



TECHNICAL UPDATE

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VOLUNTEER ENGAGEMENT BY COUNTIES

Many counties use “non-statutory” volunteers to help with the fair, vaccination clinics, property clean-up, etc. Counties also use “statutory” volunteers for the sheriff reserve, search and rescue, fire, and ambulance service. There is a difference between non-statutory and statutory volunteers. Workers’ compensation does not cover non-statutory volunteers for injuries incurred while performing services for the county. Conversely, statutory volunteers are covered for workers’ compensation per C.R.S. 8-40-202 while they are in the scope and course of their duties for the county.

For non-statutory volunteers, CTSI offers a low-cost accident protection plan that provides medical and accidental death and dismemberment coverage. This coverage is secondary to any other medical or other insurance coverage the volunteer may have. Currently, 27 counties insure nearly 2,235 volunteers.

Non-statutory or statutory, your volunteers should be treated similarly to your employees concerning training, assigning supervision, and providing clear instructions as to their job duties. Volunteers require as much, if not more, training and guidance than full-time staff. County employees may volunteer to serve in a volunteer program so long as their activities do not directly relate to their county job.

Counties are well aware of the benefits volunteers bring to the organization. But counties should also be aware of the liability associated with volunteers. Concerning liability, your county has the same risk exposure with volunteers as you have with your employees. Therefore, appropriate screening is necessary. For Colorado Counties Casualty and Property Pool (CAPP) member counties, your county has the same liability protection for your non-statutory and statutory volunteers as you have for your employees. For non-statutory volunteers, it is good risk management to secure a signed Volunteer Acknowledgment and Waiver of Liability form. Please consult your county attorney for specific language. **The waiver should include language similar to the following:**

WAIVER AND RELEASE OF LIABILITY

I, (the “volunteer”) as a volunteer for the county, do hereby and forever release and discharge the County (“county”) government and respective board members, officers, employees, agents, and volunteers from any and all claims, actions, expenses, liabilities, or damages of any nature whatsoever, including costs and attorney’s fees, arising out of any personal injury or any loss or damage to property in any way resulting from or otherwise relating to my participation as a county volunteer.

ACKNOWLEDGMENT OF CONDITIONS OF VOLUNTEERISM

I fully understand and agree to provide my services to the county as a volunteer in a volunteer capacity.

I fully understand that the county will not provide or pay for medical treatment for injuries that occur within the scope and course of my volunteer activities.

I fully understand that as a volunteer, I do not work for the county as an employee; therefore, I am not entitled to workers’ compensation benefits, and the county cannot provide lost wages or permanent disability benefits for the volunteer’s regular employment.

I fully understand and agree that if I use my personal vehicle while conducting volunteer county business, my personal automobile insurance is my responsibility and primary to any other insurance that may exist. (This also applies to county employees and statutory volunteers.)

I fully understand and agree that if I use any of my personal property while conducting volunteer county business, the county will not provide insurance coverage or be financially responsible should damage or loss occur. (This also applies to county employees and statutory volunteers.)

I fully understand that as a county volunteer, I am covered by the county’s liability insurance to the same degree and conditions as a county employee. (This also applies to county employees and statutory volunteers.)

WHAT THIS MEANS FOR COUNTIES

Counties should be aware of the difference between non-statutory and statutory volunteers. Risk management procedures for volunteers should be implemented by counties in a similar manner as is done for employees (e.g., background checks, driver license checks, application process). For more information, contact CTSI at (303) 861-0507.