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ADMINISTRATIVE MANUAL		3-140
SECTION:	Risk Management	County Utilization of Volunteers
INITIAL ISSUE DATE:	January 12, 1993	
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PURPOSE

- A. Establish a policy that no County volunteer shall be considered to be a County employee for any purpose, except for those specific County volunteers deemed County employees by action of the Board of Supervisors solely for the purposes of workers’ compensation coverage.
- B. Establish a policy for those specific County volunteers deemed County employees by action of the Board of Supervisors for the purposes of workers’ compensation coverage. Such persons shall not be considered County employees for any purpose other than workers’ compensation coverage.
- C. Set criteria for the use of volunteers who provide service to the County through non-profit agencies.
- D. Establish alternative insured accident medical coverage insurance for volunteers who would not be covered by workers’ compensation.
- E. Identify groups of volunteers which are not covered under either the workers’ compensation program or the accident medical insurance.
- F. Set criteria for the use of Sheriff’s Jail inmates and Annex inmates.
- G. Establish criteria for use of interns or job trainees.
- H. For purposes of this policy, the term “volunteer” shall mean the following:
 1. An individual who performs services to the County for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered (except for reasonable expenses, benefits and nominal fees as allowed by law, which are not compensation for services rendered). This includes, but is not limited to, volunteer firefighters and reserve deputies; or
 2. An individual who performs services for that individual’s personal purpose or benefit and that do not result in immediate advantage to the County. This includes, but is not limited to, interns, job trainees, Opportunity Center clients, and General Assistance recipients; or

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3. An individual in the Sheriff’s Office or the Probation Department’s custody who performs services for the County. This includes, but is not limited to, inmate workers, juvenile wards, Sheriff work release participants, and Probation work program participants.

I. For purposes of this policy, the term “volunteer” shall not mean the following:

1. County employees who are completing an internship or training directly related to their County employment or for which wages are otherwise required to be paid by law, (e.g., Licensed Clinical Social Worker candidates).
2. Any individual otherwise employed by the County to perform the same type of services as those for which the individual proposes to volunteer.

BACKGROUND

Various County departments have engaged in the use of volunteers for many years. The County is required by statute and case law to cover certain volunteers under its workers’ compensation program. Labor Code provisions require the Board of Supervisors to adopt a resolution determining certain other volunteers to be County employees for the purposes of workers’ compensation insurance coverage. The excess workers’ compensation insurance coverage purchased by the County excludes coverage for volunteers unless they are deemed employees by resolution of the Board of Supervisors. This policy has been developed to clearly define by Board of Supervisors’ resolution the volunteers to be deemed County employees for purposes of workers’ compensation coverage and to address a minimal insurance coverage program for those volunteers not deemed County employees for purposes of workers’ compensation coverage.

POLICY

- A. All County volunteers to be covered under the County's workers’ compensation program will be classified and registered.
- B. The County assumes no liability for volunteers who are unclassified or unregistered for the County's workers’ compensation program or accident medical insurance.

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- C. Departments will register all volunteers with the Department of Support Services under all circumstances who are required to be registered pursuant to this policy using forms approved by the Department of Support Services.
- D. Individuals who serve as volunteers only for a specific one-time event without providing continuing volunteer service shall be required to sign an approved registration form (provided by the Department of Support Services). Such persons shall not be eligible for workers' compensation coverage.
- E. The Department of Support Services will coordinate and administer all countywide intern and job trainee contracts, unless specifically delegated by the Director of Support Services.
- F. To the extent required by law or County contractual obligations, assignment of volunteer(s) shall not displace existing workers or decrease existing contracts for services, including partial displacement by reducing hours or employment benefits.
- G. All volunteers must be provided volunteer orientation and safety training as part of their participation.
- H. If applicable to the position, volunteers will complete all department, agency, and/or industry standard training as directed by County, including, but not limited to, confidentiality and Health Insurance Portability and Accountability Act (HIPAA) training.
- I. The Department of Support Services, in consultation with department heads or their designees, may perform appropriate background checks, including but not limited to reviews of criminal histories, on volunteers in their departments that are suitable for the nature of the services to be performed.
- J. For any volunteer under the age of 18, the parents of the minor shall be required to complete all necessary forms and registrations for the minor volunteer.
- K. Volunteers Covered by the County's Workers' Compensation Program

Only those volunteer workers who are classified and registered, as defined below, shall be deemed to be employees of Shasta County for purposes of workers' compensation while performing such voluntary service without pay for the County as authorized by Labor

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Code §3363.5. Volunteer workers who are not classified and not registered shall not be deemed employees of the County for purposes of workers' compensation under Labor Code §3363.5.

1. Classifications: Any additions or deletions from the following classifications for the purpose of workers' compensation coverage must be approved in advance by the Board of Supervisors prior to utilization.
 - a. Volunteer firefighters affiliated with a regularly organized fire department or company of the Shasta County Fire Department/County Service Area #1 administered by the County Fire Warden.
 - b. Tactical Medical Specialists authorized by the Sheriff to work with the Special Weapons And Tactics (SWAT) team and who are either a California Licensed Physician or resident physician in a residency program accredited by the American Council of Graduate Medical Education (ACGME), certified Paramedic, or Registered Nurse.
 - c. Those clients engaged at the Opportunity Center of the Health and Human Services Agency (HHSA).
 - d. All juveniles assigned by order of the Juvenile Court or by a designated representative of the Probation Department to a work project on public property within the jurisdiction of any governmental entity, to perform community service, or to complete a project for the purposes of diversion from high risk activities (Labor Code §3364.55, 3364.6).
 - e. Participants in the Probation Department's adult work program when the work is performed for the purposes of paying a fine.
 - f. General Assistance workers assigned by HHSA to work on projects on public property within the jurisdiction of any governmental entity.
 - g. Reserve deputies of the Sheriff's Department, only while in uniform and logged in on assignment.
 - h. Sheriff's work release participants, if required by law when assigned to and injured at a non-profit organization worksite (Penal Code §4024.2, et seq.).

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- i. HHSa Smallpox Response Team volunteers approved to act as volunteers by the County’s Health Officer or HHSa Director, or his/her designee.

2. Registration:

- a. County Departments shall only register, as classified under Item K1 above, volunteer workers who are described in Items a through i. above.
- b. To be “registered,” a person must be listed on the County's roster of volunteer workers. The County departments that employ persons listed in Classifications above as volunteers must provide the Department of Support Services-Risk Management Division (Risk Management) with a completed roster (on a form provided by Risk Management) of all registered volunteers.
- d. Departments shall provide a renewal roster or registration forms to Risk Management each 12 month period or the registration will expire.
- e. Whenever there are any new volunteers, their registration will be submitted to the Department of Support Services within two working days.
- f. The roster shall contain the volunteer worker's name, address, email address, telephone number, position title, nature of the work to be performed, the approximate time during which such volunteer work is performed, and any additional information required by the Department of Support Services.

L. Volunteers Covered by Workers’ Compensation Coverage From Other Than County Sources

- 1. The following organizations assume the workers’ compensation responsibility for persons associated with the organization while they provide services to the County:
 - a. CalWORKs (California Work Opportunity and Responsibility to Kids);
 - b. R.O.P. (Regional Occupational Program);

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- c. Any private or public entity that sponsors or provides interns, job trainees or other volunteers providing services to the County unless other arrangements are approved in Section O(1)(d) of this Policy; and
 - d. Any other non-County entity, public or private, required by law to assume the workers' compensation responsibility.
2. Registration: A copy of the volunteer service agreement and proof of insurance must be filed by the department with Risk Management, establishing the terms and conditions of the volunteer service to be provided and a roster (form provided by Risk Management) of all registered and unclassified volunteers providing the service. A complete roster will be provided to Risk Management every twelve months or whenever there are any additional volunteers to the project or agreement, whichever comes first. The departments shall provide a renewal volunteer roster with proof of insurance at the end of each twelve-month period; otherwise, registration will expire. Shasta County accepts no workers' compensation responsibility for these volunteers, except as may be specifically authorized in writing pursuant to Section O(1)(d) of this Policy.

M. Volunteers Covered by Accident Medical Insurance

- 1. Volunteers who are not described in K or L above will be registered as unclassified and covered by the accident medical insurance provided by the County except as otherwise noted in this policy. Workers' compensation from the County is only available to volunteers described in section K above. To defray the risk of accident or injury, the County will provide accident medical insurance coverage for volunteers listed in section M, if registered, in amounts and at costs currently available to the County from the insurance marketplace. The responsibility for the premium payment will be the County department accepting these volunteers. Such volunteers shall be limited to the following:
 - a. Sheriff's Department volunteers including chaplains; and persons assisting in administration in all divisions; Search and Rescue which includes dive team, flying posse, jeep patrol, man trackers, mounted posse, mountain rescue, and Explorer Scouts; Citizen Volunteer Patrol; or others who are not acting as employees of the department or who are not otherwise covered under the Office of Emergency Services.

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- b. Interns or other volunteers in the District Attorney’s Office, County Counsel’s Office, Public Defender’s Office, and Probation Department, or any other County department.
 - c. HHSVA volunteers while performing work for the County, except as provided for in Sections K and L.
 - d. Sheriff’s work release participants and Probation Department’s adult work program participants not covered by workers’ compensation. Sheriff’s work release participants are covered for workers’ compensation when assigned to and injured at a non-profit organization’s worksite.
 - e. Sheriff’s work release participants and Probation Department’s adult work program participants, when the work performed is exclusively for the purposes of community service and not in lieu of a court-ordered fine.
 - f. Non-Firefighter Fire Department volunteers while performing work for the County.
 - g. Registrar of Voter’s Office Poll Workers while performing work for the County during elections.
 - h. Veteran’s Service Office Veteran’s Remains Officer (California Military and Veterans code sections 940-950).
 - i. One-time volunteers as described in section D.
2. Registration: All volunteers will complete either (1) a registration form, which will provide the volunteer's name, address, e-mail address, telephone number, position title, nature of work performed, and the dates volunteer services will be provided, or (2) such other registration form approved by the Department of Support Services. The registration forms are to be forwarded to the Department of Support Services within two working days. The department¹ registering the volunteer will be responsible to pay to the Department of Support Services the premium for the accident medical coverage for the time period covered by the registration.

¹ The term “department” includes all County agencies, branches, and departments.

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3. The accident medical insurance plan is not available for Sheriff's Jail inmates, Annex inmates, or other similar programs.
4. The accident medical insurance and the workers' compensation coverage are not applicable to any citizen advisory board such as the Mental Health, Alcohol and Drug Advisory Board the Probation Neighborhood Accountability Board, Neighborhood Watch, etc.

N. Sheriff's Jail Inmates and Annex Inmates

1. Use of Sheriff's Office Jail inmates and Annex inmates is permissible without registration; they are not covered by either workers' compensation or the accident medical insurance. Medical treatment for injury of these individuals is provided by the Jail's medical services contract.
2. Further, the accident medical insurance and the workers' compensation coverage are not applicable to any juvenile probation ward placed in the Juvenile Hall regardless of the location of the work performed under any work program. For these purposes, the juveniles are treated as "inmates" and medical treatment is provided by the Juvenile Hall medical services contract.
3. Those individuals described in Sections K(1)(d), (e), and (h) and Sections M(1)(d) and (e) of this policy, are not Jail or Annex inmates for the purposes of this policy.

O. Interns, Job Trainees and Other Volunteers from Third Party Entities

1. Acceptance of interns, job trainees, or other volunteers from other governmental agencies, educational institutions, or private organizations is permissible only when there is a written contract between the County and the private or public entity that contains, at a minimum, the following;
 - a. Acknowledgement that the interns, job trainees or other volunteers are not County employees and are not entitled to any wages or benefits from the County. The private or public entity agrees to defend and indemnify the County from and against any and all claims for such wages or benefits.

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- b. Acknowledgement that the interns, job trainees or other volunteers are not entitled to coverage under the County's workers' compensation program and any obligation to provide workers' compensation coverage is assumed by the private or public entity. The private or public entity agrees to defend and indemnify the County from and against any and all injuries suffered by the interns or job trainees that would be subject to workers' compensation.
- c. The public or private entity agrees to defend and indemnify the County from and against any and all claims for injuries or loss resulting from conduct by the interns, job trainees, or other volunteers, except when the injury or loss is caused by the sole negligence or intentional wrongdoing of the County.
- d. Any of the clauses identified in sections O(1)(a), (b), or (c) above may be modified or removed upon the written approval of County Counsel and the Department of Support Services.
- e. The contract has been reviewed and approved by County Counsel and the Department of Support Services -- Personnel and Risk Management Divisions.
- f. The contract has been approved by the County Executive Officer or the Board of Supervisors. Department Heads do not have independent authority to approve these contracts.

P. Termination of Volunteer Service

- 1. The County, through the Department of Support Services, reserves the right to terminate the voluntary service of any individual volunteer without cause. The County reserves the right to withdraw, without cause, the status of classified and registered volunteers, either individually or as a class, by terminating either their classified or registered status, or both.
- 2. Departments must notify the Department of Support Services within two working days when a volunteer, intern, or job trainee ends his or her assignment with the County.

Note: For more information, please contact the Department of Support Services.

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RESPONSIBLE DEPARTMENTS

Support Services -- Risk Management

REFERENCES

- BOS Policy Resolution No. 2012-06--10/23/12 (Amended)
- Administrative Update--07/13/2012
- BOS Policy Resolution No. 2008-02--3/4/08 (Amended)
- BOS Policy Resolution No. 2007-8--11/6/07 (Amended)
- BOS Policy Resolution No. 2003-1--1/28/03 (Amended)
- BOS Policy Resolution Nos. 2001-10 and 2001-17--8/14/01 (Amended)
- BOS Policy Resolution No. 98-6--12/29/98 (Amended)
- BOS Policy Resolution No. 94-3--5/3/94 (Amended)
- BOS Policy Resolution No. 93-8--9/28/93
- BOS Policy Resolution No. 93-1--1/12/93 (Superseded)
- California Labor Code Sections 3363.5, 3364, 3364.55, and 3364.6
- California Penal Code Section 4024.2, et. seq.
- California Military and Veterans Code Sections 940-950