



Date: June 8, 2023

To: Board of Directors

From: David Aranda, Interim General Manager

Subject: 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

Recommendation

Approve Resolution No. 2023-18 of the Kensington Police Protection District and Community Services 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.

Background

It has been brought to my attention that the District has NOT been covering Directors when it comes to workers compensation issues. This could be a very dangerous course of action and I suggest that it be changed.

A Director in their scope of duties, i.e. driving to a board meeting, sitting at a board meeting could suffer an injury that the State of California would find was "work" related.

The attached resolution provides coverage not just to the Directors of the District but to any volunteer that is assisting the District with various jobs.

Fiscal Impact

The cost is very small for the coverage, probably not more than \$200 for the year.

Exhibit(s)

- Resolution No. 2023-18 Of The Kensington Police Protection District And Community Services 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

RESOLUTION NO. 2023-12

**RESOLUTION OF THE KENSINGTON POLICE PROTECTION AND
COMMUNITY SERVICES 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 **KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES 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 Kensington Police Protection and Community Services 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
- Program 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 Kensington Police Protection and Community Services 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 Kensington Police Protection and Community Services 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 Kensington Police Protection and Community Services District.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District upon motion by Director _____, seconded by Director _____, on Thursday, the 8th day of June, 2023, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

Alexandra Aquino-Fike
President, Board of Directors

HEREBY CERTIFY the foregoing resolution was duly and regularly adopted by the Board of Directors of the Kensington Police Protection and Community Services District at the regular meeting of said Board held on Thursday, the 8th day of June, 2023.

Lynelle M. Lewis
District Clerk of the Board

David Aranda
Interim General Manger

PASSED, APPROVED AND ADOPTED this **DATE** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED: