

WORKERS' COMPENSATION FOR VOLUNTEERS

DEFINITION: A VOLUNTEER IS A PERSON WHO PERFORMS SERVICES WITHOUT COMPENSATION AND WITHOUT INTENT TO CREATE AN EMPLOYMENT RELATIONSHIP.

Under normal circumstances, volunteers are not considered to be employees of the fair and are **excluded** from coverage for workers' compensation.

However, Labor Code Section 3363.5 allows coverage of volunteers **AFTER** adoption of a resolution by the governing body of a public agency deeming volunteers who perform voluntary service without pay to be "employees" for workers' compensation purposes while performing such services for the fair. As defined in the 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.

It is the fair's responsibility to report the hours worked by volunteers to CFSA on an annual basis for fee assessment purposes.

Board Resolution Covering Volunteers

A resolution from your fair's Board of Directors authorizing CFSA to provide workers' compensation coverage for volunteers working at your fair must be on file at CFSA. To ensure that coverage is provided on a continual basis, your board may authorize coverage for an indefinite period of time. The following board motion may be used:

"A motion was made by Director _____, seconded by Director _____, and carried that members of the Board of Directors of the _____ Fair and any volunteers donating time for the Fair, will be covered by Workers' Compensation Insurance while performing their volunteer work."

Date Passed: _____ Signed: _____

If you need assistance in preparing a resolution for your fair, please call Cindy Hehner at (916) 263-6172.