



# Memorandum

**TO:** EMERGENCY SERVICES  
COUNCIL

**FROM:** Raymond Riordan

**SUBJECT:** DISASTER SERVICE WORKER  
VOLUNTEER PROGRAM

**DATE:** December 3, 2018

Approved

Date

3 DECEMBER 2018

## RECOMMENDATIONS

1. Authorize the Office of Emergency Management to Administer the City of San Jose Disaster Service Worker Volunteer Program (DSWVP).
2. Authorize the registration of Disaster Service Worker Volunteers for pre-emergency training and emergency conditions in the City of San Jose.

## OUTCOME

Identifying an Administrator for the City of San Jose Disaster Service Worker Volunteer (DSW-V) Program and authorizing the registration of volunteers as DSW-V complies with California legislation Public Safety Title 19, Chapter 2, Subchapter 3, Disaster Service Worker Volunteer Program, and California Office of Emergency Services (CalOES) Disaster Service Worker Volunteer Program Guidance, 2016. As stated in the DSWVP Guide, such action allows for protecting designated volunteers from financial loss as a result of injuries sustained while engaged in disaster service activities and to provide immunity from liability for such disaster service worker volunteers while providing disaster service.

## BACKGROUND

The City of San José Disaster Council was established in 1947, consistent with the California Emergency Services Act, and accredited by the California Office of Emergency Services. The Council was renamed the Emergency Services Council in 2004. The purpose of the Disaster Council or Emergency Services Council is to:

- A. Review plans and procedures, and when appropriate, recommend approval by the City Council.
- B. Review agreements (mutual aid or others), and when appropriate, recommend approval by the City Council.

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- C. Review and approve how volunteer organizations are organized and integrated with city response, including Community Emergency Response Teams (CERT), Radio Amateur Civil Emergency Services (RACES) and Search and Rescue organized volunteer programs.

As defined in Title 19, and identified in City of San Jose Municipal Code, the Emergency Services Council (ESC) is a public agency established by ordinance which is empowered to register and direct the activities of disaster service worker volunteers within the area of the city. In this respect, the ESC is acting as an instrument of the state in aid of carrying out general state government functions and policy with regard to disaster services.

Identifying an Administrator for the Disaster Service Worker Volunteer Program (DSWVP) for the City of San Jose is recommended to be sure the program remains compliant with CalOES requirements and improves coordination of the DSWVP with the Emergency Operations Plan.

## **ANALYSIS**

### **Administration:**

As stated in the CalOES Disaster Service Worker Volunteer Program Guidance, the registration of volunteers as Disaster Service Workers carries several responsibilities:

1. Classifying the type of work the volunteer is authorized to perform;
2. Training each person registered as a disaster service worker volunteer to satisfactorily complete a course of training or instruction, including periodic refresher training.
3. Administering a program that includes an approved, documented, and supervised program, and shall ensure disaster training is commensurate with the duties of the disaster service worker volunteer.

Title 19 allows for the designation of an Administrator to ensure these responsibilities are met. In most jurisdictions this falls to the department responsible for emergency management. For the City of San Jose this would be the City Manager's Office of Emergency Management.

### **Classification:**

Title 19 pre-identifies categories for which volunteers can register as DSW. The various classifications of disaster service worker volunteers and the general duties of the members of each classification shall be limited to those listed below. It is the responsibility of the accredited Emergency Services Council (or designated agency or authority) to determine the appropriate level of background check, if any, for each classification. The following is a modified list of volunteers from the guidance, focused on those roles for which the City of San Jose would engage volunteers. There are other classifications for volunteer fire and law that would be administered by those departments.

- a) Animal Rescue, Care and Shelter.
- b) Communications.
- c) Community Emergency Response Team Member.
- d) Emergency Operations Center/Incident Command.
- e) Human Services. (Care and Shelter)

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- f) Laborer.
- g) Logistics.
- h) Safety Assessment Program Evaluator.
- i) Search and Rescue.

The CalOES Disaster Service Worker Volunteer Program Guidance provides a standardized form that identifies the classification a volunteer may register, which ensures training requirements and authorization to provide services when called upon.

**Registration:**

As stated in the CalOES Disaster Service Worker Volunteer Program (DSWVP) Guidance, a person shall be deemed to be registered if the following information is captured:

- 1) name of registrant;
- 2) address of registrant;
- 3) date enrolled (established as the date the loyalty oath is administered);
- 4) name of registering government agency or jurisdiction with signature and title of authorized person;
- 5) classification of disaster service to which the volunteer is assigned; and
- 6) a signed statement that the loyalty oath or affirmation was taken or subscribed before an officer authorized to administer oaths.

The CalOES Disaster Service Worker Volunteer Program Guidance provides a standardized form that tracks this information and provides the Oath.

**Administration of Loyalty Oath:**

Documented proof of the oath or affirmation of any disaster service worker volunteer is an integral part of an injury claim for workers' compensation. File retention should follow the same rules as other public personnel records. The oath or affirmation shall be filed as follows:

- File in the office of the city clerk.
- The oath or affirmation may be destroyed without duplication five years after the termination of the disaster service worker volunteer's service or, in the case of a public employee, five years after the termination of the employee's employment.
- The personnel officer or other individual designated by the accredited disaster council shall be responsible for keeping the registration current, and for the accuracy and safekeeping of the official registration records.

City Charter Section 904 provides that each department head and his or her deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his or her department. Amended at election June 7, 1994. As confirmed by the City Attorney's Office, the City Manager, by memo, can extend the authorization of authorized personnel to administer the Loyalty Oath.

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## **EVALUATION AND FOLLOW-UP**

In preparation of future Emergency Services Council meetings, the Office of Emergency Management will evaluate the process described above and the actions noted below, and make recommendation(s) for modifications as needed.

Please see **Attachment A, CalOES Disaster Service Worker Volunteer Registration Form**, for the actions described below.

### **Administration:**

Following the recommendation of this memo to designate the Office of Emergency Management (OEM) as the Disaster Service Worker Volunteer Program (DSWVP) Administrator, the OEM will initiate actions to:

1. Utilize the CalOES DSWVP Registration form and maintain a local file for the programs managed by OEM; and work with City Clerk on the official files required for the DSWVP program;
2. Organize the delivery of the Community Emergency Response Team (CERT) program according to the National CERT curriculum; and work with the Radio Amateur Civil Emergency Services (RACES) on the delivery of Santa Clara County RACES training, including periodic refresher training for both programs; and
3. Deliver information required by CalOES for volunteer program administration listed in the DSWVP Guidance.

### **Classification:**

Utilize the Disaster Service Worker Volunteer Program (DSWVP) registration form to track volunteers under the following classifications:

- a) Animal Rescue, Care and Shelter.
- b) Communications.
- c) Community Emergency Response Team Member.
- d) Emergency Operations Center/Incident Command.
- e) Human Services. (Care and Shelter)
- f) Laborer.
- g) Logistics.
- h) Safety Assessment Program Evaluator.
- i) Search and Rescue.

### **Registration:**

Utilize the CalOES Disaster Service Worker Volunteer Program Guidance standardized form to track the required information. Note that the registration does not require citizenship and the required data is limited to name and address.

### **Administration of Loyalty Oath:**

By authorizing the OEM as the Administrator of the City of San Jose DSWVP, the OEM Director and Deputy can carry out the task of administering the Oath during pre-emergency training, meetings and workshops. As the volunteer programs grow, the City Manager, by memo,

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can delegate the authority to administer the Loyalty Oath. During emergencies, the Loyalty Oath can be self-administered, overseen by city staff organizing a Volunteer Center.

### **PUBLIC OUTREACH**

The opportunity for the Emergency Services Council to approve the registration of Disaster Service Worker Volunteers per the CalOES Disaster Service Worker Volunteer Program Guidance has been identified at the following public meetings:

- August 7, 2017 City Council Meeting on the 2017 Coyote Creek Flood After Action Report,
- December 1, 2017 City Council Study Session,
- May 17, 2018 Community Resiliency Plan Status Report to the Public Safety, Finance and Strategic Support Committee, and
- August 16, 2018 Emergency Management Workplan Report at the Public Safety, Finance and Strategic Support Committee, and

### **COORDINATION**

This memo has been coordinated with the City Attorney's Office.

### **CEQA**

According to CEQA Guideline PP17-009 this report is a Staff Report or Informational Memo that involves no approvals of any City action.

/s/

Raymond Riordan  
Director, Office of Emergency Management

For questions, please contact Raymond Riordan, Director, Office of Emergency Management, at (408) 794-7055.

Attachment A: CalOES Disaster Service Worker Volunteer Registration Form

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**Attachment A**

**CalOES DISASTER SERVICE WORKER VOLUNTEER REGISTRATION FORM**

**LOCAL AND STATE INFORMATION**

Loyalty Oath under Code of Civil Procedure §2015.5 & Title 19, Div.2, Chap.2, Sub-Chap.3, §2573.1

TYPE OR PRINT IN INK:

**SHADED AREAS REQUIRED BY PROGRAM REGULATIONS**

ATTACH PHOTOGRAPH HERE	<p style="color: red; font-weight: bold; margin: 0;">This block completed ONLY by Accredited Disaster Council, designated government agency or jurisdiction.</p> <p>CLASSIFICATION: _____ SPECIALTY: _____</p> <p>REGISTERING AGENCY OR JURISDICTION: _____</p> <p>SIGNATURE OF AUTHORIZED PERSON: _____ TITLE: _____</p> <p>REGISTRATION DATE: _____ RENEWAL DATES: _____</p> <p>EXPIRATION DATE: * _____ DSW CARD ISSUED?: NO? YES? #: _____</p> <p>PROCESSED BY: _____ DATE: _____ TO CENTRAL FILES: _____</p>
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NAME: LAST		FIRST		MI		SSN:	
ADDRESS:			CITY:		STATE		ZIP:
COUNTY:			HOME PHONE:		WORK PHONE:		
PAGER:			E-MAIL:		DATE OF BIRTH: (optional)		
DRIVER LICENSE NUMBER: (if applicable)			DRIVER LICENSE CLASSIFICATION: A? B? C?		LICENSE EXPIRATION DATE:		
OTHER DRIVING PRIVILEGES:			EMERGENCY PHONE:				
IN CASE OF EMERGENCY, CONTACT:							
PHYSICAL IDENTIFICATION:	HAIR:	EYES:	HEIGHT:	WEIGHT: (optional)		BLOOD TYPE: (optional)	
COMMENTS:							

<b><u>PARENT/LEGAL GUARDIAN CONSENT FOR MINOR</u></b>	
<p>As the parent or legal guardian of _____, a minor, I hereby give my full consent and approval for him/her to participate as a DSW volunteer. I understand there may be risks of serious bodily injury inherent in DSW volunteer activities, as well as in traveling and other related activities incidental to his/her participation, and I hereby assume these risks on behalf of him/her.</p>	
<p>_____ SIGNATURE OF PARENT/LEGAL GUARDIAN</p>	<p>_____ DATE</p>

**Government Code (GC) §3108-3109:**

Every person who, while taking and subscribing to the oath or affirmation required by this chapter, states as true any material matter which he or she knows to be false, is guilty of perjury, and is punishable by imprisonment in the state prison for two, three, or four years. Every person having taken and subscribed to the oath or affirmation required by this chapter, who, while in the employ of, or service with, the state or any county, city, city and county, state agency, public district, or disaster council or emergency organization advocates or becomes a member of any party or organization, political or otherwise, that advocates the overthrow of the government of the United States by force or violence or other unlawful means, is guilty of a felony, and is punishable by imprisonment in the state prison.

**LOYALTY OATH OR AFFIRMATION (GC §3102) IF SELF-CERTIFICATION approved by ADC, official's signature and title**

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**not required.**

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the  
**PRINT NAME**

Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservations or purpose of evasion; that I will well and faithfully discharge the duties upon which I am about to enter. I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_, California  
**DATE City COUNTY**

**SIGNATURE OF VOLUNTEER** \_\_\_\_\_

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE OF OFFICIAL AUTHORIZED TO ADMINISTER LOYALTY OATH**

\_\_\_\_\_  
**TITLE**