

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4 By: Representatives Johnson, Miller, Kidd, and Simmons
5 By: Senator Todd

As Engrossed: H1/16/97 H1/30/97

A Bill

ACT 268 OF 1997
HOUSE BILL 1166

For An Act To Be Entitled

"AN ACT TO ESTABLISH THE DISASTER SERVICE VOLUNTEER LEAVE
ACT; AND FOR OTHER PURPOSES."

Subtitle

"TO ESTABLISH THE DISASTER SERVICE
VOLUNTEER LEAVE ACT"

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. As used in this act,

(1) ☺Certified disaster service volunteer☹ means a person who has
completed the necessary training for being and been certified as a disaster
service technician, specialist, coordinator or officer by the American Red
Cross.

(2) ☺Disaster☹ means a natural or technological event as defined in
A.C.A. 12-75-103(2) where victims cannot recover without assistance when such
disaster is designated at Level II or above in the American National Red Cross
Regulations and Procedures.

(3) ☺Specialized disaster relief☹ means one or more of the following
Red Cross service categories in which a certified disaster service volunteer
is trained:

(A) shelter management;

(B) mass feeding;

(C) family services;

(D) health services;

(E) public assistance inquiries;

(F) damage assessment;

(G) a support function for services provided under subdivisions

(A) through (F); and

1 (H) any other service performed for the Red Cross for which
2 training is required.

3 (4) State agency means any agency, authority, board, bureau,
4 commission, council, department, office, or officer of the State receiving an
5 appropriation by the General Assembly of the State of Arkansas. The term does
6 not include state-supported institutions of higher learning or any county,
7 municipality, school district, or other political subdivision of the State of
8 Arkansas.

9
10 SECTION 2. An employee of a state agency who is trained and certified
11 as a disaster service volunteer by the American Red Cross, whose specialized
12 disaster relief services are requested by the Red Cross in connection with a
13 disaster, and who obtains consent from the chief executive officer of his
14 state agency may be granted leave from work with pay for not more than fifteen
15 (15) working days in any twelve-month period to participate in specialized
16 disaster relief, without loss of seniority, pay, annual leave, sick leave,
17 compensatory time, offset time, or overtime wages.

18 (b) The state agency shall compensate an employee granted leave under
19 this section at the employee's regular rate of pay for those regular work
20 hours during which the employee is absent from work.

21 (c) Leave under this act shall be granted only for disaster relief
22 services occurring within the State of Arkansas or for disaster relief
23 services occurring within states contiguous to the State of Arkansas.

24 (d) An employee deemed to be on leave under this act shall not be
25 deemed to be an employee of the State for purposes of workers' compensation.

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27 SECTION 3. (a) Notwithstanding the provisions of section 2 of this
28 act, state employees certified as disaster service volunteers shall not exceed
29 one hundred (100) participants at any one time. A list of such employees
30 shall be maintained by the American Red Cross with pertinent information
31 provided to the state employer of each disaster service volunteer.

32 (b) Within sixty (60) days of any request made by the American Red
33 Cross a report shall be prepared by the American Red Cross and submitted to
34 the Department of Finance and Administration stating the reasons and needs for
35 any request made.

36 (c) The American Red Cross and the respective agencies with employees

1 participating in the disaster service volunteer program shall promulgate
2 necessary guidelines and directives to implement this act.

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4 SECTION 4. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 5. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 6. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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17 SECTION 7. EMERGENCY. It is found and determined by the General
18 Assembly of the State of Arkansas: (1) that disasters can occur at any time,
19 as demonstrated by recent tornadoes in Mount Pleasant, Mountain View, Van
20 Buren, and Fort Smith; (2) that State employees who want to offer their
21 services in a disaster must now do so at great personal sacrifice; (3) that
22 because of the great personal cost involved many state employees are unable to
23 participate in disaster relief; (4) that certain state employees already
24 possess many of the skills needed during times of disaster; (5) that this act
25 provides a mechanism for state employees to contribute to disaster relief
26 without losing personal financial support; and (6) that this act will increase
27 the States ability to respond to disasters by providing instant access to
28 specifically trained disaster workers who know the States bureaucracy and
29 resources. Therefore an emergency is declared to exist and this act being
30 immediately necessary for the preservation of the public peace, health and
31 safety shall become effective on the date of its approval by the Governor. If
32 the bill is neither approved nor vetoed by the Governor, it shall become
33 effective on the expiration of the period of time during which the Governor
34 may veto the bill. If the bill is vetoed by the Governor and the veto is
35 overridden, it shall become effective on the date the last house overrides the
36 veto.

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/s/Rep. Johnson et al

APPROVED: 2-25-97