



Staff Report

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**File #:** 24-0171

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**REQUEST FOR CITY COUNCIL ACTION**

**DATE:** 03/06/2024

**TO:** Honorable Mayor and City Council Members

**FROM:** Legal & Risk Management

**SUBJECT:**  
RESOLUTION TO PROVIDE WORKERS' COMPENSATION COVERAGE FOR CERTAIN EMPLOYEE VOLUNTARY ACTIVITIES

**EXECUTIVE SUMMARY:**

This staff report asks the City Council to approve the adoption of a resolution regarding a list of authorized employee voluntary activities to be provided workers' compensation coverage.

**RECOMMENDED ACTION:**

**That the City Council** adopt Resolution No. 2024-008, establishing and approving a list of authorized employee voluntary activities that the City is voluntarily deeming to be industrial for the sole purpose of providing workers' compensation coverage to City employees while performing such voluntary activities.

**ANALYSIS:**

Generally, California law provides that injuries resulting from voluntary recreational activities do not qualify for workers compensation coverage, unless it can be shown that the employer directly or indirectly required participation. However, the City Council can voluntarily adopt a resolution declaring certain employee voluntary activities to be industrial for the sole purpose of providing Workers' Compensation Insurance while performing their voluntary activity. The reasons for providing coverage include promoting certain improved training, public safety, physical fitness, team building and other positive benefits, as well as creating clarity for staff as to when certain employee voluntary activities should or should not be covered for purposes of workers' compensation benefits.

Exhibit 1 of attached Resolution No. 2024-008 contains the list of proposed City Employee Voluntary

Activities to be covered by the City, so adoption of this Resolution will implement such coverage. The adoption of this Resolution does not: (1) make any voluntary activity industrial which is not expressly included in the listed activities; (2) make industrial any activity of any City employee who is either a spectator of or otherwise not officially participating in the listed activities; (3) provide workers' ompensation coverage to any non-employee who is either a spectator of or otherwise participating in any listed activities; and (4) increase or expand any other right, benefit, duty or responsibility of City employees or non-employees, as well as their personal representatives, heirs, next-of-kin, agents, successors and assigns. Finally, this list is subject to change at any time, so voluntary activities can be added or removed as desired by the City Council.

In June of 2021, the City Council adopted Resolution No. 2023-051 to provide workers' compensation coverage to certain City Service Volunteers (as defined in the Resolution). This Resolution will also cover those Fire Department City Service Volunteers who participate in the Auto-X voluntary activity described in Exhibit 1 attached hereto. The Police Department City Service Volunteers listed in Resolution No. 2023-051 will not be afforded coverage for any voluntary activities described in Exhibit 1 attached hereto.

**FINANCIAL IMPACT:**

No immediate financial impact is known. Future claims related to the listed employee activities can be anticipated but are unknown at this time.

**ENVIRONMENTAL ANALYSIS:**

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action is strictly an action to adopt a resolution about future workers' compensation coverage, and there is no possibility that adopting this resolution will have a significant effect on the environment. Therefore, no environmental analysis is required.

**PREPARED BY:** AMANDA DEFOREST, WORKERS' COMPENSATION MANAGER

**REVIEWED BY:** DEAN DERLETH, CITY ATTORNEY/LRM DIRECTOR

**Attachments:**

1. Exhibit 1 - Resolution No. 2024-008