

# **Bond Case Briefs**

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## **EMPLOYMENT - CALIFORNIA**

### **Enriquez v. City of Sierra Madre**

**Court of Appeal, Second District, Division 7, California - October 16, 2013 - Not Reported in Cal.Rptr.3d - 2013 WL 5635950**

Plaintiff was a volunteer firefighter for the City of Sierra Madre. The City hires and fires volunteer firefighters, sets the rules and regulations for their work, requires them to work specific shifts and to arrive on time, and requires them to report to supervisors and to work within the framework of the Sierra Madre Fire Department (SMFD). Volunteer firefighters also receive training and are covered by workers' compensation. The City keeps records of the volunteer firefighters' service. It pays volunteer firefighters a stipend of \$1 per day, paid every 90 days. It also pays voluntary firefighters approximately \$33 per day when "hired out" with a SMFD strike team of firefighters sent to assist other agencies in fighting non-local large-scale fires.

Plaintiff filed a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) alleging employment discrimination. The EEOC dismissed the complaint on the ground that there was no employer-employee relationship and notified plaintiff of her right to sue.

Plaintiff sued the City. As to the employment-related causes of action, the City argued that plaintiff did not receive "significant remuneration" for her services and therefore was not an employee and could not state causes of action for employment discrimination. The Court of Appeal agreed with the City, stating that a municipality's decision to provide volunteers with workers' compensation coverage is not sufficient to confer employment status.