



Board Agenda Item 36

DATE: September 21, 2021

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Resolution Providing Workers' Compensation Coverage for County of Fresno Volunteers

RECOMMENDED ACTION:

Adopt Resolution authorizing the provision of Workers' Compensation Coverage for County of Fresno Volunteers pursuant to Section 3363.5 of the California Labor Code.

It is recommended the County of Fresno Board of Supervisors pass a Resolution providing Workers' Compensation coverage for its Volunteers to ensure they receive prompt, full and fair compensation, treatment and return to work or volunteer status post-injury through the California's Workers' Compensation Appeals Board without the costs, hazards, risks, expenses and undefined exposures arising out of California civil litigation.

ALTERNATIVE ACTION:

Your Board could choose not to approve the recommendation and County of Fresno volunteers would not be covered by Workers' Compensation coverage.

FISCAL IMPACT:

There is no fiscal impact in terms of premium costs. If a loss were to occur, costs would primarily include medical treatment incurred related to the volunteer's injuries or illnesses while performing work for the County of Fresno and would be paid through Risk Org 8925. All associated costs will be billed to those departments benefiting from the coverage for their respective volunteers.

DISCUSSION:

The Risk Manager has consulted with its risk management consultant, its workers' compensation legal counsel, and its risk pooling authority, PRISM. With all in concurrence, staff now recommends that a Resolution be approved by your Board providing Workers' Compensation coverage for all its volunteers. This recommendation is based on a review of the County's Workers' Compensation system, expenditures, litigation costs and expenses.

California's Constitution created a workers' compensation system partially to avoid the costs, hazards, risks, and expenses of civil litigation in exchange for a defined workers' compensation benefit, no-fault system which ideally provides prompt benefits to California's injured workers. Volunteers are generally exempt from the system, but public agencies like the County of Fresno may "opt-in" its volunteers via adoption of a Resolution doing so.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution
On file with Clerk - California Labor Code 3363.5

CAO ANALYST:

Yussel Zalapa