

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF JANUARY 24, 2018

REGULAR MEETING

TO: Shiva Frentzen, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

AGENDA ITEM #10: **CONSIDERATION OF SDRMA WORKERS' COMPENSATION
RESOLUTION FOR BOARD MEMBERS AND VOLUNTEERS**

RECOMMENDATION

Staff recommends that the Commission Receive the following information regarding LAFCO's current worker's compensation coverage and either:

- 1) to Approve Resolution L-2018-03, covering the Commission, any other volunteers LAFCO may have and other designees in the Special District Risk Management Authority (SDRMA) Workers' Compensation policy; and, if so
 - a. Designate which categories of persons be extended coverage as noted on the resolution. The Commission is requested to indicate with a check mark on the resolution who should also be extended coverage
- 2) Or leave matters as-is, which is that the coverage only covers paid employees.

REASON FOR RECOMMENDED ACTION

LAFCO carries its General Liability Property, Auto and Workers' Compensation policies with SDRMA. Section 3363.5 of the California Labor Code provides that a person who performs voluntary service for a public agency as designated and authorized by the agency's governing board be deemed an employee for workers' compensation purposes.

BACKGROUND

SDRMA requests this is a clean-up action from all of its members. Unfortunately, it arrived too late to be placed on the December 6, 2017 Agenda. SDRMA was made aware that a new designation had to be made by all of its member agencies if they wished to continue covering their governing bodies and other volunteers.

Currently, Commissioners are not covered by LAFCO's worker's compensation insurance. Coverage is only for paid employees and no one else. SDRMA's requested action affords the Commission the opportunity to consider extending coverage to itself and to designate what types of volunteers are also covered under its policy.

If the Commission adopts the draft resolution L-2018-03, if a volunteer or a commissioner is injured while performing duties for the agency, the volunteer or commissioner is entitled to receive workers' compensation benefits and their exclusive remedy for recovery against the agency is through the Workers' Compensation system. According to SDRMA staff, LAFCO's rates should not be impacted because the rate is based on LAFCO's personnel costs. On the other hand, the same SDRMA staff person also indicated that LAFCO may wish to continue its current arrangement if LAFCO currently does not cover its governing board.

The language in this is resolution was drafted by SDRMA's coverage counsel. As a result, consideration needs to be given as to which categories of persons be extended coverage if the Commission wishes to adopt this resolution. From an administrative standpoint, although LAFCO rarely uses volunteers, it has had interns in the past. At the very least, it may be worthwhile to designate such a coverage "just in case."

Attachments:

- Attachment A: Correspondence dated November 30, 2017 from SDRMA Regarding SDRMA Workers' Compensation Resolution for Board Members and Volunteers Coverage
- Attachment B. Draft Resolution L-2018-03 Declaring that Governing Body Members and Volunteers Shall be Deemed to be Employees of the District for the Purpose of Providing Workers' Compensation Coverage for Said Certain Individuals While Providing Their Services.