties of the DSW.

Appendix C is an example of a registration application. This sample can be used, or revised, to meet the needs of the department or jurisdiction, including the use of a department or jurisdiction's logos. The volunteer applicant should completely fill out the registration application. Information fields required by DSWVP regulations are shaded on the registration form. Additional fields can be filled out with pertinent information that is helpful to the emergency services organization. When signing the

registration application, a person having the delegated authority to do so must administer the loyalty oath, and the form signed and dated by the authorized official.

Program Administration

File Retention and Record Keeping

DSW volunteer application and loyalty oaths should be filed and follow the same document retention rules as other public agency personnel records. The Registration application with oath or affirmation shall be filed within 30 days of the date it was taken or subscribed as follows:

- Counties (OA) - The registration/oath of any county DSW volunteer shall be filed 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. The oath may be destroyed without duplication five years after the termination of the employee's employment by the county. (Govt. Code, §3105,(b)) (*The term, "employee" is referring to a "volunteer".*)
- Cities - File DSW volunteer registration/oaths in the office of the city clerk. At the request of the City OES, the City Clerk may designate a department (e.g., city OES) as the official repository for Disaster Service Worker records in order to make the administration of the program more practical.

**DSWVP original documents are public record and subject to disclosure under the Public Records Act (Govt. Code, §6250, et. seq.). Records should be retained in an official file, available for review.*

Training

DSW volunteers should be trained and prepared for disaster service assignments based on the classification and the operational need of the sponsoring department/agency. Registered DSW volunteers are provided workers' compensation insurance coverage while participating in training activities that are pre-approved and documented by the supervising authority. All training should be supervised by the DSW group sponsor or program manager. (Cal. Code Regs., §2573.1 (5)(b)(c)(2)(3)) "Pre-approved" means that any training offered by someone other than the program manager must be authorized by the program manager prior to the conduct of the training.

While some classifications require very basic training, others require extensive and specialized training. Some professionals (physicians, nurses, engineers, architects, etc.) may need additional training in order to provide their services under extreme circumstances or hazardous conditions. Regardless of the classification, all DSW volunteers should be given basic safety instruction commensurate with the environment in which they may be providing services.

Documenting Training

Each registered DSW volunteer should have training prior to being dispatched to a disaster event. Training can be documented on a training sign-in sheet or an individual electronic training record. In the event a DSW volunteer is injured while attending a training activity, this record would substantiate that the DSW volunteer was participating in a pre-approved official activity. Training schedule documentation will be prepared prior to the event and will be inspected during the audit process.

Exclusions

Registered DSW volunteers will not be provided workers' compensation coverage for participating in parades, public exhibitions, physical fitness training, or other activities not related to disaster service. There are exceptions to this, when a nexus to the disaster service can be established. For example, Auxiliary Communications Service (ACS) may schedule an authorized DSW volunteer training for crowd control communications and may use a public parade event as the environment for that specific type of training. In this example, crowd control communications is not the day-to-day activity of the ACS volunteer and the parade acts as an exercise to develop volunteer skills that are applicable to their role in a disaster.

Activations

Registered DSWVPs and volunteers will wait for official activation from their sponsoring departments or program manager before carrying out volunteer work. Activation of DSW groups/volunteers will be documented by the sponsoring department and program managers on incident activity log. The following are covered activities:

- Performing disaster service, including travel to and from the incident site, when called to duty during an emergency or disaster, or while participating in a search and rescue operation.
- Participating in an authorized and documented, planned disaster training activity or disaster exercise. *Coverage for these activities does not include travel to and from the training site.*

Sponsoring Department/Agency Responsibilities

The sponsoring department/agency is responsible for briefing registered DSW volunteers on injury reporting procedures. This should be done as part of the initial safety training.

In the event of an injury, the sponsoring county department/agency is responsible to report the injury to the Director of Emergency Services, initiate a timely Employee's Claim for Workers' Compensation Benefits and track the status of the claim until the issue is resolved. Program Managers should ensure the following is completed and submitted to properly initiate a claim:

- SCIF Form 3301, *Employee's Claim for Workers' Compensation Benefits (revised with new header address, June 2000)*. This form must be provided to the DSW volunteer *within 24 hours*³ of the supervising agency receiving knowledge that an injury occurred or is alleged. The injured DSW volunteer should fill out and sign the form, returning it to the supervisor within 3 days (72 hours) of requesting the form. Two copies should be submitted to SCIF.
- SCIF Form 3267, *Employer's Report of Occupational Injury*. This form must be sent to SCIF *within 5 days*⁴ of the supervising agency receiving knowledge that an injury occurred or is alleged.
- A brief and clear, written narrative of the incident leading to the injury.
- A copy of the original DSW volunteer registration form including the signed loyalty oath.

Copies of these forms should be submitted to both SCIF and the Department of Emergency Services.

Appendix A: DSW Group Application

Appendix B: DSW Group Inspection Sheet

Appendix C: DSW Registration Form

Appendix D: Unit Manning Roster Template

Appendix E: Administration of the Loyalty Oath