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LABOR AND INDUSTRIAL RELATIONS

Workers' Compensation: Provide 1996 Olympic and Paralympic Volunteers with Workers' Compensation Coverage

CODE SECTION: O.C.G.A. § 34-9-2.4 (new)
BILL NUMBER: SB 17
ACT NUMBER: 393
GEORGIA LAWS: 1995 Ga. Laws 852
SUMMARY: The Act provides that all persons who perform voluntary service for the Atlanta Committee for the Olympic Games or for the Atlanta Paralympic Organizing Committee will be considered employees of the organization for the purpose of workers' compensation coverage.
EFFECTIVE DATE: April 19, 1995¹

History

The Atlanta Committee for the Olympic Games (ACOG) anticipates that it will utilize more than 40,000 volunteers during the 1996 Olympic Games.² The 1996 Paralympic Games are an international sporting competition for the physically disabled.³ The Paralympic Games will be held shortly after the Olympic Games and are organized by the Atlanta Paralympic Organizing Committee (APOC).⁴ APOC expects to enlist the aid of over 15,000 volunteers in staging the Paralympic Games.⁵ Without this legislation, these committees would have been exposed to tort suits if a volunteer were injured while assisting with the events.⁶

Prior to the enactment of SB 17, the Georgia Workers' Compensation Act did not include volunteers in its definition of

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1. The Act became effective upon approval by the Governor.
 2. ATLANTA COMMITTEE FOR THE OLYMPIC GAMES (ACOG), QUESTIONS ON WORKERS' COMPENSATION LEGISLATION (undated) [hereinafter ACOG HANDOUT] (available in Georgia State University College of Law Library).
 3. *Id.*
 4. *Id.*
 5. *Id.*
 6. *Id.*

covered employees except with regard to law enforcement and emergency response organizations.⁷ For covered employees, workers' compensation is an exclusive remedy.⁸ The law also provides that an employer has the right to pursue subrogation against a third party in tort to recover any amounts paid under the law.⁹

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The purpose of the Act is to “[p]lace all volunteers for the 1996 Summer Olympic Games, and the 1996 Paralympic Games, under Georgia’s workers’ compensation statute.”¹⁰ By placing these individuals under the workers’ compensation statute, ACOG and APOC are protected from the tort liability that could result if a volunteer were injured.¹¹ The Act also benefits the volunteers by providing access to a simpler method of recovering medical expenses caused by on-the-job injuries.¹² Because of the existing language in the workers’ compensation statute, the addition of volunteers as covered employees makes its provisions the exclusive remedy for persons injured while volunteering for these organizations.¹³ ACOG and APOC also have the right to pursue subrogation against a third party tortfeasor.¹⁴ The new Code section also places responsibility on the committees to

7. 1994 Ga. Laws 1717 (codified at O.C.G.A. § 34-9-1 (Supp. 1995)); Letter from Gary R. Hurst, Partner, Drew, Eckl & Farnham, to Deborah Collins-Nears, Director, ACOG Risk Management 1 (Dec. 2, 1994) [hereinafter Hurst Letter] (available in Georgia State University College of Law Library).

8. 1990 Ga. Laws 1164 (codified at O.C.G.A. § 34-9-11 (Supp. 1995)); Hurst Letter, *supra* note 7, at 2.

9. 1992 Ga. Laws 1942 (codified at O.C.G.A. § 34-9-11.1 (Supp. 1995)); Hurst Letter, *supra* note 7, at 2.

10. ACOG HANDOUT, *supra* note 2; see also Telephone Interview with Sen. G. B. “Jake” Pollard, Jr., Senate District No. 24 (Apr. 24, 1995) [hereinafter Pollard Interview].

11. Pollard Interview, *supra* note 10; ACOG HANDOUT, *supra* note 2.

12. Hurst Letter, *supra* note 7, at 1.

13. 1990 Ga. Laws 1164 (codified at O.C.G.A. § 34-9-11 (Supp. 1995)); Hurst Letter, *supra* note 7, at 1-2.

14. 1992 Ga. Laws 1942 (codified at O.C.G.A. § 34-9-11.1 (Supp. 1995)); Hurst Letter, *supra* note 7, at 2; see also *Legislative Review*, 12 GA. ST. U. L. REV. 280 (1995).

inform volunteers about their rights under the Workers' Compensation Act.¹⁵

Volunteers who are on loan from other employers were not specifically addressed by the bill.¹⁶ However, when the employer pays the employee for assisting ACOG or APOC, the General Assembly intended the employer's workers' compensation coverage to apply.¹⁷ A person taking a vacation to volunteer would be covered under the committee's workers' compensation policy.¹⁸

Normally, employees injured on the job will be compensated for lost wages as well as medical expenses.¹⁹ Code section 34-9-260(5) provides an alternative measure for lost wages to volunteer firefighters or volunteer law enforcement officers, who do not receive wages for their services.²⁰ However, it was the intent of the General Assembly that ACOG and APOC volunteers not receive any lost wage benefits for injuries incurred during their volunteer service.²¹

Because of concern over the cost of providing coverage for all volunteers, the bill, as originally introduced, gave ACOG and APOC discretion in deciding which volunteers would be covered.²² In response to concerns by the State Board of Workers' Compensation, it was determined that all volunteers would be covered.²³ Although this determination was made before the bill was introduced, because of a miscommunication, it

15. Hurst Letter, *supra* note 7, at 2.

16. See O.C.G.A. § 34-9-2.4 (Supp. 1995).

17. Telephone Interview with Gary R. Hurst, Partner, Drew, Eckl & Farnham (Apr. 10, 1995).

18. *Id.*

19. 1994 Ga. Laws 887 (codified at O.C.G.A. §§ 34-9-261 to -262 (Supp. 1995)).

20. 1984 Ga. Laws 816 (codified at O.C.G.A. § 34-9-260(5) (Supp. 1995)). The volunteers' weekly wage, for the purpose of computing lost wage benefits, is based on the average wage of manufacturing production workers in Georgia. *Id.*

21. Pollard Interview, *supra* note 10.

22. SB 17, as introduced, 1995 Ga. Gen. Assem.; Telephone Interview with Jennifer Pinson-Harvey, ACOG (Apr. 6, 1995) [hereinafter Pinson-Harvey Interview].

23. Pinson-Harvey Interview, *supra* note 22; see also Hurst Letter, *supra* note 7, at 1.

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was not included in the original bill.²⁴ The change was made by a floor substitute in the Senate.²⁵

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24. Pinson-Harvey Interview, *supra* note 22.

25. Compare SB 17, as introduced, 1995 Ga. Gen. Assem. with O.C.G.A. § 4-9-2.4 (Supp. 1995).