



**Government Relations and Public  
Affairs Committee**  
**Meeting Date: 6/11/2018**  
**Agenda Item No.: 2018-June-4.**

**Subject:** Electing Workers' Compensation Coverage for Unpaid Volunteers  
(Est. time: 0 minutes)

**Consent**

**Prepared by:** Erik Johnson

**Approved by:** Erik Johnson

**Attachments:** Yes

**1. Issue:**

Should SACOG provide Workers' Compensation coverage for unpaid volunteers?

**2. Recommendation:**

Staff recommends that the Government Relations and Public Affairs Committee recommend that the board approve the attached resolution.

**3. Background/Analysis:**

The California Labor Code requires that all employees be covered under a workers' compensation insurance policy. California Labor Code Section 3352 excludes from the definition of an employee any person who performs service for a public agency who receives no compensation for such service, i.e., a volunteer. Therefore, those who volunteer their time with SACOG are not considered employees and are excluded from coverage under workers' compensation insurance. This includes board members who do not receive a stipend from SACOG.

The Labor Code does allow for these individuals to be covered by an organization's workers' compensation insurance if the governing body adopts a resolution specifically electing such coverage.

**4. Discussion/Analysis:**

SACOG receives all of its insurance, including workers' compensation through the Golden State Risk Management Authority (GSRMA). GSRMA has advised SACOG to consider adopting this resolution to ensure that workers' compensation insurance can be provided to all volunteers, including uncompensated board members.

SACOG does not regularly allow for volunteers. All of our regular interns are paid. Most members of the Board of Directors accept stipends from SACOG, which qualifies as compensation. However, this resolution would allow SACOG to reduce its liability exposure by ensuring that anyone who may qualify as a volunteer is covered under

SACOG's existing policy.

## **5. Fiscal Impact/Grant Information:**

The fiscal impact is expected to be minimal.

### **ATTACHMENTS:**

Description

Resolution

**This staff report aligns with the following SACOG Work Plan Goals:**

#10 - Strengthen Internal Functions & Protocols



**SACRAMENTO AREA COUNCIL OF GOVERNMENTS**

**RESOLUTION NO. XX – 2018**

**ELECTING WORKERS' COMPENSATION COVERAGE FOR UNPAID  
VOLUNTEERS**

**WHEREAS**, the California Labor Code provides, with certain exceptions, that volunteers providing services to government agencies are not covered under California Workers' Compensation insurance; and

**WHEREAS**, Labor Code Section 3363.5 authorizes public agencies, through action by resolution, to provide such volunteers with workers' compensation coverage while they are acting for or on behalf of the agency; and

**WHEREAS**, the Board of Directors finds that the services provided by such volunteers benefit the Sacramento Area Council of Governments and its member cities and counties; and

**WHEREAS**, the Board of Directors has considered the desirability of providing workers' compensation coverage to those volunteers designated below.

**NOW THEREFORE BE IT RESOLVED**, that:

1. pursuant to California Labor Code Section 3363.5, only those volunteers who have received prior written approval from the Sacramento Area Council of Governments to provide services to the agency are deemed employees of the agency for purposes of workers' compensation coverage and only while performing services for or on behalf of the agency, effective as of the date of this Resolution; and

2. pursuant to California Labor Code Section 3363.5, the unpaid members of the Board of [Trustees/Directors] of the Sacramento Area Council of Governments are deemed employees of the agency for purposes of workers' compensation coverage while performing services for or on behalf of the agency, effective as of the date of this Resolution.

**PASSED AND ADOPTED**, this 21<sup>st</sup> day of June 2018, at Sacramento, California by the following vote of the Board of Directors:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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Jay Schenirer  
Chair

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James Corless  
Chief Executive Officer