

Presented by: The Manager
Introduced: 09/19/94
Drafted by: J.R.C.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1721

A RESOLUTION COMMITTING THE CBJ TO PROVIDING WORKERS' COMPENSATION BENEFITS TO JUNEAU POLICE RESERVE OFFICERS.

WHEREAS, the City and Borough of Juneau recognizes the importance and contribution of Juneau Police Reserve Officers' voluntary service, and

WHEREAS, Juneau Police Reserve Officers provide many of the same services and perform many of the same tasks as paid Juneau Police Officers, and

WHEREAS, Volunteer Police Reserve Officers receive training, uniforms and the opportunity to provide a unique form of community service, and

WHEREAS, it is in the best interest of the community and the volunteers for the CBJ to provide workers' compensation coverage to police reserve officers during approved training and service activities, and

WHEREAS, it is believed that volunteer police reserve officers are entitled to workers' compensation benefits as a matter of law if injured while engaged in approved police activities or training but that the current law is unclear or unsettled on their rights, and

WHEREAS, under the State of Alaska Workers' Compensation Act, workers' compensation is the sole and exclusive remedy for all employees and volunteer firefighters who are injured while engaged in covered activities, and

WHEREAS, it is recognized that there may be reserve police officers whose wages exceed those of a beginning CBJ police officer, and

WHEREAS, the city and borough believes that when appropriate Juneau Police Reserve Officers' workers' compensation rate be based on their actual wage income to avoid the hardships which might be suffered if the compensation rate of a beginning CBJ police officer were used, and

WHEREAS, the city and borough wishes to provide or secure benefits in addition to workers' compensation benefits for permanent disabling injury or death because of the volunteer service;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

* Section 1. That it is the policy of the Assembly that Juneau Police Reserve Officers are entitled to workers' compensation coverage while:

- (a) engaging in scheduled patrols and other authorized police service;
- (b) participating in training activities that have been approved in writing in advance by the police chief; and
- (c) participating in community service projects that have been approved in writing in advance by the police chief.

* Section 2. That it is the policy of the Assembly:

- (a) That the terms of each service agreement between the CBJ and each police reserve officer shall include statements which explain that the benefits provided by the provisions of this resolution are the sole and exclusive remedy for all injuries including death that may occur during covered activities; and, an agreement for waiver of liability and causes of action that would be barred by the exclusive remedy provisions of the workers' compensation act and an agreement to indemnify and hold CBJ harmless if the Police Reserve Officer breaches this agreement.

* Section 3. That it is the policy of the Assembly:

- (a) That for the exclusive purpose of workers' compensation coverage a Juneau Police Reserve Officer will be considered the same as an "employee" while engaged in covered activities.

* Section 4. That it is the policy of the Assembly:

- (a) That because the purpose of this resolution is to, in part, clarify the conditions of coverage and entitlement of police reserve officers to workers' compensation benefits and this presently appears to be an unclear or unsettled legal issue, if the coverage of police reserve officers under the workers' compensation act is clarified and established by

legislation of the State of Alaska or interpretation of the Alaska Supreme Court this resolution shall be of no further force and effect insofar as it is contrary or inconsistent with such legislation or judicial clarification; except that the provisions of Section 5, (a) and (b) which may provide a higher compensation benefit rate and additional death or disability benefits than those provided for by the workers' compensation act shall remain in force and effect.

* Section 5. That it is the policy of the Assembly:

(a) That a Juneau Police Reserve Officer's weekly benefit for injuries received while engaged in covered services shall initially be calculated as provided by AS 23.30.220(a)(1) but may not be less than the benefit provided by AS 23.30.220(a)(4) or exceed the maximum benefit provided for in AS 23.30.175.

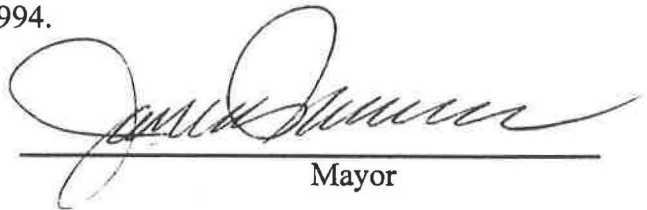
(b) To arrange or provide Juneau Police Reserve Officers with supplemental death and disability benefits in addition to workers' compensation benefits, with maximum benefits of \$250,000 for injuries received while engaged in authorized police service and training activities.

* Section 6. Effective Dates.

(a) Section 5(b) shall be effective as soon as a program to provide supplemental benefits is in force but not later than thirty days from the adoption of this resolution.

(b) All other sections of this resolution shall be effective immediately upon adoption.

Adopted this 19th day of September, 1994.



Mayor

Attest:



Clerk