

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 214
Committee Substitute Favorable 3/26/09

Short Title: State Employee Community Service Days.

(Public)

Sponsors:

Referred to:

February 19, 2009

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING STATE EMPLOYEES WITH UP TO FIVE DAYS OF PAID
3 COMMUNITY SERVICE LEAVE WHEN VOLUNTEERING THEIR SERVICES IN
4 THE EVENT OF EMERGENCIES DECLARED BY THE GOVERNOR.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 166A-32 reads as rewritten:

7 "**§ 166A-32. Disaster and community service volunteer leave.**

8 (a) An employee of a State agency who is a disaster service volunteer of the American
9 Red Cross may be granted leave from his or her work with pay for a time not to exceed 15
10 work days in any 12-month period to participate in specialized disaster relief services for the
11 American Red Cross. To be granted leave, the request for the services of that employee must
12 come from the American Red Cross. The decision to grant the employee leave rests in the sole
13 discretion of the employing State agency based on the work needs of that agency. Employees
14 granted leave pursuant to this Article shall not lose seniority, pay, vacation time, sick time, or
15 earned overtime accumulation. The State agency shall compensate an employee granted leave
16 under this ~~Article~~ subsection at the regular rate of pay for those regular work hours during
17 which the employee is absent from his work. Leave under this ~~Article~~ subsection shall be
18 granted only for services related to a disaster occurring within the United States.

19 The State of North Carolina shall not be liable for workers compensation claims arising
20 from accident or injury while the State employee is on assignment as a disaster service
21 volunteer for the American Red Cross. Duties performed while on disaster leave shall not be
22 considered to be a work assignment by a state agency. The employee is granted leave based on
23 the need for the employee's area of expertise. Job functions although similar or related are
24 performed on behalf of and for the benefit of the American Red Cross.

25 (b) An employee of a State agency who volunteers in the event of an emergency
26 declared by the Governor may be granted leave from his or her work with pay for a time not to
27 exceed five workdays in any 12-month period to participate in community services activities
28 associated with an emergency declared by the Governor. The community services activities
29 associated with an emergency declared by the Governor must be performed with the consent
30 and under the supervision or authority of a nonprofit, nonpartisan community service
31 organization. For purposes of this subsection, a community service organization is a human
32 service organization licensed or accredited to serve citizens with special needs, or a charitable
33 organization designated as such under section 501(c)3 of the Internal Revenue Code and that
34 provides disaster relief or response services. The decision to grant the employee leave rests in
35 the sole discretion of the employing State agency based on the work needs of that agency.
36 Employees granted leave pursuant to this subsection shall not lose seniority, pay, vacation time,
37 sick time, or earned overtime accumulation. The State agency shall compensate an employee



1 granted leave under this subsection at the regular rate of pay for those regular work hours
2 during which the employee is absent from his or her work. Leave under this subsection must be
3 preapproved and shall be granted only for services related to a disaster occurring within North
4 Carolina. Upon request, the employee shall assist the employing State agency in verifying the
5 community service participation by obtaining a written statement to document the employee's
6 volunteer participation.

7 The State of North Carolina shall not be liable for workers' compensation claims arising
8 from accident or injury while the State employee is on leave pursuant to this subsection. Duties
9 performed while on the leave shall not be considered to be a work assignment by a State
10 agency."

11 **SECTION 2.** The leave granted under this act shall be in addition to any
12 community service leave otherwise granted to State employees. The State Personnel
13 Commission may adopt rules pursuant to this act.

14 **SECTION 3.** This act becomes effective July 1, 2009.