



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 22, 2015

**TO:** Mayor and Councilmembers

**FROM:** Risk Management Division, Finance Department

**SUBJECT:** Workers' Compensation Coverage For Volunteers Of The Police Reserve Corps

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Providing Workers' Compensation Coverage for Volunteers of the Police Reserve Corps Pursuant to the Provisions of Section 3362.5 of the Labor Code and Section 9.114.140 of the Municipal Code.

### **DISCUSSION:**

Chapter 9.114 of the Municipal Code establishes the Police Reserve Corps (Corps), which is a voluntary organization comprising of persons that are appointed by the Chief of Police in order to amplify City services in our Police Department and serve the community. While the Corps functions as a unit of the Police Department to assist regular police officers of the City, members of the Corps are not employees of the City and are not members of the Police Department under SBMC 9.114.130.

In 1964, the City Council adopted SBMC section 9.114.140 in order to provide workers' compensation coverage to volunteer members of the Corps. Since 1974, pursuant to City Resolution No. 7966, the City has been self-insured for the purpose of providing to all of its officers, employees, and their dependents, workers' compensation benefits required to be paid under applicable provisions of the Labor Code of the State of California and the City's Municipal Code.

However, Resolution No. 7966 did not authorize the Self-Insurance program to provide workers' compensation benefits to a "volunteer." California labor law requires a formal declaration through a resolution by the City Council providing workers' compensation coverage to volunteers. Therefore, this formal resolution must be adopted in order to provide workers' compensation coverage to volunteer members of the Corps in order to remain consistent with SBMC section 9.114.140.

## **ANALYSIS**

According to California Labor Code section 3362.5, public employers may choose to extend workers' compensation coverage to volunteers that are reserve police officers who perform service for the organization. Although workers' compensation coverage is not mandatory for volunteers as it is for employees, public agencies often provide it as a means to help encourage volunteering, and avoid the potential for lawsuits. If volunteer members of the Corps are excluded from workers' compensation coverage, when injured on the job, they can seek remedy in the civil court system. The court may award compensation for pain and suffering plus other damages. While the volunteer must prove fault, the civil awards are often much higher than the corresponding workers' compensation benefits.

Volunteer members of the Corps offer their talents to help serve the community while developing their own skills and abilities. The public interest is best served by providing workers' compensation coverage to volunteers of the Corps.

Staff does not propose including all volunteers who assist the City in providing services to the community. This proposal shall apply only to the volunteer members of the Corps.

## **CONCLUSION**

Under SBMC section 9.114.140, volunteer members of the Corps are to be covered by the workers' compensation system. As a result, under California Labor Code Section 3362.5, adoption of this formal resolution that declares that the City will provide workers' compensation coverage for volunteer members of the Corps is necessary.

**PREPARED BY:** John S. Doimas, Deputy City Attorney

**SUBMITTED BY:** Mark Howard, Risk Manager

**APPROVED BY:** City Administrator's Office