Are You
Prepared?

Legal Issues Facing North Carolina Public Employers in Disasters and Other Emergencies

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Conclusion
North Carolina public employers face natural and man-made disasters, ranging from hurricanes, tornadoes, severe winter storms, and flooding to pandemic flu and the possibility of bioterrorism. Some of these emergencies have already occurred; others have not. And new threats arise all the time—building fires accompanied by the release of hazardous gases, chemical spills on roadways or into the environment, and the possibility of major disruptions to the power grid. Never is the demand for government services as great as in emergency situations such as these. Yet providing essential services is a daunting challenge, not only because of physical and environmental obstacles, but because government employees and their families must deal with the same issues facing the population at large. Thanks in no small part to the dedication of North Carolina’s public employees, state and local governments have maintained the continuity of essential services despite these types of hardships and uncertainty.

This book discusses the employment law issues faced by governmental employers that are specific to disasters and other emergencies. Part 1 focuses on preparing for disaster and emergency circumstances generally. Part 2 addresses compensation issues likely to arise when some employees must work many additional hours, while others cannot or will not make it to the workplace. Part 3 considers the legal issues that will be specific to public health emergencies such as an outbreak of pandemic flu or the release of a biological agent by terrorists.
Under the North Carolina Emergency Management Act, an *emergency* is “an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related, or riot-related cause.”¹ The governor of North Carolina may declare a state of emergency either statewide or in particular geographic areas. A *disaster declaration* is “a gubernatorial declaration that the impact or anticipated impact of an emergency constitutes a disaster of one of the types enumerated in G.S. 166A-19.21(b).” The types of disaster recognized under Section 166A-19.21(b) of the North Carolina General Statutes (hereinafter G.S.) are distinguished from one another by whether a federal disaster declaration has been issued and whether the disaster is severe enough for the federal government to provide financial assistance to the area. In addition to the governor’s authority to declare a state of emergency, cities and counties may also declare states of emergency pursuant to G.S. Chapter 166A.²

Except where specifically noted, however, the discussions in this book apply to any situation in which a North Carolina governmental employer faces the actual or imminent threat of widespread or severe damage, injury, or loss of life or property, regardless of whether an official declaration has been made that such an emergency exists. When the situation is bad, the official designation is less important than the public agency’s response.

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². See G.S. 166A-19.22. The General Assembly also has the authority to declare a state of emergency under G.S. 166A-19.20.