

Senator Beverly Ann Evans proposes to substitute the following bill:

**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 who provide public safety services during the Olympic Winter Games of 2002 and the Paralympic Winter Games of 2002. The act provides that the workers compensation coverage is the public safety officer's and public safety volunteer's exclusive remedy against their employers, as defined in the act. The act is repealed January 1, 2003.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

34A-10-101. Title.

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

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

34A-10-102. Definitions.

As used in this chapter:

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

(2) "Exercises control over the general nature and quality of the public safety services" means to exercise or to have the right to exercise control over the nature and quality of the public safety services provided by the command in accordance with the public safety plan, including the authority to:

(a) direct the command to correct deficiencies in the quality of public safety services being provided in accordance with the public safety plan;

(b) coordinate with the command with respect to the number of public safety officers or public safety volunteers that are assigned at sites at which public safety services are being provided in accordance with the public safety plan; and

(c) coordinate other services provided by the organizing committee with public safety services provided in accordance with the public safety plan.

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

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

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

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

(a) a local law enforcement agency;

(b) a local public safety agency;

(c) a state law enforcement agency; or

(d) state public safety agency.

(7) (a) "Public safety officer" means an individual who provides public safety services in

57 accordance with the public safety plan.

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

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

60 (ii) a public safety volunteer.

61 (8) (a) "Public safety plan" means the written plan that:

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

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

64 (b) "Public safety plan" includes actions taken by the Olympic law enforcement

65 commander under Subsection 53-12-301(3) in providing public safety services for the Olympics

66 or Paralympics.

67 (9) "Public safety services" means law enforcement and public safety services as defined

68 in Section 53-12-102.

69 (10) (a) "Public safety volunteer" means an individual who provides public safety services
70 without pay in accordance with the public safety plan.

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

73 (11) "Regular employer" means the state or political subdivision of the state that regularly
74 employs and provides compensation to the public safety officer.

75 (12) "Without pay" means to receive no remuneration other than:

76 (a) meals;

77 (b) a uniform;

78 (c) transportation;

79 (d) lodging; or

80 (e) reimbursement for incidental expenses.

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

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

83 **34A-10-201. Workers' compensation for Olympic public safety officers.**

84 (1) Subject to Subsection (2), the following are considered to be an employer of a public
85 safety officer while the public safety officer is providing public safety services in accordance with
86 the public safety plan:

87 (a) the regular employer of the public safety officer;

88 (b) the command if the command exercises or has the right to exercise supervision or
89 control over the public safety officer in accordance with the public safety plan;

90 (c) the organizing committee if the organizing committee exercises control over the
91 general nature and quality of the public safety services provided in accordance with the public
92 safety plan; and

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

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

95 (ii) provides personnel who:

96 (A) act in a supervisory capacity; and

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

98 (2) An entity listed in Subsection (1) is considered to be an employer of a public safety
99 officer if the public safety officer's regular employer:

100 (a) defines the scope of employment of a public safety officer to include allowing the
101 public safety officer to provide public safety services in accordance with the public safety plan;

102 (b) enters into a contract with the command to provide public safety officers in accordance
103 with the public safety plan; and

104 (c) provides workers' compensation coverage, in a manner provided in Section 34A-2-201,
105 for the public safety officer that includes coverage for the public safety officer while providing
106 public safety services in accordance with the public safety plan.

107 (3) An employer described in Subsection (1) is considered to be an employer of a public
108 safety officer for the purposes of:

109 (a) workers' compensation coverage under Chapters 2 and 3; and

110 (b) Chapter 8, Utah Injured Worker Reemployment Act.

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

112 **34A-10-202. Exclusive remedy -- Olympic public safety officers.**

113 A public safety officer's right under Chapters 2 and 3 to recover compensation against an
114 employer described in Subsection 34A-10-201(1), for accident, injury, or death in the course of,
115 because of, or arising out of the public safety officer's providing public safety services in
116 accordance with the public safety plan, is the public safety officer's exclusive remedy, as provided
117 in Section 34A-2-105, against an employer described in Subsection 34A-10-201(1).

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

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

120 **34A-10-301. Workers' compensation coverage for Olympic public safety volunteers.**

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

123 (a) the command if:

124 (i) the public safety volunteer provides public safety services in accordance with the public
125 safety plan; and

126 (ii) the command exercises or has the right to exercise supervision or control over the
127 public safety volunteer in accordance with the public safety plan;

128 (b) the organizing committee if the organizing committee exercises control over the
129 general nature and quality of the public safety services provided in accordance with the public
130 safety plan; and

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

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

133 (ii) provides personnel who:

134 (A) act in a supervisory capacity; and

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

136 (2) An employer described in Subsection (1) is considered to be an employer of a public
137 safety volunteer for the purposes of:

138 (a) workers' compensation coverage under Chapters 2 and 3; and

139 (b) Chapter 8, Utah Injured Worker Reemployment Act.

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

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

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

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

145 **34A-10-302. Exclusive remedy -- Olympic public safety volunteers.**

146 (1) (a) Subject to Subsection (2), a public safety volunteer's right under Chapters 2 and 3
147 to recover compensation against an employer described in Subsection 34A-10-301(1) or the regular
148 employer of a public safety officer providing public safety services in accordance with the public
149 safety plan for accident, injury, or death in the course of, because of, or arising out of the public

150 safety volunteer's providing public safety services in accordance with the public safety plan, is the
151 public safety volunteer's exclusive remedy, as provided in Section 34A-2-105, against an employer
152 described in Subsection 34A-10-301(1) and the regular employer of a public safety officer
153 providing public safety services in accordance with the public safety plan.

154 (b) A public safety volunteer's exclusive remedy shall be determined in accordance with
155 this part, notwithstanding:

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

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

158 (2) Subsection (1) applies if:

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

160 (i) notifies the public safety volunteer that the public safety volunteer is, for purposes of
161 workers' compensation, an employee of the employers described in Subsection 34A-10-301(1);
162 and

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

165 (b) the command provides workers' compensation coverage for the public safety volunteer
166 while engaged in providing public safety services in accordance with the public safety plan.

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

168 **34A-10-303. Average weekly wage for Olympic public safety volunteers.**

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

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

173 **63-55b-134. Repeal dates -- Title 34A.**

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

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