

**WORKERS' COMPENSATION COVERAGE FOR  
PUBLIC SAFETY WORKERS DURING THE  
OLYMPICS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Beverly Ann Evans**

**This act modifies the Labor Code. The act enacts the Olympic Law Enforcement and Public Safety Workers' Compensation Act. The act provides for workers' compensation coverage for law enforcement and public safety volunteers and paid officers and who provide public safety services during the Olympic Winter Games of 2002 and the Paralympic Winter Games of 2002. The act is repealed January 1, 2003.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**63-55b-134**, as enacted by Chapter 79, Laws of Utah 1999

ENACTS:

**34A-10-101**, Utah Code Annotated 1953

**34A-10-102**, Utah Code Annotated 1953

**34A-10-201**, Utah Code Annotated 1953

**34A-10-202**, Utah Code Annotated 1953

**34A-10-301**, Utah Code Annotated 1953

**34A-10-302**, Utah Code Annotated 1953

**34A-10-303**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **34A-10-101** is enacted to read:

**CHAPTER 10. OLYMPIC LAW ENFORCEMENT AND PUBLIC SAFETY**

**WORKERS' COMPENSATION ACT**

**Part 1. General Provisions**



28 **34A-10-101. Title.**

29 This chapter is known as the "Olympic Law Enforcement and Public Safety Workers'  
30 Compensation Act."

31 Section 2. Section **34A-10-102** is enacted to read:

32 **34A-10-102. Definitions.**

33 As used in this chapter:

34 (1) "Command" means the Olympic Public Safety Command created in Section 53-12-201.

35 (2) "Olympics" means the Olympic Winter Games of 2002 to be hosted by Salt Lake City.

36 (3) "Organizing committee" has the same meaning as in Section 63A-10-102.

37 (4) "Paralympics" means the Paralympic Winter Games of 2002 to be hosted by Salt Lake  
38 City.

39 (5) "Public safety agency" means the following as defined in Section 53-12-102:

40 (a) a local law enforcement agency;

41 (b) a local public safety agency;

42 (c) a state law enforcement agency; or

43 (d) state public safety agency.

44 (6) (a) "Public safety officer" means an individual who provides public safety services in  
45 accordance with the public safety plan.

46 (b) "Public safety officer" does not include:

47 (i) a law enforcement or public safety officer employed by the federal government; or

48 (ii) a public safety volunteer.

49 (7) (a) "Public safety plan" means the written plan that:

50 (i) provides for law enforcement and public safety services; and

51 (ii) is required under Section 53-12-202.

52 (b) "Public safety plan" includes actions taken by the Olympic law enforcement  
53 commander under Subsection 53-12-301(3) in providing public safety services for the Olympics  
54 or Paralympics.

55 (8) "Public safety services" means law enforcement and public safety services as defined  
56 in Section 53-12-102.

57 (9) (a) "Public safety volunteer" means an individual who provides public safety services  
58 without pay in accordance with the public safety plan.

59           **(b) "Public safety volunteer" does not include a law enforcement or public safety officer**  
60 **employed by the federal government.**

61           **(10) "Regular employer" means the state or political subdivision of the state that regularly**  
62 **employs and provides compensation to the public safety officer.**

63           **(11) "Without pay" means to receive no remuneration other than:**

64           **(a) meals;**

65           **(b) a uniform;**

66           **(c) transportation;**

67           **(d) lodging; or**

68           **(e) reimbursement for incidental expenses.**

69           Section 3. Section **34A-10-201** is enacted to read:

70                           **Part 2. Workers' Compensation for Olympic Public Safety Officers**

71                           **34A-10-201. Workers' compensation for Olympic public safety officers.**

72           **(1) For purposes of Subsection (2), the following are considered to be an employer of a**  
73 **public safety officer while the public safety officer is providing public safety services in**  
74 **accordance with the public safety plan:**

75           **(a) the regular employer of the public safety officer;**

76           **(b) the command if the command:**

77           **(i) enters into a contract with the regular employer of the public safety officer for the**  
78 **public safety officer to provide public safety services in accordance with the public safety plan;**

79 **and**

80           **(ii) exercises supervision or control over the public safety officer in accordance with the**  
81 **public safety plan;**

82           **(c) the organizing committee if the organizing committee exercises supervision or control**  
83 **over the public safety officer in accordance with the public safety plan; and**

84           **(d) a public safety agency that, in accordance with the public safety plan:**

85           **(i) is designated to provide personnel in a supervisory capacity; and**

86           **(ii) provides personnel who:**

87           **(A) act in a supervisory capacity; and**

88           **(B) exercise supervision or control over the public safety officer.**

89           **(2) (a) An employer described in Subsection (1) is considered an employer of a public**

90 safety officer solely for the purposes of:

91 (i) workers' compensation coverage under Chapters 2 and 3; and

92 (ii) Chapter 8, Utah Injured Worker Reemployment Act.

93 (b) This section does not make an employer described in Subsection (1) an employer of

94 a public safety officer for any purposes other than those listed in Subsection (2)(a).

95 (3) A regular employer may define the scope of employment of a public safety officer to

96 include allowing the public safety officer to provide public safety services in accordance with the

97 public safety plan if the regular employer:

98 (a) enters into a contract with the command to provide public safety officers in accordance

99 with the public safety plan; and

100 (b) provides workers' compensation insurance coverage for the public safety officer

101 employed by the regular employer that includes coverage for the public safety officer while

102 providing public safety services in accordance with the public safety plan.

103 Section 4. Section **34A-10-202** is enacted to read:

104 **34A-10-202. Exclusive remedy -- Olympic public safety officers.**

105 (1) Subject to Subsection (2), a public safety officer's right under Chapters 2 and 3 to

106 recover compensation against an employer described in Subsection 34A-10-201(1), for accident,

107 injury, or death in the course of, because of, or arising out of the public safety officer's providing

108 public safety services in accordance with the public safety plan, is the public safety officer's

109 exclusive remedy, as provided in Section 34A-2-105, against an employer described in Subsection

110 34A-10-201(1).

111 (2) Subsection (1) applies if:

112 (a) before the public safety officer provides public safety services, the command notifies

113 the public safety officer that:

114 (i) the public safety officer is, for purposes of workers' compensation, an employee of the

115 employers described in Subsection 34A-10-201(1); and

116 (ii) the public safety officer's regular employer provides workers' compensation coverage,

117 in a manner provided in Section 34A-2-201, for the public safety officer while engaged in

118 providing public safety services in accordance with the public safety plan; and

119 (b) the employers described in Subsection 34A-10-201(1):

120 (i) are named insureds on the regular employer's workers' compensation insurance policy;

121 or

122 (ii) agree that the regular employer, if self insured for workers' compensation, will pay the  
123 benefits to which the public safety officer is entitled under Chapters 2 and 3.

124 Section 5. Section **34A-10-301** is enacted to read:

125 **Part 3. Workers' Compensation for Olympic Public Safety Volunteers**

126 **34A-10-301. Workers' compensation coverage for Olympic public safety volunteers.**

127 (1) For purposes of Subsection (2), the following are considered to be an employer of a  
128 public safety volunteer:

129 (a) the command if:

130 (i) the public safety volunteer provides public safety services in accordance with the public  
131 safety plan; and

132 (ii) the command exercises supervision or control over the public safety volunteer in  
133 accordance with the public safety plan;

134 (b) the organizing committee if the organizing committee exercises supervision or control  
135 over the public safety volunteer in accordance with the public safety plan; and

136 (c) a public safety agency that, in accordance with the public safety plan:

137 (i) is designated to provide personnel in a supervisory capacity; and

138 (ii) provides personnel who:

139 (A) act in a supervisory capacity; and

140 (B) exercise supervision or control over the public safety volunteer.

141 (2) (a) An employer described in Subsection (1) is considered an employer of a public  
142 safety volunteer solely for the purposes of:

143 (i) workers' compensation coverage under Chapters 2 and 3; and

144 (ii) Chapter 8, Utah Injured Worker Reemployment Act.

145 (b) This section does not make an employer described in Subsection (1) an employer of  
146 a public safety volunteer for any purposes other than those listed in Subsection (2)(a).

147 (3) A public safety volunteer's eligibility for the benefits described in Subsection (2) shall  
148 be determined in accordance with this chapter, notwithstanding:

149 (a) Chapter 9, Olympic Volunteer Workers' Compensation Act; and

150 (b) Title 67, Chapter 20, Volunteer Government Workers Act.

151 Section 6. Section **34A-10-302** is enacted to read:

152 **34A-10-302. Exclusive remedy -- Olympic public safety volunteers.**

153 (1) (a) Subject to Subsection (2), a public safety volunteer's right under Chapters 2 and 3  
154 to recover compensation against an employer described in Subsection 34A-10-301(1) for accident,  
155 injury, or death in the course of, because of, or arising out of the public safety volunteer's providing  
156 public safety services in accordance with the public safety plan, is the public safety volunteer's  
157 exclusive remedy, as provided in Section 34A-2-105, against the employers described in  
158 Subsection 34A-10-201(1).

159 (b) A public safety volunteer's exclusive remedy shall be determined in accordance with  
160 this section, notwithstanding:

161 (i) Chapter 9, Olympic Volunteer Workers' Compensation Act; and

162 (ii) Title 67, Chapter 20, Volunteer Government Workers Act.

163 (2) Subsection (1) applies if:

164 (a) before the public safety volunteer provides public safety services, the command:

165 (i) notifies the public safety volunteer that:

166 (A) the public safety volunteer is, for purposes of workers' compensation, an employee of  
167 the employers described in Subsection 34A-10-301(1); and

168 (B) the command will provide workers' compensation insurance coverage for the public  
169 safety volunteer while engaged in providing public safety services in accordance with the public  
170 safety plan; and

171 (ii) designates in writing that the public safety volunteer is to provide public safety services  
172 without pay; and

173 (b) the employers, described in Subsection 34A-10-301(1):

174 (i) are named insureds on the command's workers' compensation insurance policy; or

175 (ii) agree that the command, if self insured for workers' compensation, will pay the benefits  
176 to which the public safety volunteer is entitled under Chapters 2 and 3.

177 Section 7. Section **34A-10-303** is enacted to read:

178 **34A-10-303. Average weekly wage for Olympic public safety volunteers.**

179 For purposes of computing compensation, the average weekly wage rate of a public safety  
180 volunteer considered an employee of the employers described in Subsection 34A-10-301(1) is  
181 considered to be \$400.

182 Section 8. Section **63-55b-134** is amended to read:

183           **63-55b-134. Repeal dates -- Title 34A.**

184           (1) Title 34A, Chapter 9, Olympic Volunteer Workers' Compensation Act, is repealed on  
185    January 1, 2003.

186           (2) Title 34A, Chapter 10, Olympic Law Enforcement and Public Safety Workers'  
187    Compensation Act, is repealed on January 1, 2003.

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**Legislative Review Note**  
**as of 2-22-01 4:04 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**