

COVERAGE FOR RESERVES

COMMISSIONERS COURT 3/19/2018

GOVERNMENT CODE 614.192(A)

- Requires each volunteer police force member to be insured or covered by the political subdivision against any injury suffered in the course and scope of performing duties for the political subdivision
 - Applies to Sheriff's Office, all Constable Offices, and the Fire Marshal
 - No requirements or limitations for how the political subdivision decides the level of coverage or any premium charges to the individuals
 - Collin County has had one law enforcement reserve in the last 17 years indicate that they have medical expenses related to their reserve duties.
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WORKERS COMPENSATION COVERAGE OPTION

- 504.012(a) provides that a political subdivision may cover volunteer fire fighters, police officers.....
 - If covered under workers compensation, the following benefits are provided:
 - Full medical coverage
 - Minimum compensation payment (currently \$137 per week for 2018)
 - Compensation for any impairment rating
 - Goldminz v City of Dallas 2010 the court held that because a reserve serves without pay he does not meet the definition of an employee
 - Texas Workers Compensation Appeal 121893 (2012) – compensable injury arises out of course and scope of employment and the public entity is not an employer of a reserve
 - Collin County is self insured to \$500,000, has a policy from \$500,000 to \$2 million and pays for any claims in excess of \$2 million
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COVERAGE OPTIONS

NON WORKERS COMPENSATION

- Basic policy – Medical expenses incurred from an injury while acting as a reserve will be reviewed by Commissioners Court and the amount of reimbursement will be determined on a case by case basis.
 - Policy with limits – A defined dollar limit for any medical expenses incurred while acting as a reserve will be set by Commissioners Court. For example, Commissioners Court could set the medical coverage cap to \$100,000 of medical expenses. Any individual injured while acting as a reserve would be automatically reimbursed for medical expenses up to this limit.
 - Policy with no limits – The amount of medical expenses incurred if injured while acting as a reserve would be 100% paid no matter how high the dollar amount.
 - All of the above can have deductibles and copays if desired.
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DECISIONS

1. Type of coverage to be provided to reserve law enforcement individuals injured while performing duties:
 - a) Workers compensation coverage which provides medical and minimal compensation (or)
 - b) Coverage of medical expenses
 1. Determine on a case by case basis
 2. Provide a maximum coverage amount
 3. Cover medical expenses related to the injury for the life of the reserve
 2. Requirement of any payment by the reserve for work related injury coverage
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