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# 4A

## Action

### *Fiscal Policy and Planning Committee*

## **Approval to Extend Workers' Compensation Coverage to Volunteers Who Perform Services for the Commission on Teacher Credentialing**

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**Executive Summary:** This agenda item seeks the approval to extend workers' compensation coverage to volunteers who perform services for the Commission on Teacher Credentialing.

**Recommended Action:** Approve the extension of worker's compensation coverage for volunteers.

**Presenter:** Crista Hill, Director, Administrative Services Division - Fiscal and Business Services Section

#### **Strategic Plan Goal: 6**

**Maximize the effectiveness of the agency and its staff through the optimal use of technology, ongoing staff development and maintenance of a positive work environment**

- ◆ Communicate effectively to share information and increase productivity
- ◆ Conduct periodic review of the efficiency of the day-to-day operation and financial accountability of the Commission.
- ◆ Implement, monitor and report on the outcomes of new program initiatives



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# **Approval to Extend Workers' Compensation Coverage to Volunteers Who Perform Services for the Commission on Teacher Credentialing**

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## **Introduction**

The Commission on Teacher Credentialing (Commission) is required to have workers' compensation coverage for all public employees, however the Commission has the option to voluntarily extend coverage for volunteers. The Department of Personnel Administration notified all State Agencies regarding the opportunity to extend workers compensation coverage for volunteers while they are performing services for the Commission. As a result, Commission staff is seeking the approval of the Commission to move forward with the notification to the State Fund to extend coverage for volunteers in order to limit future liabilities.

## **Background**

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

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

If 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 typically much higher than the corresponding workers' compensation benefits. The option could be very costly for the State given the uncertainty of the injury.

The Commission does not anticipate any increased operating costs for extending benefits to volunteers, unless a claim is filed. If a claim is filed, the Commission would work within existing resources to address the claim, and if necessary, the agency shall seek additional resources through the budgetary process.

The Commission is required to notify the State Fund of the determination to extend workers' compensation coverage for volunteers by March 1, 2010. Due to the fact that the Commission meeting is scheduled after the due date, Commission staff submitted a tentative response to State Fund by the due date indicating that Commission staff will provide a follow-up response indicating the action taken by the Commission. This item is being brought forward because Commission staff is required to submit an adopted resolution by the Commission with the annual notification to State Fund.

## **Recommendation**

Commission staff seeks the approval to notify State Fund that the Commission has adopted the extension of workers compensation for volunteers who perform services for the Commission.