

Memo

Carmichael



RECREATION AND
PARK DISTRICT

To: Advisory Board of Directors

From: Ingrid S. Penney, Administrative Services Manager

Date: February 18, 2021

Subject: Resolution CP # 02092021-01 Re: Workers Compensation Coverage for Volunteers

Background/Discussion:

In January 2008, the Advisory Board adopted a resolution to extend workers compensation coverage to District volunteers, allowed under CA Labor Code Section 3363.5. This Code provision states,

“...a person who performs voluntary service for a public agency as designated and authorized by the Governing Body of the agency or its designee, shall, upon adoption of a Resolution by the Governing Board of the agency so declaring, be deemed to be an employee for workers’ compensation purposes”

Over the years we have relied on and benefited from volunteers in our delivery of recreation and park services to the Community. In recent years, this coverage for volunteers has been free to the member districts.

Volunteers typically work under the direction of park and/or recreation staff and frequently use District equipment, tools, and/or supplies. Volunteers do not use any heavy equipment or items such as the chipper.

Without this coverage, a volunteer’s only remedy for an injury is to file a claim against the District and pursue damages through the civil court system. This can result in costly and time-consuming litigation. A significant claim has the potential to adversely impact District loss history and premiums. It can also lead to unnecessary delays in obtaining competent treatment from qualified professionals. Instead, when there is workers compensation coverage, workers compensation becomes exclusive remedy, limiting and controlling the cost for necessary treatment.

Recently, CAPRI has requested that our District adopt a new resolution in order to continue to extend workers compensation coverage for our volunteers. Now CAPRI has recently

made the decision to expand the program by offering coverage for member district boards at no additional cost. Currently, the District pays a premium for each Advisory Board member.

Recommendation:

Staff recommends that the Advisory Board adopt the attached Resolution CP-02182021-01, declaring that Governing Board Members and Volunteers shall be deemed to be employees of the District for the purpose of providing Workers' Compensation Coverage for said certain individuals while providing their services.

RESOLUTION No. CP 02182021-01

RESOLUTION OF THE GOVERNING BODY OF
THE CARMICHAEL RECREATION AND PARK DISTRICT,
DECLARING THAT GOVERNING BODY MEMBERS AND VOLUNTEERS
SHALL BE DEEMED TO BE EMPLOYEES OF THE DISTRICT FOR THE
PURPOSE OF PROVIDING WORKERS' COMPENSATION COVERAGE
FOR SAID CERTAIN INDIVIDUALS WHILE PROVIDING THEIR
SERVICES

WHEREAS, the Carmichael Recreation and Park District utilizes the services of Governing Body Members and Volunteers; and

WHEREAS, Section 3363.5 of the California Labor Code provides that a person who performs voluntary service for a public agency as designated and authorized by the Governing Body of the agency or its designee, shall, upon adoption of a resolution by the Governing Body of the agency so declaring, be deemed to be an employee of the agency for the purpose of Division 4 of said Labor Code while performing such services; and

WHEREAS, the Governing Body wishes to extend Workers' Compensation coverage as provided by State law to the following designated categories of persons as indicated by a checkmark in the box to the left of the descriptions:

- All Members of the Governing Body of the Carmichael Recreation and Park District as presently or hereafter constituted and/or
- All persons performing voluntary services without pay other than meals, transportation, lodging or reimbursement for incidental expenses
- Individuals on Work-study programs
- Interns
- Other Volunteers
- _____
[designate]

NOW, THEREFORE, BE IT RESOLVED, that such persons coming within the categories specified above, including the duly elected or appointed replacements of any Governing Body Member and other designated individuals be deemed to be employees of the Carmichael Recreation and Park District for the purpose of Workers' Compensation coverage as provided in Division 4 of the Labor Code while performing such service. However, said Governing Body Members and other designated individuals will not be considered an employee of the Carmichael Recreation and Park District for any purpose other than for such Workers' Compensation coverage, nor grant nor enlarge upon any other right, duty, or responsibility of such Governing Body Members or other designated individuals, nor allow such persons to claim any other benefits or rights given to paid employees of the Carmichael Recreation and Park District.

PASSED, APPROVED AND ADOPTED this February 18, 2021 by the following vote:

AYES:
NOES:
ABSENT:

Mike Rockenstein, Chair
Advisory Board of Directors
Carmichael Recreation and Park District

APPROVED AS TO FORM:
Mike Blondino, District Administrator