

# 100 Hour Cap Method for Reporting Volunteers

*The legislature passed a new law in 2016, adding a reporting option for employers covering volunteers for workers' comp.*



## What's new for employers reporting their volunteers?

All entities reporting volunteers for Medical Aid only coverage may report either:

- 100 hours per volunteer per calendar year, or
- Actual hours worked for all volunteers each quarter.

Employers must report all their volunteers using the same method.

## When does this law take effect?

June 9, 2016.

## Who can choose the 100 hour cap reporting method?

All employers reporting in classifications 6901 for volunteers or student volunteers, or 6906 for volunteer law enforcement, may use this reporting method. This includes state agencies that are required to provide volunteer coverage, as well as entities that may elect optional volunteer coverage.

## How and when can I choose the 100 hour cap reporting method?

In 2016, if you want to report 100 hours per volunteer, you should send written notice to your Account Manager. Because the 100 hour reporting option may be used only after the law's effective date, reporting 100 hours per volunteer in 2016 will provide coverage for third and fourth quarters only. You must still report actual hours for volunteers in first and second quarters of 2016.

Starting in calendar year 2017, you will choose your method for reporting volunteers on your first quarterly report of the year when you have either classifications 6901 or 6906 active on your account.

## How and when will I report my volunteers if I choose the 100 hour cap reporting method?

You will report all your volunteers in the same quarter when you choose the 100 hour cap reporting method. If you add volunteers in subsequent quarters that same calendar year, you will report 100 hours for each new volunteer in the quarter those new volunteers start with you.

You must use the same method of reporting all volunteers for the whole calendar year. However, you may choose each calendar year whether to report actual hours or the 100 hour cap method. This means you may report one year using the 100 hour cap method, and the next year you may choose to report actual hours.

## What if I selected the 100 hour reporting method, but I have a new volunteer who starts on December 15?

You still must report 100 hours for that volunteer for that calendar year.



## Who is a volunteer?

- A volunteer is a person who donates labor to another by his or her own free choice without receiving material or monetary or other value in exchange.
- A student volunteer is enrolled in public and private K-12 and institutions of higher education.

## When is a volunteer a “covered worker”?

If a volunteer receives something of monetary value in exchange for work, he or she is probably a “covered worker” who is entitled by law to workers’ compensation insurance coverage. Also, in most situations, for-profit businesses are presumed **not to have** volunteers.

## Who can elect to cover volunteers?

Organizations that may elect to buy “volunteer coverage” (medical only) include:

- Cities, counties, towns, special districts (such as public utility districts), municipal corporations, or other political subdivisions.
- Employers with student volunteers enrolled in public and private K-12 schools and schools of higher education. See also our fact sheet on *Student Volunteers and Workers’ Compensation Coverage* (FY16-617).
- Private nonprofit charitable organizations. To be considered a private nonprofit charitable organization, the entity must demonstrate that it qualifies under Internal Revenue Service rules as a 501(c)(3) exempt organization.
- Exceptions:
  - State government agencies **must** provide their registered volunteers with volunteer coverage.
  - Volunteer firefighters are covered under the Volunteer Fireman’s Relief and Pension Fund.
  - Law enforcement agencies may choose full coverage or medical-only volunteer coverage. All volunteers must be covered with the same type of coverage.

## How do I start coverage?

To elect volunteer coverage, you must submit an *Application for Elective Coverage of Excluded Employments* (Form F213-112-000). Coverage may begin at 12:01 a.m. the day after we receive your completed form, or you may choose a future effective date.

If your business or organization elects to cover volunteers, you must:

- Cover all your volunteers, and notify all volunteers of coverage.
- Choose whether to report all volunteers based on actual hours, or based on 100 hours per volunteer per calendar year.
- Create and keep auditable records of all volunteers, including:
  - Names and Social Security Numbers
  - Registration of each person as a volunteer and acceptance by your organization
  - Beginning and end date of volunteer service
  - Applicable risk classifications (likely 6901 or 6906)
  - Actual hours worked or your decision to report 100 hours per volunteer per calendar year
  - For student volunteers and unpaid students:
    - Proof of registration of students’ current enrollment in school or institution of higher learning
    - Authorization from the school or institution of higher education for students’ participation in the school’s volunteer program, or the school’s unpaid work-based learning program
- You will need to retain these records for 3 full calendar years.
- Report and pay premiums for either all volunteer hours worked, or for 100 hours per volunteer per calendar year.

Note: See relevant reporting rules, including:

- 296-17-31021, *Recordkeeping and retention*
- 296-17-925, *Recordkeeping requirements for student volunteers or unpaid students*
- 296-17-930, *Volunteers*
- 296-17-935, *Options for reporting qualifying volunteers, including student volunteers and unpaid students*

## How can I cancel coverage?

If your business or organization chooses to cancel volunteer coverage, you must notify all volunteers that you are cancelling coverage. The cancellation is effective 30 days after we receive the written notice of cancellation (*Cancellation of Elective Coverage for Excluded Employments* form F213-015-000).

To find out more about volunteers please go to our volunteer web pages at [www.Lni.wa.gov/ClaimsIns/Insurance/Learn/Volunteers](http://www.Lni.wa.gov/ClaimsIns/Insurance/Learn/Volunteers).