

SAM—WORKERS' COMPENSATION

VOLUNTEERS

2580.3

(New 6/90)

By law, workers' compensation benefits for volunteers are not required. A volunteer who does not receive compensation for his or her work is not entitled to workers' compensation benefits, unless the agency for which the volunteer works chooses to provide these benefits (See Labor Code Section 3363.5).

If workers' compensation benefits are not provided, an injured volunteer may file a tort claim against the State. A tort claim is based on a volunteer being injured by the negligence of the State. This claim must first be filed with the State Board of Control. Then, if necessary, the injured may bring suit against the State. If workers' compensation coverage is provided, it becomes the injured volunteer's "exclusive remedy," and the volunteer may not make a tort claim against the State.