



FAIR POLITICAL PRACTICES COMMISSION

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To: Chair Ravel and Commissioners Eskovitz, Garrett, Montgomery and Rotunda

From: Tina Z. Bass, Chief, Administration Division

Subject: Resolution of the Commission Regarding Workers' Compensation Coverage for Agency Volunteers

Date: March 2, 2012

Workers' compensation coverage is mandatory for all state agency employees, but not for volunteers performing services for the agency. Labor Code Section 3363.5 provides that a governmental agency may extend workers' compensation coverage to volunteers who perform services for the agency. Under this authority, if an agency has a governing board, the board must adopt a resolution in order to extend workers' compensation coverage to volunteers.

Personnel Management Liaisons Memorandum No. 2012-002 ("PML," attached) recently issued by the Department of Personnel Administration advised agencies to notify the State Compensation Insurance Fund if they wish to provide coverage to volunteers as defined in Labor Code Section 3363.5. The PML further instructed agencies to provide documentation of the governing boards' resolution.

The PML points out the advantage to providing workers' compensation coverage to volunteers. The PML states:

"Workers' compensation is a no-fault system, and with few exceptions, the exclusive remedy for injuries and illnesses suffered while working. If your volunteers are covered, they will be entitled to the same benefits as any of your paid staff. Workers' compensation benefits are finite and limited to medical, disability, and retraining costs associated with a specific impairment.

If your volunteers are excluded from workers' compensation coverage, they can seek remedy in the civil court system. The court may award compensation for pain and suffering plus other damages. While the volunteer must prove fault, the civil awards are often much higher than the corresponding workers' compensation benefits."

In response to the PML, Commission staff is recommending the adoption of the attached resolution extending workers compensation to volunteers pursuant to Labor Code Section 3363.5. As drafted, the resolution would extend workers compensation coverage to volunteers providing services to the Commission as part of a volunteer program approved by the Commission's Executive Director.