



Standard Practice for Workers' Compensation Coverage of Emergency Services Volunteers¹

This standard is issued under the fixed designation F 2047; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This standard defines the application of insurance benefits for Emergency Services Volunteers and Units in the manner and extent as provided for under the Workers' Compensation statutes of the state in which the Volunteer or Unit provides services.

1.2 This standard identifies the basic types of Emergency Service Volunteer, and the types of activities that should be covered by workers' compensation insurance.

1.3 This standard includes both Emergency Service Units who operate as organized resources to a public authority legally responsible for the provision of search and rescue and other emergency services, as well as those volunteers who respond to a general request to the Public for their services.

2. Terminology

2.1 *Workers' Compensation Insurance*—insurance required by law of employers for the medical expenses and loss of wages incurred by an employee by reason of a job-related injury, illness or death.

2.2 *Legal Authority (Agency)*—the individual or government agency given responsibility and authority for search, rescue, fire, and other emergency or disaster services by statute. Where multiple, concurrent or overlapping authorities exist, the term is used to refer to the legal authority ultimately empowering and accepting responsibility for the volunteer unit. For the purposes of this Standard, the terms Legal Authority and Agency shall bear the same definition of terminology and meaning.

2.3 *Emergency Services Volunteer (ESV)*—an individual who volunteers his/her services to, and whose services are accepted by, an Agency in response to a request for an emergency function for which no substantive monetary benefit is expected or received. The Legal Authority incurs Workers' Compensation Insurance responsibility for Emergency Services Volunteers (ESVs) while the ESV is actively providing services to the Agency as defined in Section 5 of this Standard. This period of activity shall be considered to be employment as defined by the Workers' Compensation Statutes in the State in which the Agency exists.

¹ This practice is under the jurisdiction of ASTM Committee F32 on Search and Rescue and is the direct responsibility of F32.02 on Management and Operations. Current edition approved July 10, 2000.

Emergency Services Volunteers are presumed to be requested irregularly to provide special skills or assistance on behalf of the Agency. As such, these volunteers act as part-time employees of the Agency and are empowered to act to provide these services when specifically requested to do so, or pursuant to an approved plan or schedule, or under the supervision of a full-time employee.

2.3.1 *Search and Rescue Volunteer*—an individual who volunteers his/her services in the performance of searches and/or rescues, with the accompanying training proficiency. In addition to those specifically described in this Standard, this definition may be applied to air, ground or water search volunteers, search dog specialists and emergency managers, and others not included by specific reference.

2.3.2 *Volunteer Firefighter*—an individual who volunteers his/her services in the performance of fire suppression activities, with the accompanying training proficiency.

2.3.3 *Emergency Medical Services (EMS) Volunteer*—an individual who volunteers his/her services in the performance of emergency medical services, with the accompanying training proficiency.

2.3.4 *Disaster Services Volunteer*—an individual who volunteers his/her services to an agency upon a request for services upon the occurrence of an emergency or disaster, under the direct supervision of the agency, and with the appropriate training activity.

2.4 *Emergency Services Unit (ESU)*—an individual, or a collection of individuals forming an association, organization, group, team or similar resource organized or volunteering to provide search and/or rescue, fire or other emergency service activity for a responsible Agency. An individual or other single resource may be considered a unit if the service can be appropriately rendered (e.g. a dog handler or tracker, air search volunteer or emergency manager).

An Emergency Services Unit operates within a formal division of the legal authority as a recognized unit of the legal authority or agency, and is organized and recognized by that agency as a resource of its emergency and disaster services general plan.

Such a unit is expected to adopt a training program sufficient to maintain a skill level equal to or greater than recognized national standards or as acceptable to the Agency requesting their services, and will typically engage in community education programs.

Other examples of an ESU include, but are not limited to, volunteer search and rescue units, volunteer emergency medical squads, volunteer fire fighters or designated civilian volunteers who have formed organized and trained groups and who serve their city, county or state agency in the performance of their services.

2.5 Auxiliary Unit (AU)—an individual, or a collection of individuals forming a unit called to respond by a legal authority responsible for an emergency response function, which otherwise has no standing as a formal division or resource of that authority. For the purposes of this standard, the auxiliary status of an ESU means it has no legal responsibility for the services itself within the jurisdiction of the Agency, and no authority to provide them without acting under that of the Agency.

The Auxiliary Unit is typically organized as a division of an Agency (as defined in 2.2), or as a non-profit corporation as defined in IRS Section 501(c)3, and which has a command structure that enables it to fit within the Incident Command System of a requesting Agency.

Such a unit is expected to adopt a training program sufficient to maintain a skill level equal to or greater than recognized national standards or as acceptable to the Agency requesting their services, and will typically engage in community education programs.

Some examples of an AU are volunteer search and rescue resources, air search squads, emergency managers, search dog specialists, ambulance squads, fire fighters, disaster service workers and communication specialists who are asked to respond to assist another state, county or national park to provide their services to augment those available to the authorized requesting agency in that other state or jurisdiction.

2.6 General Public Emergency Volunteer (GPEV)—an individual who volunteers his/her services, and whose services are accepted, in response to a request to the Public for emergency assistance.

A GPEV is typically not a member of an organized emergency services unit, nor responding to a call for such organized units.

An example of a GPEV is an individual who is contacted pursuant to a radio or television broadcast for the assistance of the general public with instructions to respond to a search base to assist in a search operation.

2.7 Training—a curriculum of classroom education and field exercises designed to create a level of competence meeting national standards for such activity, or as acceptable to the agency requesting the services of such a volunteer.

Training will typically include equipment familiarity and maintenance, both at the storage and readiness facility, at areas removed from the facility, and as further defined in 3.8 of this document.

2.8 Community Education—activities generated by the ESU to contact the Public to increase the awareness and preparedness of the Public in areas of preventative search and rescue (PSAR), fire prevention, medical and disaster preparedness and survival.

2.9 Call-Out—the notice and request to activate an ESU or ESV by an Agency for the purpose of providing emergency services on behalf of the requesting agency.

If members are requested to respond directly, through radio paging, for example, then each member is considered to be called-out and responding as of that time.

2.10 Mobilization—the activity of an ESU or ESV as required to respond to the call-out in an equipped and prepared manner.

Mobilization typically includes travel to an equipment cache or vehicle readiness area to obtain equipment or to unite the ESU for responding as a unit, and the travel of the unit to the incident site or search base.

2.11 De-mobilization—the activity of an ESU or ESV as required to return from a call-out to the point of origin or to a non service-related stop enroute home or to the point of origin of the ESU or ESV after having been relieved of duty by the requesting legal authority.

De-mobilization typically includes equipment retrieval, mission debriefing, personnel review, and travel from the incident site or search base to an equipment cache, station or vehicle readiness area to return the vehicles and equipment to a condition of readiness for the next call-out.

2.12 Emergency Services—any activity requiring an increased level of urgency in the rendering of assistance to the entity requesting such assistance.

For the purposes of this Standard, emergency services are defined as those related to search and rescue, fire suppression, medical and disaster services.

2.13 Check-In—the process by which one party notifies a second of being in-service or responding to a request for services, and the second party acknowledges, typically by voice and entry in a formal log.

Check-in occurs when an individual ESV contacts the responding ESU, or when the ESU or ESV contacts the requesting legal authority.

Members of an ESU will typically be checked-in by the ESU upon first verification of their response to the call-out, either in person at a rendezvous point or search base, by radio, or other means dictated by the type of response.

The ESU will typically check-in with the legal authority either at the incident site or search base, or by radio once it is mobilized appropriately to establish itself as ready for deployment to the incident.

A GPEV is required to check-in at the response place designated for such volunteers, and to be marked as in service on the personnel log.

2.14 Check-out—the process by which one party notifies a second that it is concluding its on-site services, and the second party acknowledges, typically by voice and entry in a formal log.

Check-out occurs when contact is made between the on-site Agency and the ESV or ESU to notify either entity that their services are being withdrawn from the activity.

Members of an ESU will typically be checked-out by the ESU upon the termination of the individual's service pursuant to their response to the call-out, either in person at the point of de-mobilization, at a rendezvous point or search base, by radio, or other means dictated by the type of response.

The ESU will typically check-out with the legal authority either at the incident site or search base, or by radio once it is

prepared appropriately to establish itself as ready for check-out and de-mobilization from the incident.

A GPEV is required to check-out at the same check-in place for designated for such volunteers, and to be marked as out of service on the incident personnel log.

2.15 Activity Period—The period during which the Emergency Services Volunteer, Unit or Auxiliary is exercising the skills for which it has been requested.

This activity period may include a wide variety of functions, including but not limited to: a search and rescue team member searching or climbing a cliff, a dog team handler following a scent; a firefighter engaged in suppressing a fire or rescuing a person from a burning building; an ambulance driver or medic providing medical assistance; a tracker leading a tracking team; a disaster worker in a collapsed building; a pilot engaged in an air search flight; or emergency communications personnel providing communications during a time of need.

3. Significance and Use

3.1 It is presumed for the purposes of this Standard that the Legal Authority (Agency) having responsibility for emergency services in a given jurisdiction also has a legal responsibility to provide Workers' Compensation Insurance coverage for regular paid employees.

3.2 Emergency Services Volunteers are presumed to be requested irregularly to provide special skills or assistance on behalf of the Agency. As such, these volunteers act as part-time employees of the Agency and are empowered to act to provide these services when specifically requested to do so, or pursuant to an approved plan or schedule, or under the supervision of a full-time employee.

3.3 The Legal Authority incurs Workers' Compensation Insurance responsibility for Emergency Services Volunteers (ESVs) while the ESV is actively providing services to the Agency as defined in Section 5 of this Standard. This period of activity shall be considered to be employment as defined by the State Workers' Compensation Statutes of the Agency.

3.4 When a Legal Authority (Agency) requests the services of Emergency Services Volunteers as defined by this Standard to provide services, the Agency shall assume responsibility for the injuries, medical treatment, loss of wages and death of those Emergency Services Volunteers while providing services as described in this Standard.

3.5 Responsibility for the injuries, medical treatment, loss of wages and death of those Emergency Services Volunteers while providing services as described in this Standard shall be at the statutory limits of the Workers' Compensation laws of the state of the agency requesting the services of the Emergency Services Volunteer, and shall be administered in accordance with that Agency's State Workers' Compensation laws and regulations.

3.6 Responsibility for Workers' Compensation for members of Emergency Services Units shall be the same as outlined in 3.1, and shall be provided by the Agency normally directing the activities of the ESU.

3.7 Responsibility for Workers' Compensation for members of Emergency Services Auxiliary Units shall be the same as outlined in 3.1, and, unless provided for by other statute or agreement, shall be provided by the Agency requesting the

services and directing the activities of the AU.

3.8 To provide an agency with trained personnel who are able to work in a safe and effective manner, it is generally required that the Emergency Service Volunteer engage in training activity with the Emergency Service Unit.

A training plan is considered essential in establishing the basis for workers' compensation insurance coverage during training. The plan serves as both prior notice to the Responsible Legal Authority and documentation of training done to support the level of service provided. The training plan is considered to be a dynamic document, reflecting necessary changes due to weather, unit participation, newly identified skills, and rearranged priorities. As changes are made to the training plan, the revised plan is to be submitted to the Agency.

The training plan may be required by the Agency, municipality or government entity providing coverage and benefits in accordance with its contract for services or merely as a convenience to define activity periods.

The training plan should establish goals and list measurable objectives. These goals provide a basis for a relationship between training and the incident response services provided. The plan should list all planned activity of the unit and who is expected to participate. This will delineate where insurance coverage is needed and expected. The plan should detail what supervision of activities and resources of the legal authority is expected. The plan should establish a means of accountability to the responsible legal authority for the unit's training activities, such as by check-in with a central dispatch, and listing on a formal activity roster.

The training plan will contain the following elements to qualify for inclusion in workers' compensation coverage.

- (a) Identification of the Emergency Services Unit.
- (b) Definition of the period of time covered by the plan, usually a year.
- (c) Establishment of the relationship of the ESU with the legal authority.
- (d) Establishment of the overall plan goals.
- (e) Broad outline of training plan (ie: field and classroom, equipment maintenance, training outside of the jurisdiction of the Agency, etc.).
- (f) Specific outline of training plan (such as rappelling, nighttime field navigation, search and fire fighting techniques, medical applications, etc.).
- (g) Establishment of criteria for objective satisfaction.

This training plan and activity must address techniques, skills and safety, and must be designed to enable the individual and the unit to meet recognized national standards or other standards as acceptable to the requesting agency.

It is recognized that training for hazardous activity is often hazardous in and of itself, by the nature of the skills that the ESV is required to master.

Since the Agency is the beneficiary of this training, the ESV is said to be employed by the Agency for the purposes of Workers' Compensation benefits while engaging in training as a member of an Emergency Services Unit. Covered training activities are those activities defined as official activities in a memorandum of understanding or other agreement between the ESU and the Agency, where the Agency is providing workers'

compensation benefits.

3.9 An Emergency Services Volunteer or unit may be requested by an Agency to provide public education services. These services may include public appearances, preventative search and rescue (PSAR) programs, air search familiarization for ground search operations, first aid and CPR education, fire prevention education and others.

When engaged in such activities authorized by the Agency, the ESV or ESU is considered to be employed by the Agency for the purposes of Workers' Compensation Insurance.

4. Classification of Emergency Services Volunteers

4.1 *Emergency Services Volunteer (ESV)*— an individual who volunteers his/her services to, and whose services are accepted by, an Agency in response to a request for an emergency function. Typically, the ESV will be a member of a Emergency Services Unit (ESU) or Auxiliary Unit (AU), or will function as such, and will be covered by Workers Compensation Insurance to the same extent as of the ESU and AU.

4.2 *Emergency Services Unit (ESU)*— as defined in 2.4, is often organized as a division of an Agency (as defined in 2.2), or as a non-profit corporation as defined in IRS Section 501(c)3, and which has a command structure that enables it to fit within the Incident Command System.

The ESU typically provides services to a single Agency. The ESU may provide services to other Agencies upon request and approval of the ESU's local Agency pursuant to a Memorandum Of Understanding or Mutual Aid Agreement between the Agencies.

As defined by this Standard, Workers' Compensation Insurance benefits will be provided to the members of the ESU by the Agency to which the ESU normally provides services.

4.3 *Auxiliary Unit (AU)*—as defined in 2.5, is often organized as a division of an Agency (as defined in 2.2), or as a non-profit corporation as defined in IRS Section 501(c)3, and which has a command structure that enables it to fit within the Incident Command System.

The Auxiliary Unit typically provides services as an Emergency Services Unit to a single Agency, its "home" agency as it were, and operates as an Auxiliary Unit when providing services to, and under the direction of, another Agency. When providing such services to other Agencies upon request and approval of the other Agency, the Unit is said to by an Auxiliary Unit of the requesting Legal Authority for the purposes of the incident for which the Unit is being requested.

As defined by this Standard, Workers' Compensation Insurance benefits will be provided to the members of the AU by the Agency requesting and directing the services of the Auxiliary Unit.

4.4 *General Public Emergency Volunteer (GPEV)*—is an individual, as defined in 2.6, and is typically not a member of a trained and organized Unit as defined in 2.4 or 2.5. The GPEV generally requires significant supervision to enable it to fit within the Incident Command System.

The GPEV typically provides services to a single Agency, upon a specific request, for a specific incident, and for a specific length of time.

As defined by this Standard, Workers' Compensation Insur-

ance benefits will be provided to the GPEV by the Agency which requests the services of the General Purpose Emergency Volunteer.

5. Required Workers Compensation Coverage

Any Agency or Legal Authority which utilizes the services of Emergency Services Volunteers as defined in this Standard bears the responsibility to provide Workers' Compensation Insurance benefits for the individuals providing these services.

It is recognized that employment of volunteers to provide services which qualify the volunteer for benefits such as Workers' Compensation Insurance creates a risk that must be appropriately managed by the Agency.

In recognition of the nature of the services performed by Emergency Services Volunteers and Units, it is acknowledged that these Volunteers will at certain times work in a semi-autonomous manner under the general direction of the Agency pursuant to a call-out.

The period of coverage for Workers' Compensation Insurance shall commence upon the start of the activity as listed below and continue until the volunteer has returned home or stopped enroute at a non mission-related stop. Such non mission-related stops would not include stops to fuel the volunteer's vehicle enroute or such safety related stops as rest breaks.

However, General Purpose Emergency Volunteers (volunteers who are not members of an organized response agency or unit) shall end their service when they have checked out and cease their activity period.

To enable the Agency to manage, control and limit the exposure to such risk, the levels at which coverage is extended to such volunteers during the performance of services is subject to the activity limits as defined in Section 3 of this document and as listed herein.

5.1 The Emergency Services Unit (ESU) is said to be on-duty and actively providing services to the Agency during:

- (a) Call-out
- (b) Mobilization
- (c) Check-in
- (d) Activity Period
- (e) Check-out
- (f) De-mobilization
- (g) Training
- (h) Public Education

5.2 The Auxiliary Unit (AU) is said to be on-duty and actively providing services to the Agency during:

- (a) Call-out
- (b) Mobilization
- (c) Check-in
- (d) Activity Period
- (e) Check-out
- (f) De-mobilization

5.3 The Emergency Service Volunteer (ESV) is said to be on-duty and actively providing services to the Agency when functioning as an ESU or AU, and will be subject to the covered activity limits applying to an ESU or AU.

5.4 The General Public Emergency Volunteer (GPEV) is said to be on-duty and actively providing services to the Agency during:

- (a) Check-in at the designated incident meeting place and listing on an in-service log as noted in 2.13.
- (b) Activity Period

- (c) Check-out at the designated incident meeting place and listing as out-of- service as noted in 2.14.

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