

Workers? Compensation: Off-Duty First Responder in State of Emergency

Va. Code Ann. 65.2-104

When an emergency declaration is in effect, a first responder who responds to a mobilization order and travels to the first responder?s work location will be entitled to the same workers? compensation as would be available if the first responder were at work.

Coverage of first responders in off-duty capacity during state of emergency

A. Notwithstanding any other provision of law, if the Governor declares a state of emergency pursuant to the provisions of Chapter 3.2 (§ 44-146.13 et seq.) of Title 44, or any local director of emergency management with the consent of the appropriate local governing body declares an emergency pursuant to § 44-146.16, attributable to an enemy attack, sabotage or other hostile action, resource shortage, or fire, flood, earthquake or other natural cause, a claim for workers' compensation benefits shall be deemed to be in the course of employment of any first responder who, in response to a lawful order issued pursuant to the state of emergency, travels by the most expeditious route to or from his home or other location outside an assigned shift or work location to or from that shift or work location.

Nothing in this section shall prohibit an employer from using any defense otherwise available under this title.

B. For purposes of this section, "first responder" shall include any person referenced in subdivision 1 I of the definition of "employee" in § 65.2-101 who provides emergency services, during the period that the states of emergency defined in subsection A are in effect.