



June 2, 2011

Re: Workers' Compensation C Coverage for Students Participating in Saddleback College Internship Program

Dear Rocky:

It is my understanding that employer participants in Saddleback College's (SC) Internship Program is inquiring whether or not Saddleback College students are afforded Workers' Compensation coverage in the event they are injured during their participation. The following is California Education Code 78249, which specifically pertains to this matter and confirms that Workers' Compensation coverage would be available for the College's student interns in the event they are injured during their work experience.

- (a) Notwithstanding any provisions of this code or the Labor Code to the contrary, the community college district under whose supervision work-experience education, or occupational training classes held in the community, as defined by regulations adopted by the board of governors, are provided shall be considered the employer under Division 4 (commencing with Section 3200) of the Labor Code of persons receiving the training unless the persons during the training are being paid a cash wage or salary by a private employer, or unless the person or firm under whom those persons are receiving work experience or occupational training elects to provide workers' compensation insurance. An apprentice, while attending related and supplemental instruction classes, shall be considered to be in the employ of the apprentice's employer and not subject to this section, unless the apprentice is unemployed. Whenever the work-experience education, or occupational training classes held in the community, are under the supervision of a regional occupational center or program operated by two or more community college districts pursuant to Section 52301, the district of residence of the persons receiving the training shall be deemed the employer for the purposes of this section.
- (b) Sections 1292, 1293, and 1294 of the Labor Code shall not apply to work-experience education programs established pursuant to this article if the work-experience coordinator determines that the students have been sufficiently trained in the employment or work otherwise prohibited, if parental approval is obtained, and the principal or the counselor of the student has determined that the progress of the student toward graduation will not be impaired.

Should you have any questions, please feel free to contact me at, extension 4512.

Sincerely,

Earl Pagal
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