

Preamble
Source: JPIA

At its November 18, 1997 meeting, the JPIA's Board of Directors approved a recommendation of the Executive and Risk Management Committees which requires all Liability Program members to adopt a resolution making volunteers subject to Workers' Compensation coverage. This is a standard recommendation of the Risk Management and Member Services Departments. Most members have adopted such a resolution.

Section 3363.5 of the California Labor Code empowers public agencies to designate that persons performing voluntary service without pay for the agency shall be deemed employees for purposes of workers' compensation benefits. This is accomplished by means of the governing body of the agency adopting a resolution to that effect.

Covering volunteers under workers' compensation has significant benefits. Workers' compensation benefits are statutorily defined. Claims costs are usually significantly lower compared to liability lawsuits for the same injuries or illnesses. The claims are easier to control, since litigation is generally avoided. Also, providing benefits to volunteer workers under the "no-fault" workers' compensation system can be seen as good public relations.

Many members have volunteers; sometimes, the member might not even be aware of the exposure. Volunteers can include student interns, youth and civic groups undertaking projects, work-release inmates, or individuals responding to or assisting in emergency situations. Even members' directors attending meetings or performing other services for which they are not compensated on a per diem or other basis are considered volunteers. All of these can be provided with workers' compensation benefits.

Even if a member has no employees and an unpaid board of directors, the member needs to adopt a volunteer resolution. If a member does not currently carry workers' compensation coverage, an insurance policy should be obtained. For an agency with no employees a minimum premium workers' compensation policy can be obtained through the State Insurance Compensation Fund.

Members should keep a record of any volunteer service performed. Information required should include names of volunteers, type of work performed and number of hours worked. An "equivalent payroll" should be reported for both Workers' Compensation and Liability purposes. An "equivalent payroll" would be the hourly wage that would normally be paid for the work done by a volunteer.

We are highlighting the need for this resolution due to some recent losses where a resolution had not been in place. Please take steps now to have your Board adopt this important resolution. Following is a copy of a sample resolution. If by chance your Board has already passed this resolution, please provide a copy of the resolution for our records. If you have any questions, please contact either Member Services or your Risk Management Advisor.

CLEAR CREEK COMMUNITY SERVICES DISTRICT
ORDINANCE 2021-07
VOLUNTEER PERSONNEL
WORKERS' COMPENSATION INSURANCE

AN ORDINANCE BY THE CLEAR CREEK COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS, DESIRES TO PROVIDE WORKERS COMPENSATION INSURANCE FOR VOLUNTEERS.

WHEREAS, this board desires to provide Workers' Compensation Insurance benefits for persons authorized by the District to perform volunteer services for the District, and

WHEREAS, the Legislature of the State of California has provided through legislation (Labor Code Section 3363.5) authorization for the inclusion of such coverage in the District's workers' compensation insurance policy.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Clear Creek Community Services District hereby adopts the policy that an unpaid person authorized to perform volunteer service for the District shall be deemed to be an employee of the District for the purposes of Workers' Compensation Insurance benefits provided for by law for any injury or illness sustained by them while engaged in the performance of services for the District under its direction and control.

The aforementioned resolution was passed by said Board of Directors the 25th day of August 2021, by the following vote:

AYES:

NOES:

ABSENT:

Johanna Trenerry, Chairwoman,
Clear Creek Community Services District

William Palmaymesa,
Interim Manager and Secretary to the Board of Directors of the
Clear Creek Community Services District