



Memorandum

TO: EMERGENCY SERVICES
COUNCIL

FROM: Raymond Riordan

SUBJECT: See below

DATE: March 26, 2024

Approved

Date

4/9/2024

SUBJECT: DELEGATION OF REGISTERING AND SWEARING IN DISASTER SERVICE WORKERS TO THE COMMUNITY EMERGENCY RESPONSE TEAM COORDINATOR

RECOMMENDATION

Approve the delegation of registering and swearing in Community Emergency Response Team Disaster Service Worker Volunteers to the Community Emergency Response Team Coordinator.

OUTCOME

Approval of the Community Emergency Response Team (CERT) Coordinator as an authorized staff to administer the State of California Loyalty Oath will allow for more effective use of OEM staff time and flexibility. As OEM is currently limited to two authorized staff members to administer the oath, there is no alternative to if or when the staff member would be unavailable. The CERT Coordinator regularly attends the final day of the CERT Training (Skills Day), so approval to administer the oath would eliminate the need for additional OEM staff to attend.

BACKGROUND

The Disaster Service Worker Volunteer (DSW-V) Program Guidance, managed by the California Office of Emergency Services (CalOES), states that an officer authorized to administer oaths, such as elected officials, city/county clerks, or notary publics, can administer the DSW-V loyalty oath. City policies also allow department directors, assistant directors, and deputy directors to administer oaths.

Currently, the Director and the Deputy Director of the Office of Emergency Management are the only staff authorized to administer the loyalty oath, along with other department directors, assistants, or deputies.

ANALYSIS

Approving the delegation for the Community Emergency Response Team (CERT) Coordinator to register and swear in CERT volunteers allows for efficiency in ensuring the volunteers are protected from liability in carrying out CERT team responsibilities and provides for workers compensation if injured carrying out the duties for which the volunteers are trained. Delegation of the authority complies with the California Office of Emergency Services Disaster Service Worker Volunteer Guidance (2019).

EVALUATION AND FOLLOW-UP

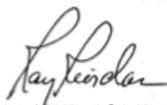
At the next Emergency Services Council meeting, updates on the authorization of the CERT Coordinator to administer the DSW-V loyalty oath will be discussed, and issues identified, if needed.

COORDINATION

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



RAYMOND RIORDAN
Director, City Manager's Office of Emergency
Management

For questions, please contact Alvin Galang, Assistant to the City Manager, at (408) 794-7055.

ATTACHMENT

Attachment A: Disaster Service Worker Volunteer Program Frequently Asked Questions

ATTACHMENT A
Disaster Service Worker Volunteer Program Frequently Asked Questions

FREQUENTLY ASKED QUESTIONS
Disaster Service Worker Volunteer Program



OATH	
1	<p>How can the loyalty oath be administered?</p> <p>Oath administration may be fulfilled in one of two methods at the discretion of the ADC. The two methods are self-certification and officer administered.</p> <p>Self-Certification: volunteer reads oath and self-certifies by signing oath, under penalty of perjury, consistent with Civil Code §2015.5.</p> <p>Officer Administered: volunteer takes and subscribes to oath before an officer with oath administration authority.</p>
2	<p>Who can administer the loyalty oath?</p> <p>An officer authorized to administer oaths, such as elected officials, city/county clerks, or notary publics. Also, Department heads of State Agencies, including Cal OES Director and to any officer of OES to whom the Director delegates this authority. County/city ordinances and local rules may also dictate who has delegation authority. Consult local legal counsel regarding your jurisdiction's specific laws and ordinances.</p>
3	<p>Do you need to be a US citizen to take the oath?</p> <p>A non United States citizen may take the loyalty oath; however, the person may need to research whether subscribing to the loyalty oath has any impact on his/her own country's allegiance.</p>
4	<p>Who in the Accredited Disaster Council (ADC) may administer oath or delegate its authority? What is the procedure and documentation?</p> <p>An ADC member does not inherently have authority to administer the oath by virtue of being a member. Any ADC member may have the authority as stated in law. (Gov. Code, §3104.) Procedure varies according to the ADC. Documentation must be in writing. Consult local legal counsel regarding your jurisdiction's specific laws and ordinances.</p>
5	<p>Can a volunteer be delegated oath authority?</p> <p>Delegating the authority to administer the oath may be permitted. Consult local legal counsel regarding your jurisdiction's specific laws and ordinances.</p>
6	<p>Must volunteer be in presence of the officer giving the oath?</p> <p>Yes, if the ADC elects the Officer Administered method of oath administration.</p>
7	<p>Can the oath be administered remotely via online, telephone, or video?</p> <p>No. If the ADC elects the Officer Administered method of oath administration, then the DSW volunteer must be present for oath administration.</p>
8	<p>Who subscribes to the loyalty oath if minors are registered?</p> <p>If the ADC or its designee decides to register minors, the minor must subscribe to the loyalty oath, not the parent or legal guardian. (Gov. Code, §3102(a).)</p>
9	<p>What is the effective period of an oath subscription for the DSW volunteer?</p> <p>The oath subscription is effective for the period the DSW volunteer remains a member with the authorized registering entity. (Gov. Code, §3102.)</p>

FREQUENTLY ASKED QUESTIONS
Disaster Service Worker Volunteer Program



10	Can the oath be retained electronically rather than in hardcopy?	The oath may be retained electronically provided a signed statement by the person (who scanned the DSW records) is on file to substantiate original records were reproduced.
11	When can the oath be destroyed?	The oath can be destroyed five years after the DSW volunteer's service has been terminated. (Gov. Code, §3105(e).)
REGISTRATION		
1	Can non-US citizens be registered as DSW volunteers?	An individual does not have to be a United States citizen to become a DSW volunteer; however, one of the registration requirements is to take and subscribe to the loyalty oath. It is recommended the non-citizen considers whether subscribing to another country's oath has any impact on their own country's allegiance.
2	Is a volunteer considered registered after he/she subscribes to the loyalty oath?	Oath subscription is only one of the requirements to comply with a valid registration. To be properly registered as a DSW volunteer, the ADC or authorized registering agency must have the name and address of the registrant, date of enrollment, name of registering entity with signature and title of authorized person, classification, and oath subscription. (Cal. Code Regs., tit. 19, §2573.1.)
3	Can minors be registered as DSW volunteers?	Minors may be registered as DSW volunteers. If the ADC decides to register minors, the minor must subscribe to the oath and his/her parent or legal guardian must provide written consent for the minor's participation in disaster service duties.
4	Does minor's parent or legal guardian take the oath?	No. Only the DSW volunteer is required to take and subscribe to the oath. (Gov. Code, §3102(a).)
5	Can one registration form be used to register a group of people for a training activity?	A group registration is allowed provided the form created for this purpose includes all regulatory information as well as incorporation of the loyalty oath. Each volunteer must provide an original signature for the oath subscription along with a section dedicated for the authorized oath official's signature and title. (Cal. Code Regs., tit. 19, §2573.1.)
6	If a person is volunteering in County A as a SAR member and also volunteering in County B as a CERT member, does the person need to register with both Counties?	Yes, since County A and County B have different jurisdictional responsibilities and authority for the DSW volunteer performing disaster service duties at the direction and supervision of each respective County.
7	Are background checks required as part of the DSW registration process?	It is not a requirement. However, the ADC or its designee may implement the requirement and conduct a background check of its members.