



Staff Report

RESOLUTION AUTHORIZING WORKERS' COMPENSATION INSURANCE COVERAGE FOR NON-STATUTORY VOLUNTEERS

Honorable Mayor and Council Members:

Summary

Consistent with past practice and insurance policy provisions, approval of this resolution will bring into compliance the City's practice with the Labor Code provisions extending Workers' Compensation insurance coverage to any person who performs voluntary service without pay for the City of Belmont.

Background

Periodically the City uses volunteers to provide a variety of services ranging from creek cleanups to clerical support activities. Except for certain statutory exceptions, such as disaster service workers, volunteers are not, by Labor Code, automatically covered by Worker's Compensation insurance coverage if they are injured as a result of such volunteer services.

Discussion

The resolution attached updates the City's definition for non-statutory volunteers by deeming them to be an employee of the City of Belmont for Worker's Compensation purposes. This resolution complies with Labor Code Section 3363.5.

Presently, under Labor Code Section 3211.92(a), volunteers who are registered as disaster service workers are already covered by the statute.

General Plan/Vision Statement

No impact.

Fiscal Impact

No Fiscal Impact. Coverage is already provided.

Public Contact

Posting of City Council agenda.

Recommendation

Adopt resolution.

Alternatives

1. Take no action.

Attachments

- A. Resolution Authorizing Workers’ Compensation Insurance Coverage for Non-Statutory Volunteers

Respectfully submitted,

Thomas Fil
Finance Director

Maureen Cassingham
Interim City Manager

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RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
AUTHORIZING WORKERS' COMPENSATION INSURANCE COVERAGE FOR
NON-STATUTORY VOLUNTEERS**

WHEREAS, from time to time volunteers provide various types of services to the City of Belmont; and,

WHEREAS, except for certain statutory exceptions, volunteers are not automatically covered by Worker's Compensation insurance coverage if they are injured as a result of such volunteer services;

WHEREAS, Labor Code Section 3363.5 provides that a public agency may declare its volunteers as employees for workers' compensation insurance purposes by adopting a resolution authorizing such coverage.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont hereby declares that, pursuant to Labor Code Section 3363.5, any person who performs voluntary service without pay for the City of Belmont shall be deemed to be an employee of the City of Belmont for worker's compensation purposes, provided the volunteer services are authorized by the Belmont City Council, and that the provisions of this resolution shall be prospective in nature.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on April 25, 2006 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont

