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January 4, 2021

To: CAPRI Workers' Compensation Program Members

From: Matthew Duarte, Executive Director

RE: Workers' Compensation Coverage for Volunteers | Resolution Due by March 5, 2021

We know that volunteers play a large role in the delivery of recreation and park services provided by CAPRI's members. And we expect our districts will continue to rely upon the generous contributions of community volunteers for years to come. To facilitate continued volunteer service for our members, the CAPRI Board of Directors recently resolved to make District volunteers (which can include your District's Board Members) eligible to be covered under your CAPRI Workers' Compensation insurance at no additional cost. While your District may have already been extending this benefit to its volunteers, each District should **pass a new resolution and return it to CAPRI by March 5, 2021 in order to continue (or start) covering volunteers and/or its Governing Body members for the upcoming fiscal year.**

WHY Your District Should Extend Workers' Comp Coverage to Volunteers:

From a risk management standpoint, it is much preferred to extend Workers' Compensation coverage to volunteers. For example, when a volunteer (which, again, can include your District's Board of Directors) is not covered by Workers' Comp, his or her only remedy for an injury is to file a claim against your District and pursue damages through the civil court system. This can result in costly and time-consuming litigation and a significant claim has the potential to adversely impact your District's loss history and, thus, future premiums. Importantly, it can also result in unnecessary delays in obtaining competent treatment from qualified professionals.

Conversely, if a volunteer is covered under Workers' Comp, his or her exclusive remedy is through the Workers' Compensation system, which means that they would receive necessary treatment – but at a controlled cost.

HOW Your District Can Extend Workers' Comp Coverage to Volunteers:

The Labor Code allows your District to provide workers' compensation insurance for volunteers, ***but only if your Board has adopted a resolution specifically electing such coverage.*** Section 3363.5 of the California Labor Code provides:

“...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 for workers' compensation purposes.”

Stated another way, these volunteers may be treated as an employee and covered for workers' compensation purposes **only if** a Resolution to that effect is adopted by your District pursuant to Labor Code § 3363.5.

It is likely that your District adopted a volunteer resolution dating back to the 1980s. Whether or not a Resolution is currently in place, please use the enclosed sample Resolution to create or update the document for your Board's approval. When using the sample Resolution provided, please do not make any changes other than the areas highlighted in yellow.

To ensure accurate and timely implementation of your Resolution, please forward your Board approved Resolution to CAPRI's Administrative Analyst, Monica Breck, at mbreck@capri-jpa.org by March 5, 2021.

As noted above, as a benefit to Program members, **volunteers are covered at no additional premium**, provided that a volunteer resolution has been adopted by the District's Board. To that end, if your Board has adopted the above-resolution then **volunteers should be excluded from your District's estimated and final payroll totals** submitted each year as part of the annual insurance renewal process. More information on the annual payroll estimates will be coming soon.

CAPRI Volunteer Toolkit

Lastly, we would like to emphasize that volunteers are an asset! It is important to work with volunteers in a responsible way that minimizes the District's exposure to liability. To assist in that effort, the **CAPRI Volunteer Toolkit is now available online**. The Toolkit includes several important templates such as updated Volunteer Applications and Volunteer Waivers & Releases, among other resources and tools. If you would like more in-depth information regarding volunteer policies and procedures, please reach out to the CAPRI team.

Sincerely,



Matthew Duarte
Executive Director

enclosure