

PATRICK K. FAULKNER
COUNTY COUNSEL

JACK F. GOVI
ASSISTANT COUNTY COUNSEL

DOROTHY R. JONES
JAMES G. FLAGEOLLET
CHIEF DEPUTIES

COUNTY COUNSEL OF MARIN COUNTY

3501 Civic Center Drive, Suite 303
San Rafael, California 94903-5222

(415) 499-6117

FAX (415) 499-3796
TDD (415) 499-6172

MARI-ANN G. RIVERS
RENEE GIACOMINI BREWER
DAVID L. ZALTSMAN
MICHELE KENO
NANCY STUART GRISHAM
JENNIFER M. W. VUILLERMET
PATRICK M. K. RICHARDSON
THOMAS F. LYONS
STEPHEN R. RAAB
STEVEN M. PERL
SHEILA SHAH LICHTBLAU
EDWARD J. KIERNAN
JESSICA F. MILLS
DEPUTIES

JEANINE MICHAELS
ADMINISTRATIVE ASSISTANT

April 3, 2007

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Repeal Resolution 2001-92 and pass a new resolution, which adopts registered volunteer workers and groups as County employees for the purpose of coverage under the County of Marin's self-insured workers' compensation program.

Board Meeting of April 3, 2007 – Consent Agenda

Dear Supervisors:

RECOMMENDATION: Amend resolution 2001-92

SUMMARY: The proposed resolution describes the volunteer workers and groups who are considered county employees for purposes of workers' compensation coverage. It is more thorough than its predecessor, which it will repeal.

FISCAL/STAFFING IMPACT: None.

REVIEWED BY:

<input type="checkbox"/>	Auditor-Controller	N/A
<input checked="" type="checkbox"/>	County Counsel	
<input type="checkbox"/>	Human Resources	N/A

Respectfully submitted,


Jack Govi
Assistant County Counsel

Cc: Karol Hosking

RESOLUTION NO. 2001-92

**RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
ADOPTING VOLUNTEER WORKERS AS COUNTY EMPLOYEES FOR THE PURPOSE OF
COVERAGE UNDER THE WORKERS' COMPENSATION INSURANCE PROGRAM**

WHEREAS, the County of Marin has workers volunteering their services to the County; and

WHEREAS, such volunteer services are at times necessary to the operation and function of the government of the County of Marin; and

WHEREAS, said volunteer services are without remuneration; however, such persons volunteering their time and energies must properly be considered employees of the County of Marin for purposes of Workers' Compensation Insurance coverages, as provided in California Labor Code Section 336.5; and

WHEREAS, the intent of this Resolution is to provide workers' compensation insurance to volunteer workers which shall apply to loss on account of bodily injury by accident or occupational disease sustained by such volunteer workers in the performance of their duties for or on behalf of the County of Marin while acting within the scope of their duties; and

WHEREAS, the adoption of this Resolution is necessary so that the County of Marin is in compliance with said County's Excess Workers' Compensation Insurance through the CSAC-EIA program;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marin does hereby declare volunteer workers on behalf of the County of Marin to be employees of said County for purposes of Workers' Compensation Law.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 17th day of July, 2001, by the following vote:

AYES: SUPERVISORS Cynthia L. Murray, John B. Kress, Steve Kinsey, Annette Rose,
Harold C. Brown, Jr.

NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK

RESOLUTION NO. 2007-_____
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
REPEALING RESOLUTION NO. 2001-92 AND ADOPTING REGISTERED VOLUNTEER
WORKERS AND GROUPS AS COUNTY EMPLOYEES AND EXCLUDING ALL OTHER
VOLUNTEERS FOR THE PURPOSE OF COVERAGE UNDER THE COUNTY OF MARIN'S
SELF-INSURED WORKERS' COMPENSATION PROGRAM

WHEREAS, Resolution No. 2001-92 previously addressed the issue of volunteer workers and upon review, it is not thorough in scope and thus, should be repealed and replaced with a more comprehensive resolution on this subject; and

WHEREAS, the County of Marin has people volunteering their services to the County; and

WHEREAS, such volunteer services augment paid staff to help increase and extend services to residents of Marin; and

WHEREAS, the intent of this Resolution is to provide Workers' Compensation insurance to specified volunteer workers which shall apply to loss on account of injury by accident or occupational disease sustained by such specified volunteer workers in the performance of their duties for or on behalf of the County of Marin while acting within the scope of their duties; and

WHEREAS, the adoption of this Resolution is necessary so that the County of Marin is in compliance with said County's Excess Workers' Compensation Insurance through the California State Association of Counties ("CSAC") Excess Insurance Authority ("EIA") program; and

WHEREAS, our pre-designated volunteer program through the Human Resources Department's Civic Center Volunteers Program registers volunteers and volunteer groups and requires such registered volunteers to sign the required volunteer contract and it is the intent of this Resolution that these registered persons and groups volunteering their time and energies shall be considered employees of the County of Marin for purposes of Workers' Compensation as provided in California Labor Code Section 3363.5; and

WHEREAS, the intent of this Resolution is to provide Workers' Compensation coverage under our Permissibly Self-Insured Certificate #7017 for injury or illness arising out of and in the course of the volunteer services exclusively for or on behalf of the County of Marin by registered volunteer workers and registered volunteer groups and excluding all other persons who may volunteer their time including but not limited to inmates of the Marin County jail.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marin does hereby declare that Resolution No. 2001-92 is repealed;

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Marin does hereby declare that volunteer workers who are: (1) registered and have signed the Volunteer Contract through the County of Marin Human Resources Department's Civic Center Volunteers Program; or (2) registered as a group with the County of Marin Human Resources Department's Civic Center Volunteers Program; to be employees of said County for purpose of Workers' Compensation Law and hereby excludes all other volunteers including but not limited to inmates of the Marin County Jail.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this ____th day of _____, 2007, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK