



**City of Sonora
COUNCIL AGENDA REPORT**

DATE: September 16, 2019
TO: CITY COUNCIL
FROM: CHRIS GORSKY, ADMINISTRATIVE SERVICES DIRECTOR
SUBJECT: ADOPTING RESOLUTION 09-16-2019-D PROVIDING WORKERS'
COMPENSATION COVERAGE FOR NON-SAFETY CITY VOLUNTEERS

RECOMMENDATION:

Adopted Resolution 09-16-2019-D approving the City providing workers' compensation coverage for non-safety City volunteers.

BACKGROUND:

Per California labor code a person who performs voluntary service without pay for a public agency will not be covered by the Cities workers' compensation coverage unless there is a resolution adopted by the City. Providing workers' compensation coverage to volunteer workers will protect those volunteers and preempt civil damages against the City in most instances.

DISCUSSION:

California Labor Code 3363.5 – (a)

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.

Resolution No. 09-16-2019-D

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONORA
PROVIDING WORKERS' COMPENSATION COVERAGE FOR
NON-SAFETY CITY VOLUNTEERS**

WHEREAS, the City Council of the City of Sonora desires to provide workers' compensation coverage for non-safety City volunteers pursuant to the provisions of Section 3363.5 of the Labor Code; and

WHEREAS, the City of Sonora provides worker's compensation insurance coverage to its employees pursuant to the provisions of section 3770 of the California Labor Code, and

WHEREAS, Labor Code section 3363.5 authorizes public agencies, through action by resolution, to provide such volunteers with workers' compensation coverage while they are acting for or on behalf of the agency; and

WHEREAS, the City Council finds its best interests will be served by utilizing volunteers in the provision of certain City services; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonora hereby finds and determines:

- That the public interest is best served by providing workers' compensation coverage to non-safety volunteers.
- That the volunteers described above in the above referenced paragraph shall be deemed to be employees for the purposes of Division 4 of the California Labor Code while the person actually performs volunteer services, provided that the rights of volunteers shall be limited to those benefits set forth in the Labor Code.
- This resolution supersedes any previously adopted resolution related to worker's compensation insurance coverage for volunteers.

PASSED AND ADOPTED by the City Council of the City of Sonora at a regular meeting thereof held on September 16, 2019 by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

James M. Garaventa, Mayor

ATTEST:

Colette Such, City Clerk Pro Tem