Managing Member Emergencies (On- and Off-Duty)

While in service, a VISTA member or a Leader may face an emergency. In some instances, CNCS can help with the emergency. Those instances are described in this section. VISTAs are often unfamiliar with emergency-related benefits, and the sponsor can play a crucial role in leading them to available support when relevant.

Sponsors must report any change in the status of a VISTA, as a result of an emergency, to the CNCS State Office within 24 hours. This includes leaving the project early, absence without notification of leave, hospitalization, arrest, and other extended absences. Sponsors should make sure to reflect a VISTA member’s absence from the project on the SVF to ensure accurate living allowance payments.

Emergency Contact Information

Each sponsor is responsible for collecting and maintaining emergency contact information for their VISTA members at the beginning of the member’s service term.

Emergency Leave

Beyond the standard leave benefits, VISTAs are sometimes eligible for additional emergency leave.

Emergency leave is rare. The sponsor may allow up to five service days of emergency leave under only two circumstances: 1) if an immediate family member (spouse, parent, sibling, child, grandparent, mother in-law, brother in-law, sister in-law, father in-law, or guardian) becomes critically ill or dies; or 2) if a natural disaster requires that the VISTA leave the site. (See the section on Natural Disasters for more information.) Any additional time away from the project requires the approval from the CNCS State Office. Emergency leave does not count against a VISTA’s personal leave time. Emergency leave should not be used in the event of a member illness.

If circumstances require a VISTA member to take emergency leave, the VISTA member must notify the sponsor at once and, if requested, provide the sponsor with evidence of the emergency. The sponsor must inform the CNCS State Office immediately, if the sponsor determines an emergency exists.

Emergency Travel

When circumstances require a VISTA to take emergency leave that requires travel, CNCS will pay for the fastest, regularly-scheduled means of transportation to and from the project site to the emergency, or to the home of record, within the United States or a U.S. Territory in the form of a prepaid travel ticket. The sponsor should contact the CNCS State Office to start the process of requesting emergency travel support.

In the rare event that CNCS cannot provide a prepaid ticket in advance of the approved emergency travel and the VISTA member cannot purchase their own travel, the sponsor furnishes the needed travel assistance. This assistance includes advancing up to $500 from the sponsor’s own funds to the VISTA member, as agreed upon in the MA between the sponsor and CNCS. The funds will be reimbursed to the VISTA member by CNCS, who will reimburse the sponsor. It is suggested that the sponsor establishes a policy on how this $500 advancement and pay back will be handled.

For more information, see the VISTA Member Handbook – Leave Benefits.
**Emergency Expense Allowance**

The VISTA program may authorize a one-time expense allowance to cover extraordinary costs, such as reimbursement for theft, fire loss, or special clothing necessitated by severe climate. This allowance is not intended to supplement the living expenses of VISTA members. The sponsoring organization can assist VISTAs in requesting an Emergency Expense Allowance from the CNCS State Office.

VISTA members, Leaders, and candidates are responsible for safeguarding their personal property. Neither CNCS nor the VISTA program is an insurer of personal property or cash and does not replace or reimburse for the loss of personal property or cash. Emergency funds are also not appropriate to use for costs associated with car accidents, routine car maintenance or repair. Expense allowances are paid directly to the VISTA member by CNCS.

For more information, see the *VISTA Member Handbook – Financial Support*.

**Jury Duty**

A VISTA member may be summoned for jury duty. The VISTA member should provide a copy of the summons to the sponsor. A sponsor must give a VISTA member the necessary time away from project duties to comply with jury duty requirements, and this time is not counted against the VISTA member’s personal leave. All regular benefits continue to accrue during the period of jury duty.

The sponsor should notify the CNCS State Office immediately if it appears that a VISTA may not be able to resume project duties within two weeks of starting jury duty.

If the VISTA is subpoenaed on a non-project-related matter, the VISTA is required to use personal leave.

For more information, see the *VISTA Member Handbook – Leave Benefits*.

**Military Leave**

If an individual enters VISTA service before completing a military reserve obligation, the VISTA must change the location of their reserve unit if necessary. VISTA members should try to minimize the disruption in VISTA service as a result of discharging responsibilities related to their reservist duties. If allowed to choose when to fulfill the annual two weeks of active duty requirement, VISTA members should choose a period that does not disrupt their VISTA service.

A VISTA member is granted military reserve leave to attend the monthly reserve training sessions and the two weeks of active duty training. Such leave does not count against a VISTA member's personal leave, and benefits continue to accrue. VISTA members should notify the sponsor before taking military reserve leave and upon returning from such leave.

The sponsor should notify the CNCS State Office immediately if a VISTA member’s military reserve duties will last beyond two weeks, with the exact dates of military reserve leave. A copy of the military leave orders may be requested.

For more information, see the *VISTA Member Handbook – Leave Benefits*.

**Parental Leave**

A VISTA is entitled to use a combination of their allotted medical leave (up to 10 service days) and personal leave (up to 10 service days) for the birth or adoption of a child. If the VISTA exhausts all 20 days of personal and medical leave, the CNCS State Office may approve up to an additional 10 service days of parental leave. No additional leave beyond 30 service days may be granted. To receive additional parental leave, the sponsor
must provide evidence of medical and personal leave remaining and a request for additional leave for the VISTA member to the CNCS State Office.

For more information, see the *VISTA Member Handbook – Leave Benefits*.

**Family and Medical Leave Act**

Very few VISTA members are eligible for Family and Medical Leave Act (FMLA) leave. Sponsors should consult with the CNCS State Office if they think a VISTA may be eligible for and interested in FMLA leave. To be eligible, a VISTA member must be at least in the second year of VISTA service with the same sponsor, and meet other baseline requirements for eligibility.

For more information, and a list of requirements, see the *VISTA Member Handbook – Leave Benefits*.

**Natural Disasters**

When an emergency situation arises that poses a potential or actual threat to life or property, a VISTA is expected to:

- Follow the orders or recommendations of the state or local authorities regarding the need to evacuate an area, and
- Seek shelter and contact their supervisor and CNCS State Office to notify them of the VISTA’s location

If the CNCS State Office cannot be reached, contact the National Service Hotline at 1-800-942-2677.

VISTA members are eligible for emergency leave if a natural disaster requires them to leave their sites. (See the section on Emergency Leave for more information.)

If a VISTA member needs to travel from the disaster area to their home of record or another safe location, the CNCS State Office can approve emergency travel support. (See the section on Emergency Travel above for more details.) The sponsor may also provide a loan for up to $500 for emergency expenses. The sponsor should determine, with the VISTA member, the terms of repayment.

The CNCS State Office will advise the VISTA member on options as the situation evolves, including Administrative Hold (an excused absence status, usually with pay, that CNCS accords to a VISTA while they are enrolled in the VISTA program but is not reporting to a VISTA project site), the opportunity to seek reassignment in another area, and/or ending service early for a compelling reason.

VISTA members sometimes feel moved to respond themselves when disaster strikes; however, the commitment and responsibility of VISTAs is to their local low-income community, in particular the local project and its beneficiaries. CNCS does not consider requests from VISTAs serving outside of impacted areas who wish to temporarily relocate to engage in disaster response activities. VISTA members who wish to participate in disaster response activities on a short-term basis may do so using personal leave.

**Driving Accidents**

If a VISTA member is involved in an accident while driving for service-related purposes, the VISTA’s liability for injuries or property damage sustained by third parties is covered under the Federal Tort Claims Act. Neither CNCS nor the VISTA program is responsible for any damage to the VISTA’s own vehicle.

The VISTA should immediately notify local law enforcement and comply with local requirements. The sponsor should notify the CNCS State Office within 24 hours. The CNCS State Office will provide guidance on the V-81 and other forms need to be completed. Please review the Service-Related Transportation section of Chapter 7 in the *VISTA Member Handbook*. 

The VISTA and the sponsor are prohibited from making any representation concerning the ultimate liability of the federal government on a particular claim to other parties to an accident. CNCS's Office of General Counsel and, where applicable, the Department of Justice, makes the final determination on whether an accident occurred within the scope of the VISTA’s project-related activities and the extent of the government’s liability.

The sponsor must advise the CNCS State Office if civil action is brought against either the VISTA member or the sponsor as a result of the accident, or if the VISTA is asked or ordered to testify or to be deposed. Neither CNCS nor the VISTA program is responsible for any indemnification or contribution to the sponsor for any damages sustained by the sponsoring organization.

For more information and the process for reporting such accidents, see the VISTA Member Handbook – Travel & Transportation Support.

Liability Coverage (Federal Tort Claims Act)

VISTA members have liability coverage under the Federal Tort Claims Act. Under the Federal Tort Claims Act, the federal government assumes liability for any damage to property or injury to persons caused by a VISTA that arises only out of their official duties and for which the VISTA member would be liable under local law.

If a VISTA is involved in an accident and is at fault while driving a privately owned vehicle and undertaking VISTA duties, the VISTA’s liability for injuries or property damage sustained by third parties is covered under the Federal Tort Claims Act. CNCS or the VISTA program is not responsible for any damage to the VISTA’s own vehicle.

In cases of potential liability on the part of the AmeriCorps VISTA member for damage to property or injury to persons, other than motor vehicle accidents, the sponsoring organization or supervisor must immediately inform the CNCS State Office, which after consultation with CNCS's Office of General Counsel, will advise the sponsoring organization on what steps to take.

For more information, see the VISTA Member Handbook – Basic Laws & Federal Regulations.

Worker’s Comp (Federal Employees’ Compensation Act)

VISTA members are considered federal employees for the purpose of coverage under the Federal Employees' Compensation Act (FECA), also known as the Federal Worker's Compensation Act. Under FECA, VISTA members who are injured or suffer occupational disease in the course of their VISTA service may claim and be eligible to receive benefits to cover medical expenses.

VISTAs who are injured or experience an emergency illness related to their VISTA assignment must immediately notify the sponsor and the CNCS State Office. The CNCS State Office can then provide additional information regarding forms and how to file a claim. For more information, see the VISTA Member Handbook – Basic Laws & Federal Regulations.

Member Hospitalization

If a VISTA member is absent from their site due to hospitalization, the sponsor must notify the CNCS State Office as early as is practicable. The VISTA must utilize remaining medical and personal leave for the duration of the hospitalization. If additional leave is needed for a critical illness, the sponsoring organization may approve up to five days of emergency leave.

Member Arrest
If a VISTA member is arrested during a service term, the VISTA is required to report the arrest to the sponsor and CNCS State Office within three calendar days of the arrest.

**Death in Service**

If a VISTA dies during their service term, the sponsor must notify the CNCS State Office as early as is practicable. The CNCS State Office coordinates with the next of kin to ship personal effects and transportation of the body, if necessary.