

**WORKERS' COMPENSATION AMENDMENTS
FOR OUT-OF-STATE PUBLIC SAFETY
OFFICERS DURING THE OLYMPICS**

2001 SECOND SPECIAL SESSION

STATE OF UTAH

Sponsor: Beverly Ann Evans

This act modifies the Olympic Law Enforcement and Public Safety Workers' Compensation Act. The act modifies the definition of without pay in relation to public safety volunteers. The act provides that public safety volunteers are considered government employees for liability protection and indemnification purposes. The act provides for the coordination of benefits from in-state and out-of-state workers' compensation insurance for public safety volunteers from another state. The act provides an effective date.

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

AMENDS:

34A-10-102, as enacted by Chapter 200, Laws of Utah 2001

34A-10-301, as enacted by Chapter 200, Laws of Utah 2001

34A-10-302, as enacted by Chapter 200, Laws of Utah 2001

ENACTS:

34A-10-304, Utah Code Annotated 1953

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

Section 1. Section **34A-10-102** is amended 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 accordance with the public safety plan.

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

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

(ii) a public safety volunteer.

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

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

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

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

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

(10) (a) "Public safety volunteer" means an individual who provides public safety services

without regular pay in accordance with the public safety plan.

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

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

(12) "Without regular pay" means to receive no remuneration from a public safety agency other than:

- (a) meals;
- (b) a uniform;
- (c) transportation;
- (d) lodging; [or]
- (e) reimbursement for incidental expenses[-]; or
- (f) incidental overtime pay.

Section 2. Section **34A-10-301** is amended to read:

34A-10-301. Employers of Olympic public safety volunteers.

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

- (a) the command if:
 - (i) the public safety volunteer provides public safety services in accordance with the public safety plan; and
 - (ii) the command exercises or has the right to exercise supervision or control over the public safety volunteer in accordance with the public safety plan;
- (b) the organizing committee if the organizing committee exercises control over the general nature and quality of the public safety services provided in accordance with the public safety plan; and
- (c) a public safety agency that, in accordance with the public safety plan:
 - (i) is designated to provide personnel in a supervisory capacity; and
 - (ii) provides personnel who:

- (A) act in a supervisory capacity; and
- (B) exercise supervision or control over the public safety volunteer.

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

(a) workers' compensation coverage under Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act; and

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

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

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

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

(4) A public safety volunteer is considered an employee of the command for purposes of liability protection and indemnification normally afforded paid government employees.

Section 3. Section **34A-10-302** is amended to read:

34A-10-302. Olympic public safety volunteers' exclusive remedy -- Conditions.

(1) (a) Subject to Subsection (2), a public safety volunteer's right under Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act, to recover compensation against an employer described in Subsection 34A-10-301(1) or the regular employer of a public safety officer providing public safety services in accordance with the public safety plan for accident, injury, or death in the course of, because of, or arising out of the public safety volunteer's providing public safety services in accordance with the public safety plan, is the public safety volunteer's exclusive remedy, as provided in Section 34A-2-105, against an employer described in Subsection 34A-10-301(1) and the regular employer of a public safety officer providing public safety services in accordance with the public safety plan.

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

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

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

(2) Subsection (1) applies if:

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

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

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

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

Section 4. Section **34A-10-304** is enacted to read:

34A-10-304. Out-of-state public safety volunteers -- Coordination of benefits.

(1) An individual from a state other than Utah who provides public safety services in accordance with the public safety plan shall be considered a public safety volunteer as defined in Section 34A-10-102 regardless of whether or not that individual continues to receive regular wages and benefits from an out-of-state employer.

(2) The workers' compensation benefits of a public safety volunteer under this title who is also entitled to workers' compensation insurance coverage from the public safety volunteer's out-of-state employer under the workers' compensation or similar laws of another state shall be coordinated so as to provide the public safety volunteer an equitable recovery within the limits of coverage of both policies for the compensable injury or occupational disease.

Section 5. **Effective date.**

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.