

# Are Volunteers Covered?

By Reed Hardesty

WCIA is formed to assist members in controlling, managing and financing risk so members can perform their essential community tasks. Using volunteers is a great way to engage citizens in the good work of community building and helping others. But are volunteers covered for liability if they negligently cause damage to someone or something? Put on your claims adjuster hat and “Go to the coverage document!” On page 15 of the 2016 Coverage Document, Member is defined as follows (bold and italics added):

## A. MEMBER

"Member" includes the Washington Cities Insurance Authority and any member municipal corporation, city, town or municipal entity in the State of Washington.

The unqualified word "member" includes:

1. all officials, officers, employees, and ***volunteers*** working for or on behalf of the member and any person, organization, trustee or estate to whom or to which the member is obligated by virtue of a written contract to provide insurance to the same extent as is afforded by this Agreement, ***but only with respect to actions within the scope of their employment by or on behalf of the member;***
2. any person serving on the members governing body, any persons serving on the members boards or commissions, any elected or appointed official of the member, any other employee, or any volunteer serving the member; if the person is acting in the scope of their employment, appointment, duties, or service to the member;

the term “**member**” **does not include** any private for profit businesses or corporations, ***volunteer organizations*** or ***non-profit corporations*** and/or their officers, officials, or members when acting in or for the interests of and/or at the direction of said business, organization or corporation;

The next question to answer is, “Whose volunteer is it?” If you allow the Kiwanis Club to have a work party in your park, you should require them to provide liability insurance that names the member as an additional insured for the volunteer work done in your park. If a Kiwanis member falls off a ladder during the work party, WCIA will tender the liability claim to the Kiwanis insurer for handling. Even if the volunteer organization is formed primarily to supplement a member’s mission, if it is independent of the member, it should have its own liability insurance and if it does not, there is no excess coverage available through WCIA. That is described in the second paragraph of Section 2 quoted above.

If a group of volunteers is formed and managed completely by the member, such as a “Friends of the Park”, and a volunteer accidentally damages a neighbor’s car during their work, WCIA’s liability coverage applies. Our coverage applies to your volunteers in the same manner as if park maintenance employees did the same work. The risk management element is that the member knows the dates and times and directs the group on what work the member wants performed. The member should also require sign in sheets and report the volunteer hours to L&I for medical coverage. The same coverage analysis is used for actions by Reserve Police Officers and Volunteer Fire Fighters.

The WCIA Liability Resource Manual Guideline for Volunteers PER.02 has helpful risk management controls for all types of volunteers. The Liability Resource Manual is available through the Member Resources page on the WCIA website: <http://www.wciapool.org/member-resources> Remember, if a liability event occurs the coverage analysis starts with the WCIA Coverage Document and clarifying “Whose volunteer is it?” You can take off your adjuster hat now. It looked great on you.