

Olivehurst Public Utility District



Agenda Item Staff Report

Meeting Date: December 21, 2017

Item description/summary:

Workers Compensation Resolution for Board of Directors and/or Volunteers

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 for workers' compensation purposes. Thus, if such a resolution is adopted, and the volunteer is injured while performing duties for the agency, the volunteer is entitled to receive workers' compensation benefits and their exclusive remedy for recovery against the agency is through the Workers' Compensation system.

Such Governing Body members and/or volunteers may be covered for workers' compensation benefits only if a Resolution to that effect is adopted by the Governing Body pursuant to Labor Code § 3363.5 and a copy of the Resolution is filed with SDRMA.

The Resolution permits your Governing Body to designate the various categories of persons who the agency desires to "deem" to be employees for purposes of workers' compensation. It declares, on a blanket basis, that the designated categories of volunteers are deemed employees and those categories consist of Governing Body Members, persons performing voluntary service, persons on work study, interns, and other volunteers. In addition, those so designated persons also need to be listed under our Workers' Compensation Program (which includes paying an annual contribution amount) to enable coverage.

The District previous Worker's Compensation policies have covered the Board and Volunteers.

Fiscal Analysis:

As with covered employees, a claim affects the experience modification factor which is one of the factors used to calculate the annual premium.

Sample Motion:

Adopt resolution to elect Worker's Compensation Coverage for Board of Directors and Volunteers through SDRMA

Prepared by:

Karin Helvey, Financial Manager

OLIVEHURST PUBLIC UTILITY DISTRICT

RESOLUTION NO. 2319

**RESOLUTION OF THE BOARD OF DIRECTORS OF
OLIVEHURST PUBLIC UTILITY 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 Olivehurst Public Utility District utilizes the services of the Board of Directors 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 Olivehurst Public Utility 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
- _____

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 Olivehurst Public Utility 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 Olivehurst Public Utility 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 Olivehurst Public Utility District.

PASSED AND ADOPTED this 21st day of December, 2017.

OLIVEHURST PUBLIC UTILITY DISTRICT

President, Board of Directors

ATTEST:

District Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

Deirdre Joan Cox, Legal Counsel

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I hereby certify that the foregoing is a full, true and correct copy of Resolution 2318 duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 21st day of Decembert 2017, by the following vote:

AYES, AND IN FAVOR THEREOF:

NOES : None

ABSTAIN : None

ABSENT : None

District Clerk & ex-officio Secretary