

---

## Ski Patrol Employees as Search and Rescue Volunteers

The sheriff of each county is responsible for the coordination of search and rescue operations and is to make use of the search and rescue capabilities and resources available within the county.

From time to time, the county sheriff may ask ski patrol employees of a local ski area to assist in search and rescue missions under the control of the sheriff's office. Colorado Revised Statute §8-41-303 governs the issue of liability where one employer loans an employee to another employer. The Workers Compensation Act permits an employee to be simultaneously in the general employment of one employer and in the special employment of another, provided the employee understands that he or she is submitting to the control of the special employer. In such an instance, the employee loaned for a special purpose is considered the employee of the borrowing employer with the attendant rights and duties incident thereto. Therefore, if a special employee is injured while engaged in such service, the borrowing employer is liable.

A special employment relationship exists in the ski patrol employees acting as search and rescue volunteers because the decisive factors are present including the consent of the employee, the sheriff controls the work activities of the employee, and the sheriff has the power to terminate the relationship. The ski patrol employee may decline to participate in the search and rescue activities of the sheriff's department. Also, the sheriff has the right to

discharge and control the ski patrol's activities during search and rescue.

Based upon the forgoing, where the sheriff of each county is responsible for the coordination of search and rescue operations, the employee consents, and the sheriff controls the operation, special employment status exists and the county, as a special employer, is liable for injuries sustained within the scope of that special employment absent a contractual agreement to the contrary.

The rate of workers compensation of such persons accidentally injured while serving as volunteers on search and rescue teams shall be at the maximum rate. C.R.S. §8-40-202(1)(a)(II).

### What This Means to Counties

Counties using ski patrol employees as search and rescue volunteers should report those individuals on the annual payroll audit at a "payroll" of \$300 per volunteer. The County Workers Compensation Pool will provide coverage to those volunteers who are under the control and direction of the sheriff and acting in the scope and course of their duties as a volunteer.

For further information, contact CTSI 303-861-0507.