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TECHNICAL UPDATE

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SEARCH & RESCUE (SAR)

Most counties have a departmental search and rescue operations (S&R Team) under the direction and control of the county sheriff. As a member county department, the individuals on the S&R Team are considered employees or statutory volunteers when they are in the scope and course of their duties for the county and are provided available coverages through CAPP.

In addition to CAPP coverage, CWCP coverage and the definition of statutory volunteer is described in C.R.S. 8-40-202 (a) 1 (A). Under CWCP, volunteer organizations and personnel are subject to the same risk management policies as the county.

Some counties use outside entities for S&R operations. The pools do not insure non-county S&R Teams. In some instances, the non-county S&R Team requests that the member county provide workers' compensation and/or liability insurance for their S&R Team when they are providing services to the county. In order for the pools to provide workers' compensation and/or liability insurance to a non-county S&R Team, the S&R Team must be performing duties for the member county under the direction and control of the sheriff of the member county. In addition, a [CTSI-approved memorandum of understanding \(MOU\)](#) is recommended to execute and provide to CTSI.

The manner in which coverage is extended for S&R Teams through CWCP is best addressed using the following different activity circumstances:

Only CWCP member county involved:

It is the intent of CWCP to cover S&R Teams of all CWCP member counties with the same workers' compensation coverage extended to county employees while working in the scope of their county activities.

CWCP member county lends S&R Team to a CWCP member or non-member

county:

If a CWCP member county lends their S&R Team to another county, the “lending” county continues to be responsible for providing workers' compensation coverage. The sheriff of the “lending” county should authorize the mission outside of their county, and the sheriff of the “borrowing” county should exercise full control and supervision over the visiting S&R Team to the same extent as he controls his own S&R Team. However, liability insurance is the responsibility of the “borrowing” county once the “lending” county’s sheriff relinquishes control of the S&R operation to the other county.

Areas where S&R Teams are not covered by CAPP and CWCP include employment issues, fundraising activities, parades, etc. These activities fall outside of actual training for or performing S&R functions.

WHAT THIS MEANS FOR COUNTIES

Altogether, CAPP and CWCP will provide coverage to S&R volunteers who are under the control and direction of the sheriff and acting in the scope and course of their duties as S&R volunteers. A count of all statutory volunteers must be included in the annual county payroll audit submitted to CTSI and as a reminder persons are not volunteers if they are paid for their services.

Because there are numerous S&R Team scenarios, it is always best to contact CTSI to walk through your particular scenario to determine coverage. As a general rule, coverage is subject to CTSI policies and is provided if it is a covered peril under CAPP and/or coverage as defined by the Colorado workers' compensation statute under CWCP.

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