



City of Biggs

Agenda Item Staff Report For the Regular City Council Meeting: December 8, 2015

TO: Honorable Mayor and Members of the City Council
FROM: City Administrator
SUBJECT: Designating Workman's Compensation coverage for certain volunteers

Background

SCORE recently inquired as to member cities intentions in this area and recommends that if Council so desires that a resolution is recommended as allowed by Labor Code section 3363.5.

3363.5.

(a) Notwithstanding Sections 3351, 3352, and 3357, a person who performs voluntary service without pay 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 purposes of this division while performing such service.

(b) For purposes of this section, "voluntary service without pay" shall include services performed by any person, who receives no remuneration other than meals, transportation, lodging, or reimbursement for incidental expenses.

Recommendation

Consider Resolution 2015-29

RESOLUTION 2015-29

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS
DESIGNATING PERSONS PERFORMING AUTHORIZED VOLUNTARY
SERVICES WITHOUT PAY AS EMPLOYEES FOR THE LIMITED PURPOSE
OF QUALIFYING FOR WORKERS' COMPENSATION INSURANCE
COVERAGE UNDER CALIFORNIA LABOR CODE SECTIONS 3200, ET. SEQ.**

Mark Sorensen, City Administrator

RESOLUTION 2015-29

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DESIGNATING PERSONS PERFORMING AUTHORIZED VOLUNTARY
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WHEREAS, the City Council finds that the best interests of the City of Biggs will be served by utilizing volunteers to provide services for the benefit of the City of Biggs; and,

WHEREAS, the state legislature has seen fit, by passing Labor Code section 3363.5, providing that in certain circumstances where persons perform authorized voluntary services for a public agency, such persons may be deemed employees of the public agency while performing such services in order to qualify for workers' compensation insurance coverage, provided the governing body of the public agency has adopted a resolution so declaring; and,

WHEREAS, the City of Biggs, a public agency, desires to provide, as authorized by the Labor Code, workers' compensation insurance coverage to persons who perform authorized voluntary services.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Biggs, under the authority of California Labor Code Section 3363.5, subdivision (a), adopts and declares the following:

1. That the public interest is best served by providing workers' compensation coverage to persons actually performing authorized volunteer services without pay for the City of Biggs.
2. That "voluntary services without pay" is defined for purposes of this resolution as services performed by any authorized person who receives no remuneration other than reimbursement for meals, transportation, lodging, or any other incidental expenses associated with such voluntary service.
3. All persons who perform authorized volunteer services of the City of Biggs without pay are, while actually performing such authorized voluntary services, hereby-designated "employees" of the City of Biggs for the limited purpose of qualifying for Workers' Compensation Insurance coverage under the provisions of California Labor Code section 3200 et. seq., provided that the rights of volunteers shall be limited to those benefits set forth in the Labor Code.
4. The Workers' Compensation benefits to be provided to volunteers herein shall be limited to the benefits provided by state law and shall not include any additional benefits as may be provided by the City of Biggs to its employees.

5. The volunteers described above shall not be deemed to be employees for any other purpose save and except that set forth herein.

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 8th of December 2015, by the following vote:

AYES: COUNCILMEMBER _____

NOES: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

ABSTAIN: COUNCILMEMBER _____

ATTEST:

APPROVED:

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR