



CITY OF RAPID CITY

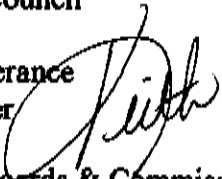
RAPID CITY, SOUTH DAKOTA 57701-2724

Risk Management
300 Sixth Street
605-394-6620

MEMORANDUM

DATE: December 26, 2012

TO: Legal and Finance Committee
Rapid City Council

FROM: Keith L'Esperance
Risk Manager 

SUBJECT: Appointed Boards & Commissions Work Comp Coverage

Attached is a resolution to include appointed members of city volunteer boards and commissions (as example but not inclusive Civic Center, Library, Airport, Historic Preservation, etc) under the City's worker compensation program. Unless otherwise included by resolution, state worker compensation statute 62-1-3.2 reads in part . . .

*"Employee" defined. As used in this title, the term, employee, means any person except . . .
(2) Any official of the State or of any subdivision of government elected or appointed for a regular term of office or to complete the unexpired portion of any such term. However, the governing body of any subdivision may elect to treat officials of the subdivision as employees for the purposes of this section."*

As required by statute, all volunteers for the City are read into the official minutes for the purpose of inclusion. In a 2002 resolution, the City recognized and accepted the elected offices of Mayor and City Council for inclusion but specifically continued exemption of the other appointed boards and commissions. It is not clear why that occurred. This needs to be corrected and those who serve on those board and commissions should be included just as are any other volunteers who serve the City and are duly recognized as required by statute. Those appointments are already read into the minutes anyway when the appointments are approved by Council. A search of the records database since 1994 found only two minor injuries involving volunteers – one an usher at RPCC and one a PD cadet. A volunteer injury while in city service is an extremely rare occurrence.

It is recommended that Legal and Finance and City Council approve this resolution.



EQUAL OPPORTUNITY EMPLOYER