

Disaster Service Worker Volunteer Program

Statewide Presentation



September 2020



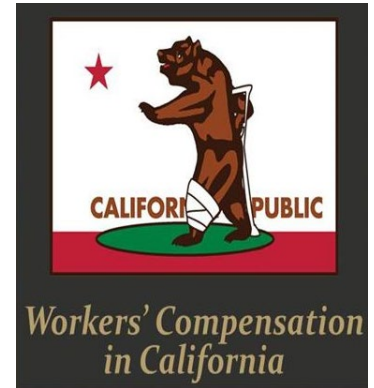


- Program benefits and components
- Explain requirements for workers' compensation claim submissions

Program Benefits

Workers' Compensation

- Disability benefits
- Medical care
- Supplemental job displacement
- Death benefits



Liability Protections

- Good Samaritan laws – state and federal
- Volunteer Protection Act of 1997 (Pub.L. No. 105–19)
- Statutes of local jurisdiction

Consult legal counsel to determine laws applicable to your situation.

○

Program Components

Administration

California Governor's Office of Emergency Services (Cal OES)

State Legislature

State Compensation Insurance Fund (State Fund)

Accredited Disaster Councils (ADCs) & Authorized Designees (ADs)

DSW Volunteer

Disaster Service: *Eligible & Excluded Activities*

Registration

Oath Authority

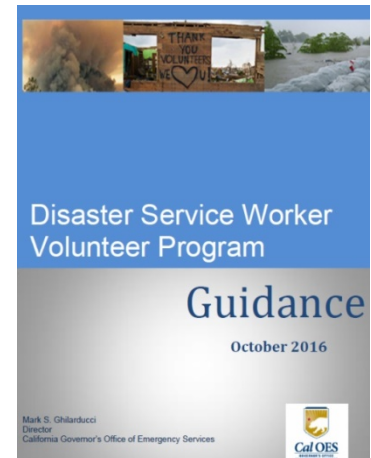
Supervision

Training

Activation

File Retention & Recordkeeping

Workers' Compensation Claims



Program Administration

Cal OES

1. Approves disaster council accreditation and regulations
2. Delegates registration/oath authority to state agencies
3. Manages DSW appropriation
4. Reviews claims, authorize settlements, issue checks
5. Complies with federal Medicare reporting
6. Educational outreach, plan review, DSW documents



Ref: ESA GC 8585.5, 8585.7

Program Administration *(continued)*

State Legislature

- Approves DSW appropriation annually in state budget
Mechanism in place to request additional funds.
- Uses General Fund to pay workers' compensation claims

State Fund

- Processes claims, calculates benefits
- Communicates with Cal OES throughout claim cycle



Program Administration *(continued)*

ADCs and Authorized Designees (ADs)*

Cities and counties create disaster councils by ordinance.

Councils must be accredited by Cal OES to register volunteers.

Govt Code §8610



Certified as accredited requires:

- ✓ Emergency Ordinance
- ✓ DSW Resolution
- ✓ Master Mutual Aid Agreement



Responsibilities

Registration ⇒ Supervision ⇒ Training

Activation ⇒ Recordkeeping ⇒ Claim Submissions

**Government entities delegated Program authority by ADC.*

Who Can Be A DSW Volunteer?

- ▶ Individuals physically and mentally capable of performing disaster service duties
 - ADC or authorized designee (AD) determines if health and/or criminal background required.
NOTE: No Program reimbursement for any associated costs.
- ▶ Persons employed, unemployed, or retired
- ▶ Non-Citizens. N.B. Oath subscription
- ▶ Minors (under 18) with parental or legal guardian written consent
 - ADC or designated authority makes decision to use minors as DSW volunteers.



A DSW Volunteer Is an Individual:

- Registered with:
 - Accredited Disaster Council (ADC)
 - all 58 counties and most cities
 - Authorized Designee (AD) of ADC
 - Government entities
 - Cal OES or authorized state agency



NGOs, non-profits, volunteer organizations, tribal entities **CAN'T** register volunteers as DSWs.

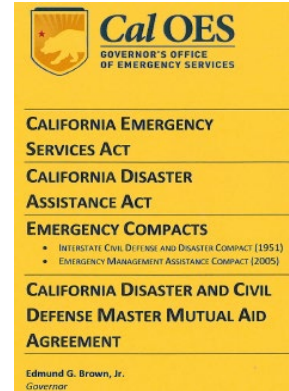
- Receives no pay
- Activated by registering agency
- Impressed into service (rare)
- Auxiliary Firefighter

EXCLUDES: Volunteer ~~Fire~~ Fighters
Spontaneous Unaffiliated Volunteers

Disaster Service – Eligible Activities

Authorized by CA Emergency Services Act (ESA) during:

- State of War emergency
- Proclaimed emergencies
- Search and rescue missions
- Activities to mitigate **imminent** threat of extreme peril to life, property, resources
- Official out-of-state deployments with Cal OES approval
- Official mutual aid assistance
- Training
- Travel to and from incident site



*REF: GC Sections 8558 & 8585.5
CCR §2570.2(b)(1)*

Disaster Service – Excluded Activities

▶ Day-to-day operations

- Activities typically associated with emergency response agencies

Ex: single structure fires, car accidents, crowd control for concerts



▶ Preparedness /Planned Activities

- Educational fairs, outreach, first aid booths
- Equipment maintenance
- Ceremonies, community events
- Public Safety Power Shutoff (PSPS)
- Meetings



▶ Self Activation

▶ Travel to and from the training site



Registration

Required:

1. Name & address of applicant

If applicant is a minor, parent or legal guardian must give written consent.

2. Classification

- 13 approved (*CCR § 2572.1*)
- More than one may be entered



3. Date enrolled (*date Loyalty Oath signed*)

4. Loyalty Oath subscription

- a) Self-certification **IF** ADC approves (*Civil Code §2015.5*)

OR

- b) Officer administered e.g. elected officials, county/city clerks, notary public, Cal OES Director (DSWVP Guidance, pg. 23)

5. Name of registering govt agency w/signature and title of authorized person (*CCR 2573.1(a)(4)*)

No fee may be charged for oath administration.

Supervision

ADC or AD responsible for:

- ✓ Deciding who acts in supervisory capacity and how duties performed

 - Paid staff or volunteers?

 - Onsite or offsite?



- ✓ Determining criteria

 - Use materials for paid staff in same position

 - Identify core curriculum of required courses

 - Develop duty statement

- ✓ Providing injury claim instruction

 - Knowledge of required documents and timelines

 - SOP with sample claim packet

Training

ADC or AD decides training requirements and approach.

May include:

Classroom courses and exercises

⇒ Participants as 'victim or survivor' register as DSWs

Certification for specific classification

Out-of-State must be Cal OES approved

Must:

1. Approve in advance by ADC or authorized agency
2. Document to verify participation
3. Supervised
4. Commensurate with classification



Activation

ADCs or ADs define emergency response activation procedures and provide training so volunteers understand their assigned duties.

Examples of activation procedures:

- ✓ Written instruction, e.g. SOP, EOP, activation guidelines
- ✓ Emergency radio announcements
- ✓ Pre-determined text messages
- ✓ Notification from supervisor or authorized person

File Retention & Recordkeeping

Filing of Loyalty Oath

State Agency – within 30 days

County – Clerk or official department personnel file

City – Clerk

Other Public Agency –designated Officer/Employee of the agency

Records

- ✓ Keep registrations current
- ✓ Store hardcopy or electronic format
 - *E-format requires written statement verifying original used to scan, attach in database, etc.*
- ✓ Destroy five years after service ends



Worker's Compensation Claims

Required Documents

- State Fund 3301 – Claim Form
- State Fund 3267 – Employer's Report
- DSW Volunteer Registration
- Loyalty Oath Subscription
- Written Incident Report by Supervisor



If injury due to training, must also provide

- ✓ Written Training Pre-Authorization
- ✓ Training Sign-In Verification

State Fund 3301 – Claim Form

Injured DSW Volunteer

- Completes Employee section only



ADC/Supervising Agency

- Provides to volunteer w/in one day of injury knowledge
- Completes Employer section
- Provides copy of completed form to volunteer
- Mails original to State Fund within five calendar days after receipt from DSW volunteer

State Fund 3267 – Employer’s Report

ADC/Supervising Agency

- Completes within five calendar days of injury notification
- Mails original to State Fund

OR

Calls 24 hour Claims Reporting Center at:
(888) 222-3211



DO NOT wait for completed State Fund 3301
DO NOT have volunteer complete

Written Incident Report

- Brief account of incident
- Completed by supervising authority
- Submit via agency letterhead, fax, email



INTEROFFICE MEMO

DATE: mm/dd/yy
FROM: (Name), Title
TO: (Name), Title
SUBJECT: (Name), Injured DSW Volunteer, Sheriff County SAR
INJURY: (Name) injured left knee during an authorized SAR training. Volunteer was dismounting when horse startled, causing volunteer to fall. Students heard noise and ran to assist. I was notified of the injury, and volunteer transported to Medical Center for treatment.
DATE/TIME/LOCATION: mm/dd/yy, 00:00, incident address
WITNESS: No witnesses; others only heard the incident.

Sent: Fri 11/20/2015 8:58 AM

Send	To...	DSW Claims Lead
	Cc...	DSW Program Lead
	Bcc...	
	Subject:	Incident Report

(Name of DSW volunteer) injured left ankle while participating in a pre-authorized CERT Basic Skills Exercise at the County Fairgrounds on November 18, 2015 at 8:25 pm. During a search of a simulated building collapse, (Name of DSW volunteer) tripped over debris props resulting in a gash wound of left thigh area. (Name), Fire Department EMT, stopped the bleeding and examined the wound. Injured volunteer transported by ambulance to Hospital.

(Name) witnessed the incident.

Thank you.

(Name)
Division Chief, CERT Program Manager
Fire Department
Address
City, State Zip



Training Documents

If injury due to training:

Written Training Pre-Authorization:

- Includes date, location, event name, objectives, supervisor's name and title
- Approved in advance
- Commensurate with DSW classification

Training Sign-In Verification, roster or similar item to prove participation:

- Volunteer's name
- Time in/time out
- Supervisor's name
- Date
- Event name



Disaster Service Worker Volunteer Program

DSWVP

E B P A G E

The Disaster Service Worker Volunteer Program (DSWVP) was created as the result of legislation to provide workers' compensation benefits to registered Disaster Service Worker (DSW) volunteers who are injured while participating in authorized disaster-related activities, including pre-approved training. Disaster service, as defined for the Program, is designed to aid in the response and recovery phases in a disaster or emergency. It does not include the day-to-day emergency response activities typically associated with, for example, law enforcement, fire services or emergency medical services. The Program also provides limited immunity from liability.

DSW Program Documents:

↓ [1. Title 19 DSW Regulations.12.17.2012](#)

↓ [2. DSW Program GUIDANCE 10.2016](#)

Includes procedures, lists of eligible and ineligible activities, examples, and much more to provide better user tools to comply with the Program.

↓ [3.a DSW Volunteer Registration English 8.2016](#)

Includes minor consent AND both officer administered and self-certification oath options.

↓ [3.b DSW Volunteer Registration Spanish 8.2016](#)

Includes minor consent AND both officer administered and self-certification oath options.

↓ [4. DSW Frequently Asked Questions 10.2016](#)

DSW Worker's Compensation Information:

↓ [1. DSW Guide to Workers Compensation 2012](#)

↓ [2. DSWVP WC Claim Submission Instructions 8.2018](#)

↓ [3. State Fund e3267 Employer's Report of Occupational Injury or Illness Rev.11-13.pdf](#)

↓ [4. State Fund e3301 Workers' Compensation Claim Form Rev 6.18](#)

Thank you!

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Southern - Sonia Brown

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DSWVP Regulations, Guidance & Related Documents:

<http://www.caloes.ca.gov/cal-oes-divisions/administrative-services/disaster-service-worker-volunteer-program>



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES