CITY/TOWN NAME

Resolution No. \_\_\_\_\_

# Subject: Resolution designating persons performing voluntary services without pay as employees for the limited purpose of qualifying for workers’ compensation insurance coverage under California Labor Code section 3200, et seq.

# WHEREAS, persons who perform volunteer services for the (City/Town Name) are not currently covered by the (City/Town Name)’s Workers’ Compensation policy since they do not fall within the definition of “employee” as defined by California Labor Code sections 3351.5, which governs eligibility for Workers’ Compensation Insurance coverage, and are in fact specifically excluded from such designation by Labor Code section 3352, subdivision (i); and

WHEREAS, the state legislature has seen fit, by passing Labor Code section 3363.5, to provide that in certain circumstances where persons perform voluntary services for a public agency, such persons may be deemed employees of the public agency while performing such service 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, this (City/Town Name), a public agency, desires to provide, as authorized by the Labor Code, Workers’ Compensation Insurance coverage to its persons who perform voluntary services;

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

All persons who perform volunteer services for the (City/Town Name)without pay are, while performing such voluntary services, herby designated “employees” of the (City/Town Name)for the limited purpose of qualifying for Workers’ Compensation Insurance coverage under the provisions of California Labor Code sections 3200, et seq.

BE IT FURTHER RESOLVED that “voluntary service without pay” is defined for purposes of this resolution as services performed by any person who receives no remuneration other than remuneration for meals, transportation, lodging, or reimbursement of any other incidental expenses associated with such voluntary service.

AND BE IT FURTHER RESOLVED that the effective date of this Resolution shall be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

Passed and adopted this \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 20\_\_\_, by the following vote, to wit:

Ayes: \_\_\_\_\_\_\_

Noes: \_\_\_\_\_\_\_

Abstains: \_\_\_\_\_\_\_