

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 214

Short Title: State Employee Community Service Days. (Public)

Sponsors: Representatives Insko; Adams, K. Alexander, Cotham, Fisher, E. Floyd, Harrison, Hughes, Hurley, Jones, Lucas, Luebke, Randleman, Tarleton, and Wainwright.

Referred to: State Government/State Personnel, if favorable, Appropriations.

February 19, 2009

A BILL TO BE ENTITLED

AN ACT PROVIDING STATE EMPLOYEES WITH UP TO FIVE DAYS OF PAID COMMUNITY SERVICE LEAVE WHEN VOLUNTEERING THEIR SERVICES IN THE EVENT OF EMERGENCIES DECLARED BY THE GOVERNOR.

The General Assembly of North Carolina enacts:

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

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

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

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

(b) An employee of a State agency who volunteers in the event of an emergency declared by the Governor may be granted leave from his or her work with pay for a time not to exceed five workdays in any 12-month period to participate in community services activities associated with an emergency declared by the Governor. The decision to grant the employee leave rests in the sole discretion of the employing State agency based on the work needs of that agency. Employees granted leave pursuant to this subsection shall not lose seniority, pay, vacation time, sick time, or earned overtime accumulation. The State agency shall compensate an employee granted leave under this subsection at the regular rate of pay for those regular work hours during which the employee is absent from his or her work. Leave under this subsection must be preapproved and shall be granted only for services related to a disaster occurring within the United States. Upon request, the employee shall assist the employing State



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1 agency in verifying the community service participation by obtaining a written statement to  
2 document the employee's volunteer participation.

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

7 **SECTION 2.** This act becomes effective July 1, 2009.  
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