

Attorney General's Opinion on Liability and Worker's Compensation

The following are extracts of the opinion issued by the State's Attorney General (1977) in response to a series of questions presented by OES regarding the liability protection afforded by the ***California Emergency Services Act***.

Question: *May structural engineers who are registered as Disaster Service Workers be utilized to assess the extent of damages incurred by buildings in an area struck by earthquakes?*

Answer: *Structural engineers who are registered as Disaster Service Workers may be utilized to perform post-earthquake damage assessments following the proclamation of a State of Emergency or a Local Emergency.*

Question: *Would the appointment of such engineers as Deputy Building Inspectors, without pay, affect their eligibility for state workers' compensation?*

Answer: *The appointment, without pay, of structural engineers who are registered Disaster Service Workers as Deputy Building Inspectors by government entities would not affect the engineer's entitlement to State Disaster Workers' Compensation Benefits, which would remain the exclusive remedy for physical injuries suffered by them while performing related activities.*

Question: *Would such engineers be required to be "fully conversant" with local building safety codes?*

Answer: *Volunteer Engineer/Disaster Service Workers would not be required to be fully conversant with local building and safety codes.*

Question: *If a local engineer, building inspector, or volunteer engineer certifies a structure is safe for occupancy and, when occupied, it collapses and individuals are injured, would the local entity, the state, or the certifying engineer be liable?*

Answer: *No liability would attach to a public entity, its employees, or a Disaster Service Worker under the circumstances presented.*