

# Heber Public Utility District

## Report to the Board of Directors

**MEETING DATE:** January 18, 2018

**FROM:** Laura Fischer, General Manager

**SUBJECT:** Adopt Resolution 2018-02 to Declare that Governing Body Members and Volunteers Shall be Deemed to be Employees of the District for the Purpose of Providing Workers' Compensation Coverage for Said Individuals While Providing Their Services

**ISSUE:**

Shall the Heber Public Utility Board of Directors adopt Resolution 2018-02 to allow HPUD to provide Workers' Compensation Coverage for Board Members and Volunteers while they provide services to the District?

**GENERAL MANAGER RECOMMENDATION:**

Adopt Resolution 2017-2 to allow HPUD to provide Workers' Compensation Coverage to Board Members and volunteers while they provide services to the District.

**FISCAL IMPACT:**

None. HPUD currently provides Workers' Compensation insurance coverage to our Board Members and volunteers when needed. This amount is included in our operating budget.

**DISCUSSION:**

We received correspondence from Special District Risk Management Authority (SDRMA), the agency that provides insurance for the District. They informed us that according to California Labor Code, the District needs to adopt a Resolution declaring the governing body and eligible volunteers to be employees for the purpose of providing workers' compensation insurance. The governing body and eligible volunteers can only be covered if the District adopts the attached Resolution.

Currently the District, through SDRMA, provides workers' compensation insurance for our governing body and volunteers. However, without adopting this Resolution, the District would not be able to provide workers' compensation insurance through SDRMA.

**CONCLUSION:**

As the District currently provides workers' compensation insurance for our governing body and eligible volunteers through SDRMA our insurance agent, and as they are requiring the District to adopt Resolution 2018-2 as presented; staff recommends adopting Resolution 2018-2 as presented.

Respectfully Submitted,

Laura Fischer, General Manager  
Attachments: Resolution 2018-2

RESOLUTION No. 2018-2

RESOLUTION OF THE GOVERNING BODY OF  
THE HEBER PUBLIC UTILITY DISTRICT,  
DECLARING THAT GOVERNING BODY MEMBERS AND VOLUNTEERS SHALL  
BE DEEMED TO BE EMPLOYEES OF THE DISTRICT FOR THE PURPOSE OF  
PROVIDING WORKERS' COMPENSATION COVERAGE FOR SAID CERTAIN  
INDIVIDUALS WHILE PROVIDING THEIR SERVICES

---

**WHEREAS**, the Heber Public Utility District utilizes the services of Governing Body Members and Volunteers; and

**WHEREAS**, Section 3363.5 of the California Labor Code provides that a person who performs voluntary service for a public agency as designated and authorized by the Governing Body of the agency or its designee, shall, upon adoption of a resolution by the Governing Body of the agency so declaring, be deemed to be an employee of the agency for the purpose of Division 4 of said Labor Code while performing such services; and

**WHEREAS**, the Governing Body wishes to extend Workers' Compensation coverage as provided by State law to the following designated categories of persons as indicated by a checkmark in the box to the left of the descriptions:

- All Members of the Governing Body of the Heber Public Utility District as presently or hereafter constituted and/or
- All persons performing voluntary services without pay other than meals, transportation, lodging or reimbursement for incidental expenses
- Individuals on Work-study programs
- Interns
- Other Volunteers
- \_\_\_\_\_  
[designate]

**NOW, THEREFORE, BE IT RESOLVED**, that such persons coming within the categories specified above, including the duly elected or appointed replacements of any Governing Body Member and other designated individuals be deemed to be employees of the Heber Public Utility District for the purpose of Workers' Compensation coverage as provided in Division 4 of the Labor Code while performing such service. However, said Governing Body Members and other designated individuals will not be considered an employee of the Heber Public Utility District for any purpose other than for such Workers' Compensation coverage, nor grant nor enlarge upon any other right, duty, or responsibility of such Governing Body Members or other designated individuals, nor allow such persons to claim any other benefits or rights given to paid employees of the Heber Public Utility District.

**PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of January, 2018, by the following vote:

AYES:  
NOES:  
ABSENT:

---

Martin Nolasco, Jr., President of the Board  
Heber Public Utility District

---

APPROVED AS TO FORM: