

**STAFF REPORT FOR CALENDAR ITEM NO.: 10.2  
FOR THE MEETING OF: June 14, 2018**

**TRANSBAY JOINT POWERS AUTHORITY**

**BRIEF DESCRIPTION:**

Adopt a resolution authorizing workers' compensation coverage for Transbay Joint Powers Authority (TJPA) Board Members, all of whom serve unpaid, through the Special District Risk Management Authority (SDRMA) Workers' Compensation Program in which TJPA participates for its employees.

**EXPLANATION:**

SDRMA is a joint powers authority formed to provide insurance and risk management services to California special districts and other public agencies. SDRMA programs include general liability and property insurance, and workers' compensation insurance. TJPA has received coverage under SDRMA's general liability and property insurance program since July 2004, and has participated in the workers' compensation program since July 2012. Ten million dollars of employer's liability coverage is provided under the general liability and property program, and the workers' compensation program provides statutory coverage limits. The annual SDRMA workers' compensation premium averages approximately \$17,000. Joining the SDRMA's workers' compensation program resulted in a multi-program discount on the TJPA's coverage premiums and cost savings for TJPA.

California Labor Code section 3363.5 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 for workers' compensation purposes." SDRMA explains that if such a resolution is adopted, and the volunteer is injured while performing duties for the agency, the volunteer is entitled to receive workers' compensation benefits and their exclusive remedy for recovery against the agency is through the workers' compensation system.

The positions of TJPA Board Members have always been listed on TJPA's annual submission to SDRMA of classifications and payroll, as Unpaid Agency Directors. But TJPA has not previously adopted the specific resolution designating and authorizing the Board Members to be deemed employees for workers' compensation purposes. Recently, SDRMA has advised that in order to continue workers compensation coverage for directors in the upcoming fiscal year, the TJPA must adopt the attached resolution and submit it to SDRMA by June 30. The resolution is in compliance with Section 3363.5 of the California Labor Code and is being required by SDRMA's excess insurance carrier. The TJPA does not expect any change in its premium as a result of the Board's adoption of this resolution.

**RECOMMENDATION:**

Adopt a resolution authorizing workers' compensation coverage for Transbay Joint Powers Authority (TJPA) Board Members, all of whom serve unpaid, through the Special District Risk Management Authority (SDRMA) Workers' Compensation Program in which TJPA participates for its employees.

**ATTACHMENT:**

Resolution

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**Resolution No. \_\_\_\_\_**

**DECLARING THAT GOVERNING BODY MEMBERS SHALL BE DEEMED TO BE  
EMPLOYEES OF THE TJPA FOR THE PURPOSE OF PROVIDING WORKERS'  
COMPENSATION COVERAGE FOR SAID CERTAIN INDIVIDUALS WHILE  
PROVIDING THEIR SERVICES**

WHEREAS, The Transbay Joint Powers Authority (TJPA) utilizes the services of Governing Body Members, all of whom provide voluntary service without pay by the TJPA; 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 of the TJPA 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 TJPA as presently or hereafter constituted;

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 be deemed to be employees of the TJPA 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 will not be considered an employee of the TJPA 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, nor allow such persons to claim any other benefits or rights given to paid employees of the TJPA.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of June 14, 2018, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Secretary, Transbay Joint Powers Authority