

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-103
SENATE BILL 940**

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 department, rescue squad, or emergency medical services agency and a copy shall be provided to the member's employer. This section shall not apply to those members whose services have been certified by their employer to the Director of the Division of Emergency Management, or to the head of a local Emergency Management Agency, as essential to the employer's own on-going emergency or disaster relief activities.

(c) For purposes of this section, a disaster or emergency requiring the activation of the State Emergency Response Team means a disaster or emergency at Activation Level 2 or greater according to the North Carolina State Emergency Operations Plan of November 2002. Activation Level 2 requires the State Emergency Operations Center to be fully activated with 24-hour staffing from all State Emergency Response Team members.

(d) The Commissioner of Labor shall enforce the provisions of this section pursuant to Chapter 95 of the General Statutes."

SECTION 2. This act is effective when it becomes law and applies to any volunteer firefighter, rescue squad worker, or emergency medical services personnel called into service of the State after the proclamation of a state of disaster or the activation of the State Emergency Response Team occurring on or after that date.

In the General Assembly read three times and ratified this the 21st day of May, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:15 a.m. this 31st day of May, 2003