

Disaster Volunteer Liability Fact Sheet

What is a Registered Disaster Service Worker?

A Registered Disaster Service Worker is a person registered with the state to provide assistance during a disaster or emergency. State and local laws require disaster assistance volunteers to be registered to protect the safety and security of the people and property effected by a disaster, as well as ensure that those providing assistance are qualified to do so. Local authorities may ask unregistered volunteers to leave a disaster area, and can arrest those who refuse. A Registered Disaster Service Worker is covered under Workers' Compensation if they are injured during a disaster.

Who is qualified to become a Registered Disaster Service Worker?

Anyone can become a Registered Disaster Service Worker if they register with their local disaster council. Anyone ordered to perform services during an emergency by a person or body with that authority, is also considered a Disaster Service Worker and will receive the same benefits as if they had registered with their local disaster council. All public employees are considered Disaster Service Workers when ordered to assist during disasters by their superiors. Members of volunteer fire departments are not considered Disaster Service Workers (Title 19, CCR, §2570.2.a)

Registered Disaster Service Workers are assigned a classification based on the work they are qualified to do during a disaster. There is a classification for Animal Rescue, Care, and Shelter (Title 19, CCR, §2572.1)

A Registered Disaster Service Worker must either work under the authorization of a "duly constituted superior in the emergency organization" or under the supervision and direction of the American Red Cross. (Title 19, CCR, §2572.2)

Who is included in the Animal Rescue, Care, and Shelter Classification?

Veterinarians, Veterinary Support Staff, and Animal Handlers who provide skills in the rescue, clinical treatment, and transportation of all animals are included in this category. (Title 19, CCR, §2572.1.a)

How do I become a Registered Disaster Service worker?

A Disaster Service Worker must be registered with a disaster council or the Governor's Office of Emergency Services (OES). Disaster councils may require each Disaster Service Worker to complete a disaster training course, refresher courses, or require proof of professional certification or licensing. (Title 19, CCR, §2573.1)

A disaster council is a local public agency which can register and direct activities of disaster service workers at the county or city level. The disaster council must be accredited with the State of California. The disaster council acts as an instrument of the state with regard to disaster services. (Title 19, CCR, §2570.2.d)

Can a volunteer be sued for actions occurring while they are helping during a disaster?

Registered Disaster Service Workers and volunteers for non-profit organizations and government cannot be held liable for their actions during a disaster while acting within the scope of their responsibilities. However, they are not protected if their actions were "willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed

by the volunteer.” They are also not covered if they are operating a vehicle that causes damage. (Volunteer Protection Act of 1997– P.L. 105-19, Sec. 4)

What happens if a volunteer is injured during a disaster?

Registered Disaster Service Workers are covered under Workers’ Compensation if they are injured while doing disaster service work. Workers’ Compensation covers all medical care required at no cost to the injured person. If the injury disables the Disaster Service Worker for more than three days, they can receive disability benefits. (From “Information for the Disaster Service Worker about Workers’ Compensation Benefits” from the State of California Office of Emergency Services)

Is a volunteer's personal property covered for damages?

The state does not cover personal property of Disaster Service Workers. A volunteer’s vehicle should be covered under the individual’s collision and comprehensive insurance. Collision insurance covers contact with other vehicles or objects hit by the vehicle.

Comprehensive insurance covers damage caused by objects hitting the vehicle. (For example, if a car hits a house, it is covered under collision insurance. If a house hits a car, it is covered under comprehensive insurance.) Trailers must be insured separately from the vehicle. Auto insurance will only cover the trailer if it disconnects from the vehicle and hits something.

Other property may be covered under homeowners or business insurance. Some policies only cover a certain amount when the item is “off property.” Car insurance may also cover a portion of items damaged in the vehicle. It is best to have the Disaster Service Workers contact their own insurance company to verify coverage if they will be using their personal property during a disaster.

Animals being transported during a disaster are not covered by the state. They may be covered under vehicle insurance, but the Disaster Service Worker should contact their insurance company.

Can someone injured in a shelter sue the organization running the shelter?

No. The law states that “There shall be no liability on the part of one...who maintains any building or premises which have been designated as a shelter... or as other necessary facilities for mitigating the effects of a... emergency, for any injuries... sustained by any person... when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge, treatment, care or assistance therein. (CA Civil Code 1714.5)”