

**California Department of Human Resources
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Workers' Compensation Coverage for Volunteers	REFERENCE NUMBER: 2015-009
DATE ISSUED: 3/4/2015	SUPERSEDES:

This memorandum should be forwarded to:

**Personnel Officers
Personnel Transaction Supervisors
Return-to-Work Coordinators**

FROM: Department of Human Resources
Benefits Division

CONTACT: Tracy Caldwell
(916) 445-9760
Fax: (916) 322-3769
Email: workcomp@calhr.ca.gov

According to Labor Code 3363.5, public employers may choose to extend workers' compensation coverage to volunteers that perform services for the organization. Workers' compensation coverage is not mandatory for volunteers as it is for employees.

This is specific to the legally uninsured state departments participating in the Master Agreement. Departments with an insurance policy for workers' compensation coverage should contact their State Compensation Insurance Fund (State Fund) office to discuss the status of volunteers.

Workers' compensation is a no-fault system, and with few exceptions, the exclusive remedy for injuries and illnesses suffered while working. If your volunteers are covered, they will be entitled to the same benefits as any of your paid staff. Workers' compensation benefits are finite and limited to medical, disability, and retraining costs associated with a specific impairment.

If your volunteers are excluded from workers' compensation coverage, 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.

If your department has volunteers, please notify State Fund of your determination whether or not to extend workers' compensation coverage to your volunteers by April 1, 2015. If your department has previously notified State Fund of your determination, you only need to update your notification if there is a change to your volunteer program.

If your department has a governing board, they need to adopt a resolution to extend workers' compensation coverage to volunteers. Documentation concerning the resolution should be included when notifying State Fund.

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A sample letter is attached that can be used to notify State Fund of your determination regarding your volunteers. The letter must be signed by the agency director or equivalent.

The letter should be mailed to:

State Contract Services – Sacramento
Nina Rorke, Program Manager
State Compensation Insurance Fund
2275 Gateway Oaks Drive
Sacramento, CA 95833

With a copy to:

Department of Human Resources
Benefits, Workers' Compensation Program
1515 S Street, North Building, Suite 400
Sacramento, CA 95811

/s/Darlene Schell

Darlene Schell, Chief
Benefits Division

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ATTACHMENT

State Contract Services - Sacramento
Nina Rorke, Program Manager
State Compensation Insurance Fund
2275 Gateway Oaks Drive
Sacramento, CA 95833

RE: Volunteer Coverage
(DEPARTMENT) (3 DIGIT AGENCY CODE NUMBER)

(DATE)

Dear Ms. Rorke,

Volunteers at (DEPARTMENT NAME) (ARE/ARE NOT) deemed to be employees of the (AGENCY, BOARD, DEPARTMENT, or COMMISSION) for workers' compensation purposes.

(DEPARTMENT NAME) currently has approximately (NUMBER) volunteers under its supervision.

Sincerely,

(NAME)
(TITLE and CONTACT INFORMATION)

cc: Department of Human Resources
Benefits Division, Workers' Compensation Program
1515 S Street, North Building, Suite 400
Sacramento, CA 95811