

DISASTER SERVICE WORKER STATUS

California Government Code Section 3100-3109 states in part:

It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or extreme peril to life, property, and resources is of paramount state importance...in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers...

All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation...

Do you know your role? Here are some frequently asked questions:

What does ‘disaster service’ mean?

Disaster service means all activities authorized by and carried out pursuant to the California Emergency Services Act.*

Who is included in the disaster service worker status?

All public employees are included in disaster service worker status which are all persons employed by any county, city, state agency or public district.

What is the scope of duties of the disaster service worker?

Any disaster service worker shall be considered to be acting within the scope of disaster service duties while assisting any unit of the organization or performing any act contributing to the protection of life or property or mitigating the affects of an emergency.

How are disaster service worker activities assigned?

Disaster service worker activities are assigned to employees by their superiors or by law to assist the agency in carrying out its responsibilities during times of disaster.

What is the oath or affirmation that is referred to in the government code?

Before they enter upon the duties of their employment, all disaster service workers take and subscribe to the oath or affirmation set forth in the California Constitution.

When do public employees take and subscribe to the oath or affirmation?

Most public employees sign the oath or affirmation during the hiring process and it is kept with the employer.

Do disaster service workers get paid?

Disaster service workers get paid only if they have taken and subscribed to the oath or affirmation.

Can a disaster service worker be sued for actions that occur while they are performing disaster services?

Disaster service workers for non-profit organizations and government cannot be held liable for their actions during a disaster while acting within the scope of their responsibilities.

What if a disaster service worker is injured while performing the functions of their assigned duties?

Claims sustained by disaster service workers while performing disaster services shall be filed as workers compensation claims under the same authorities and guidelines as all employees within their agency.

For more information, please visit the following websites:

*California Emergency Services Act

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=08001-09000&file=8550-8551>

California Government Code 3100-3109

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=03001-04000&file=3100-3109>

The California Constitution oath or affirmation

http://www.leginfo.ca.gov/.const/.article_20

Governors Office of Emergency Services

[http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/Laws&RegsCalCodePDFs/\\$file/Ch2.3_%20DSW.pdf](http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/Laws&RegsCalCodePDFs/$file/Ch2.3_%20DSW.pdf)