

21. INFORMATION ON LIABILITY OF UC EMPLOYEES AND VOLUNTEERS

UC EMPLOYEES

Scope of This Section

This section provides information on the protection from personal liability (i.e., legal obligation to pay) of UC employees in the event of loss or injury sustained by a reserve user.

Summary of Relevant California Law and University Policy

The California Tort Claims Act requires that the University provide defense and indemnification with respect to claims alleged to result from acts or omissions of University employees while in the course and scope of University employment.

Beyond the requirements of the Tort Claims Act, the University also has policies that may protect the employee in contract actions and in other situations.

Statement of Employee's Scope of Duties

Protection of the employee under the law and policies mentioned above turns on whether a claim involves actions on the part of the employee which fall within the course and scope of University employment.

For each reserve employee, there should be a clear, complete, and current statement of the employee's scope of duties, either as embodied in the employee's job description or, if more appropriate, in a separate document.

VOLUNTEER WORKERS

Scope of This Section

This section provides guidance on the establishment of “volunteer employee” status for volunteer workers.

Purposes of Volunteer Employee Status

Volunteer employee status achieves two purposes: (1) a worker’s claims against the University for injuries incurred while on volunteer employee status are governed by worker’s compensation law, and (2) a worker is protected from personal liability toward third parties while acting as a volunteer employee.

Establishing Volunteer Employee Status

All volunteer workers, including people contributing work for a short time as well as others such as spouses contributing work over many months or years, should be placed on volunteer employee status by processing the equivalent of a Personnel Action Form with the campus personnel office. Managers should consult their respective campus risk manager for guidance on what forms need to be completed. This action should be accomplished before the volunteer worker begins any activity.