



RECOMMENDATIONS FOR APPOINTING VOLUNTEERS

The following recommendation has been approved by the SDML Workers' Compensation Fund's Board of Trustees to be used as guidelines to consider when appointing volunteer positions. It does not guarantee, assure, or warrant in any way that the Member is in compliance with any Federal, State, or local laws, statutes or regulations and does not carry the force of legal opinion.

- The Minimum age of a Volunteer should be eighteen (18)
- If someone under the aforementioned Minimum age of eighteen (18) that the Federal Child Labor laws are used to define any job functions
- There is someone in a supervisory position to oversee and offer guidance to Volunteer
- Training has been offered to Volunteer
- A 'job description' is available to outline the duties of said Volunteer
- All Volunteers are listed in the entities minutes pursuant to SDCL 62-1-5.1 *including the fire department and ambulance service rosters.* **An easy way to make the entry in the council/commission meeting minutes is for the Finance Officer/Auditor/HR person/ Emergency Manager (the person in charge of appointing volunteers) to recognize the volunteers at the next council/commission meeting. The entry in the minutes could read something like this: "Volunteers for (the Name of your Entity) for (Date) were recognized and it is the intent of the City Council/County Commission to cover these volunteers for work comp purposes. The list is on file at the (your office that keeps records on file)".**
- In an emergency situation, a sign in sheet is available to have each Volunteer sign their name, the time that they are checking in, and a time when they leave. These lists need to be entered into the minutes at the end of the emergency

SDCL 62-1-5.1 Volunteers serving state or political subdivision without pay – Computing or imputing wage – Certain persons not deemed volunteers.

Any volunteer worker rendering services in or for any agency, department, institution, or instrumentality of the state or of any of its political subdivisions, including counties, townships, school districts, or municipalities, **whose services have been duly recommended to the officer or appointed thereto by such officers or governing body,** shall for purposes of this title be deemed an employee of the state or the political subdivision, as the case may be. **The appointment shall be entered into the official records or minutes of the entity.**

In the event of injury or death, for the purposes of computing compensation for volunteer workers other than volunteer firefighters, a volunteer uncompensated worker's employment earnings from all sources during the last six months of employment shall be used. In the event the volunteer uncompensated worker has never been employed, the worker shall be considered to be earning the state minimum wage over a forty-hour week. The worker's average weekly wage shall be calculated by one of the methods in §§ 62-4-25 to 62-4-27, inclusive. In no event may payments to volunteer uncompensated workers exceed the maximum limitations for benefits as set out in this title. No local prisoner, state inmate, or federal inmate providing services to the state or any of its political subdivisions may be considered a volunteer worker under this section.

Rating Basis

If such "Volunteer" receives any remuneration for services, that compensation will be included in the correct classification at audit to determine the Members actual payroll. This said remuneration then eliminates the "Volunteer" status of said individual and they become an employee. **All "Volunteers" must be shown in the Members minutes.**