



American Red Cross

Chapter Headquarters
2600 W. Wisconsin Avenue
P.O. Box 05800
Milwaukee, WI 53205-0800
(414) 342-8680
Fax: (414) 933-5296

May 6, 1997

The Honorable Frank H. Urban
Representative, Wisconsin State Assembly
P.O. Box 8953
Madison, WI 53708

Dear Hank:

My purpose in writing today is to urge you to support Assembly Bill #319, the "Disaster Leave Volunteer Act".

As you know this is a piece of legislation which the American Red Cross has been actively supporting for several years. I know that many legislators are concerned about the cost of such an act and the appropriateness of releasing state employees to perform work for the Red Cross in the event of a natural disaster.

In addition to the attached "Q and A", I would simply offer the following thoughts:

1. When disaster strikes, the natural inclination is for people to want to help. In the event of a catastrophic disaster it is very likely that state employees would be involved in the relief efforts. It simply makes sense for them to have proper training in advance and planners from both the Red Cross and the State Emergency Government would have a better idea of who is prepared to do what.
2. There is no better training ground for disaster response than an actual disaster. Releasing state employees from their regular duties to serve on a disaster response in another state is a great way to get people some real experience at an actual disaster.

I hope that you will support this bill, if you have any questions, please don't hesitate to give me a call.

Sincerely,

Norman E. McKenly, Jr.
Chapter Manager

Post-It™ brand fax transmittal memo 7671		# of pages	2
To	FRANK URBAN		
From	BUD		
Co.	WI ST. ASSM.		
Co.	ACC		
Dept.			
Phone #	414 345-8640		
Fax #	608 2648583		

Serving people's needs in Southeastern Wisconsin

Questions & Answers about the American Red Cross Disaster Leave Law

Q: Why do we need a Disaster Leave Law in Wisconsin?

A: If Wisconsin is ever affected by a catastrophic disaster such as the floods that have recently struck North Dakota, our residents will require immediate aid. This law will help strengthen our state's ability to remain self sufficient during a large disaster in several ways:

- Current Red Cross volunteers who are state employees will be more available for long-term assignments, giving them more experience on large disasters that they can share with other volunteers at their home chapters.

- Wisconsin Red Cross chapters will be able to recruit and train more local volunteers from the pool of highly-skilled state employees.

- The Disaster Leave Law will set an example for private sector employers, providing momentum for a statewide volunteer recruiting drive that can greatly enhance our state's disaster response capabilities.

Q: Will this law increase state expenditures? How does this bill prevent this from occurring?

A: A disaster leave law will neither reduce nor increase state expenditures. The law provides the state with instant access to trained emergency relief workers who are ready to handle major disaster situations. All preparedness and response training is provided free of charge by their local American Red Cross chapter. The law designates a limited number of days that state employees are allowed paid leave to volunteer for disaster relief work. State agencies have full authority to grant requests for leave when feasible, and the bill clearly states that employees must get approval from their supervisor before they can be assigned to a relief operation. This allows state agencies to weigh competing demands for employees' time.

Of the 32 states that have passed similar legislation, none have experienced an excessive number of requests for disaster leave assignments.

The purpose of Red Cross disaster aid is to meet the immediate disaster-caused needs of individuals and families to return them to a self-sufficient lifestyle as quickly as possible. When this is done effectively, fewer people need additional aid from the state. The less that the American Red Cross is able to do for disaster victims, the more government aid is needed.



**National Headquarters
Washington, DC 20006**

**Elizabeth Dole
President**

May 6, 1997

**The Honorable John P. Dobyns
Chairman
Government Operations Committee
Wisconsin State Assembly
Madison, Wisconsin 53708**

Dear Chairman Dobyns:

I want to thank you for providing an opportunity for the Committee on Government Operations to consider Assembly Bill 319 which would allow Wisconsin state employees leave to provide specialized disaster relief services through the American Red Cross.

Assembly Bill 319 will make it possible for state employees to participate in disaster training and to work side-by-side with other Red Cross relief workers when disasters strike communities in Wisconsin. While on assignment, state employees will gain valuable experience and training that will benefit the employee, their agencies, and the citizens they serve.

Your support for the American Red Cross and for state employees who will serve with us will be appreciated.

With warmest best wishes,

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Dole". The signature is written in a cursive style with a large, looped "E" and "D".

545 West Porter Road
Evansville, WI 53536

May 7, 1997

The Honorable John Dobyms
Chairman, Government Operations Committee
Room 10 West, State Capitol
Madison, WI

VIA TELEFAX

Dear Representative Dobyms:

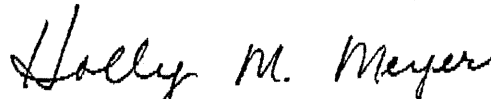
As a Wisconsin state employee and a certified disaster services volunteer with the American Red Cross, I am writing to ask your support of Assembly Bill 319, the "Disaster Leave Volunteer Act," which would provide paid leave to state government employees who volunteer during times of major disaster.

The American Red Cross provides a critical and essential service to victims of disasters. In the event of a large disaster, such as the flooding that is occurring in North Dakota right now and last year's potential explosion hazard in Weyauwega, many volunteers are needed to staff shelters and provide other emergency assistance to the stricken families. The Red Cross has provided me with extensive training and I have been active in my own chapter for two years. However, I would like to be available for longer-term assignments throughout the state, as well as in other parts of the country. Until now, I have been limited to my own county because of my inability to commit to an unpaid leave of absence from my job with the Wisconsin Gaming Board. Adoption of the Disaster Leave Volunteer Act would give me the opportunity to expand on my training and become certified on a statewide and national level.

Because the American Red Cross depends on volunteers to staff its disaster relief services, recruitment is an ongoing task. Many highly-skilled state employees may be encouraged to become involved if they know they will be supported by their employing agencies and state government. Your endorsement of the Disaster Leave Volunteer Act and its passage by the State Legislature would help further that effort.

If you have any questions, you may contact me at (608) 266-2775 days or (608) 882-4639 evenings. Thank you for your consideration.

Sincerely,



Holly M. Meyer

cc: Rep. Steve Wieckert
Rep. Frank Urban

Rep. Alvin Ott
Rep. Carol Kelso

State of Wisconsin

Tommy G. Thompson
Governor

Jon E. Litscher
Secretary



137 East Wilson Street
P.O. Box 7855
Madison, WI 53707-7855

DEPARTMENT OF EMPLOYMENT RELATIONS

May 7, 1997

To: State Representative John Dobyms, Chairperson
Members, Assembly Committee on Government Operations

FROM: Jon E. Litscher, Secretary

SUBJECT: AB 319, Leaves of Absence for State Employees Performing Disaster Relief Services

The Department of Employment Relations is not opposed to the idea of providing paid leave to state employees for the purposes and under the conditions set forth in AB 319. However, we are compelled to bring to the Committee's attention the precedent that would be set by this bill.

We appreciate that the authors of AB 319 placed narrow conditions on the leave and made its use permissive. However, we know from experience that when AB 319 is signed into law, employees -- and other non-profit organizations -- will begin asking the Legislature to expand the concept to other disaster relief situations and other types of volunteer activities.

AB 319 will open the door to an unlimited number of proposals for paid humanitarian or charitable leave. Each suggestion will be for a very worthy cause and, by itself, would not disrupt state agency operations. However, cumulatively, they will increase state spending for overtime and staff replacement costs and place the state in the business of subsidizing private, volunteer work.

Fostering volunteer relief services during unforeseen natural disasters is unquestionably a desirable goal. Yet, so are many other outside activities that benefit our community and that are not that different from those specified in AB 319 (e.g., volunteer firefighting). However, it will be difficult to explain to other employees why the state cannot provide paid leave for less urgent, but equally worthwhile volunteer activities.

For these reasons, the Department cautions the Committee. Our written testimony is for informational purposes only.



**American
Red Cross**

Badger Chapter
4860 Sheboygan Avenue
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<http://www.mabb.com/redcross>

May 7, 1997

**Testimony in support of Assembly Bill #319
Government Operations Committee**

Mr. Chairman and members of the committee, thank you for the opportunity to speak here today in support of assembly Bill #319. My name is Phillip Hansen. I am the Director of Emergency Services for the Badger Chapter of the American Red Cross which serves as the state lead unit for Red Cross Disaster Services.

I would like to give you an overview of how volunteers are activated for major disasters in Wisconsin. In addition, I will discuss how the Red Cross would request State Employees, who are certified disaster volunteers, to serve on state or national disaster operations.

Every county in the State of Wisconsin is served by a Red Cross chapter. When any disaster happens, the local Red Cross chapter is responsible for beginning the relief operation. If the demands of the disaster exceed the chapter's ability to provide the needed services, the chapter turns to the Red Cross state lead unit for disaster services, in Madison, for help. The chapter will request volunteers with skills in any of 24 speciality functions such as Sheltering, Feeding, Mental Health, Logistics, Casework and Damage Assessment. The Chapter will request volunteer personnel who have skills or experience in functions that they cannot find or access locally.

At the Red Cross office in Madison we maintain a database of all current members of the Disaster Services Human Resource System (DSHR) who reside in the State of Wisconsin. Any state employee who has taken the necessary, free Red Cross training and has become a certified disaster services volunteer can ask to be included in this database. The basic training requirements to become certified are "CPR and Standard First Aid" (1 day course), "Introduction to Disaster Services" (3-4 hour course) and a functional course in the volunteers chosen specialty (4-8 hours). Currently, 280 volunteers are members of the DSHR system in the State of Wisconsin.

If a state employee is certified and would be able to fill the needed functional role, the Red Cross will notify, via a written request, the employees appointing authority/supervisor asking for the employees assistance on the operation. Typically, the employee is requested for a three week period of time. The three week period is critical to ensure that the assignment is cost effective and that assigned worker has time to become comfortable and productive in his/her job. The appointing authority/supervisor and the employee would meet to decide if the timing of the assignment is appropriate. If the appointment is approved, a written confirmation will be sent to the appointing authority/supervisor and the employee. If not, the volunteer can refuse the assignment verbally or in writing.

We attempt to fully staff disaster operations like the Oakfield Tornado from within the state. Sometimes this is not possible. When an adequate number of experienced in-state volunteers are not available we rely on volunteers from other parts of the county to assist with the disaster operation. The Red Cross state lead unit contacts the National American Red Cross Disaster Operations Center to request volunteers with the specific skills and experience required. Typically, this occurs on large operations like the Weyauwega Train Derailment, the 1993 Upper Mississippi Floods or the current operation in North Dakota.

Under the provisions of the bill, state employees may also provide services in connection with a disaster operation that is out of state if the governor authorizes appointing authorities to grant leaves of absence for that disaster. As is the case in a state disaster, the employee must be a certified Red Cross disaster service volunteer, the Red Cross must make a written request for the services of the employee to the employee's appointing authority, and the employee needs to have permanent employee status. Likewise, the employee or their supervisor can refuse the assignment if the timing is not right.

The Red Cross assists the assigned worker with travel arrangements and covers the cost of the assigned workers travel and maintenance. The Red Cross also provides debriefing for the worker on the disaster operation and through their local Red Cross Chapter when they return home.

State employees already possess many skills needed during times of disaster. Some state employees have skills that can be easily transferred to disaster operations, such as, shelter management, mass feeding, damage assessment, and casework services. While on assignment state employees will gain experience and training that will benefit them, their agencies, and the citizens they serve.

Bill No. 319 provides our state with instant access to emergency volunteers who are trained, in specific areas to handle disaster situations. State employees will be able to answer the call without the fear of any problems pertaining to their jobs, seniority, or benefits.

I encourage you to support Bill No. 319 which will give everyone in the state of Wisconsin an additional group of trained disaster volunteers ready to serve when help can't wait.

Thank you for your support and interest in the Red Cross.

Respectfully Submitted,



Phillip Hansen
Director, Emergency Services



**American
Red Cross**

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May 7, 1997

**Testimony in support of Assembly Bill #319
Government Operations Committee
by David Giroux, Public Relations Director**

Mr. Chairman and members of the committee, thank you for allowing me to speak here today in support of Assembly Bill #319. My name is David Giroux. I am the Public Relations director with the Badger Chapter of the American Red Cross in Madison.

The American Red Cross is a private, nonprofit organization with a mission to provide relief to all victims of disaster in the United States. This legislation will help us fulfill that mission, and provide meaningful support for Wisconsin residents left homeless by disaster.

The American Red Cross responds to more than 60,000 disasters every year, including hundreds of major disasters such as tornadoes, floods, earthquakes, hurricanes, chemical spills, and commercial transportation accidents. These incidents destroy homes, disrupt lives and devastate communities.

In all disasters, big or small, dedicated volunteers are the backbone of our relief efforts. Without compensation for their time, they respond around the clock to provide neighbors with temporary housing other essentials. Working through local chapters across Wisconsin, Red Cross volunteers work hand-in-hand with municipal, county and state officials to orchestrate timely aid for disaster victims.

Our role is unique, and is not duplicated by any government agency. Red Cross aid bridges the gap until insurance, government loans and other long-term assistance can take effect. Our first responsibility is to set up shelters and feeding sites, and distribute meals to firefighters, police and other emergency responders as well as victims. As the community begins to recover, volunteers meet one-on-one with disaster victims to provide financial aid for clothing, groceries, shoes, cleanup supplies and other emergency items. Volunteer mental health counselors help victims cope with the emotional trauma. Additional Red Cross volunteers coordinate the logistics, record-keeping, radio communications, public information, and various support functions.

The American Red Cross is the **only** non-governmental disaster relief organization chartered by the United States Congress to provide relief to victims of major disasters and given specific responsibilities under the Federal Disaster Response Plan. Likewise, the Red Cross participates

in dozens of drills and planning exercises across Wisconsin every year, and we have a designated seat in the state's Emergency Operations Center to closely coordinate relief efforts with other agencies. However, Red Cross disaster relief is made possible not through government funding, but from the voluntary donations of time and money from the generous people of Wisconsin.

Our aid to disaster victims is based on the premise that people are ultimately responsible for their own recovery. Our job is to provide them with immediate aid that speeds their return to self-sufficiency. By returning to work quickly, and resuming their normal lives, families are less likely to need aid from other sources, including state government.

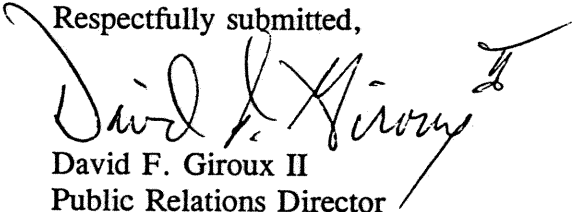
While all Red Cross disaster relief begins with the local chapter, it is our nationwide network that gives us the power to respond to disasters of any magnitude. Just as states can request federal aid to mitigate the needs major disasters, so too can local Red Cross chapters call for assistance from our national organization. As a Red Cross disaster worker for nearly 10 years, I have worked on hurricanes in Florida, floods in Indiana, an earthquake in California, tornadoes in Ohio, and several other national relief operations. When disasters in Weyauwega and Oakfield struck our state, I was comforted by the knowledge that Red Cross colleagues from other states would come to our aid.

By allowing state employees paid leave to work on major disasters, this bill will provide us with access to more trained, dedicated volunteers when we need them most. Motivated by predictions of serious flooding in their state, the North Dakota state legislature recently passed a similar bill, making that state the 35th state to pass a disaster leave law in support of the Red Cross.

We all know from very recent experience that tornadoes, train wrecks and other disasters can happen without warning. This bill will help us to prepare for future disasters. The individual volunteers will give their personal time to train with a local chapter. The American Red Cross will provide all the necessary training and equipment, and pay all expenses related to their work on relief operations. We're simply asking the state to allow volunteers the time to use their skills, training and compassion to help others when help can't wait. That is certainly a wise investment in the future of Wisconsin and the well-being of our neighbors.

Thank you for your support.

Respectfully submitted,



David F. Giroux II
Public Relations Director



American Red Cross

*4860 Sheboygan Avenue
Madison, WI 53705
(608) 233-9300, ext. 291
Fax: (608) 233-8318*

FAX TRANSMISSION COVER SHEET

*Date: May 9, 1997
To: Rep. John Dohyans
Fax: 282-3652
Re: AB #319
Sender: David Giroux
Public Relations Director*

*YOU SHOULD RECEIVE 4 PAGE(S), INCLUDING THIS COVER SHEET. IF
YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL (608) 233-9300, ext. 291.*



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May 9, 1997

The Honorable John P. Dobyms
Chairman
Government Operations Committee
Wisconsin State Assembly
Madison, WI 53708

Dear Chairman Dobyms:

Thank you for the opportunity to speak before your committee in support of Assembly Bill #319. In response to your requests, I am providing you more information.

First, I should clarify the issues of insurance coverage and workers compensation for Red Cross disaster relief volunteers. Throughout our history, it has never been American Red Cross policy to extend workers compensation insurance to volunteers. Assignment to Red Cross disaster relief operations through a disaster leave law is considered voluntary, in that the individual has the right of refusal and receives no compensation from the American Red Cross.

In enacting a similar disaster leave law, the Kansas state legislature added the following amendment to clarify workers compensation issues:

"An employee deemed to be on leave under this section shall not be deemed to be an employee of the state for purposes of workers compensation. An employee deemed to be on leave under the section shall not be deemed to be an employee of the state for purposes of Kansas tort claims act."

The North Carolina state legislature added the following language to their bill:

"The state of North Carolina 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. The employee is granted leave based on the need for the expertise in his or her certified area. Job functions although similar or related are performed on behalf of and for the benefit of the American Red Cross."

Page 1 of 2

American Red Cross corporate liability insurance does cover volunteers for personal liability they may incur while acting as agents of the organization (under the direct supervision and control of the Red Cross within the scope of his/her Red Cross duties). In addition, Red Cross premises medical payments insurance will act as a secondary provider beyond the volunteer's primary insurance. If the volunteer does not have medical/health coverage through another source, Red Cross insurance will provide up to \$10,000 in coverage for injuries that occur while providing Red Cross services.

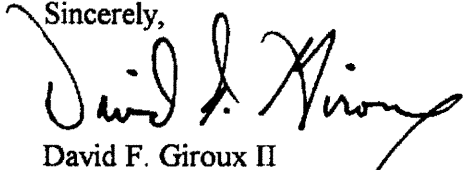
Per your request, I have attached a map of the local jurisdictions of American Red Cross chapters in Wisconsin. Where chapter jurisdictions cross state lines, some parts of Wisconsin are served by chapters located in Minnesota and Michigan. Likewise, some Wisconsin Red Cross offices provide services in Michigan, Illinois and Minnesota.

Finally, I would like to respond to concerns raised by the Department of Employee Relations. The American Red Cross has a truly unique status as a national disaster response agency. We are given specific responsibilities by the Federal Emergency Management Agency and the Wisconsin Division of Emergency Government. When a major disaster strikes this state, we are called upon by government agencies to closely coordinate our efforts and exchange information. Virtually every county emergency management agency in the state relies on a local Red Cross chapter to fulfill elements of their disaster response plans. No other voluntary organization maintains a relief capacity specifically for victims of disaster throughout the country, 24 hours a day, 365 days a year. This status deserves special consideration.

It is also worth noting that none of the 35 states with similar disaster leave laws have experienced an excessive number of requests for disaster leave assignments. In Ohio (which passed the first disaster leave law in 1983), 40 state employees have enrolled as Red Cross volunteers, and thirty of those employees have served on major relief operations.

If you require any additional information, please contact me at (608) 233-9300, ext. 291. Thank you.

Sincerely,



David F. Giroux II
Public Relations Director

MAPS: Wisconsin Chapters





STATE OF WISCONSIN

Department of Employee Trust Funds

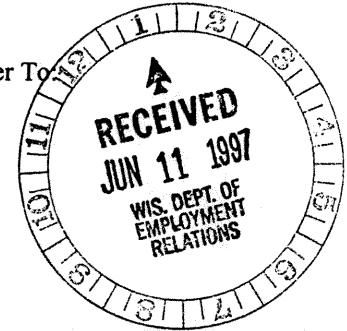
Eric O. Stanchfield
Secretary
801 West Badger Road
P.O. Box 7931

Madison, Wisconsin 53707-7931

May 30, 1997

JON E LITSCHER, SECRETARY
DEPARTMENT OF EMPLOYMENT RELATIONS
P O BOX 7855
MADISON WI 53707-7855

In Reply Refer To



Dear Secretary Litscher:

Thank you for your recent letter regarding Assembly Bill 319. We appreciate the opportunity to provide our opinion on the effects this bill would have on our benefit programs.

You ask:

1. Would state employees who are protective occupation participants under the Wisconsin Retirement System when granted a paid leave of absence under AB 319 be eligible for duty disability benefits under s.40.65 Stats., for injuries sustained while performing disaster relief services?

Section 40.65(4)(a), Wis. Stats., provides § 40.65 benefits are available if: "the employe is injured while performing his or her duty or contracts a disease due to his or her occupation." Since individuals would be on a voluntary leave of absence to perform services not required by the employer, any injury or disease contracted in the performance of those services would not meet the requirements of § 40.65(4)(a), Wis. Stats. Therefore the employe would not be eligible for benefits under § 40.65.

Please keep in mind that this represents our opinion of the bill and its impact on current statutes. However, the availability of benefits under the § 40.65, Wis. Stats., duty disability program is frequently clarified through litigation. So while we are comfortable with our interpretation that employees who are injured and become disabled while on voluntary leave would not meet the requirements of § 40.65(4)(a), Wis. Stats., a court could determine otherwise. We think this unlikely, but the possibility exists.

2. Would state employees granted a paid leave of absence under AB 319 continue to be covered by group health, life and income continuation insurance benefits while performing disaster relief services? Would the eligibility criteria and benefit levels remain the same? Specifically what coverage would be available to employees who have health insurance with an alternate plan (i.e., HMO, PPO, etc.) when performing disaster relief services outside their service area?

Jon E. Litscher, Secretary
May 30, 1997
Page 2

An employe who is on a paid leave of absence is treated the same as actively employed employes for purposes of group health, life and income continuation insurances. Thus, neither eligibility criteria nor benefit levels for these programs would be affected.

The income continuation insurance plan does not require that a disability be work related in order for benefits to be payable. Since AB 319 proposes to continue the employe's wages during the leave, the benefit level would also be unaffected.

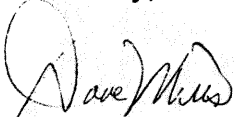
The life insurance program does not exclude coverage for death due to participation in disaster relief work, and since these are paid leaves, the benefit level, which is determined by the employe's annual salary level, would also not be affected.

The health insurance program would treat the employe like any other actively employed individual and the terms of the selected plan would remain in effect. Thus, for employes enrolled in HMOs who travel outside their HMO's service area, only emergency and urgent care services would be covered. Employes enrolled in the Standard Plan or Standard Plan II would be able to access any provider regardless of the location and for any covered condition. A temporary leave of absence under this bill would not create an enrollment opportunity for the employe to select a plan other than the plan in which the employe is currently enrolled.

Premiums would continue uninterrupted for all insurance due to a paid leave of absence.

I hope this adequately answers your questions, but please feel free to call Tom Korpady, Administrator of the Division of Insurance Services or me if you have further questions or concerns.

Sincerely,



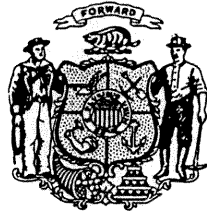
David Mills, Deputy Secretary
(608)266-0301
FAX: (608)267-0633
TTY #: (608)267-0676

DM/dt

cc: Tom Korpady

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

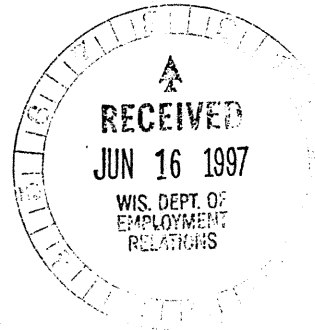
TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY



Mailing Address:
Post Office Box 7844
Madison, WI 53707-7844

June 12, 1997

Jon Litscher, Secretary
Department of Employment Relations
137 East Wilson Street
Madison, WI 53707-7855



Re: AB319

Dear Secretary Litscher:

This letter is in response to your May 22, 1997 letter regarding AB 319. You requested that I respond to several questions that were asked of you regarding the proposed legislation and Assembly Amendment 2.

I sent a copy of your letter to Mr. Charles Hoornstra, Assistant Attorney General, requesting his legal opinion. I also sent a copy to Mr. Dick Smith of the Worker's Compensation Division in the Department of Workforce Development requesting his opinion. Although the language is very vague, we have concluded the following in response to your questions:

Question 1. Would state employes granted a paid leave of absence under AB 319 be eligible for workers compensation coverage from their employing agency while performing disaster relief services - either in-state or out-of-state? An amendment to the bill has been offered on this point; it is attached and I would appreciate your reaction to it.

The legislation as proposed is very ambiguous regarding worker's compensation coverage and would more than likely be interpreted that the employe would not be provided worker's compensation from the employing agency. Each individual case and the facts of the case would have to be reviewed because of the ambiguity in the proposed legislation. The amendment provides some clarity and would probably provide coverage for the two scenarios indicated in paragraphs "a" and "b" of the amendment. Once again, the facts of the case would have to be reviewed but coverage would more than likely be provided. For any circumstances other than scenarios indicated in paragraphs "a" and "b", coverage would not be provided.

Question 2. Would state government be liable in any way for the actions of or injuries to a state employe performing disaster relief services while on paid leave of absence?

This is really two different questions. The first question deals with the actions of a state employe and whether or not state government would be held liable. Under the proposed legislation the state would

probably not be held liable. The amendment specifically deals with the worker's compensation statute so Mr. Hoornstra does not feel the amendment would make the state liable for the actions of a state employe performing under the proposed legislation.

The second question is whether the state would be liable for injuries to a state employe. If the employe was found to have coverage under worker's compensation which would probably be the case with scenarios "a" and "b" of the amendment, then the state would be liable for injuries to a state employe. If the injuries were a result of a third party negligent act, then the employe and the state would have a right to subrogate against the third party.

Question 3 Is it correct that the statutes, and not administrative rules, would govern whether a state employe is covered by worker's compensation from their employing agency while performing disaster relief services on a paid leave of absence?

The statutes would govern whether a state employe would be covered by worker's compensation from the employing agency. However, the facts of each case would also be considered as to whether or not coverage is provided. A state employe may be on disaster relief but if his or her injuries are not the result of the disaster relief activities, then coverage may not apply.

This legislation will create challenges for agencies with employes participating in this program. When an employe is seriously injured, the costs associated with the injury will increase the worker's compensation premiums the agency pays to the Risk Management Fund. The employes will be working in hazardous situations under conditions they are often not accustomed. This significantly increases the potential for the employes to be injured.

We have worked with the agencies to develop programs to prevent losses and reduce the costs of losses so their premium costs could be reduced. We have made agencies accountable by allocating costs back to them. They have responded by implementing safety programs and early return to work programs which reduced overall costs by 25% over the past three years. This legislation would put the agency at risk for increased costs with no way to control the risks. The exposure to worker's compensation costs should be assigned to the American Red Cross or the local units of government who will have control over the employes and thus be held accountable for providing safe working conditions.

Please contact me at your convenience if you have any additional questions.

Sincerely,



Rollie J. Boeding
Director of State Risk Management

cc: Linda Seemeyer, Executive Assistant
Jim Johnson, Division Administrator

pc: Bob Van'trees
Jessica S. Damm

State of Wisconsin

Tommy G. Thompson
Governor

Jon E. Litscher
Secretary



137 East Wilson Street
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DEPARTMENT OF EMPLOYMENT RELATIONS

June 17, 1997

State Representative John Dobyns
Chairperson, Assembly Committee on Government Operations
10 West, State Capitol
Madison, WI 53707

Dear Representative Dobyns:

Several weeks ago, you asked me several questions about the effects of Assembly Bill 319, which would allow paid leaves of absences for state employees while performing disaster relief services. I referred your questions to the Department of Administration (DOA) and the Department of Employee Trust Funds, which are the agencies which oversee the activities covered by your questions.

I have received replies from the two agencies and am forwarding them to you for your review. These responses clarify how employees eligible for various benefits would be affected if they are on a leave of absence as provided under the bill.

Because of the concerns raised by DOA (as well as our own concerns), I would be happy to meet with you or members of your Committee to discuss the proposal.

Please let me know if you have any questions or would like to discuss this issue further.

Sincerely,

A handwritten signature in cursive script that reads 'Jon E. Litscher'.

Jon E. Litscher
Secretary

JEL:BVH

Attachments



STATES WITH DISASTER LEAVE POLICIES

STATES/ TERRITORIES	YEAR PASSED	NO. OF PAID LEAVE DAYS	CONTACT	LAW PERTAINS TO ALL STATES, CONTIGUOUS STATES, OR STATE ONLY	NOTES:
Alabama	1995	30	Billy Baxter State Relations Director Montgomery Area Chapter 334/834-8680	all states	
Colorado	1996	5-10	Marie Belew Mile High Chapter 303/722-7474, ext. 190	all states	
Connecticut	1989	14	Lois Grady- Wesbecher Emergency Services Director Greater Hartford Chapter 860/678-2700	state only	
Delaware	1995	15	Marguerite Prueitt Executive Director Wilmington 302/656-6620 ext. 236	all states	
Florida	1994	15	Ray de Sousa Executive Director Capital Area Chapter 904/878-6080	all states	
Illinois	1991	20	Mark Houston State Relations Director Central Illinois Chapter 217/527-3971	state only	
Indiana	1995	15	John Lyter/ Dorsey Hart Indianapolis Area Chapter 317/684-1441	state only	



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STATES/ TERRITORIES	YEAR PASSED	NO. OF PAID LEAVE DAYS	CONTACT	LAW PERTAINS TO ALL STATES, CONTIGUOUS STATES, OR STATE ONLY	NOTES:
Iowa	1995	15	Jim Brown Financial Development Central Iowa Chapter 515/243-7681	state only	
Kansas	1993	20	Teri Buek Manager Kansas Capital Area Chapter 913/234-0568	state and contiguous states	
Kentucky	1994	TBD	Walt Norris Labor Liaison Louisville Area Chapter 502/589-4450	state only	Request must come from a local emergency services agency; duration shall be as long as volunteers are needed.
Louisiana	1995	15	Kay Ham Louisiana Capitol Area Chapter Baton Rouge 504/926-4533	all states	
Maryland	1994	15	Frank Miller Executive Director Central Maryland Chapter 410/764-7000	state and contiguous states	
Minnesota	1994	15	David Therkelsen Marketing Director St. Paul Blood Region 612/291-6789	all states	
Mississippi	1994	20	Erin Ladner Central Mississippi Chapter 601/353-5442	state and contiguous states	
Missouri	1995	15	Don Otto Government Relations Jefferson City 314/636-8135	all states	Participation is limited to a maximum of 25 employees at any one time.



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STATES/ TERRITORIES	YEAR PASSED	NO. OF PAID LEAVE DAYS	CONTACT	LAW PERTAINS TO ALL STATES, CONTIGUOUS STATES, OR STATE ONLY	NOTES:
Nebraska	1993	15	Robert Fairbank Executive Director Lincoln 402/441-7997	state only	
Nevada	1995	15	Gary Derks Emergency Services Director Sierra Nevada 702/856-1000	state and contiguous states	
North Carolina	1993	15	Jim Johnston Manager State Coordinating Chapter 919/231-1602	state only	
Ohio	1983	30	Dennis Morgan Disaster Volunteer Columbus Area Chapter (614) 253-1544	all states	
Oklahoma	1994	15	Marcia Robinson State Relations Officer Garfield County Chapter 918/683-3856	state only	
Oregon	1995	15	Beth Heinrich Oregon Trail Chapter Portland 503/284-1234	state only	
Pennsylvania	1993	TBD	Ron Lench Consultant 717/234-1824	state only	This law grants an administrative leave. Volunteer must be a certified ARC disaster work. Leave granted only after Governor declares a state of emergency.
Puerto Rico	1994	30	Luz Pitterson Executive Director San Juan 809/759-7979	all states	



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STATES/ TERRITORIES	YEAR PASSED	NO. OF PAID LEAVE DAYS	CONTACT	LAW PERTAINS TO ALL STATES, CONTIGUOUS STATES, OR STATE ONLY	NOTES:
Rhode Island	1995	10	Bret Davey Rhode Island Chapter 401/831-7700	all states	
South Dakota	1996	10	Lisa Blake Oahe Chapter 605/224-6240	state only	
Tennessee	1992	15	Patrick Fitzsimmons Direct Services Administrator Knoxville Area Chapter 615/584-2999	all states	
Texas	1993	5	Frank Walsh State Relations Rep. Austin 512/478-9779	state only	Maximum 500 participants at any one time.
Vermont	1996	15	William Shouldice William Shouldice & Assoc. Montpelier 802/223-1197	all states	
Virgin Islands	1995	20	Don Johnson St. Thomas 809/776-3913	all states	Provides up to 10 working days annually to participate in Red Cross training.
Virginia	1993	14	Kass Lawrence Associate Chapter Manager Greater Richmond Chapter 804/780-2250	all states	This law grants an administrative leave . Disaster leave policy is addressed in state's Personnel and Training Manual.
West Virginia	1996	15	Pat Appino Manager Central West Virginia Chapter 304/340-3658	all states	
Wyoming	1994	15	Ken Skalitsky State Relations Rep. Cheyenne 307/638-8906	all states	This law grants administrative leave .