

1 **DISASTER SERVICE VOLUNTEER LEAVE ACT**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: L. Steven Poulton**

5 AN ACT RELATING TO LABOR IN GENERAL; ENACTING THE DISASTER SERVICE
6 VOLUNTEER LEAVE ACT; GRANTING LEAVE OF ABSENCE TO STATE EMPLOYEES
7 WHO ARE TRAINED AS DISASTER SERVICE VOLUNTEERS; AND REQUIRING A
8 WRITTEN REQUEST AND AGENCY APPROVAL FOR DISASTER SERVICE LEAVE.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 ENACTS:

11 **34-43-1**, Utah Code Annotated 1953

12 **34-43-2**, Utah Code Annotated 1953

13 **34-43-3**, Utah Code Annotated 1953

14 *Be it enacted by the Legislature of the state of Utah:*

15 Section 1. Section **34-43-1** is enacted to read:

16 **CHAPTER 43. DISASTER SERVICE VOLUNTEER LEAVE ACT**

17 **34-43-1. Title.**

18 This chapter is known as the "Disaster Service Volunteer Leave Act."

19 Section 2. Section **34-43-2** is enacted to read:

20 **34-43-2. Definitions.**

21 As used in this chapter:

22 (1) "Certified disaster service volunteer" means any person who has completed the
23 necessary training for and has been certified as a disaster service specialist by the American Red
24 Cross.

25 (2) "Disaster" means any disaster designated at Level III or higher in the American
26 National Red Cross Regulations and Procedures.

27 (3) "State agency" means any state office, officer, official, department, board, commission,

1 institution, bureau, agency, division or unit of the state, including those within the legislative and
2 judicial branches of the state government.

3 Section 3. Section 34-43-3 is enacted to read:

4 **34-43-3. Leave of absence -- Request for leave -- Approval by agency.**

5 (1) An employee of a state agency who is a certified disaster service volunteer may be
6 granted leave from work with pay for an aggregate of up to 15 work days, consecutively or
7 nonconsecutively, in any 12-month period to participate in disaster relief services for the American
8 Red Cross in connection with any disaster, upon the request of the American Red Cross for such
9 employee's services.

10 (2) An employee of a state agency requesting leave under this chapter shall file a written
11 request with the employing state agency which includes:

12 (a) the anticipated duration of the leave of absence;

13 (b) the type of service the employee is to provide on behalf of the American Red Cross;

14 (c) the nature and location of the disaster where the employee's services will be provided;

15 and

16 (d) a copy of the written request for the employee's services from an official of the
17 American Red Cross.

18 (3) Nothing contained in this chapter shall be construed to require any state agency to grant
19 a public employee's request for voluntary disaster service leave if the employing state agency
20 determines that the grant of leave would pose a hardship on the employing state agency.

Legislative Review Note

as of 1-21-98 1:53 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel