

Risk



Alert

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VOLUNTEER COVERAGE QUESTION

OFM was asked the following question concerning volunteers:

QUESTION:

Does an agency need to pay L&I (workers' compensation) for volunteers (boards, formal work groups, etc.) to cover potential injuries?

ANSWER:

The statute governing L&I for state volunteers is RCW 51.12.035 (1) which provides:

"(1) Volunteers shall be deemed employees and/or workers, as the case may be, for all purposes relating to medical aid benefits under chapter 51.35 RCW.

A "volunteer" shall mean a person who performs any assigned or authorized duties for the state or any agency thereof, except emergency services workers as described by chapter 38.52 RCW, brought about by one's own free choice, receives no wages, and is registered and accepted as a volunteer by the state or any agency thereof, prior to the occurrence of the injury or the contraction of an occupational disease, for the purpose of engaging in authorized volunteer service: PROVIDED, That such person shall be deemed to be a volunteer although he or she may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties.

Any and all premiums or assessments due under this title on account of such volunteer service shall be the obligation of and be paid by the state or any agency thereof which has registered and accepted the services of volunteers."

Under this statute, state volunteers are eligible for medical aid, but no other industrial insurance, benefits if:

- (1) they are not emergency services workers;
- (2) they perform duties of their own free choice;
- (3) they receive no salary; and
- (4) they are registered and accepted as volunteers by the state or a state agency.

Although the statute does not define what it means to be "registered and accepted as a volunteer", the term appears broad enough to include members of boards and formal work groups.

For questions about information presented in this publication, please contact the Risk Management Division, Steven Smith at Steven.smith@ofm.wa.gov or 360-902-0434.