

Workers' Benefits: State Employee Volunteer Leave

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A state employee, who is a certified disaster service volunteer of the American Red Cross, is entitled to leave with regular pay to participate in disaster relief operations upon request of American Red Cross. During leave, the employee will not be considered a state employee for the purposes of workers' compensation or tort claims.

This is limited to 15 days in a 12 month period either consecutively or nonconsecutively .

Disaster service volunteer leave

(a) An employee of a state agency who is a certified disaster service volunteer may be granted leave from work with pay, in accordance with subsection (b) below, for up to an aggregate of 15 work days, consecutively or nonconsecutively, in any 12-month period to participate in specialized disaster relief services for the American Red Cross in connection with any disaster, upon the request of the American Red Cross for such employee's services and upon the approval of such employee's employing agency.

(b) An employee of a state agency granted leave pursuant to subsection (a) of this section shall be compensated by the employee's employing agency at the employee's regular rate of pay for those regular work hours during which the employee is absent from work, but shall not receive overtime pay, shift differential pay, hazardous duty pay or any other form of pay or compensation in addition to the employee's regular pay. An employee of a state agency who is granted leave pursuant to subsection (a) of this section shall not lose any seniority or any already accumulated vacation time, sick time or earned overtime due to such leave.

(c) The State shall not be liable for workers' compensation claims arising from accident or injury while the state employee is on assignment as a certified 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. In determining whether to grant leave to an employee, the employee's employing agency may consider the needs of the American Red Cross for expertise in a particular certified area. The employee's activities and job functions while on leave, however, shall not be directed by the State but shall be determined and controlled solely by the American Red Cross.

(d) An employee who is on leave pursuant to this section shall not be deemed to be an employee of the State for purposes of the Delaware Tort Claims Act.