BULKY DOCUMENTS

(Exceeds 300 pages)

Proceeding/Serial No: 91156321

Filed: 4-15-08

Title: DEPOSITION OF BRADLEY L. PECK

Part 3 of 7

Processed by Curtis Puryear

6789068105

Employer Share

8. Total payments made for (or in lieu of) holidays [8, 9] $

a. How many paid holidays (including floating holidays) did your firm recognize in 2005? holidays

9. Paid rest periods for hourly employees [10] $
(e.g., coffee breaks, lunch periods, wash-up time, etc.)

10. Family and medical leave payments (e.g., maternity and paternity leave) $

11. Other payments for time not worked (e.g., jury duty, military leave, bereavement, etc.) $

Description of "other" costs:

II. Total employer payments for time not worked benefits: $
(Total of lines 7b, 7c, 7d, 8, 9, 10 and 11, employer's share only)

F. HEALTH AND HEALTH-RELATED BENEFITS (INCLUDING LIFE INSURANCE AND DEATH BENEFITS)

	Not offered	Yes, cost is listed at right	Yes, but costs included in sick pay	Yes, but costs included in medical	Employee	Employer
12. Short-term disability, sickness or accident insurance [11]	O	O	O	O	$	$
13. Long-term disability or wage continuation [12]	O	O	O	O	$	$

14. Which of the following health-related benefits do you offer? *Mark all that apply*

- O HMO plan
- O PPO health insurance plan
- O Point of service plan
- O Indemnity health insurance plan
- O Hospital, surgical, medical, and major medical insurance
- O High deductible health care plan
- O Health Savings Accounts (or medical savings accounts)
- O Flexible Health Spending Accounts
- O Health reimbursement arrangement
- O Prescription drug coverage
- O Long term care insurance
- O Chiropractic care
- O Alternative/complementary medicine (e.g., acupuncture, homeopathy, herbal therapies)
- O Mental health coverage on a full parity basis to physical health benefits
- O Substance abuse treatment on a full parity basis to physical health benefits
- O Coverage for retirees under 65
- O Coverage for retirees over 65
- O Coverage for unmarried domestic partners
  - O opposite sex
  - O same sex

15. Please indicate the amount spent by your company in 2005 on each of the following health and life insurance benefits:
Note: If you are unable to separate your health expenses, please mark "cannot break out costs" and report all these combined expenses on line 15a.

Does your firm offer:	Not offered	Yes, cost is listed at right	Yes, but cannot break out costs	Employee Share	Employer Share
a. Hospital, surgical, medical, and major medical insurance [13a]	O	O	O	$	$
b. Dental insurance [13b]	O	O	O	$	$
c. Vision care [13c]	O	O	O	$	$
d. Retiree health insurance [13d]	O	O	O	$	$
e. Life insurance premiums and death benefits [13e]	O	O	O	$	$
f. Prescription drug coverage [13f]	O	O	O	$	$

If offered, who else is covered by prescription drug coverage? *Mark all that apply*

O Current employees' spouse and family O Past employees O Retirees under 65 O Retirees 65 or older

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16. Does your firm self-administer any part of its health plans? ○ No ○ Yes, self administer ALL ○ Yes, self administer SOME

a. Cost of health plan administration *(leave blank if included elsewhere)* $,,

17. Does your firm use any of the following cost-control methods? **Mark all that apply**

- ○ Pre-admission certification
- ○ Mail-order pharmacy
- ○ Pharmacy benefit manager
- ○ Behavioral health services manager
- ○ Self-insure or fully insure any of your health benefits
- ○ Participate in a group purchasing arrangement for either medical services or medical insurance with other firms

18. What is the waiting period for health insurance coverage?

Full time employees:	○ None	○ Up to 1 month	○ >1 month, up to 3 months	○ >3 months up to 6 months	○ >6 months
Part time employees:	○ None	○ Up to 1 month	○ >1 month, up to 3 months	○ >3 months up to 6 months	○ >6 months

19. How are employee premium costs paid? (Not including spouse and/or family)

○ Fully paid by the employer ○ Proportional shared cost (employer & employee each pay a set percentage)

○ Defined dollar contribution by the employer (employer pays a set dollar amount) ○ Defined dollar contribution by the employee (employee pays a set dollar amount)

○ Other (please specify):

20. Please indicate the percent of health care premium/costs which the company pays for each of the following:[14]

If you do not offer a policy coverage option corresponding to a choice below, please write "N/A" for that choice. Write "100" if employer pays the full premium.

% Company pays for Employee: % **% Company pays for Spouse/Partner:** % **% Company pays for Child:** % **% Company pays for Family:** %

21. Other health benefits not included elsewhere (please specify)

Employee Share: $,, **Employer Share:** $,,

III. Total employer payments for health-related benefits:
(Total of lines 12, 13, 15a, 15b, 15c, 15d, 15e, 15f, 16a, and 21 - employer's share only) $,,,

G. RETIREMENT & SAVINGS [15]

Which of the following types of savings and pension plans do you offer?

22. Defined contribution and 401(k) and 401(k) type plans
{e.g., 403(b), 457} ○ Yes ○ No

Employee Share $,, **Employer Share** $,,

23. Profit-sharing plan ○ Yes ○ No $,,

24. Employee stock ownership plan (ESOP) or stock bonus plan ○ Yes ○ No $,,

25. Cash balance or other hybrid plans ○ Yes ○ No $,,

26. Defined benefit pension plan [16] (but not cash balance plans) ○ Yes ○ No $,,

27. Other retirement and savings plan [17] (e.g., Money purchase plan)

Employee Share: $,, **Employer Share:** $,,

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28. Do you outsource the management of any of your retirement plans? ○ Yes ○ No

a. Cost of plan(s) administration: $, ,

b. Minimum waiting period for the start of any retirement plan (service year requirement): months

c. Number of years before an employee is fully vested in your retirement program: years

IV. Total employer payments for retirement and savings plans: $, , ,
(Total of lines 22, 23, 24, 25, 26, 27 and 28a - employer's share only)

H. MISCELLANEOUS BENEFIT PAYMENTS

29. Which of the following flexible benefit programs do you offer? *Mark all that apply*

○ Pre-tax Transportation Spending Account ○ Flexible/Compressed Work Schedules

○ Flexible Spending Accounts (pre-tax) for child/dependent care

	Employer Share
30. Severance pay	$, , ,
31. Employer dependent care contributions (including on-site and third party expenses)	$, , ,
32. Employee tuition reimbursement	$, , ,
33. Employee relocation reimbursement	$, , ,

34. Other employee benefits (please specify)

Employee Share: $, , Employer Share: $, ,

V. Total employer payments for miscellaneous benefit payments: $, , ,
(Total of lines 30, 31, 32, 33 and 34, employer's share only)

I. BENEFIT PAYMENTS: GRAND TOTALS

35. *Employer* benefit payments - GRAND TOTAL: $, , ,
Total of lines I, II, III, IV, and V.

36. *Employee* benefit contributions - GRAND TOTAL: $, , ,
Total of lines 1, 4, 12, 13, 15a, 15b, 15c, 15d, 15e, 15f, 21, 22, 27, and 34 employee's share only

J. ADDITIONAL COMMENTS

37. If you experienced any large unusual benefit costs and/or refunds in 2005 (e.g., one-time retirement plan contribution; large layoff of employees), or have any comments in regard to this survey, please note in the space below or attach a separate sheet.

38. If interested, please share with us information on how your company has dealt with rising healthcare costs?

39. Would you like to be contacted by the U.S. Chamber regarding healthcare issues? ○ Yes ○ No

THANK YOU FOR YOUR PARTICIPATION!

You will receive a complimentary copy of the *Study* report when it is published.

Please note, we may need to contact you for any clarification necessary. Please retain a copy of this survey for your records and to evaluate your results with those published in the Study.

Surveys must be returned by **Monday, July 31, 2006:**

by FAX: **(202) 463-5608 or (202) 463-3160**

Receipt #

by MAIL: U.S. Chamber of Commerce, Business Information and Development
1615 H Street, N.W. Washington, D.C. 20062-2000

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EXHIBIT 9

2001 Analysis of Workers' Compensation Laws

PECK EXHIBIT 9
Offered by Opposer, The Chamber of Commerce of the United States of America
The Chamber of Commerce of the United States of America v. United States Hispanic Chamber of Commerce Foundation
Opposition Number 91/156,321

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U.S. Chamber of Commerce
Statistics and Research Center

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For updates to the Analysis, please visit www.analysisupdates.com

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FOREWORD

The 2001 edition of the *Analysis of Workers' Compensation Laws* offers an overview of workers' compensation statutes and is intended to provide both a comparison and an improved understanding of the various laws. Sixteen detailed charts are presented to aid employers, employees, insurance firms, agents, brokers, attorneys, physicians, and others in locating specific provisions of workers' compensation laws.

The *Analysis* tracks the laws of the 50 U.S. states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. Statutory provisions are also provided for the provinces and territories of Canada as well as the Canadian Merchant Seaman's Act.

Although the *Analysis* provides essential information needed daily throughout the business community, it should not be considered as an extraction of exact provisions found in statutory texts.

The information required to bring together this publication was supplied by government officials in the states and jurisdictions represented, legislative reporting services, insurance companies, and the U.S. Department of Labor. For further information about the *Analysis*, please contact the U.S. Chamber of Commerce, 1615 H Street, NW, Washington, D.C. 20062–2000 or phone (202) 463–5381.

All contributions to this publication are gratefully appreciated.

Updates to the Analysis

A complete revision of the *Analysis* is printed annually. The 2002 edition will be available in May 2002. It will reflect changes made in workers' compensation laws effective January 1, 2002. Mid-year revisions to the *2001 Analysis*, including updates for those states with benefit level changes between publication and January 1, 2002, will be made available free of charge on the world wide web. For more information and the most recent updates to the *Analysis*, please visit www.analysisupdates.com.

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INTRODUCTION

Highlights of the 2001 Analysis

From 2000 to 2001, maximum income benefits for total disability increased an average of 5.2% in the United States, excluding the Federal Employees Compensation Act (F.E.C.A). The average maximum weekly benefit in the U.S. for 2000 is $575.40. Iowa makes the highest benefit payment (excluding F.E.C.A.), with a weekly maximum of $1,031. Canada's average maximum weekly benefit is $670.16 (Canadian dollars). Ontario is the province with the highest weekly payment at $913.38 (Canadian dollars).

Overview of the Analysis

The charts on the following pages present the statutory provisions of workers' compensation laws as of January 1, 2000 unless otherwise noted. The charts detail the provisions of the laws of the federal, state and territorial jurisdictions of the United States (including the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, the Federal Employees' Compensation Act (F.E.C.A.), and the Longshore and Harbor Workers' Compensation Act) as well as the federal, provincial and territorial laws of Canada (including the federal Merchant Seamen's Compensation Act).

The charts do not cover the federal Black Lung Act, the disability provisions of the Social Security program, the Federal Employers' Liability Act (Jones Act), or veterans' benefits. Also, please note that D.C. government employees are covered by a separate D.C. enactment that replaces the F.E.C.A. The law for D.C. government workers is not charted except where it differs materially from the F.E.C.A. Employees of the Canadian federal government are compensated under the Government Employees' Compensation Act, administered by Human Resources Development. Compensation is paid by the workers' compensation board for the province where the worker is usually employed. Government employees residing in the Northwest Territories, Nunavut, or the Yukon Territory may receive compensation in accordance with the Alberta Act. In view of this arrangement, the charts do not include the Government Employees' Compensation Act except where it differs materially from the provincial acts.

The charts are grouped in three categories:

- ✓ Coverage of Laws, listing the various requirements pertaining to employment, injuries and diseases (Part I);
- ✓ Benefits Provided, detailing the required income replacement benefits and medical benefits (Part II); and
- ✓ Administration of Laws, grouping the many administrative requirements and safeguards (Part III).

All provisions presented by the charts in the *Analysis* have required study and interpretation to reduce them to the brief statement found in the charts. In some instances space does not permit sufficient explanation to clarify all points. In such cases, it may be helpful to examine the text of the law.

History of Workers' Compensation and Employers' Liability

Workers' compensation laws are designed to provide satisfactory means of handling occupational disabilities. A 20th century development in North America, the laws evolved as the economy became more industrial and less agricultural. Before these laws were enacted, a well-established common-law principle held that a master or employer was responsible for injury or death of employees resulting from a negligent act. Thus, disabled workers who sued employers for damages had to prove their injuries were due to employer negligence — a slow, costly, uncertain legal process. As business enterprise and machine production expanded, the number of industrial accidents and personal-injury suits increased. At the close of the 19th century it was apparent that the accepted common-law defenses — contributory negligence, assumption of risk, negligent acts of fellow servants — operated too harshly on claims of disabled workers. The situation led to demands for legal provisions.

As a result, between 1900 and 1910 so-called employers' liability laws were adopted by many states. Although they tended to modify common-law defenses, they did not prove completely satisfactory; employees still had to prove employer responsibility and negligence. Other legal remedies were urged.

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A new answer was forthcoming. In 1911 the first workers' compensation laws were enacted in the United States on an enduring basis. The first comprehensive Canadian laws were enacted in 1915.

Today, each of the 50 states, as well as American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands, has a workers' compensation law. Federal workers' compensation laws have also been enacted, i.e., the District of Columbia Workers' Compensation Act, the Federal Employees' Compensation Act and the Longshore and Harbor Workers' Compensation Act - the latter providing for private and public employees in nationwide maritime work. Each of the Canadian provinces and territories has a compensation act or ordinance as well.

In essence, workers' compensation laws hold that industrial employers should assume costs of occupational disabilities without regard to any fault involved. Resulting economic losses are considered costs of production - chargeable, to the extent possible, as a price factor. The laws serve to relieve employers of liability from common-law suits involving negligence.

Six basic objectives underlie workers' compensation laws:

1. Provide sure, prompt and reasonable income and medical benefits to work-accident victims, or income benefits to their dependents, regardless of fault;
2. Provide a single remedy and reduce court delays, costs and workloads arising out of personal injury litigation;
3. Relieve public and private charities of financial drains — incident to uncompensated industrial accidents;
4. Eliminate payment of fees to lawyers and witnesses as well as time-consuming trials and appeals;
5. Encourage maximum employer interest in safety and rehabilitation through appropriate experience-rating mechanisms; and
6. Promote frank study of causes of accidents (rather than concealment of fault) — reducing preventable accidents and human suffering.

To what extent have the laws achieved their desired objectives? Answers to this question vary from state to state and depend on many factors, including the viewpoint of the appraiser.

However, a 1972 evaluation by the National Commission on State Workmen's Compensation Laws concluded that state laws were not living up to their potential, and the commission made 84 recommendations for the improvement of the system. Nineteen of these were labeled "essential." Despite this negative assessment, the Commission was convinced that workers' compensation is a fundamentally sound system and a valued institution in our industrial economy.

In January 1976, the policy group of the Inter-Agency Workers' Compensation Task Force, with members from several U.S. government departments and agencies, reported its findings on the need for reform of state workers' compensation programs. Essentially, the Task Force found existing programs must be reformed to bring about more effective management at the state level, with the federal government monitoring progress and providing technical assistance. The group felt that, without a reordering of priorities and a new mode of operation, workers' compensation would become more expensive, less equitable, and less effective. After completing its mission, the Task Force was merged with the Division of State Workers' Compensation Standards in the Office of Workers' Compensation Programs, U.S. Department of Labor.

The constructive criticism rendered by the Commission and the Task Force gave new impetus to the development and growth of workers' compensation laws, and these laws now enjoy a more prominent role within the social insurance system of the United States. The National Commission and the Task Force both rejected proposals to replace the various state programs with one federal program. Nevertheless, legislation has been introduced in the U.S. Congress for the past several years to give the federal government a direct role in the state systems by federally mandated "minimum standards." There has never been sufficient support for these bills to move them beyond the committee level.

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PART 1 — COVERAGE OF LAWS

A basic and oft-repeated objective of workers' compensation, where there is broad agreement, is that coverage under the acts should be virtually, if not completely, universal. For various historical, political, economic or administrative reasons, no state law covers all forms of employment.

To aid employers in delineating the employment coverage requirements, Charts I, II, and III outline the stipulations of the various jurisdictions.

Another basic objective for workers' compensation is to provide compensation for all work-related injuries and diseases. Note that workers' compensation does not seek to cover all worker health problems. To make this distinction, fairly uniform statutory definitions and tests have been adopted in each state. Typically the statute limits compensation benefits to 'personal injury caused by accidents arising out of and in the course of employment.'

Although the test is fairly uniform, its interpretation has not resulted in completely uniform coverage of injuries and diseases. Initially, this problem was remedied by providing coverage for specific occupational diseases. With advances in medical technology and increased exposures to a growing number of substances with a variety of physical stresses, it became impractical to define work-related diseases by specific enumeration. States have therefore amended their statutes to provide coverage of all occupational diseases. Chart IV portrays this shift in the laws, with every state and nearly every provincial law recognizing all occupational diseases.

Type of Law and Insurance Requirements (Chart I)

Compensation laws are *compulsory* or *elective*. Under an elective law, the employer may accept or reject the act, but if rejected the employer loses the three common-law defenses — contributory negligence, assumption of risk, and negligence of fellow employees. Practically, this means that all laws, in effect, are 'compulsory.' A compulsory law requires each employer within its scope to accept its provisions and provide for benefits specified.

Suits for Damages — Under workers' compensation acts, employers generally are exempted from damage suits. Where an employee rejects the act, and sues an employer who has accepted it, the employer usually retains the three common-law defenses. Conditions for rejection of the act often are so severe as to make the privilege virtually inoperative. In a few states, however, courts have created exceptions to the exclusive remedy rule under certain circumstances.

Security for Payment of Benefits — Most jurisdictions require employers to obtain insurance and prove financial ability to carry their own risk.

Chart I notes provisions relating to:

- ✓ Insurance requirements;
- ✓ Penalties for failure to insure; and
- ✓ Whether self-insurance or group self-insurance is permitted.

The U.S. Chamber of Commerce advocates that employers be permitted to buy private insurance if they so desire and that employers who qualify are allowed to be self-insurers. Chamber policy states:

> *'Insurance is an integral part of private enterprise. Insurance should not be regarded as a function to be carried on by the government, and insurance monopolies carried on by governmentally created entities should not be permitted.'*

Self-Insurers — Some large corporations prefer to assume liability for workers' compensation and avoid administrative costs associated with insurance policies.

Self-insurance operates best when an employer has a spread of risk so large that the employer may benefit from the law of numbers. It is necessary and desirable that self-insurers establish their own protective services. Also, the self-insurer may have to retain attorneys and doctors to handle problems incident to claims and medical and legal services.

Self-insurance is permitted in most U.S. states but none of the 3 U.S. territories covered, as shown in Chart I. Chart I also reflects those states that specifically authorize group self-insurance.

Employers may set up a reserve fund for self-insurance to pay compensation and other benefits under the workers' compensation acts of the states. Contrary to the treatment accorded in insurance premiums, amounts paid into this reserve fund are not always deductible from gross income as a business expense for income tax purposes. However, amounts paid out — as cash or medical benefits — are deductible. In many cases, insurance is purchased because such purchase can dispose of the item of expense and future cost in the current year.

Coverage of Laws (Chart II)

Virtually all industrial employment is covered by workers' compensation. Chart II shows this is in detail; it also indicates the extent of coverage for public employment.

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Some jurisdictions cover all private employment; others exempt those with less than a stipulated number of employees. Most jurisdictions specifically exclude certain employments. Due to the nature of the work, farm labor, domestic servants and casual employees are usually exempted. Most jurisdictions permit employees in an exempted class to be brought in voluntarily by the employer or the administrative agency order.

Many jurisdictions provide workers' compensation for all or certain classes of public employees.

Merchant marine and railroad workers in interstate commerce generally are not covered by workers' compensation acts and may seek damages under the Federal Employers' Liability Act.

Coverage of Minors (Chart III)

Minors are covered by workers' compensation. Some jurisdictions provide double compensation or added penalties — as shown in Chart III. In many states, minors also enjoy special legal protections. These are specifically noted for each state.

Coverage of Occupational Diseases (Chart IV)

Although workers' compensation laws initially had no specific provisions for occupational diseases, now all states recognize responsibility for them. Coverage extends to all diseases arising out of and in the course of employment. Most states do not provide compensation for a disease that is an 'ordinary disease of life' or which is not 'peculiar to or characteristic of' the employee's occupation.

Chart IV outlines provisions governing occupational disease in each jurisdiction. Generally, compensation is the same as for traumatic injuries (see Part II). Medical care is unlimited. A few states that do not provide permanent partial disability benefits for certain diseases are charted under the heading 'Compensation.'

Occupational diseases usually become evident during employment or soon after exposure. However, as with radiation disabilities, certain diseases may be latent for a considerable time. As Chart IV notes, most states have extended periods in which claims may be filed concerning latent, slowly developing occupational diseases.

Some states impose special restrictions regarding disability resulting from exposure to coal, dust, asbestos, silica or radiation. A number of states have established presumptions for police and fire fighters who have heart attacks or respiratory conditions, but no attempt is made to chart them.

Occupational Hearing Loss (Chart V)

The difficulty of distinguishing between work-related permanent hearing loss and loss of hearing caused by nonoccupational factors has resulted in enactment of special provisions in certain states, as shown in Chart V. Entries include the threshold for compensable loss of hearing, minimum exposure requirements and deductions for loss caused by aging (presbycusis).

Other Considerations

A. Accident Prevention — The encouragement of safety is another basic objective of workers' compensation. The effort to reduce the frequency and severity of work-related injuries is accomplished in at least two ways.

First, the workers' compensation program provides employers with preventive services, including safety engineering. This role is assumed by casualty insurance carriers, employers, state funds, and safety agencies. A second general role is to provide a monetary incentive to employers to improve their safety records. The insurance premium structure is a primary incentive for an improved safety record.

Costs of accident-prevention services are included in workers' compensation insurance premiums. Casualty insurance engineers help in setting up accident-prevention programs. Such programs contribute to lower insurance rates, increased production efficiency, and better use of manpower. Of course, the greatest benefit is the strong decrease in industrial accidents by the effective loss-prevention engineering methods.

B. Ratemaking Service Organizations — Premium rates for workers' compensation insurance are compiled scientifically. Accident experience throughout the U.S. business community is collected by data service organizations. Member companies of these organizations report expenses incurred under workers' compensation policies.

In states that follow the traditional process for establishing rates, the data organization prepares a statistical analysis that includes a manual rate. The manual rate incorporates factors that cover claims costs ('loss costs'), taxes and assessments, expenses, and profit. In other states, the statistical analysis prepared by the data organization typically includes only the portion of the rate that covers loss costs and taxes, and each insurer is individually responsible for preparing its own final rates. In these states, the statistical organization prepares a manual rate only for employers insured through an assigned risk pool or similar residual market mechanism. Whether a state uses a final rate or loss costs system, the statistical analysis based

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on collective activity is subject to review by each state's insurance regulatory authority to assure that rates are not excessive, inadequate, or unfairly discriminatory.

Once overall rates are established, they are applied under a uniform classification system that groups employers by the level of hazard associated with their type of employment. In addition, the uniform experience rating plan provides a price adjustment for each employer based on the actuarially predictive value of its own claims history. All but the smallest employers are subject to experience rating, which furnishes direct monetary incentive for safety and prompt re-employment. Most states also permit other forms of pricing adjustments, such as retrospective rating, deductible plans, discounts, and loss sensitive dividend plans.

Manuals prepared by data organizations are standard with all insurance companies writing business in each state where such organizations are licensed. These manuals set forth rules, procedures, and rates of loss costs applicable to workers' compensation insurance. Revised compensation rates and supporting data are filed annually with it; often, public hearings are held before rates are revised. All states now provide for rate regulation by state authority. In Canada, rates are in the form of an assessment — established by each provincial compensation board annually by class of risk. As set forth in these manuals, compensation rates are based on payroll. Usually only an estimated premium is collected when the policy is written. After the policy expires, a payroll audit is required. The actual premium is then figured and adjustments made.

C. Injuries Outside the Jurisdiction — Frequently, when a worker's occupation takes the worker into another jurisdiction, questions arise as to which law determines compensation payable. In effect, most compensation laws are extraterritorial — either by specific provisions or court decision. Answers depend on the provisions of the particular laws involved and require consideration of several circumstances — such as the place and nature of employment, place where the contract was made, employee's residence and employer's place of business.

D. Civil Defense and Other Volunteers — Many states have laws to compensate civil defense and other volunteer workers, such as fire fighters, injured in the line of duty. Attention is called to these laws, but no attempt is made to chart their provisions.

E. Black Lung Act — The federal Black Lung Act (Title IV of the federal Coal Mine Health and Safety Act of 1969, as amended in 1972, 1977, 1978 and 1981) provides benefits for total disability or death caused by respiratory illness attributable to coal mining (black lung disease). The Act is administered by the Division of Coal Mine Workers' Compensation in the U.S. Department of Labor's Office of Workers' Compensation Programs and by the Social Security Administration.

Monthly benefit rates for calendar year 2000 range from $487.00 to $974.70 in addition to annual cost-of living adjustments.

Approximately 6,000 claims are filed annually under the Act and the Administration manages over 81,000 claims of benefit recipients. Just under $460 million in benefits payments are made annually with 65,000 monthly benefit checks going to coal miners (or their eligible surviving dependents) who are totally disabled by pneumoconiosis (Black Lung Disease) due to their work in or around the nation's coal mines.

A Black Lung disability Trust Fund, financed by an excise tax on coal production, was set up by the 1978 amendments to pay claims when the last employment was prior to 1970 or where no responsible coal mine operator has been identified.

F. Social Security Disability — The federal Social Security Disability program pays benefits on behalf of disabled workers under age 65 whose disability is expected to last 12 months or result in death. A worker becomes eligible after a minimum period of employment covered by Social Security, measured in calendar quarters. There is a five-month waiting period.

Cash benefits are payable monthly based on wages in covered employment, plus allowances for spouse and children. In January 2000, the average monthly benefit was $754 for disabled workers, which includes a 2.4% Cost-of-living increase based on the Consumer Price Index from the third quarter of 1998 through the third quarter of 1999.

Benefits are paid out of the Disability Trust Fund, financed from the federal Social Security tax.

On October 25, 1999 the Social Security Administration revised the medical criteria for determination of disability according to 64FR 46122.

Combined Social Security disability and workers' compensation benefits may not exceed 80 percent of 'average current earnings' prior to disability. The Omnibus Budget Reconciliation Act of 1991 requires that Social Security disability benefits supplement workers' compensation unless state law provided for a reverse offset on or before February 18, 1981.

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Chart I — Type of Law and Insurance Requirements

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Alabama	Compulsory	Required	Individual and group	Fine of not less than $100 nor more than $1,000. Employer may be enjoined from doing business and liable to suit with defenses abrogated and double amount of compensation.
Alaska	Compulsory	Required	Permitted	Class B or C felony (up to 1 year imprisonment, $10,000 fine, or both). Board may enjoin use of labor. Employer liable to suit with defenses abrogated, and employer negligence presumed proximate cause of injury. Individuals in charge of corporation personally liable for compensation.
Arizona	Compulsory	Required	Individual and group	Employer liable to suit with defenses abrogated. $500 civil penalty plus a 10% penalty on all claim expenses. Award paid by Special Fund. Injunction against doing business in state.
Arkansas	Compulsory	Required	Individual and group[1]	Fine up to $10,000 or Class D Felony; employer liable to suit with defenses abrogated; Possibly enjoined from engaging in further employment.
California	Compulsory	Required	Individual and group	The failure to secure the payment of compensation, as required by one who knew, or because of his or her knowledge or experience should be reasonably expected to have known, of the obligation to secure the payment of compensation, is a misdemeanor punishable by imprisonment in the county jail for up to one year, or by a fine of up to ten thousand dollars ($10,000), or by both imprisonment and fine. Employer may be enjoined from doing business. Mandatory penalty upon issuance of stop order is $1,000 per employee. Failure to obey a stop order is a misdemeanor; penalty is up to $10,000, imprisonment up to 60 days, or both. $500 penalty for failure to respond to Director's inquiry. Upon final adjudication of a claim, the uninsured employer shall be assessed: (a) in noncompensable cases, $2000 per employee employed at the time of injury, or (b) in compensable cases, $10,000 per employee employed. The maximum shall be $100,000. Payments are credited to the Uninsured Employer Fund of the State Treasury.
Colorado	Compulsory	Required	Individual company and group	Compensation increased 50% or employer liable to suit with defenses abrogated (at option of employee). Employer may also be enjoined from doing business or fined up to $500 per day for failing to insure, not to exceed the annual premium.
Connecticut	Compulsory	Required	Permitted	Fine of not more than $50,000 for failure to insure. Employer may be enjoined from entering into any contracts of employment.
Delaware	Compulsory	Required	Individual and group	Fine of $1 per day per employee (minimum $25 per day); if default continues for 30 days employer may be enjoined from doing business. Employer liable to suit with defenses abrogated.
District of Columbia	Compulsory	Required	Permitted	Civil fine of not less than $1,000 and not more than $10,000.
Florida	Compulsory	Required	Individual and group[1]	Fine of $1,000 or twice the amount the employer would have paid during periods it illegally failed to secure coverage in the preceding 3–year period, whichever is greater. Failure to provide coverage is deemed an immediate and serious danger to public health, safety, or welfare sufficient to justify stop-work order issuance and $100 daily penalty until compliance is achieved. Subject to prosecution for third degree felony for knowingly failing to secure coverage if required.
Georgia	Compulsory	Required	Individual and group	Misdemeanor. Compensation may be increased 10% plus attorney's fees. Penalty up to $5,000 per violation.
Guam	Compulsory	Required	Not permitted	Uninsured employers may be sued at law or in admiralty. Insured employer liability is exclusive for contribution among joint tort feasors against the employer.
Hawaii	Compulsory	Required	Individual and group	$250 or $10 per employee per day during default, whichever is greater. Employer may be enjoined from doing business.
Idaho	Compulsory	Required	Permitted	Misdemeanor. Employer may be liable for penalty of $2 per day per employee or $25 per day, whichever is greater, for each day failure continues. May be enjoined from doing business. Additional penalties include $500 for the second violation and $1,000 for subsequent violations.
Illinois	Compulsory	Required	Individual and group	Fine up to $500 for each day's default, employer liable to suit.
Indiana	Compulsory	Required	Permitted[1]	Class A infraction — maximum fine $10,000. Uninsured employer may be liable for medical and legal expenses, plus double compensation and may be enjoined from doing business.
Iowa	Compulsory	Required	Individual and group	Employer liable to suit with defenses abrogated and presumption of negligence of employer. Employer is liable to penalty of up to $100 per day and may be enjoined for further noncompliance. A temporary or permanent writ of injunction may be ordered enjoining an employer from operating without insurance or self-insurance coverage.
Kansas	Compulsory	Required	Individual and group	Employer liable to suit. Penalty may be double the amount the premium would have been or $25,000, whichever is greater.

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Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Kentucky	Compulsory	Required	Individual and group	Failure to secure payment of compensation — claimant may claim compensation and bring action at law or in admiralty with employer's common law defenses abrogated. Employer may be enjoined from doing business. With respect to employers who fail to maintain workers' compensation insurance coverage on their employees, each employee of the employer and each day of noncompliance shall constitute a separate offense for purposes of determining the fine/penalty. Employer is subject to criminal penalty including a fine of $100 to $1,000 or imprisonment for 30 to 180 days or both.
Louisiana	Compulsory	Required	Individual and group	Compensation increased 50% and civil fine up to $10,000 ($250 for first offense and $500 for each additional employee). Employer may be enjoined from doing business. Willful failure to insure is a felony, and is subject to a criminal fine up to $10,000 and one year at hard labor. Willful misrepresentation is a felony subject to a criminal fine up to $10,000 and 10 years at hard labor.
Maine	Compulsory	Required	Individual and group	Employer liable for civil penalty of up to $10,000, or an amount equal to 108% of the premium, calculated using Maine Employers' Mutual Insurance Company's Standard Discounted Standard Premium, that should have been paid during the period the employer failed to secure coverage, whichever is larger, payable to Employment Rehabilitation Fund. Corporate employers subject to revocation or suspension of authority to do business. Class D crime. Employer liable to suit with defenses abrogated.
Maryland	Compulsory	Required	Individual and group[4]	Assessment against uninsured employers of at least $150 but not exceeding $500 and 15% of any award made in the claim not to exceed $2,500. Non-Insured Employer guilty of misdemeanor and upon conviction subject to fine not to exceed $5,000 or one year imprisonment or both. Employer also liable to suit and with defenses abrogated. Other insurer assessed to pay unpaid claims of insolvent insurer payable into Uninsured Employers Fund.
Massachusetts	Compulsory	Required	Individual and group	Fine of not more than $1,500 or imprisonment for not more than 1 year, or both; employer liable to suit with defenses abrogated. Civil penalties for failure to insure include: stop-work orders, debarred from state and municipal contracts, and a $100 per day fine for each day employer operates after stop-work order.
Michigan	Compulsory	Required	Individual and group	Fine of not more than $1,000 per day or imprisonment for not more than 6 months, or both; employer liable for damages.
Minnesota	Compulsory	Required	Individual and group	Penalty of up to $1,000 per employee per week during which the employer was not in compliance. Employer may be enjoined from further employment. Intentional noncompliance is a gross misdemeanor. Employer liable to suit with some defenses abrogated. Additional penalty of $2,000 is assessed if information reported to obtain business license or permit is false.
Mississippi	Compulsory	Required	Individual and group[5]	Fine up to $1,000 or 1 year imprisonment or both, civil penalty up to $10,000. Employer also liable to suit with defenses abrogated.
Missouri	Compulsory	Required[6]	Individual and group	Employer liable to suit with defenses abrogated. Worker may receive medical and/or death benefits out of Second Injury Fund and employer is liable for an amount equal to twice the annual estimated premium of employer or $25,000, whichever is greater. Failure to insure is a Class A misdemeanor, prosecution by the Attorney General. Policy is required to obtain a business license.
Montana	Compulsory	Required	Individual and group[7]	Employer enjoined from doing business. Double amount of unpaid premiums assessed as penalty (minimum $200). Employer liable for all benefits paid, or to be paid to injured worker. Employer automatically negligent if no coverage obtained. Penalties payable to Uninsured Employers' Fund.
Nebraska	Compulsory	Required	Permitted[8]	Employer liable to suit with defenses abrogated and may be subject to any one or more of the following: enjoinder from doing business in NE until compliance is secured; imprisonment for not one more than 1 year; penalty of not more than $1,000 for each violation. Each day of continued failure to secure payment of compensation constitutes a separate violation.
Nevada	Compulsory	Required	Individual & Group	An employer who fails to obtain or maintain coverage is liable to suit by the injured employee or his dependents; if the injured employee elects to be covered by the Uninsured Employers' Claim Fund, the employer is liable for claim costs, administrative fees, interest, attorney's fees and costs, and an 'administrative fine of not more than $10,000.' The employers business may be closed; employer is liable for a penalty equal to the premiums that would have been owed for the period of non-insurance but not to exceed 6 years and interest. A first offense is generally a misdemeanor; however, if an employee in the course and scope of employment suffers 'substantial bodily harm' or is killed during the period of non-coverage, it is a category C felony, punishable by imprisonment between 1 and 5 years and a fine

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Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Nevada, cont.				between $1,000 and $50,000. A second failure to provide or maintain insurance coverage is a category C felony.
New Hampshire	Compulsory	Required	Individual and group	Penalty of $2,500 plus $100 per employee per day. Employer may be enjoined from doing business and injured worker may sue for damages. Employer shall be guilty of a misdemeanor.
New Jersey	Elective[9]	Required	Permitted	Uninsured employers are subject to a disorderly person's offense, an initial penalty of $1,000 as well as an assessment of 15% of any award, of which the amount of the assessment is not to exceed $5,000. Willful failure to provide insurance is a crime of the fourth-degree. An assessment of $1,000 may be imposed for every 10–day period that insurance is not provided.
New Mexico	Compulsory	Required	Individual, group, and pools[10]	Employer may be enjoined from doing business and fined up to $1,000 for each instance of non-compliance.
New York	Compulsory	Required	Individual and group	Fine of $500 to $2,500 or imprisonment for up to 1 year, or both, with fines to $7,500 for repeated offenses. Employer liable to suit with certain special defenses abrogated. Additional fine of $250 for each 10–day period of no coverage, or a sum not to exceed 2% of payroll for period of no coverage.[11]
North Carolina	Compulsory	Required	Individual and group[12]	Misdemeanor punishable by penalty of $1,00 per day per employee (maximum $100, minimum $50 per day), imprisonment, or both. Employer liable to suit with common law defenses abrogated.
North Dakota	Compulsory	Required in state fund	Not permitted	Class A Misdemeanor. If the difference is more than $500 it is a class C felony. $2,000 fine plus 10 times the difference between premium paid & amount that should have been paid. Uninsured employer liable for damages for injuries or death and cannot avail himself/herself of common law defense. Employer may be enjoined from employing uninsured workers.
Ohio	Compulsory	Required in state fund	Permitted	Minor misdemeanor — fine up to $100. If willful, second-degree misdemeanor — fine up to $750, imprisonment up to 90 days, or both. Employer may be enjoined from doing business. Employer is also liable to suit with defenses abrogated.
Oklahoma	Compulsory	Required	Individual and group	Civil penalties are a fine up to $250 per employee for first offense, up to $1,000 per employee for second offense, with the maximum fine for all violations being $10,000. Criminal penalty is conviction of misdemeanor subject to a fine of not more than $1,000 or up to 6 months in jail, or both. The Commissioner of Labor can issue cease-and-desist order against an employer who is cited for 2 offenses of failing to obtain workers' compensation insurance.
Oregon	Compulsory	Required	Individual and group	Employer is liable to suit with defenses abrogated. Enjoined from hiring workers. Liable for payment of all claims plus administrative costs. Minimum fine of $1,000 for first violation or twice the amount of premium evaded, whichever is greater; to $250 per day for subsequent violations; additional fines to $5,000 based on extent of injury.
Pennsylvania	Compulsory	Required	Permitted	It is a third-degree misdemeanor offense for an employer not to carry workers' compensation insurance. Fines of up to $2,500 and/or one year in prison for each day of non-coverage can be imposed for noncompliance with the law. If the failure to insure is intentional, the offense is considered a third degree felony with fines of up to $15,000 and 7 years in prison. Any party may file a criminal complaint against an uninsured party with the county district attorney's office.
Puerto Rico	Compulsory	Required in territorial fund	Not permitted	Misdemeanor, fine of $1,000 maximum, or imprisonment for not more than 6 months, or both. Employer liable to suit with defenses abrogated. Penalty 30% of compensation (minimum $10.00). Detention of construction work.
Rhode Island	Compulsory	Required	Individual and group	Misdemeanor. Fine of $500 to $1,000 per day of noncompliance and/or imprisonment for one year. Corporate officers liable personally.
South Carolina	Compulsory	Required	Individual and group	If employer fails to insure, fine of 10 cents per day per employee (maximum $50, minimum $1 per day). Employer liable to suit with defenses abrogated. Willful failure to insure is misdemeanor punishable by fine of $100 to $1,000, or imprisonment of 30 days to 6 months, or both.
South Dakota	Compulsory	Required	Individual	Employer liable to suit for damages or double compensation and medical care as benefits.
Texas	Compulsory	Required	Individual and group	Administrative fine of $5,000 for every 30 days of willful refusal and noncompliance. Employers may be penalized 25% of medical costs in cases of bad faith failure or late payments.
Texas	Elective[13]	Required[14]	Permitted[15]	Employer liable to suit with defenses abrogated.

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Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Utah	Compulsory	Required	Permitted	Fine of not more than 3 times the premium employer would have paid during period of noncompliance. Employer liable to suit with defenses abrogated. Costs and attorney's fees in civil suit. Employers and officers guilty of a misdemeanor. Employer liable for all compensation paid from Uninsured Employers' Fund plus interest, costs, and attorney's fees.
Vermont	Compulsory	Required	Permitted	Failure to secure compensation — fine up to $50 per day, up to a maximum of $1,500. Fine increases to $150 per day 5 days after notice by Commissioner.
Virgin Islands	Compulsory	Required in territorial fund	Not permitted	Employer liable for compensation and expenses plus penalty equal to 30% of compensation and expenses. Employer liable to suit with defenses abrogated. Fine up to $500 or imprisonment up to 6 months, or both. Interest on premiums in default. Employer may be enjoined from doing business.
Virginia	Compulsory	Required	Individual and group	Civil penalties of $500 to $5,000. Employer liable to suit with certain defenses abrogated and may be enjoined from doing business. Intentionally uninsured employer commits Class 2 misdemeanor.
Washington	Compulsory	Required in state fund	Permitted[16]	Guilty of Class C felony if willful and with intent to evade. Civil penalties of $500 to $5,000; 50% to 100% of claim costs plus $500, or twice the unpaid premium, whichever is greater.
West Virginia	Compulsory	Mandated state fund	Permitted through state fund approval	Employer liable to suit with defenses abrogated; all past premium taxes, interest and penalties may be enjoined from doing business in the state; Willing failure or false reporting is a felony with imprisonment up to 10 years and fine of $2,500 to $10,000.
Wisconsin	Compulsory	Required	Permitted	Fine of twice the amount of premium not paid during an uninsured time period or $750, whichever is greater. Under certain circumstances, an employer can be subject to a penalty of $100 for each day that he/she is uninsured up to 7 days. Employer may be restrained from doing business pending compliance. Employer is liable for all benefits awarded on uninsured claims.
Wyoming	Compulsory[17]	Required	Permitted if work is determined to not be extra-hazardous[17]	Fine of not more than $750 for first conviction; fine of not more than $10,000 for second conviction or subsequent convictions, plus .02% interest per month or $50 per month, whichever is greater, on unpaid balance. Employer may be enjoined from doing business and liable to suit with defenses abrogated.
FECA	Compulsory	Federal appropriation		
Longshore Act	Compulsory	Required	Not permitted	Fine of not more than $10,000 or 1 year in prison, or both, for each Corporate Officer, for failure to secure payment of compensation.
Alberta	Compulsory	Required in provincial fund	Not permitted	Failure to furnish required security, Board may order employer to cease employment; fine up to $200 daily for violation. Penalty of 10% of assessment plus up to half of compensation payable to a maximum of $500.00 for failure to submit statement of wages. Up to 24% penalty per annum for failure to pay assessment. Board certificate has same effect as court judgement; employer's goods may be seized.
British Columbia	Compulsory	Required in provincial fund	Not permitted	Penalty of 8% of amount due, plus 1% per month thereafter, plus full amount or capitalized value of compensation payable, which can be relieved in whole or in part if default was excusable. Minimum penalty $25.00. May be liable for retroactive assessment and total costs of injury that occurred prior to registration.
Manitoba	Compulsory	Required in provincial fund	Permitted[18]	Penalty for late filing of payroll return is 5% of employer's assessment; penalty for failure to submit return is 10% of employer's assessment. Inaccurate reporting may result in a penalty of 15% of the difference between the amount reported by the employer and the amount determined by the Board. In all cases, maximum penalty is $5,000.
New Brunswick	Compulsory	Required in provincial fund[19]	Permitted for Federal and Provincial Crown	Failure to submit statement of wages: employer liable for assessment backdated to mandatory coverage date plus maximum penalty of $500; Late filing penalty, 5% if received prior to April 15th and 10% afterwards, to a maximum of $500 in each industry; failure to pay assessment, employer liable for compensation payable plus interest and costs of collection.
Newfoundland	Compulsory	Required in provincial fund	Permitted with agreement of Commission	Maximum penalty $2,000 for failure to submit statement of wages. Failure to pay assessment results in assessment plus costs of collection and a percentage penalty. Employer may be held liable for costs of claims or injuries during period of default.
Northwest Territories	Compulsory	Required in territorial fund		Failure to submit statement of wages or to pay assessment — employer liable for compensation payable and assessment plus percentage of assessment as penalty established by Board or regulations.

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Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Nova Scotia	Compulsory	Required in provincial fund	Permitted for provincial crown	Coverage backdated and penalty charged on outstanding assessment equal to 10% of assessment owed. If employer registers as a result of filing a claim, the cost of the claim will be charged
Nunavut	Compulsory	Required in territorial fund		Failure to submit statement of wages or to pay assessment — employer liable for compensation payable and assessment plus percentage of assessment as penalty established by Board or regulations.
Ontario	Compulsory	Required in provincial fund	Permitted[20]	Failure to submit statement of wages upon commencing operations and at other required times — penalty plus liability for additional percentage of assessment and costs of claim at discretion of Board.
Prince Edward Island	Compulsory	Required in provincial fund	Permitted for Federal and Province Government	$100/week that the return payment or report is not made. Failure to pay assessment — employer may be prevented from operating.
Québec	Compulsory	Required in provincial fund	Not permitted[21]	Failure to submit statement of wages following the opening of the file with the Board or at other specified times will cause the interests to be calculated and charged to the concerned employer.
Saskatchewan	Compulsory	Required in provincial fund	Not permitted	Failure to submit statements of wages upon commencing operations or at other required times — maximum fine $1,000. Also liable to pay an additional percent of the assessment as penalty or interest on the amount of assessment as fixed by the Board.
Yukon Territory	Compulsory[22]	Required in territorial fund	Not permitted	The maximum fine is $5000 or six months imprisonment or both. The employer may also be prevented from operating
Canadian Merchant Seaman's Act	Compulsory	Required	At discretion of Board	Failure to insure or cover by other means satisfactory to the Board may cause ship to be detained by Customs.

Notes

[1]Arkansas — Municipalities with population of more than 70,000 may self-insure on individual or group basis.

[2]Florida — Application for workers' compensation coverage under a group self-insurance fund must contain the following statement: 'This is a fully assessable policy. If the fund is unable to pay its obligations, policyholders must contribute on a pro rata earned premium basis the money necessary to meet any unfilled obligations.'

[3]Indiana — Except as to state and political subdivisions, banks, trust companies, and savings and loan associations. These entities are self-insured by statute.

[4]Maryland — Eligibility for group self-insurance is limited to counties, municipalities, Board of Education, Community Colleges, and certain private employers.

[5]Mississippi — All self-insurers must be members of the Mississippi Workers' Compensation Self-Insurer Guaranty Association.

[6]Missouri — Employers engaged in mining must insure only to the extent of maximum liability for 10 deaths in any one accident.

[7]Montana — Private employers and public entities, other than state agencies, may establish individual or group self-insurance funds.

[8]Nebraska — Group self-insurance permitted for any two or more public agencies.

[9]New Jersey — Statutory presumption of compulsory inclusion in every contract of hire since July 4, 1911. Coverage may be terminated by either party upon sixty (60) days notice in writing prior to any accident. Permits ten (10) or more employers licensed by the State as hospitals to group self-insure.

[10]New Mexico — Group means a not-for-profit unincorporated association consisting of two or more public hospital employers or private employers, which are engaged in the same or similar type of business as defined by the NM Workers' Compensation Administration Rules. See NMSA 52-6-2B.

[11]New York — President, secretary and treasurer of a corporation are criminally liable for their failure to obtain coverage and are personally liable for penalties. Corporate officer who failed to obtain insurance is ineligible for benefits out of Uninsured Employers' Fund for self, surviving spouse, or dependents.

[12]North Carolina — All individual and group self-insurers must be members of North Carolina Self-Insurance Guaranty Association as a condition of authority to self-insure.

[13]Texas — Coverage is mandatory for Carriers (Article 911–A, Sec. II, Motor Bus Transportation and Regulations by the Railroad Commission).

[14]Texas — If employer accepts.

[15]Texas — Except for state and political subdivisions. Self-insurance is permitted upon Commission's approval of each inquiry.

[16]Washington — Group self-insurance permitted for school districts and hospitals.

[17]Wyoming — Coverage is compulsory for 'extra-hazardous' industries and occupations only. Private insurers allowed to write coverage for industries and occupations not considered extra hazardous, however, only state fund allowed to provide immunity to lawsuit by injured workers.

[18]Manitoba — Employers or industries included in Classes A, B, C, or D are permitted to self-insure. Self-insurers include employers or industries such as railways, provincial and federal governments, an airline and the largest municipality.

[19]New Brunswick — Subject to approval of Lt. Gov.-in-Council, Board may make arrangement for insurance or reinsurance.

[20]Ontario — Employers defined as Schedule 2 employers under the Ontario Workplace Safety and Insurance Act are self-insured.

[21]Québec — Permitted only for employer operating an interprovincial or international railway transport or shipping firm, under the special provisions for employers held personally responsible for the payment of benefits.

[22]Yukon Territory — The Yukon legislation changed as of April 1, 2000.

[23]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

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Chart II — Coverage of Laws

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Alabama	Compulsory as to employers of 5 or more. Elective as to partners or sole proprietors. Corporate officers may reject.	Compulsory as to all public employments except municipalities with a population of less than 2,000. Certain school systems and institutions covered.[3]	Domestic servants and casual employees, owner/operator or leased operator of common carriers engaged in interstate commerce, farm laborers, U.S. and State government.	Voluntary for employers of less than 5, including farmers and volunteer fire departments.[4]
Alaska	Compulsory as to most employment. Officers of a for-profit corporation may elect to waive coverage. Sole proprietors, partners and executive officers of non-profit organizations are not covered but may choose to buy coverage.	Compulsory as to state and political subdivisions, members of state boards and commissions, members of state-organized militia, and volunteer medical technicians. Voluntary as to executive officers of municipal corporations.	Part-time baby sitters, cleaning persons, harvest help, or similar transient help; entertainers and certain sports officials employed on contractual basis; commercial fishers; and certain taxicab drivers.	Executive Officers of a charitable, religious, educational, or other nonprofit corporations may elect not to be covered.
Arizona	Compulsory as to all employments. Elective for working partners. Employee may reject.	Compulsory as to state, counties, cities, towns, municipal corporations, school districts and volunteers enumerated by statute.	Domestic servants, casual employees and real estate licensees.	Voluntary as to sole proprietors and employers of domestic servants. Motion picture business employers and employees may be exempted from law provided equal benefits are provided by insurance in domicile state.
Arkansas	Compulsory as to employers of 3 or more. Elective as to partners or sole proprietors.	Compulsory as to state agencies, departments, institutions, counties, and cities and towns. Excludes workfare recipients, and incarcerated prisoners doing work for cities, counties, or the state.	Farm laborers; domestic servants; casual workers; non-profit religions, charitable or relief organizations; vendors or distributors of newspapers, other publications; qualified real estate agents; and individuals with certificate of non-coverage.	Voluntary as to excepted employments. Compulsory for employments in which 2 or more employees are engaged in building or building repair work; in which 1 or more employees of a contractor who subcontracts any part of a contract; and in which 1 or more employees is employed by a subcontractor.
California	Compulsory as to all employments. Elective for working members of a partnership and for working officers and directors of a private corporation who are sole shareholders.	Compulsory as to all public employments except clerks and deputies serving without remuneration, and to regional occupational centers, programs or school districts offering training to pupils outside attendance area as to enrolled pupils.	Charity workers and volunteer member workers at camps, etc., operated by non-profit organizations; employer-sponsored bowling teams; domestics who work less than 52 hours during preceding 90 days or earn less than $100; students in sport events (excludes amateur athletic participants who are not employees).	Voluntary as to excepted employments and sponsoring agencies of Economic Opportunity Programs. Employer not liable for injury due to off-duty recreational, social, or athletic activity not part of work-related duties. Student apprenticeship programs registered by the Division of Apprenticeship Standards of the Department of Industrial Relations are considered employers of registered student apprentices. Volunteers for State agencies involved in disaster preparedness for the year 2000 are deemed disaster service workers for the purpose of the Workers' Compensation Act.
Colorado	Compulsory as to all employments. Corporate officer or member of a Limited Liability Company who is 10% shareholder may reject coverage. Elective as to working general partners or sole proprietor.	Volunteers in members of most localities are covered if locality adopts a resolution stating they are covered. Compulsory as to all salaried public employments. Job trainees deemed employees of training institution.	Part-time domestic workers;[4] casual farm and ranch employers expending less than $2,000 per year. Volunteer ski patrol and instructors; independent real estate salespersons and brokers, and independent truckers.	All farm laborers covered. Officers of farm corporation may reject coverage.
Connecticut	Compulsory as to all employments. Corporate officer may reject. Elective as to sole proprietors or partners.	Compulsory as to all state, public corporations, and members of General Assembly. Municipalities may elect coverage of elected and appointed officials, police, and fire fighters.	Casual employees, outworkers, domestics employed less than 26 hours weekly, officers of fraternal organizations paid less than $100 per year.	Voluntary as to excluded employments.
Delaware	Compulsory as to all employments. Up to 8 Corporate officers/stockholders may reject. Sole proprietors, partners, or members of their immediate families may elect coverage.	Elective as to state and certain counties, cities, and towns.	Domestic servants; casual employees earning less than $750.00 in 3 months from 1 household; farm laborers.	Elective as to licensed real estate brokers.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
District of Columbia	Compulsory as to all employments.	Separate act is compulsory for all public employments, except officers or employees of the United States, state or foreign government and uniformed D.C. police or fire fighters.	Farm laborers, casual employees, master or crew of any vessel, and employees of common carrier by railroad in interstate commerce and commission real estate brokers and salespersons.[6]	Domestic workers covered if employer employs 1 or more for 240 hours or more in a calendar quarter. Act applies to injuries occurring outside of D.C. if the employment is principally localized in D.C.
Florida	Compulsory as to employers of 4 or more, 1 or more in construction or construction-related trades. Elective as to corporate officers, partners and sole proprietors, but officers of a construction, construction-related company, or partners of a partnership may elect exemption from coverage for up to 3 officers.	Compulsory as to state and political subdivisions (includes volunteers), except elected officials.	Domestic servants, casual employees, 12 or fewer casual or 5 or fewer regular farm laborers, professional athletes, owner/operator of a motor vehicle who is under written contract with a motor carrier and assumes all responsibility for carrying out that contract, and volunteers (except government entities but including volunteer fire fighters).	Voluntary as to excepted employments. Excludes real estate salespersons solely on commission. Numerical exemption is applicable to employees of subcontractors. When a contractor sublets part of his contract, the contractor is responsible for securing and paying coverage for subcontractor.
Georgia	Compulsory as to all employers of 3 or more. Elective as to executive officers, sole proprietors of farm employers.	Compulsory as to state, county, municipal corporations, and political subdivisions including school districts. Voluntary as to planning commissions.	Farm laborers, domestic servants, employees of common carriers by railroad, casual laborers and licensed real estate salespersons and brokers.	Voluntary as to excepted employments.
Guam	Compulsory as to all industrial employments.[9]	Compulsory as to paid and voluntary work done for Government of Guam or any political subdivision.	Casual laborers and members of Territorial Board of Education.	All contracts of hire in the Territory for work outside the Territory are presumed to allow remedies under the Guam Workers' Compensation Law.
Hawaii	Compulsory as to all industrial employments.[10] Compulsory as to all out-of-state employers who work in the state.	Compulsory as to all public officials elected or appointed. Covers public board members.	Volunteers of religious, charitable or nonprofit organizations. Domestics who earn less than $225 during each quarter in the preceding year. Unpaid corporate officers with 25% plus shares of corporation with no employees. Individual with 50% or more shares of corporation. Real estate salesperson performed services for others and compensated solely by way of commission.	Voluntary as to employments not defined as industrial.
Idaho	Compulsory as to all employments unless specifically exempted.	Compulsory as to all public employments except officials at secondary school athletic contests. Members of Idaho National Guard are covered under state law if not covered under federal law.	Domestic and casual workers; Parents, children, or grandchildren of sole proprietor and spouse[11]; Sole proprietor and indwelling household members; Non-pecuniary gain, partners, members of limited liability company; Corporate officers[12]; Employment covered under federal law; Pilots of agricultural spraying planes; Real estate brokers paid entirely on commission; Volunteer ski patrollers and officials of athletic contests involving secondary schools.	Employees within state who work for employers domiciled in another state are covered. Credit is provided for benefits paid to employees under the law of other states.
Indiana	Compulsory as to enumerated extra-hazardous employments (including occupational diseases).	Compulsory as to all public employments except members of fire and police departments in cities over 200,000 population (such fire fighters covered to extent of burn-related disbursements).[13]	Certain farm laborers, domestics, and persons not in usual course of employer's business; real estate brokers and salespersons paid by commission only.	Voluntary as to excluded employments.[14] Corporate officers of any domestic or foreign corporation may elect to withdraw from coverage. Partners and sole proprietors may opt out. A member of a limited liability company may elect to withdraw from the Act.
Indiana	Compulsory as to all employments including corporate officers. Elective as to sole proprietors, partners, and members/managers of limited liability companies.	Compulsory as to state, municipal corporations, and political subdivisions; includes state legislators, and elected and appointed officials. Volunteers working as authorized emergency management workers, volunteers working	Farm laborers, domestic servants, casual workers, railroad workers, and licensed real estate professionals.[15]	Compulsory as to coal mining and for students in cooperative education.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Indiana, cont.		for hazardous materials response teams and police reserves may be covered.		
Iowa	Compulsory as to all employments but up to 4 corporate officers may reject. Elective for proprietors and working partners.	Compulsory as to all public employments, except firefighters and police officers entitled to pension fund. Covers highway safety patrol officers, conservation officers, criminal defendants while performing unpaid community service or other services and agricultural workers at state universities.	Domestic and casual workers earning less than $1,500 in the 12 consecutive months preceding an injury; farm laborers, if employer payroll under $2,500 per year.	Voluntary as to excepted employments. Persons receiving employment training or evaluations in an approved facility are covered for PP or PT disabilities. Under certain conditions, truck owner/operators and real estate agents are considered independent contractors and are required to maintain own coverage.
Kansas	Compulsory as to all employments, including corporate executive officers. Elective as to partners, individuals, or self-employed.	Compulsory as to all public employments. Members of fire fighter's relief associations may elect to accept or reject coverage. Public agencies or entities may elect coverage for persons sentenced to community service.	Farm labor or any employer whose gross annual payroll is not more than $20,000; real estate brokers and real estate salespersons on commission.	Compulsory as to charitable institutions. Voluntary as to excluded employments. Labor unions and associations may elect coverage for their members who perform services and are not full-time employees.
Kentucky	Compulsory as to all employments, including corporate executives. Elective as to owner of business or partner. Worker may reject voluntarily prior to injury.	Compulsory as to state and political subdivisions, including elected and appointed state officials, employees of the General Assembly and volunteer ambulance, fire, and police personnel.	Domestic servants if employer employs fewer than 2, each regularly employed 40 hours a week; casual workers employed less than 20 consecutive work days; agricultural laborers; worker for charitable or religious organization in return for aid or sustenance; and parucipant in carpool to and from work. Exemption from Workers' Compensation Act for members of any religious group conscientiously opposed to acceptance of public or private death, retirement, disability, medical expense payments, including social security, and which group has for more than 10 years made provisions for its dependents members.	Specifically covers newspaper carriers and members of volunteer ambulance service, fire or police department. Voluntary as to excluded employments.
Louisiana	Compulsory as to all employments, including corporate executives. Corporate officers who are 10% shareholders, partners, and sole proprietors may reject.	Compulsory as to all public employments, except sheriffs' deputies and officials. Subdivisions may cover elective and appointive officials. Coverage for volunteer firefighters is not mandatory, but elective.	Crews of crop spraying aircraft while acting as contractors, or employees of persons principally engaged in agriculture; real estate brokers and salespersons; domestic workers; and certain farm workers.	Excludes officers of nonprofit charitable, fraternal, cultural, or religious corporations or associations.
Maine	Compulsory as to all employments, including corporate executive officers. Corporate officers who are 20% shareholders may reject. Elective as to self-employed persons or partners. Except for persons engaged in wood harvesting.	Compulsory as to state, counties, cities, towns, and quasi-municipal corporations. Includes fire fighters, police, volunteer fire fighters, and emergency medical service personnel.	Domestic workers, seasonal or casual agricultural or aquacultural employees.[18] Part-time employee in interstate or foreign commerce. Commission-paid real estate salesperson or broker.[18] Independent contractor. Employee harvesting 150 cords of wood from farm wood lot. Voluntary participant in employer sponsored athletic event. Elected or appointed executive officers of a charitable, religious, educational, or other nonprofit corporation.[18]	Voluntary as to excluded employments. Parent, spouse, or child of sole proprietor, partner or corporate officer who is a 20% shareholder, or shareholders of a professional corporation may reject coverage. Except for persons engaged in wood harvesting.
Maryland	Compulsory as to all employments, including corporate officers. Elective as to partners or sole proprietors. Corporate officers with 75% of income from farm operations and who are 20% shareholders may elect to be	Compulsory as to state, counties, cities, and their Agencies; paid fire fighters in certain counties; prisoners working for county roads boards; forest wardens; jockeys;[19] crewpersons and fire fighters for Department of Forest	Domestic workers who earn less than $750 in cash in a calendar quarter from a household; certain maintenance workers not employed for 30 consecutive days around a private home; seasonal, migratory farm laborers	Voluntary as to excluded employments. Officers of close corporation may reject. Small employers of farm laborers may be insured under a group policy. Certain volunteer fire fighters and paramedics may be covered.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Maryland, cont.	exempt. Officers owning 20% or more of a professional services corporation and performing professional services for that corporation can elect to be exempt. Additional officers of a statutory close corporation and of a Limited Liability Company with 20% profit interest may be elect to be exempt.	and Parks; jurors for non-federal courts; including the state militia during both training and active duty.	within 25 miles of residence who work no more than 13 weeks a year and who do not operate machinery or equipment; farmers who employ fewer than 3, or have a full-time payroll less than $15,000; commission-paid real estate salesperson or broker. Also, independent contractors and owner/operators of Class F tractors who are under agreement with a motor carrier.	
Mass.	Compulsory as to all employments.	Compulsory as to state; elective as to counties, cities and districts having power of taxation. Municipalities required indemnifying police and fire fighters. Cities and towns may cover certain elected or appointed officials.	Masters and seamen in interstate commerce covered by federal law; athletes whose contracts provide wages during job disability; commission-paid salespersons; independent taxi drivers.	Elective for domestic servants working less than 16 hours per week.
Michigan	Compulsory as to all employers of 3 or more, or less than 3 if 1 is employed for 35 hours per week for 13 weeks by same employer.[20]	Compulsory as to all public employments. Trainees in federally funded training program deemed employees of sponsoring public entity.	Professional athletes whose AWW is more than 200% of the statewide AWW; domestic servants who work less than 35 hours a week for 13 weeks a year; licensed real estate salesperson.	Voluntary as to employer of 2 or less, and domestic service. Family members may be excluded by endorsement.
Minnesota	Compulsory to most employments. Elective as to family farms. Elective as to the following and their families), if there are not other employees: partners, some officers of some closely held corporations, and some managers of some limited liability companies.	Compulsory as to all public employments. Separate subdivision concerning elective and appointed officials of government.	Household workers who earn under $1,000 per 3 months from 1 private household; family farms with prior annual farm labor payroll under $8,000;[21] railroad workers covered by federal law; nonprofit corporations with annual payroll under $1,000; certain casual labor not in the course of employer business.[22]	Specifically covers voluntary first responders and members of law enforcement assistance organizations, and voluntary civil air patrol members rendering service under supervision and authority of the state or its political subdivisions.
Mississippi	Compulsory as to all employers of 5 or more. Corporate officers may reject. Sole proprietor, partner or any employee owning 15% or more stock may reject.	Compulsory as to all public employments, including subdivisions of the state. Specifically excludes handicapped in state sheltered workshop programs.	Domestic servants; farmers; farm laborers; newspaper distributors; nonprofit charitable fraternal, cultural, or religious corporations or associations; and independent contractors.	Voluntary as to exempted employers.
Missouri	Compulsory as to all employers of 5 or more. Elective for partners and sole proprietors. Compulsory as to construction industry employers of 1 or more employees.[23]	Compulsory as to all public employments, including elected and appointed state officials; contractors of a public corporation, state militia, sheriffs and deputy sheriffs. Compulsory for workers on state welfare projects under Federal Economic Opportunity Act.	Farm laborers, domestic servants, occasional labor for private household and qualified real estate agents; members of employer's family by marriage or consanguinity; inmates confined to a state prison, penitentiary, county or municipal jail; residents of mental health facilities; unpaid volunteers of a tax-exempt organization; interscholastic and other youth programs; sports officials and contest workers.	Voluntary as to exempt employments, employers of less than 5 employees, and salaried officers of Missouri farm corporations.
Montana	Compulsory as to all employments. Elective as to partners, sole proprietors or members of member managed limited liability companies. Elective for corporate officers who are 20% or more shareholders.	Compulsory as to all public employments, including public contractors and volunteer rescue workers.	Domestic and casual employment; employers covered by federal law; Person performing services for aid and sustenance only; Officials at amateur athletic events; Real estate brokers and salespersons; Direct sellers of consumer goods; Newspaper carriers and freelance correspondents; Cosmetologists, and barbers; Sole proprietors, working partners, or working members of a member-managed liability company; Employment with a	Coverage is mandatory for partner or sole proprietor who is independent contractor, but may apply for personal exemption. Voluntary as to exempt employments.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Montana, cont.			railroad engaged in interstate commerce; tribal members; Racing jockeys; employer's spouse if exempted under 26 USC 7703; petroleum land professionals; Corporate officers.	
Nebraska	Compulsory as to all employments. Corporate officers who are 25% shareholders may waive coverage. Elective as to proprietors, partners, self-employed, executive officer or limited liability company member of a Nebraska non-profit corporation who receives annual compensation of $1,000 or less.	Compulsory as to all employments, including officials — elected or appointed — for fixed terms.	Farm laborers and domestic servants.	Voluntary as to farm labor and domestic service.
Nevada	Compulsory as to all employment. Elective as to sole proprietors and partners. Non-paid corporate may elect to reject coverage. Elective coverage is available for non-paid family member and all statutorily excluded employment.	Compulsory as to all employment, including public contractors. Also includes unpaid members of state departments, boards, commissions, agencies, or bureaus appointed by a statutory authority; members of local bands and orchestras.	[24]Excluded coverage by statute: Farm labor; domestic servants; casual employees; employees engaged without pay in employer's social or athletic events; persons selling or soliciting products in person or by telephone; voluntary ski patrol; any clergy, rabbi or lay reader; stage entertainer; and real estate licensees.	[25]Voluntary as to exempt employments. Coverage is mandatory for certain statutorily identified paid or non-paid employees or volunteers. Injured employee may elect compensation if mandated employer is uninsured. Exemption for an employee temporarily in the state if that state has reciprocity with Nevada.
New Hampshire	Compulsory as to all employments. First 3 corporate officers not counted as employees. Elective as to partners and sole proprietors.	Compulsory as to all public employments.	Railroad workers covered under F.E.L.A. (Jones Act).	
New Jersey	Statutory presumption of election as to all employments.	Compulsory as to all public employments.	Casual workers, maritime workers, and railroad workers engaged in interstate commerce.	Elective as to sole proprietors/ self-employed persons and partners in a general partnership as well as certain volunteers specifically designated by statute.
New Mexico	Compulsory as to employers of 3 or more. Corporate officers who are 10% shareholders may reject, but are still considered employees for determination of coverage. Elective as to partner or self-employed. All employers licensed under the Construction Industries Licensing Act must secure coverage regardless of number of employees.	Compulsory as to state, counties, cities and towns; drainage, irrigation, conservancy, or school districts; public institution or administrative boards; includes elected or appointed officials.	Farm or ranch laborers, domestic servants, casual employees, and real estate sales persons.	Voluntary as to farm labor, domestic service, and where less than 3 are employed. Compulsory for charitable organizations employing more than 3 workers.
New York	Compulsory as to all employments. Elective as to partner or self-employed, sole shareholder/ officer and 2 sole shareholders/ officers.[27]	Compulsory as to state and subdivisions when worker is engaged in hazardous occupations enumerated. Covers school aides and public school teachers in districts outside New York City. Voluntary as to municipal corporations in non-hazardous employments.	Farm labor if payroll during prior year was less than $1,200; volunteer workers; domestic worker not employed by same employer at least 40 hours per week; teacher or non-manual laborer for religious, charitable, or educational institution; certain real estate salespersons, sole shareholder officer and 2 shareholders/ officers who have no other employees; baby-sitters under 18; and casual employment or repairs in or about a one-family owner occupied residence.	Voluntary as to exempt employments and for certain employment in fulfillment of probationary sentence. Jockeys covered by the NY Jockey Injury Compensation Fund.
North Carolina	Compulsory as to all employers of 3 or more and all employments with exposure to radiation. Corporate officers count toward total number of employees but may reject. Elective as to partner or sole proprietor.	Compulsory as to public employments, public and quasi-public corporations, and elective officials.	Farm laborers, domestic servants, casual workers, railroad workers, voluntary ski patrol persons, individual sawmill or logging operators with fewer than 10 employees who operate less than 60 days over a 6-month period.	Voluntary as to casual employees, domestic servants, and employers of fewer than 3 employees. Compulsory as to agricultural employer with 10 or more full-time non-seasonal workers. Contractor must certify that their subcontractor has secured compensation.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Employment[1] covered: Public	Exceptions[2]	Special Coverage Provisions
North Carolina, cont.				If subcontractor has no employees, they may waive coverage.
North Dakota	Compulsory as to all hazardous employments. Elective as to employers and resident family members.	Compulsory as to all public employments.	Farm labor, domestic servants, members of board of directors of business corporation, casual workers, illegal enterprises or occupations, and clergy. Real estate brokers or salespersons and newspaper delivery personnel with written agreements defining them as independent contractors.	Voluntary as to non-hazardous and excluded employments.[28] Injuries caused by intoxicants are not compensable.
Ohio	Compulsory as to all employments. Elective as to partners and sole proprietors.	Compulsory as to state, counties, cities, townships, incorporated villages, and school districts.	Casual and domestic workers paid less than $160 by 1 employer in any 3-month period.	Elective as to officers of family farm corporations and for ordained or licensed ministers in the exercise of their ministry. Coverage provided for off-duty firefighters or peace officers, emergency medical technicians who responds to an inherently dangerous situation that calls for an immediate response, regardless of the jurisdiction or the person's regular employment.
Oklahoma	Compulsory as to all employments. Elective as to 10% shareholders, partners, sole proprietors and members of a limited liability company (LLC) who own at least 10% of the capital of the LLC.	Compulsory as to the state, counties, cities, or municipalities, and their instrumentalities, and public trusts of which there are beneficiaries.	Domestic and casual employees of home owner whose annual payroll is under $10,000; workers covered by federal law; agricultural/horticultural employees whose employer's annual payroll is under $100,000; real estate salespersons and brokers paid on a commission basis; and owner-operator truck drivers; an employer which is a youth sports league which qualifies for exemption from federal income taxation. Employer with 5 or less employees all related to the employers by blood or marriage.	Excludes certain persons sentenced to public service, assigned to work release or private prison industry programs, and volunteers who receive no wages other than meals.
Oregon	Compulsory as to all employments. Elective as to sole proprietors, partners, limited liability company (LLC) members, and some corporate officers who are also directors with a substantial ownership interest.[29]	Compulsory as to state, departments, cities, or towns and other political subdivisions. Covers volunteer trainees in state schools for deaf and blind. Excludes cities over 200,000 population with equivalent compensation.	Under specified circumstances, domestics, casual labor, interstate transportation, certain charitable or relief work, newspaper carriers, certain amateur athletes and sports officials, volunteer ski patrols and volunteers in the ACTION Program, personnel under federal permits, owners and operators of certain motor vehicles, commission-paid real estate agents, foster care providers, and golf caddies in an established training program.	Voluntary as to excepted employments. Excepted employer may elect coverage for selves or excepted employees.[30]
Pennsylvania	Compulsory as to all employments. Executive officer, defined as individual who has either ownership interest in a subchapter S corporation or at least 5% ownership interest in a subchapter C corporation or who serves without pay in a nonprofit corporation, may elect not to be covered.	Compulsory as to all employments except elected officials.	Agricultural workers, unless the employer is otherwise covered or pays wages of $1,200 or more in one year to one employee or employs one worker in one year for 30 or more days. The spouse or children under 18 years of the agricultural employer are excluded from coverage, unless they work under a written contract which is filed filed with the Bureau. Licensed real estate salesperson or licensed insurance agent.[31]	Voluntary as to casual and domestic service.[32]
Puerto Rico	Compulsory as to all employments.	Compulsory as to all salaried and voluntary public employments. People who do voluntary work for the Puerto Rico	Casual and domiciliary workers.	Voluntary for sole proprietors and their families when supervising or engaging in manual labor in their business or farm; industrial

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
[illegible]	[illegible]	Government or one of its agencies or subdivisions, with due regard to be considered employees within the meaning of the statutes and will have a right to receive full benefits. Small scale farmers whose gross income does not exceed $25,000 shall have a right to receive medical treatment without application for accidents occurring at their place of employment if they are registered with the fund.	[illegible]	Partners of a private society, independent contractors who are not employers may be considered employees when performing services inherent or indispensable for the principals line of business.
Rhode Island	Compulsory as to all employers of one or more employees. First four corporate officers are excluded but may opt in. Sole proprietors and partners are excluded.	Compulsory as to the state and city of Providence;[33] elective as to cities or towns.	Certain agriculture and domestic service; professional hockey teams; certain real estate persons.	Voluntary as to certain agriculture and domestic service. Excludes employer-sponsored social or athletic events.
[illegible]	Compulsory as to all employ[illegible]	Compulsory as to all public [illegible]	Casual employees; persons engaged in selling agricultural products; farm labor; railroads; express companies; state and county fair associations; employers with annual payroll under $2,000; and licensed real estate agents who are independent contractors working on straight commission and working for a broker that does not control the agent.	Voluntary as to excluded employments. Corporate officers may reject.
South Dakota	Compulsory as to all employments. Elective as to employer performing labor incidental to job.	Compulsory as to all public employments, except elected or appointed officials. Fire fighters covered. Subdivisions of state may elect to cover elected and appointed officials. Students in vocational work program covered as employees of employer.	Farm laborers and domestic servants if employed less than 20 hours in any week and less than 6 weeks in any 13–week period; and workfare participants. Truck drivers that are independent contractors certified by the Labor Department do not need coverage.	Voluntary as to farm labor and domestic service. Compulsory as to operators of farm machinery, e.g., threshers, combines, shellers, cornhuskers.
[illegible]	Compulsory as to all employ[illegible]	Voluntary as to state and political subdivisions.	Farm laborers; domestic servants; casual employees; employees of interstate common carriers; and voluntary self-employed persons.	Subcontractors and construction industry covered even if less than 5 employees. Voluntary as to employers of less than 5. Voluntary as to agricultural employers.
Texas	Elective as to all employments. Farm/ranch operator may elect to cover self, partner, corporate officer or family member.	State provides self-insurance coverage for Highway Department, University of Texas, Texas A&M University and all state employees. Counties, municipalities and other political subdivisions may provide compensation for their employees.[35]	Domestic or casual workers engaged in employment incidental to a personal residence; persons covered by a method of compensation established under federal law; migrant workers; seasonal workers employed on a farm, orchard or vineyard, or employed by an employer with a payroll under $25,000; other farm or ranch employees working for an employer with a payroll under $25,000, or employing fewer than 3 workers.	
[illegible]	Compulsory as to all employ[illegible] Elective as to partners, sole proprietors, corporate officers and directors.	Compulsory as to all public employees, including farm [illegible] will have [illegible]	Casual employees; farm employees with payroll of $20,000 and over per calendar year; employer's family; domestic who work less than 40 hours per week for a single employer; real estate salesperson and broker; insurance broker and agents who are independent	Voluntary as to farm labor and domestic service.
Vermont	Compulsory as to all employments. Department of Labor may exclude corporate officers.	Compulsory as to all public employees, including legislators while in session, teachers,	Casual or domestic employees; amateur athletes; farm laborers where employer's	Exempted farmers and employers of domestics may elect coverage.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Vermont, cont.	Elective as to sole proprietors and partners.	police, fire fighters, town and school employees, other municipal employees entitled to pensions, and road commissioners or select persons engaged in highway maintenance or construction.[37]	payroll is under $2,000 per year.	
Virginia	Compulsory as to employers of 3 or more and farm employers with more than 2 full-time employees. Elective for partners and sole proprietors. Corporate officers may reject for accidental injury only.	Compulsory as to all public employment, except administrative officers and employees elected or appointed for definite terms.[38] Includes judges of Supreme Court and Circuit Court and judges and clerks of juvenile, domestic relations, and district courts. May include volunteer hazardous materials emergency response teams.	Casual employees; horticultural and farm laborers; taxi drivers and domestic servants; employees of railroads; employment not in usual course of employer's trade, business, or occupation; and real estate salesperson/associated brokers on commission, under independent contract, or not treated as employees for federal income tax purposes.[39]	Voluntary as to employers of fewer than 3 employees; Farm laborers, and domestics. Employers may elect coverage for their independent contractors provided that independent agrees in writing. The independent contractor may have to pay for all or part of that coverage. Alien workers, whether lawfully or unlawfully employed are covered for temporary total benefits (except vocational rehabilitation services if not eligible for employment).
West Virginia	Mandatory. Sole proprietors, partners and limited officers may opt out of coverage.	Compulsory for all public employment. Elected officials may elect out of coverage.	Elective to: domestic service; farm labor of 5 or fewer full-time employees or 3 or fewer temps; out of state work (except when temporarily exceeding 90 days); churches; professional athletes; volunteers of rescue squads, emergency medical service, police auxiliary and government volunteer organizations.	Extraterritorial coverage accepted for up to 90 days in state; extended out of state for temporary periods recognized by other states. Additional state coverage required for Longshoremen & Harbor Workers.
Wyoming	Compulsory as to enumerated 'extra-hazardous' industries and occupations conducted for gain. Elective as to corporate officers.	Compulsory as to state, counties, and municipal corporations when engaged in 'extra-hazardous' work.	Casual employees, independent contractors, private household workers, federal employees, interstate trucking without a fixed base in Wyoming, sole proprietors and partners.	Elective as to all non-required industries and occupations. Specific volunteers require coverage.
Longshore Act	Compulsory as to all maritime employment nationwide, including longshoring, harborworking, shipbuilding, or ship repair.	Officers and employees of the U.S. or any state or foreign governments are not covered.	Master or crew of any vessel and persons unloading or repairing vessels of less than 18 tons.[40] Not applicable to maritime employment in Puerto Rico.[41]	Act also applies to workers at military bases and public works abroad; welfare and morale service workers for military abroad; and workers for nonappropriated funds (ship's services, PX's, etc.) in U.S. and abroad.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Alberta	Compulsory as to all employments except as excluded by Regulation. Partner and sole proprietor may apply to Board for personal coverage.	Compulsory as to provincial employees; most schoolteachers are covered.	Employments listed in General Regulations (includes farm labor, domestics, outworkers, financial institutions, religious and charitable institutions, legal services, medical and dental services, athletes, and employees of labor unions).	Voluntary as to excepted employment and Corporate Directors. Board may include any individual or class by regulation.
British Columbia	Compulsory to all employers and workers in BC except those exempted by order of the Board. Independent operator may elect coverage for self.	Compulsory as to all provincial and municipal employees, including members of fire brigade and ambulance staff working with or without remuneration.	Specific exemptions from coverage include: professional athletes, personal financial holding companies, spouses involved in an unincorporated business, some non-resident employers and workers, and some domestic workers. A variance from exemption may be requested in certain circumstances.	Board may include as workers persons engaged in an undertaking in the public interest, persons engaged in a vocational or training program, or persons engaged in a work study program or other program of self-improvement.
Manitoba	Compulsory as to employers and industries set out in section 7(2) and the Schedule appended to the Act respectively. Elective provisions as to directors, employers, independent contractors and certain family members.	Compulsory as to all provincial and municipal employment, except for educational institutions.	Farm laborers; outworkers;* a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business; and a person who (i) ordinarily resides outside Canada, (ii) is employed in the carriage trucking industry by an employer whose principal place of business is outside of Canada, and (iii) is temporarily working in or passing through the province.	Voluntary as to excepted employer's undertaking or individual plant. The WCB may include or exclude any industry by regulation. The Lt. Gov.-in-Council may only include by regulation.
New Brunswick	Compulsory to all employers having 3 or more workers, 25 or more for the fishing industry. Compulsory for salaried Corporate Officers or Directors. Elective for non-salaried Officers and Directors and for employers for whom coverage is not compulsory.	Compulsory to all municipal, provincial and federal public employment. Armed Forces and RCMP excluded.	Outworkers,* domestic servants and casual workers whose employment is for the purpose of the industry, and persons playing a professional sport.	Voluntary as to excepted employments, Lt. Gov.-in-Council may regulate exclusion of industry in which not more than stated number of workers fixed by regulation are usually employed.
Newfoundland	Compulsory as to all employments except as excluded by regulation.	All provincial and federal employees are covered.	Employment by a person in construction or renovation of a private residence that is or shall be used as a private residence of that person; employment by a person in a function in a private residence of that person; and professional sports competitors.	Commission may accept excluded employer or worker.
Northwest Territories	Compulsory as to all employments. Elective as to corporate officers, employers, independent contractors, and certain family members.	Compulsory as to all territorial and municipal employment.		Commissioner may exempt an industry, employer or worker. Voluntary as to excepted employment.
Nova Scotia	Compulsory as to employments listed in Part I Board has exempted employers of 2 or fewer includes active corporate executives, employers may elect coverage for self	Fire fighters and police are excluded. Board may exclude public officials.	Casual laborers; outworkers;* farm laborers, domestic servants. By regulation Board has excluded specific industries, including educational institutions, persons in medical work and dental surgery, veterinarians, athletes, barbers, taxicabs, florists, horticultural employment and entertainers.	Voluntary as to excepted employments. Board may include or exclude any industry or set numerical exemption by regulation.
Nunavut	Compulsory as to all employments. Elective as to corporate officers, employers, independent contractors, and certain family members.	Compulsory as to all territorial and municipal employment.		Commissioner may exempt industry, employer or worker. Voluntary as to excepted employment.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
[illegible]	Compulsory as to all employments listed in Schedules 1 and 2. Elective as to independent contractors, sole proprietors, partners and executive (corporate) officers.	Compulsory as to all provincial and municipal employments, as well as related agencies, boards and commissions.	Casual workers, outworkers and most volunteer workers in industries listed in Schedules 1 and 2.	Voluntary as to unenumerated and excluded employments.
Prince Edward Island	Compulsory as to all employments with exclusions as listed in regulations. Elective as to corporate officers.	Compulsory except for elective officials of a city, town or municipality.	Outworkers,[3] farm laborers, domestic servants, taxi industry, fishing, clergy, certain salespersons, sports professionals, entertainers and volunteers.	Voluntary as to exempted employments. The Board may include any exempted industry.
Ontario	Compulsory as to all employments.	Compulsory as to all provincial and municipal employments.	Domestics[4] covered upon request. Also, sole proprietors and corporate officer. Persons who play sports as main source of income specifically excluded.	Voluntary as to unenumerated and excepted employments.
Saskatchewan	Compulsory as to all employments. Compulsory for corporate officers and salaried employers.	Compulsory as to all provincial and municipal employments. Municipalities and corporations may elect coverage of mayor and members of governing body.	Over 30 specific industries and occupations excluded, including Farm and ranch laborers, domestic servants, outworkers[3] and school teachers.	Voluntary as to excepted employments. Lt. Gov.-in-Council may exclude any industry, employer or worker.
Yukon	Compulsory as to all employments.	Compulsory for territorial government.	A person acting in a religious function as a cleric, a member of a religious order or a lay reader, a person who works and resides outside the Yukon and is employed by an employer based outside the Yukon and has temporary business in the Yukon, an employer, a director, a worker of another employer, or a sole proprietor, casual employees or outworkers.[3]	Voluntary for excepted employments.
Canadian Government Employees' Act		Compulsory as to employees of government departments, Crown corporations, boards, commission, etc. in Canada and abroad.		Claims are determined by provincial boards. Benefits same as for private employees in same province; worker in territory is deemed employed in Alberta.
[illegible]	Compulsory as to all employees [illegible]		Pilots, apprentice pilots, and fishermen.	No compensation payable if entitled under Government Employees Compensation Act or any Provincial act.

Notes:

[1]Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option of either accepting or rejecting (in general, companies included under compulsory act unless they opt out) but if an employer rejects the customary common law defense, risk is assumed by employee, negligence of fellow servants, and contributory negligence. In most states workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other states, the employees must agree such action of the employer. State courts vary in decisions whether minimum of persons must be in state.

[2]Applying to private employments only. The exceptions for public employments are given under 'Employments Covered-Public.'

[3]Outworker is a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted in his own home or on other premises not under the control or management of the person who gave out the articles or materials.

[4]Alabama — Employees of all county and city boards of education, Alabama Institute for Deaf and Blind, and 2-year colleges under state Bd. of Educ. Control. Special act covers employees of U.S.S. Alabama Battleship Comm. and authorizes excess medical care benefits, not to exceed $10,000 per employee; also, for employees of Department of Agriculture and Industries. Special act covers employees of Tannehill Furnace and Foundry Commission.

[5]Alabama — Employer electing not to accept coverage must notify each employee in writing. Regular employer of a volunteer fire fighter or rescue squad worker is in no way liable for compensable injury.

[6]Colorado — Part-time is equal to less than 40 hours per week and less than 5 days per week.

[7]Connecticut — Non-members of a civil preparedness force and volunteer fire fighters, who are requested by a municipality to aid in an emergency situation, are covered under the workers' compensation laws of the municipality where the injury occurs and under the laws where their company is located.

[8]District of Columbia — Provided that broker or salesperson is an independent contractor and signs contract with agency indicating such.

[9]Guam — Employment in trade, occupation or profession, carried on by employer for pecuniary gain.

[10]Hawaii — Employment in trade, occupation, or profession, carried on by employer for pecuniary gain.

[11]Idaho — Requires declaration to be filed with Commission.

[12]Idaho — Must be board member (if board exists) and own not less than 10% of all issued voting stock.

[13]Illinois — Townships may elect coverage to participants in job training or work program.

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[14]Illinois — The law is elective as to private employments of a non-hazardous nature, but it does not abrogate the employer's defenses if the employer does not accept the act, and thus is considered to be voluntary.

[15]Indiana — Elective for officer of a charitable, religious, educational, or nonprofit corporation.

[16]Maine — Employers of 6 or fewer full time equivalent agricultural or aquacultural employees for all 52 weeks immediately preceding the injury exempt if employer maintains liability insurance policy with limits of not less than $100,000 per employee and medical coverage of not less than $1,000.

[17]Maine — Provided that broker or salesperson is independent contractor and signs contract with agency indicating such.

[18]Maine — No compensation allowed if injury or death of employee is brought about by willful intention of self or another, or by intoxication while on duty.

[19]Maryland — Jockeys or their dependents who are covered employees, while performing a service in connection with training, are eligible to apply for payment from the Maryland Jockey Injury Compensation Fund.

[20]Michigan — Corporate officer who is 10% shareholder of corporation with up to 10 shareholders and owners of limited liability companies with 10 or less members and managers may reject.

[21]Minnesota — Less than $8,000 or less than the annual SAWW when farm operation has total liability and medical payment coverage equal to $300,000 and $5,000 respectively under a farm liability insurance policy and the policy covers injuries to farm laborers.

[22]Minnesota — Act does not apply to persons covered by Domestic Volunteer Service Act of 1973, as amended.

[23]Missouri — Employers who do not elect coverage are liable to suit with defenses abrogated. Also corporations with 2 owners who are also the only 2 employees may elect to be exempt.

[24]Nevada — Exemption for an employee temporarily in the state if that state has reciprocity with Nevada (NRS 616B.600).

[25]Nevada — Consolidated Insurance Programs are allowed. (NRS 616B.710)

[26]New Hampshire — Fourth corporate and any employees must be covered.

[27]New York — Elective as to unsalaried executive officer of not-for-profit unincorporated association or corporation, and as to executive officer of religious, charitable or educational corporation or veterans' organization.

[28]North Dakota — General contractor is responsible for securing coverage and paying premiums for its subcontractor until subcontractor has secured and paid for own coverage.

[29]Oregon — Ownership interest not required for certain corporate officers & directors of corporations whose activities are on land that receives certain farm use tax assessments and officer/directors are members of the same family, whether related by blood, marriage or adoption. In the commercial timber harvest industry and construction industry, the number of exempt officers is limited unless all are members of the same family.

[30]Oregon — Prime contractors can become liable for providing coverage for subcontractors and their employees. Liability in the construction industry is excepted if subcontractor is licensed with the Construction Contractor's Board.

[31]Pennsylvania — If remunerated by written agreement on a commission only basis and also qualify as an independent contractor for state or federal tax purposes.

[32]Pennsylvania — Employers may be exempted from covering an employee whose religious sect prohibits benefits from insurance provided that the sect makes provisions for its members.

[33]Rhode Island — Members of the National Guard must be on active duty in order to be eligible for benefits.

[34]South Carolina — Department of Parole and Community Corrections may elect coverage for convicted persons performing community service or participating in a work program.

[35]Texas — Subdivisions may elect to cover officer deemed volunteer fire fighters, police, and emergency medical personnel.

[36]Utah — Volunteers are eligible only for workers' compensation medical benefits, not indemnity benefits.

[37]Vermont — Municipalities may elect coverage of other employees. Excludes other elected officials, certain judges, sheriffs, and county treasurers and clerks.

[38]Virginia — Governing body of county, city, or town may elect coverage of its members.

[39]Virginia — Does not apply to injuries received during emergency services activities, unless the injury results from gross negligence.

[40]Longshore Act — Also excluded to extent covered by state law are: office, clerical, secretarial, security or data processing employees; club, camp, recreational operation, restaurant, museum or retail outlet employees; marina employees not engaged in construction, replacement or expansion; persons temporarily on premises not doing work normally performed by employer; aquaculture workers; builders, repairers or dismantlers of recreational vessels under 65 feet in length; and master or crew of any vessel.

[41]Longshore Act — By decisional law, Garcia v. Friesecke, 597F.2d 284 (1st Cir.) cert. denied 444 U.S. 940 (1979).

[42]Alberta — Corporate director may apply to Board for coverage.

[43]Manitoba — An outworker is a person to whom articles are given for cleaning, repairing, etc., at home. Domestics and individuals who care for children, or aged, infirm or ill persons for more than 24 hours a week are provided compulsory coverage.

[44]New Brunswick — An outworker is a natural person to whom articles are given for cleaning, repairing, etc., at home.

[45]Domestic is a natural person engaged by an individual for remuneration, whose main duty is, in the dwelling of the individual (1) to do housework, or (2) to care for a child or a sick, handicapped, or aged person and who lives in the dwelling.

[46]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

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Chart III — Coverage of Minors

Jurisdiction	Covered	Future earning capacity	Illegal employment	Special benefit provisions
Alabama	Yes		Double compensation	Settlement valid.
Alaska	Yes	Considered		
Arizona	Yes		50% additional compensation[1]	Lump sum payable to guardian.
Arkansas	Yes	Considered	Double compensation[2]	
California	Yes	Considered	50% additional compensation[1]	Settlement valid until claimed by parent or guardian.
Colorado	Yes	Considered	[3]	
Connecticut	Yes	Considered		If under 18, 50% additional compensation for scheduled injury; under 16, 100% added. Guardian may be required.
Delaware	Yes			
District of Columbia	Yes	Considered		
Florida	Yes		[4]	Guardian may be required.
Georgia	Yes			In limited circumstances a guardian may be appointed by the Probate Court or Board of Workers' Compensation.
Guam	Yes	Considered		Guardian may be required.
Hawaii	Yes	Considered		When an exceptional child is employed as part of their education, the state is considered the child's employer.
Idaho	Yes	Considered[6]		Lump sum under probate jurisdiction.[7]
Illinois	Yes		If under 16, 50% additional compensation	Minor may elect suit for damages.
Indiana	Yes		If under 16, double compensation[1,8]	If over $100, payable to guardian.
Iowa	Yes	Considered if apprentice or trainee		Settlement valid.
Kansas	Yes			Payments to minor, guardian, or conservator.
Kentucky	Yes	Considered		Lump sum payable to guardian.
Louisiana	Yes			Prescription does not run against minor if he or she has a tutor. Payments made to curator or tutor who must file a bond.
Maine	Yes		[3]	
Maryland	Yes	Considered	Double compensation, discretionary[1]	Covers handicapped students who work w/o pay as part of their education.
Massachusetts	Yes	Considered	Double compensation[1]	If guardian required, insurer must pay expenses.
Michigan	Yes		If under 18, double compensation[10]	
Minnesota	Yes			Entitled to maximum benefits if PT disability. Guardian may be required.
Mississippi	Yes		Double compensation[11]	Guardian may be required.
Missouri	Yes	Considered	50% additional compensation	Same as adults. Guardian may be required.
Montana	Yes			
Nebraska	Yes		Same as adults	
Nevada	Yes	Considered	Not less than $300, nor more than a $2,000 fine	
New Hampshire	Yes	Considered	Double compensation	Guardian required.
New Jersey	Yes		Under 14, or between 14–18 without permit, double compensation.[12] Minor may elect suit for damages.	
New Mexico	Yes	Considered	Illegally employed minor may elect tort suit for damages	
New York	Yes	Considered	If illegally unemployed, double compensation[1]	All awards of compensation to minors must be paid to or for the benefit of the minor. Where awards exceed $250, The Board may appoint a guardian.
North Carolina	Yes	Considered[13]		Permanent disability payments over $500 payable to guardian.
North Dakota	Yes			Lump sum payable to guardian.

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Chart III — Coverage of Minors, Cont.

Jurisdiction	Covered	Future earning capacity	Illegal employment	Special benefit provisions
Ohio	Yes	Considered	Double compensation	Lump sum payable to guardian.
Oklahoma	Yes	Considered		
Oregon	Yes		Penalty of 25% of claim cost (not less than $100 nor exceeding $500) to Consumer and Business Services Fund	Lump sum of permanent partial disability award payable to guardian.
Pennsylvania	Yes		Violation of child labor law — 50% additional compensation[1]	
Puerto Rico	Yes		If under 18 and without government permit double compensation	Additional compensation will constitute a lien over employer's property.
Rhode Island	Yes		Triple compensation	
South Carolina	Yes			Not more than $10,000 payable to father, mother, or natural guardian; more than $10,000 payable to person or corporation appointed by probate court.
South Dakota	Yes	Considered		
Tennessee	Yes			If over $250, payable to guardian.
Texas	Yes	Considered[14]		Payable to guardian.
Utah	Yes			Lump sum payable to guardian.
Vermont	Yes			
Virgin Islands	Yes		30% additional compensation[1]	
Virginia	Yes			If over $10,000, payable to guardian.
Washington	Yes		Same as adults	Benefits payable to guardian or directly to minor with guardian's permission. $300 allowed for appointing a guardian, if needed.
West Virginia	Yes		Same as adults	
Wisconsin	Yes	Considered	Doubled or tripled[15]	Guardian may be required.[16]
Wyoming	Yes	Considered		
FECA	Yes	Considered		
Longshore Act	Yes	Considered		
Alberta	Yes	Considered if apprentice or learner		Paid as Board deems best.
British Columbia	Yes	Considered		Paid as Board deems best.
Manitoba	Yes	Considered		Paid as Board deems best. Additional benefit costs charged to a Cost Apportionment Fund.
New Brunswick	Yes	Considered for injured workers under 21 years of age		Paid as Board deems best.
Newfoundland	Yes	Considered	Death benefit to parent may be withheld	Paid as Commission deems best.
Northwest Territories	Yes	Considered		Paid as Board deems best.
Nova Scotia	Yes	Considered if under 20		Costs associated with additional deemed wages apportioned
Nunavut	Yes	Considered		Paid as Board deems best.
Ontario	Yes	Considered		Payments shall be made to spouse (who is not a minor), parent, guardian, or trustee.
Prince Edward Island	Yes	Considered	Death benefit to parent may be withheld[18]	Paid as Board deems best.
Quebec	Yes	Considered		Paid as required by law.
Saskatchewan	Yes	Considered		Paid as Board deems best.
Yukon Territory	Yes	No		Paid to any person the Board deems appropriate.
Canadian Merchant Seaman's Act	Yes	Considered		Paid as Board deems best.

Notes:

[1]Employer may not insure additional amount of compensation.

[2]Arkansas — Unless minor misrepresents age in writing to employer.

[3]Colorado — Permanent disability and death benefits paid at maximum rate payable at time of death or determination of permanent disability.

[4]Florida — Violation of Child Labor Law subject to up to double compensation based on J.C.C.'s findings.

[5]Hawaii — PT disability and death benefits based on the AWW employee would have received at age 25.

[6]Idaho — Adult wages for all scheduled injuries.

[7]Idaho — If any public school student is working as part of their instruction, they need not be earning any wages for workers' compensation purposes and are covered under the school district's policy.

[8]Indiana — Student in vocational education program treated as worker age 17 and not entitled to double compensation.

[9]Maine — Fanion v. Philip McNeal, 577 A.2d 2 (Me. 1990) held that an illegally employed minor is still within the statutory definition of an employee. An illegally employed minor is not deemed to have waived the minor's right of action at common law and may therefore seek compensation under Workers' Compensation Act as well as through civil action.

[10]Michigan — Except in case of fraudulent use of permits or age certificates.

[11]Mississippi — Employer may not insure additional amount of compensation. Students 14 and over employed between semesters or on-the-job-training are excepted.

[12]New Jersey — Employer may not insure additional amount of compensation. Vocational students age 14 and over employed between semesters or on-the-job training, and junior auxiliary fire fighters are excepted from double compensation.

[13]North Carolina — Compensation for permanent disability or death with surviving dependents is based on AWW paid an adult employee in a position to which a minor employee would likely be promoted; if no position exists, then the minor is entitled to the maximum benefit. In temporary disability and no-dependency death cases, compensation may be increased in proportion to expected earnings where total disability extends over 52 weeks.

[14]Texas — Considered only if minors' wages are limited because of apprenticeship, continuing formal training, or education intended to enhance future wages and those wages would reasonably be expected to change. Future earnings more than 3 years after the date of injury cannot be considered.

[15]Wisconsin — Doubles for minor of permit age employed without permit-maximum $7,500; triples if such minor was employed in prohibited work, or if a minor under permit age and illegally employed-maximum $15,000. Additional compensation payable by employer. Minors given contractual power under the Act. Employer misled by fraudulent written evidence of age by minor, extra compensation paid into special benefit fund.

[16]Wisconsin — Maximum burial expenses for children who are eligible for additional benefits is $1,500.

[17]Ontario — Employer may be held individually liable.

[18]Prince Edward Island — Employer may be held individually liable.

[19]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

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Chart IV — Coverage of Occupational Diseases

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Alabama	All occupational diseases and some ordinary life under evidentiary standards of proof		Death — within 3 years after last exposure or last payment. Radiation or occupational pneumoconiosis[3] exposure must occur in at least 12 months over 5 years prior to last exposure.	Disability — within 2 years after last exposure or last payment (radiation — within 2 years and claimant knows/should know relation to employment). Death — within 2 years after death or last payment. Coalminer's pneumoconiosis — within 3 years after total disability or death and claimant knows/should know relation to employment.	Death following disability — if death occurs during the period of disability, all compensation previously paid shall be deducted from compensation due as a result of death.	Unlimited	Same as for accidents.[4]
Alaska	All diseases			Two years after knowledge of relationship to employment. Within 1 year after death.		Subject to frequency standard	Same as for accidents.
Arizona	All diseases[5]	Commission may appoint board of 3 medical consultants. Report is prima facie evidence of facts.	Silicosis or asbestosis-employer liable only if exposure during 2 years.	Within 1 year after disability or accrual of right; excusable.[6]	Disability payments. No deductions from death award.	Unlimited	Same as for accidents.
Arkansas	Any disease that results in disability or death and arises out of and in the course of the occupation or employment of the employee, or naturally flows or unavoidably results from an injury.		Disability or death — within 1 year after last exposure (3 years for silicosis or asbestosis); or 7 years for death following continuous disability. Does not apply to radiation. Silicosis or asbestosis presumed non-occupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in state unless same employer).	Disability — within 2 years after last exposure (silicosis or asbestosis — within 1 year from disablement; radiation — within 2 years from diagnosis). Death — within 2 years.		Unlimited	If an occupational disease is aggravated by any disease or infirmity not itself compensable, or if disability or death from any cause not itself compensable, is aggravated, prolonged, accelerated or contributed to by an occupational disease, compensation payable shall be reduced and limited to the proportion of the compensation that would be payable if occupational disease were the sole cause of the disability or death as the occupational disease as a causative fact, bears to all causes of disability or death. A casual connection between the occupation or employment and the occupational disease must be established by clear and convincing evidence.
California	All diseaes[7]			Disability — within 1 year of injury or last payment. Death — within 1 year after death (for death within 1 year after injury); 1 year after last medical payment; or 1 year after death if compensation paid; no proceedings 240 weeks after injury except for claims based on asbestos exposure.[8]		Unlimited	Same as for accidents.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Colorado	All diseases[9]	Division IME must be overcome by clear and convincing evidence in disputes over MMI and whole person impairment.	Silicosis or asbestosis — employer liable only if exposure lasts 60 days or more.	Within 2 years after disability or death (5 years in case of ionizing radiation, asbestosis, silicosis, or anthracosis, or 3 years if reasonable excuse).		Unlimited	Same as for accidents.
Connecticut	All diseases	Panel of 3 physicians may be appointed by Commissioner to resolve medical issues involving lung disease.		Within 3 years after first manifestation of disease (within 2 years if death occurs within 2 years after first manifestation of disease, or 1 year after death, whichever is later).		Unlimited	AWW is calculated as of date of total or partial incapacity to work. If disease arises when claimant has not worked during past 52 weeks, AWW is equal to SAWW for past 52 weeks or to AWW during last 52 weeks worked, whichever is greater.
Delaware	All diseases			Disability or death — within 1 year after claimant knows relation to employment.		Unlimited	Same as for accidents.
District of Columbia	All diseases			Within 1 year after injury, death, last payment, or knowledge of relation to employment.		Unlimited	Same as for accidents.
Florida	All diseases		Death — following continuous disability and within 350 weeks after last exposure.	Within 2 years after disablement, death, or employee's first knowledge of exposure.		Unlimited	Same as for accidents.
Georgia	All diseases[9]	IME by physician chosen by agreement of parties or appointment of Board.	Within 1 year of date when employee knew/should have known of existence of an occupational disease but in no event more than 7 years after last injurious exposure.	Within 1 year of date when employee knew/should have known of existence of an occupational disease but not more than 7 years after last injurious exposure.	Disability payments.	Unlimited	Same as for accidents.
Guam	All diseases			Within 1 year after injury, illness or death, or from last payment of compensation, or reasonable knowledge of occupational causality.		Unlimited	Same as for accidents.
Hawaii	All diseases			Within 2 years after claimant knows relation to employment.		Unlimited	Same as for accidents.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Idaho	All diseases[11]		Within 1 year after last exposure (4 years for silicosis, 7 years for death following continuous disability). Employer liable for non-acute disease only if exposure lasts 60 days. Silicosis exposure must occur in 5 years during 10 years prior to disablement (last 2 in-state unless same employer).	Within 1 year after manifestation or death. Silicosis — within 4 years after last exposure. Radiation or unusual disease — within 1 year after incapacity, disability, or death and claimant knows/should know relation to employment.	Disability payments.	Unlimited	Same as for accidents. Silicosis-partial disability noncompensable.[12]
Illinois	All diseases		Disability — within 2 years after last exposure (3 years for beryllliosis, silicosis or asbestosis, 25 years for radiation).	Disability — within 3 years after disablement or 2 years after last payment. Death — within 3 years after death or last payment. Coalminer's pneumoconiosis — within 5 years after last exposure or payment. Radiation or asbestosis — within 25 years after last exposure.		Unlimited	Same as for accidents.
Indiana	All diseases		Disablement — within 2 years after last exposure (3 years if caused by coal or silica dust; 35 years if caused by asbestos[13]); radiation — within 2 years after claimant knows/should know relation to employment. Death — within 2 years after disablement or during pendency of disability claim filed within that period; within 2 years after fixed disability expires but no later than 300 weeks after disablement. Employer liable for silicosis or asbestosis only if exposure lasts 60 days.	Within 2 years after disablement or death.	Disability payments.	Unlimited	Same as for accidents.
Iowa	All diseases	Medical Board may decide controvert medical questions or provide medical examinations for certain employees.	Disability or death — within 1 year after last exposure (3 years for pneumoconiosis, 7 years for death following continuous disability). Pneumoconiosis presumed non-occupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state).	Within 2 years after death or disablement or 3 years after last payment.[14] Radiation — within 90 days after disablement or death and claimant knows/should know relation to employment.	Same as for accidents.	Unlimited	Same as for accidents. Pneumoconiosis-partial disability less than 33⅓ is noncompensable.[15]

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Kansas	All diseases		Disability or death — within 1 year after last exposure (3 years for death from silicosis, 7 years for death following continuous disability).[16] Silicosis presumed non-occupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state unless same employer); employer liable only if exposure lasts 60 days.	Within 1 year after disablement, death, or last payment (2 years after last payment in case of silicosis). Radiation — within 1 year after claimant knows/should know relation to employment.		Unlimited	Same as for accidents.
Kentucky	All diseases			Disability — within 3 years after last exposure or first manifestation. Death — within 2 years after death, within 3 years after last exposure or first manifestation. No claim more than 20 years after last exposure (20 years in cases of radiation or asbestos-related disease).		Unlimited	Same as for accidents. Where disablement occurs after 5 years exposure or results from silicosis or pneumoconiosis apportioned between employer and Special Fund. Fund pays 75% of cost if not conclusively proven to result from last exposure, otherwise pays 40%. Employer pays balance.[17] Where last exposure occurs after 12/12/96, Special Fund has no liability.
Louisiana	All diseases		Presumed to be non-occupational if contracted within 1 year. Presumption is refutable by 'overwhelming preponderance of evidence'.[19]	Disability — within 6 months after manifestation, occurrence of disability, or worker knows/should know relation to employment. Death — within 6 months which begins on the date of death, or within 6 months after worker knows/should know relation to employment.	Same as for accidents.	Unlimited	Same as for accidents.
Maine	All diseases		Incapacity — within 3 years after last exposure (does not apply to asbestos-related disease). Employer liable only if exposure lasts 60 days (except for radiation and asbestos-related disease). Silicosis presumed non-occupational absent in-state exposure in 2 years during 15 years preceding disability (part of exposure may be out of state if same employer).[20]	Within 2 years after incapacity or 1 year after death or last payment (10 years after last payment for asbestos-related disease).[21] If mistake of fact, within reasonable time but no later than 6 years after last payment. Radiation — limitations from date of incapacity and claimant knows/should know relation to employment.	Disability payments.	Unlimited	Same as for accidents.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Maryland	All diseases[22]			Within 2 years (3 years for pulmonary dust disease) of date of disablement and when the employee has actual knowledge that the disablement was caused by the employment.		Unlimited	Same as for accidents.
Mass.	All diseases			Within 4 years of diagnosis or knowledge of relation to employment.	Disability payments	Unlimited	Same as for accidents.
Michigan	All diseases			Within 2 years after claimant knows/should know relation to employment.		Unlimited	Same as for accidents.[23]
Minnesota	All diseases[24]			Within 3 years after (A) employee's knowledge of cause of injury and (B) disability.	Same as for injuries	Same as for injuries	Same as for injuries. Nondisabled claimants eligible for medical benefits.
Mississippi	All diseases		[25]	Within 2 years after injury or death.	Same as for accidents.	Unlimited	Same as for accidents.
Missouri	All diseases	Except repetitive motion where employment of less than 3 months and evidence that exposure for prior employer was the substantial contributing factor prior employer is liable.	Last employer liable regardless of length of time of last exposure.	Within 2 years after injury, death, or last payment (3 years if no injury report filed). Limitation runs from date injury is reasonably apparent.	Disability payments	Unlimited	Same as for accidents.
Montana	All diseases	Examinations made by 1 or more members of the occupational disease panel.	The employer liable shall be the employer whose employment the employee was last injuriously exposed to the hazard of such disease.	Within 1 year from the date the claimant knew/should have known the condition resulted from an occupational disease. Silicosis — resident of Montana for 10 or more years immediately prior to the date of application.		Same as for injuries	Same as for accidents, excluding partial disability. Worker who is affected but not disabled may leave job and receive compensation up to $10,000. Benefits for pneumoconiosis reduced by amount payable under federal law. Silicosis victims or beneficiaries not qualifying for occupational disease benefits may receive up to $200 monthly; supplement is resource indemnity trust financed.[26]
Nebraska	All diseases			Within 2 years after claimant knew of injury and relation to employment or accumulated effects manifested themselves.		Unlimited	Same as for accidents.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Nevada	All diseases[29,30]	N/A	Silicosis or diseases related to asbestos are noncompensable unless the injured employee has been exposed for not less than 1 year in employment in this state. For tenosynovitis, prepatellar bursitis, and infection or inflammation of skin, the employee must be a resident of Nevada for 90 days preceding the contraction of such disease or employed by self-insured employer or employer contributing to the occupational diseases fund of Nevada.[27]	Within 90 days after knowledge of disability and relation to employment or 1 year after death. Silicosis or respiratory dust disease — within 1 year after temporary or total disability or death[28,31]		Unlimited	Same as for accidents.
New Hampshire	All diseases			Within 2 years for notification to employer. Within 3 years for filing a claim for disability rehabilitation, medical or death benefits.[32]		Unlimited	Same as for accidents.
New Jersey	All diseases			Within 2 years after injury or death and claimant knows/should know of injury and relation to employment.	Disability payments.	Unlimited	Same as for accidents.
New Mexico	All diseases[33]		The last employer where employee was exposed is liable for benefits. Death must occur within one year from date employee last worked for employer, or within three years if claim is filed or compensation paid. Death from silicosis or asbestosis must occur within 2 years from date of last exposure of 5 years, if claim is filed or compensation paid.[34]	Within 1 year of beginning disability or 1 year for death from illness. In case of radiation illness 1 year from date worker knew or should have known of relation to employment.		Unlimited	Same as for physical injuries.
New York	All diseases			Within 2 years after disablement or death, and 2 years after claimant knows/should know relation to employment.		Unlimited	Same as for accidents.[35]

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
North Carolina	All diseases	Commission appoints 3–member advisory board for silicosis or asbestosis cases although the Commission may designate a qualified physician to examine claimant.	Death within 2 years after injury if totally disabled 6 years after injury or 2 years after final determination. Asbestosis — disability or death within 10 years after last exposure;[36] death following continuous disability, disability must occur within 10 years after last exposure. Lead poisoning — disability or death within 2 years after last exposure; for death following continuous disability, disability must occur within 2 years after last exposure.	Within 2 years after final determination disability or within 6 years after death from occupational disease.		Unlimited	Same as for accidents.[37]
North Dakota[38]	All diseases[39]		Death — within 1 year after injury if no disability, or 1 year after cessation of disability, or 6 years after injury if disability is continuous.[40]	Within 1 year after injury; within 2 years after death (2 years after injury if no claim prior to death).		Unlimited	Same as for accidents.
Ohio	All diseases	Medical specialist in specific cases; findings advisory.		Within 2 years after disability or death or within 6 months after diagnosis, whichever is later.		Unlimited	Same as for accidents. No partial disability for respiratory dust disease.[42]
Oklahoma	All diseases			Claims for occupational disease must be filed within 2 years of last exposure. However, in the case of silicosis, asbestosis, or exposure to nuclear radiation, a claim must be filed within 2 years of the date of last hazardous exposure or within 2 years from date the condition manifested.		Unlimited	Same as for accidents.
Oregon	All diseases[43]			Within 1 year of the later of worker's discovery, diagnosis by physician, onset of disability or beneficiaries' discovery death was due to occupational disease.		Unlimited curative care; limited palliative care	Same as for accidents.
Pennsylvania	All diseases	Examination by impartial physician may be ordered.	Within 300 weeks after last exposure (except death following disability that occurs within 300 weeks after last exposure). Silicosis, anthracosilicosis or coalminer's pneumoconiosis — noncompensable absent in-state exposure in 2 years during 10 years preceding disability.[44]	Within 3 years after disablement, death or last payment. Radiation — within 3 years after the employee knows/should know relation to employment.		Unlimited	Same as for accidents.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Puerto Rico[58]	All diseases		Disability — within 1 year after last exposure, except diseases with longer latency periods. Death within 3 years from time disability emerged.	Within 3 years from time employee learns nature of disability and relation to work or could have learned through reasonable diligence.		Unlimited	Same as for accidents. If disability occurs after employer's violation of OSHA specifications, a triple compensation charged to employer.
Rhode Island	All diseases	Medical Advisory Board approves and promulgates rules and procedures for impartial medical examiners. Court appoints 1 or more impartial physicians to examine claimant.	Date of disablement — date of partial or total incapacity to work as a result of the disease.	Within 2 years after the date of disablement and per case law within 2 years of knowledge of condition attributable to employment.		Unlimited	Same as for accidents.
South Carolina	All diseases	Medical board determines controvert medical questions; pulmonary cases may be referred to pulmonary specialist of state medical universities.	Disease must be contracted within 1 year after last exposure (2 years for pulmonary dust disease), except radiation. Byssinosis is noncompensable absent exposure for 7 years.	Within 2 years after definitive diagnosis or 2 years after death. Radiation — limitation runs from date of disability and claimant knows/should know relation to employment.	Disability payments.	Unlimited	Same as for accidents. Worker who is affected but not disabled may waive compensation (except radiation).
South Dakota	All diseases	Division may contract with physicians for reports.	Silicosis — noncompensable absent in-state exposure in 2 years (in-state requirement waived if same employer), employer liable only if exposure lasts 60 days.	Within 2 years after disability or death. Radiation — within 1 year after disability and claimant knows relation to employment.	Permanent total disability payments.	Unlimited	Same as for accidents. No PP disability for silicosis.[59]
Tennessee	All diseases			Within 1 year after incapacity or death.	Same as for accidents.	Unlimited	Same as for accidents. Coalminer's pneumoconiosis — same as Federal Black Lung Act.
Texas[60]	All diseases[60]	Provides for medical committee to pass on controvert questions and with power to order examinations. Commission appoints medical panel of 1 or more to report on extent of disability.		Within 1 year after the employee knew/should have known that the disease was related to employment.	Same as for accidents.	Same as for accidents.	Same as for accidents.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Utah	All diseases[47]		Notification must be given to the employer or the Industrial Commission within 180 days after cause of action arises. Cause of action is considered to arise on the date the employee knew that the occupational disease was caused by employment.	Within 6 years after cause of action arose but not more than 1 year after death.		Unlimited	Same as for accidents.
Vermont	All diseases		Cause of action is considered to arise on the date of the initial diagnosis of the disease.	Within [illegible] years of the initial diagnosis [illegible]		Unlimited	Same as for accidents.
Virgin Islands	All diseases			Within 60 days after disability.		Same as for accidents	Same as for accidents.
Virginia	All occupational diseases are compensable except mental diseases or life under [illegible] evidentiary standards of proof.		Exposure in 20 workshifts [illegible] exposure only for one [illegible]	Within [illegible] years after diagnosis or within [illegible] after last [illegible] exposure [illegible] is filed. Within [illegible] years after death occurring within [illegible] of disability.	Disability payments	Unlimited	Same as for accidents. Worker who is after [illegible] disabled may waive compensation subject to approval of the Commission.
Washington	Claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of an occupational disease.		Date of manifestation; the date the disease required treatment or became totally or partially disabling.	Within 2 years after employee receives written notice by physician of a diagnosed occupational condition and that a claim may be filed.		Unlimited	Same as for accidents.
West Virginia	All occupational diseases are compensable except mental claims.		Pneumoconiosis is compensable and requires 2 years of continuous exposure in the 10 years prior to last exposure or 5 years cumulative exposure within the 15 years prior to date of last exposure.	Within 3 years of last exposure or reasonable knowledge. Dependents within 1 year from date of death.	None	Unlimited with exception of Pneumoconiosis claims where medical care is based on percentage of impairment.	Same as for accidents.[50]

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Wisconsin	All diseases	May appoint independent medical expert in doubtful cases.	Disability date is last day of work for last employer whose employment caused disability.	Unlimited. After 12 years claim may be filed with state fund.		Unlimited	Same as for accidents.
Wyoming	All diseases	Medical opinion may be obtained from any qualified physician	Date of diagnosis is considered date of injury	Within 2 years after diagnosis of disease and not later than 5 years after last injurious exposure, whichever is earlier; within 1 year after diagnosis of death	Disability payments	Unlimited	Same as for injuries
F.E.C.A	All diseases			Within 3 years after injury, death, or disability and claimant knows/should know relation to employment; excusable.		Unlimited, subject to fee schedule	Same as for accidents.
Louisiana	All diseases			Within 2 years after knowledge that death or disability was caused by employment, or 2 years after last payment of benefits		Unlimited	Same as for accidents.
Alberta	All diseases	Appointed by discretion of WCB.		Within 1 year after injury or death; excusable.		Unlimited	Same as for accidents.
British Columbia	All diseases in schedule or otherwise recognized under Act	An appeal is available to a medical review panel which issues final decision on disputed medical questions.	Date of disablement shall be created as occurrence of the injury	Generally within 1 year of death or disablement; within 3 years if Appeal Division grants the request; within 1 year	Where a Board pension is payable to a dependent, the Board deducts the amount payable to the dependent under the Canada Pension Plan.	Unlimited	Same as for injuries, except no pension payable unless an actual loss of earnings
Manitoba	Occupational diseases, excluding ordinary diseases of life and stress, other than a acute reaction to a traumatic event; employment must be the dominant cause of the occupational disease.	Medical review panel only involved where difference of medical opinion exists.	Date of loss of earnings or impairment is considered to be date of accident.	Within 1 year after injury or death, may be enlarged.	The lump sum payable to a dependent spouse in the case of a fatality is reduced by the amount of any impairment award the worker received in respect of the same claim.	Unlimited	Same as for injuries.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
New Brunswick	All diseases listed in regulation and any disablement caused by an occupational disease or disablement arising out of and in the course of employment, excluding disablement of mental stress other than as an acute reaction to a traumatic event.		Date of accident is deemed to be date of disablement.	Within 1 year after injury or 6 months after death.	Canada Pension Plan Benefits.	Unlimited	Same as for accidents.
Newfoundland	All diseases	Committee of medical referees appointed by Commission.	Date of disability is considered to be date of injury.	Within 3 months after injury or disease and within 6 months after death.		Unlimited	Same as for accidents.
Northwest Territories	All diseases	Board may require examination by impartial physician.	Date of accident is deemed to be date of the disablement or date of application, whichever is later.	Disability — within 1 year after injury; excusable. Death — within 3 years after last employment and within 3 years after death.		Unlimited	Same as for accidents.
Nova Scotia	All diseases, excluding stress (aside from an acute reaction to a traumatic event)	A Medical Review Panel may be established to review various occupational injury types.	Date of accident earliest of: date occupational disease results in loss of earnings, the date a PMI is determined or date of death.	Within 5 years after the worker ceased to be regularly employed in the industry exposed and within one year after dependants learn injury resulted from silicosis or pneumoconiosis.		Unlimited	Same as for accidents.
Nunavut	All diseases	Board may require examination by impartial physician.	Date of accident is deemed to be date of the disablement or date of application, whichever is later.	Disability — within 1 year after injury; excusable. Death — within 3 years after last employment and within 3 years after death.		Unlimited	Same as for accidents.
Ontario	All occupational diseases, some stress claims require exposure		Date of diagnosis is considered to be date of accident or date of medical report, whichever is earlier.	Within 6 months of the worker learning of disease or death, if applicable.		Medical care for work-related aspect of disease.	Same as for accidents.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Prince Edward Island	All industrial diseases arising out of and in the course of employment.	The Board may appoint a medical panel to advise on disputed medical issues.		Within 6 months after injury or death.		Unlimited	Same as for accidents.
Quebec	All diseases	All pulmonary diseases are submitted to Committee on Occupational Lung Diseases.	The date of the medical visit [illegible]	Within [illegible]		Unlimited	Same as for accidents.
Saskatchewan	All occupational diseases if developed out of and in the course of employment.	Medical panel issues final decision on disputed medical questions.		Within 6 months after injury or death.		Unlimited	Same as for other injuries.
Yukon Territory	All diseases	Disputes may be referred to independent examination.		Within 1 year of disability arising Board may allow late application.		Unlimited	Same as for accidents.
Canadian Merchant Seaman's Act	All diseases	Disablement in the course of employment 'otherwise than a result of an accident' is compensated as for an accident.					

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Chart IV — Coverage of Occupational Diseases, Cont.

Notes

[1]Employer and insurance carrier at time of last exposure are liable in: Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, New Hampshire, North Carolina, Oklahoma, Tennessee, Vermont, and Virginia. The employer at time of last exposure is liable in: Alabama, Arizona, Iowa, Michigan, Missouri, Montana, New Mexico, Pennsylvania, South Dakota, Texas, and Utah. Liability is apportioned among responsible employers in New York, Rhode Island, and Washington. California limits liability to employer during last year of exposure.

[2]Benefits determined as of the date of last exposure or last injurious exposure in: Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Nevada, New Jersey, South Dakota, Texas, Washington, West Virginia, Wisconsin, and Wyoming. Benefits determined as of the date of disability, knowledge, or manifestation in: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Iowa, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, and Washington (date of injury after 07/1/88).

[3]Alabama — Radiation illness caused by gradual exposure. Pneumoconiosis when dust is due to causes and conditions arising out of and in the course of employment.

[4]Alabama — If compensation is payable for occupational disease other than pneumoconiosis or radiation, the only employer liable, if any, shall be the employer in whose employment the employee was last exposed.

[5]Arizona — HIV infection is covered if employee handles body fluids, excluding tears, saliva and perspiration. Specifically excludes sexual activity and illegal drug use as a cause of infection.

[6]Arizona — Limit on filing runs from when injury is manifest or when claimant knows/should know relation to employment; tolled during incapacity.

[7]California — For peace officers, including fire fighters, who develop hepatitis, meningitis, and/or cancer, the presumption of compensabilty is only rebuttable if not related to employment or if the carcinogen is not reasonably linked to cancer. Claims for benefits filed or pending on or after 1/1/1997 define cancer to include leukemia. Under Labor Code section 3208.3, psychiatric injuries must have been predominately caused by employment to be compensable. However, an employee whose injuries resulted from a violent act must demonstrate that employment was a substantial cause of the injury. The amended section also imposes limitations on post-termination stress cases. Dependants of a worker whose HIV-related death occurs more than 240 weeks after the date of the initial injury will receive death benefits. The period within which proceedings may be commenced for the collection of benefits for cases stated above, is one year from the date of death, providing that; a report of the injury or exposure was made to the employer or the proper government agency authorized to administer industrial injury claims, within one year of the date of injury; the worker has complied with the State's notice provisions, and the claim has not been finally determined to be noncompensable; The employer was to provide worker's compensation benefits for the injury prior to the date of death. A Health care worker is one who has direct contact, in the course of employment, with blood or other bodily fluids contaminated with blood, or with other bodily fluids identified by the Division of Occupational Safety and health as capable of transmitting HIV, who is either (1) any person who is an employee of a provider of health care, as defined in subdivision (d) Section 56.05 of the Civil Code or (2) an employee who provides direct patient care.

[8]California — Date of injury is date of disability and claimant knows/should know relation to employment.

[9]Colorado — Supreme Court held that employees may be entitled to benefits for job-related mental or emotional stress. City of Boulder v. Streeb, 706 P.2d 786 (1985).

[10]Georgia — Byssinosis claims diagnosed before 7/1/83 must be filed before 7/1/84.

[11]Idaho — AIDS, ARC, HIV infections and Hepatitis B virus are covered for any occupation with exposure to body fluids.

[12]Idaho — For silicosis, a worker who is affected but not disabled may waive full compensation and, if later disabled, receive benefits up to $5,000.

[13]Indiana — 20 years if last asbestos dust exposure occurs on or after 7/1/85, 3 years if last exposure occurred before 7/1/85.

[14]Iowa — Death from respiratory disease of coalminer employed 10 years presumed due to pneumoconiosis.

[15]Iowa — 33% threshold requirement repealed; benefits now payable are prospective only.

[16]Kansas — Worker who is affected but not disabled may waive full compensation and if later disabled receive benefits up to 100 weeks.

[17]Kentucky — Applies to asbestos-related disease claims filed on or after 7/15/86.

[18]Kentucky — Special provisions for coal worker's pneumoconiosis.

[19]Louisiana — Mental injury, heart-related and perivascular diseases are not occupational diseases, but under certain circumstances are compensable under workers' compensation.

[20]Maine — Asbestos-related diseases not covered by Maine Act if at time of last injurious exposure the employee was covered by Federal Longshore Act or F.E.C.A.

[21]Maine — Claim for asbestos-related disease contracted between 11/30/67 and 10/1/83 must be filed by 1/1/85.

[22]Maryland — Disease or injury compensable under federal law (other than Social Security Disability Insurance) is not compensable.

[23]Michigan — Silicosis, dust disease, and logging industry fund reimburses compensation over $25,000 or 104 weeks, whichever is greater, for injury after 6/30/85; also reimburses benefits in cases of exposure to brominated biphenyl before 7/24/79 and where disability or death occurs/becomes known after 7/24/79.

[24]Minnesota — Employer during last significant exposure liable; if several insurers- last exposure liable.

[25]Mississippi — For radiation, date of disablement is date of injury.

[26]Montana — A representative may apply for and receive silicosis payments on behalf of an eligible person or beneficiary.

[27]Nevada — If injured employee worked as a police officer or fire fighter for 5 continuous years and subsequently develops heart disease, it is conclusively presumed to have arisen out of employment; lung disease is presumed to have arisen out of employment for these individuals after 2 years.

[28]Nevada — NRS 617.450 lists a schedule of 21 occupational diseases which are covered. Many of the occupational diseases covered under this statute are various types of chemical poisoning.

[29]Nevada — the 'last injurious exposure rule' is applicable in occupational disease cases.

[30]Nevada — NRS 616C.052 provides for a blood test to screen for contagious diseases such as hepatitis A, B, C, tuberculosis and HIV. Nevada has special provisions for hearing (NRS 617.454), lung (NRS 617.455), and heart (NRS 617.457) occupational diseases for firefighters and police officers. Cancer may be an occupational disease for firefighters in specified circumstances.

[31]Nevada — Benefits are determined as of the date of the last exposure.

[32]New Hampshire — Date of injury is the date worker knows/should know relation to employment or, in the event of death, date dependents know/should know relation to employment.

[33]New Mexico — Occupational Disease Disablement Law applies to employers of 3 or more but excepts employers of ranching or

agricultural laborers, employers of private domestic servants and qualified real estate salespersons.

[34]New Mexico — Unless worker is receiving disability compensation for work, then death within 3 years is compensable. The statute setting forth time limits for claims for exposure to radioactive or fissionable materials has been declared unconstitutional.

[35]New York — Disability or death prior to 8/1/94 due to silicosis or dust disease reimbursed from special fund for all payments over 104 weeks; reimbursed for all payments over 260 weeks where death or disability on or after 8/1/94.

[36]North Carolina — Asbestosis or silicosis is noncompensable absent in-state exposure in 2 years during 10 years preceding last exposure or if exposure is less than 30 working days in 7 consecutive months. However a recent North Carolina Supreme Court case has found this statutory limitation to be unconstitutional.

[37]North Carolina — Worker who is affected but not disabled by asbestosis or silicosis or who is removed from exposure receives benefits up to $620 weekly for 104 weeks. If later totally disabled, full compensation is paid. If death results within 2 years after last exposure (350 weeks if caused by secondary infection), full compensation is paid. If partially disabled, 66⅔ of wage loss is paid for another 196 weeks. If unrelated death, balance of 104 weeks is paid plus 300 weeks (total disability) or percentage of 196 weeks (partial disability). Worker may waive full compensation and receive 104 weeks of compensation plus 100 more weeks if later disabled or dies.

[38]North Dakota — Date of injury is the first date a reasonable person knows/should know the employee suffered a compensable injury.

[39]North Dakota — In order to be compensable, injuries due to heart attack, stroke, and mental injury must be causally related to employment, with reasonable medical certainty, and must have been precipitated by unusual stress. Unusual stress must be at least 50% of the cause of injury or disease.

[40]North Dakota — Date of injury is date on which a reasonable person knows/should know relation to employment.

[41]North Dakota — Police and fire personnel who are paid and full-time are presumed eligible for workers' compensation if lung or heart disease develop. Fire personnel presumption for cancer. Burden to disprove entitlement shifts to the Bureau.

[42]Ohio — Includes asbestosis, silicosis, and coalminer's pneumoconiosis. Worker who is affected but not disabled by respiratory dust disease and changes occupation, may receive 50% of the SAWW weekly for 30 weeks and immediately following expiration of that award, claimant may receive 66⅔ of wages lost from change of occupation for 100 weeks, but may not exceed 50% of the SAWW.

[43]Oregon — Conditions must be established by medical evidence supported by objective findings, and must be the major contributing cause of the consequential condition.

[44]Pennsylvania — For purposes of the occupational disease provisions of the Workers' Compensation Act; under the Occupational Disease Act, disability or death must occur within 4 years of the last exposure. Under Occupational Disease Act, state pays $125 monthly for total disability or death caused by silicosis, anthracosilicosis, coalminer's pneumoconiosis, or asbestosis provided there has been 2 years of in-state exposure, in cases where the claim is barred by the statute of limitations and the last exposure occurred before 1965 or where exposure occurred under several employers.

[45]South Dakota — Worker who is affected by silicosis but not disabled may waive full compensation and if later disabled or dies receive benefits up to 52 times the maximum weekly benefit; if eaves employment, may receive compensation up to $1,000.

[46]Texas — Heart attacks covered if medical evidence shows that cause was work-related and not triggered solely by emotional or mental stress, absent a sudden stimulus.

[47]Utah — Disability compensation may not be awarded under the Utah Occupational Disease Act (subsection 2–b–i through iii) when the major contributing cause of the employee's injury is the use of illegal substances, intentional abuse of prescription drugs or intoxication from alcohol with a blood or breath alcohol concentration of .08 grams or greater. For purposes of Subsection 2 of the Occupational Disease Act, it is presumed that the major contributing cause of the employee's injury is the employee's conduct described in subsection 2–b–i through iii if at the time of injury, as shown by a chemical test.

The presumption created under Subsection 3–a may be rebutted by evidence.

[48]Virginia — 5–year limitation does not apply to cataract of the eyes, skin cancer, radium disability, ulceration, undulant fever, angiosarcoma of the liver due to vinyl chloride exposure, or mesothelioma; byssinosis — within 7 years after last exposure; coalminer's pneumoconiosis - within 3 years after diagnosis; asbestosis — within 2 years after diagnosis or if based on changed condition, within 2 years after diagnosis of advanced stage. No claim for an advance stage of asbestosis shall be denied on the ground that there has been no subsequent accident. Claimant must file claim within 2 years after positive identification of infection with human immunodeficiency virus.

[49]Virginia — Compensation for advanced asbestosis or mesothelioma based on wages at time of diagnosis if employed in same employment where injurious exposure occurred; otherwise based on the AWW of worker in similar employment.

[50]West Virginia — Pneumoconiosis benefits for federal claims are paid from the Coal Workers' Pneumoconiosis Fund.

[51]Longshore Act — In PP disability claims due to occupational disease where times of injury occurs after retirement, compensation is 66⅔ of the AWW times percentage of permanent impairment (according to AMA guidelines) payable while impairment continues.

[52]British Columbia — Certain illnesses are presumed caused by work exposure as provided in schedule.

[53]British Columbia — Compensation is payable if an application is filed, or adjudication made, within 1 year of disablement. If filed within 3 years; special circumstances existed precluding filing within 1 year; AND scientific/medical evidence was not available in the 1–year period, Board may pay compensation from date of disablement. If filed after 3 years AND special circumstances existed, Board may pay compensation from date the Board received the application.

[54]Québec — A worker age 55 or over who suffers from an occupational disease, or one age 60 or over who suffers from an injury and is affected by a permanent physical or mental disability, is entitled to an Income Replacement Indemnity for as long as he does not have a new job or a suitable job with his employer.

[55]Québec — Certain diseases are presumed caused by work exposure as provided in Schedule.

[56]Québec — Committee formed by Minister of Labor.

[57]Virginia — Ovarian and breast cancer in the case of eligible fire fighters and hazardous materials officers.

[58]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

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Chart V — Occupational Hearing Loss

Jurisdiction	Separation from Noise Before Filing	Minimum exposure in Last employment	Liability for prior loss	Benefits: Total Loss	Benefits: One Ear	Deduction for Presbycusis	Failure to Use Protective Device	Compensable Loss of Hearing (in DB)	Loss of Hearing Considered Total (in DB)	Cycles at which Loss is Measured
Arkansas	Statute silent	Statute silent	No	158 weeks	42 weeks	No				Medical evaluation
California[1]										
District of Columbia	6 months			150 weeks	39 weeks	Possible		Latest AMA Guides[1]	Latest AMA Guides[1]	
Georgia	6 months	90 days	No	150 weeks	Proportionate		No compensation	Over 15 (26 ANSI/ISO)	82 (93 ANSI/ISO)	500–1,000–2,000
Guam	No requirement	No requirement	Last covered employer	200 weeks	52 weeks		No consequence	Latest AMA Guides[1]		Latest AMA Guide
Hawaii	No requirement	No requirement	Last covered employer	200 weeks	52 weeks	No	No consequence	Latest AMA Guides	Latest AMA Guides	Latest AMA Guides
Idaho[12]										
Illinois				200 weeks	[2]	Yes		Over 30	85	1,000–2,000–3,000
Iowa	1 month	90 days	No	175 weeks	Proportionate	Yes	No compensation	Over 25 ANSI/ISO	92 ANSI/ISO	500–1,000–2,000–3,000
Kansas	No requirement	No requirement	No	100 weeks	30 weeks	No		AMA 4th edition	AMA 4th edition	AMA 4th edition
Kentucky	No requirement	No requirement	No	[3]	[3]		Compensation reduced 15%	Latest AMA Guides[1]		
Maine	30 days	90 days	No	200 weeks	50 weeks			Over 15 ASA (25 ANSI)	82 ASA (92 ANSI)	500–1,000–2,000
Maryland		90 days	Implead prior employers	250 weeks	125 weeks	Yes		Over 25	91.7	500–1,000–2,000–3,000
Minnesota	No requirement	No requirement	Last significant exposure	35% whole body disability	Loss calculated binaurally	No		At least 1.8 binaural hearing loss		500–1,000–2,000–3,000
Mississippi	No requirement	No requirement	Yes, but apportionment may apply	150 weeks	40 weeks	No	No AMA Guides[1]	Latest AMA Guides[1]	Latest AMA Guides[1]	Latest
Missouri	6 months		No	180 weeks	49 weeks	Yes	Compensation/death benefits reduced 15%	Over 15 ASA (25 ANSI/ISO)	82 ASA (93 ANSI/ISO)	500–1,000–2,000
Montana	6 months	90 days, 8 hours daily	No	200 weeks	40 weeks	Yes		Over 25 ISO `64	92 ISO `64	500–1,000–2,000
Nebraska	No requirement	No requirement		Same as PT disability	50 weeks		No compensation if willful negligence	Supported by medical expert opinion	No requirement	No requirement
New Hampshire	Statute silent	Statute silent	No	123 weeks	30 weeks	Possible				Latest AMA Guides
New Jersey	4 weeks	1 year, 3 days weekly during 40 weeks	No	200 weeks	60 weeks. For occupational hearing loss the loss must be bilateral	Yes	No compensation	Over 20 ASA (30 ANSI '69)		1,000–2,000–3,000
New Mexico	No requirement	No requirement	No	150 weeks	40 weeks		10% reduction may apply	Latest AMA Guides[1]	Latest AMA Guides[1]	
New York	3 months	Under 90 days presumed non-compensable	Implead prior employers	150 weeks	60 weeks	No		Over 15 (ANSI '69)	92 (ANSI '69)	500–1,000–2,000–3,000

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Chart V — Occupational Hearing Loss, Cont.

Jurisdiction	Separation from Noise Before Filing	Minimum exposure in Last employment	Liability for prior loss	Benefits		Deduction for Presbycusis	Failure to Use Protective Device	Compensable Loss of Hearing (in DB)	Loss of Hearing Considered Total (in DB)	Cycles at which Loss is Measured
				Total Loss	One Ear					
North Carolina	6 months[4]	90 days	No	150 weeks	Proportionate		No compensation	Over 25 (ANSI/ISO)	92 (ANSI/ISO)	500–1,000–2,000–3,000
North Dakota	No requirement	No requirement						4th edition of AMA Guide[1]	4th edition of AMA Guide[1]	
Oklahoma	No requirement	No requirement	No	212.6 weeks	104.2 weeks	No	No compensation for failure	Applicable AMA Guides	Applicable AMA Guides	500–1,000–2,000–3,000
Oregon			No, if adequately documented by a pre-employment audiogram	98,167.68[6]	30,677.40[6]	Yes		Over 25 (ANSI '89)	92 (ANSI `89)	500–1,000–2,000–3,000–4,000–6,000
Penn	No requirement	No requirement	No			Possibly	No impact	Over 25 dB	25% personal	500–1,000–2,000–3,000
Puerto Rico[10]	1 year	No requirement	No, if claims term has elapsed	200 weeks	50 weeks	No		Latest AMA Guides[1]	Latest AMA Guides[1]	Latest AMA Guides[1]
Rhode Island	6 months	N/A (employer with whom employee last exposed to harmful noise shall be liable)	No	100 weeks (up to 500 weeks for multiple injuries)	17 weeks (up to 85 weeks for multiple injuries)			Latest AMA Guides	Latest AMA Guides	500–1,000–2,000–3,000
South Carolina	No requirement	No requirement	No	165 weeks	80 weeks			Over 25	92 (ANSI `69)	500–1,000–2,000–3,000
South Dakota	6 months	90 days or part thereof	No	150 weeks	50 weeks	Yes	No compensation	Over 25 (ANSI)	92 (ANSI)	500–1,000–2,000–3,000
Utah	6 weeks		No	109 weeks	Proportionate	No	Can apply for 15% reduction	Over 25 ANSI `69	90 (53.6 ANSI `69)	500–1,000–2,000–3,000
Vermont	No requirement	No requirement	No					AMA Guides	AMA Guides	AMA Guides
Virgin Islands	6 months			180 weeks	120 weeks					
Virginia								27 ASA	90 ASA	500–1,000–2,000–3,000
Washington	No requirement	No requirement; facts must support injurious exposure	No[8]	67,330.64	11,221.76	No	No impact on rights or benefit levels	Latest AMA Guides[1]	85 500–1,000–2,000–3,000	
West Virginia	Statute silent	Statute silent	No	66 2/3 PT	66 2/3 PT	No	No consequence	Over 25 (ANSI '69)	90 (ANSI '69)	500–1,000–2,000–3,000
Wisconsin	7 days[9]	90 days	No	216 weeks	36 weeks		15% decreased compensation	Over 30 ANSI	93	500–1,000–2,000–3,000
FECA	No requirement			200 weeks	52 weeks	No		Over 25 (ANSI/ISO)	Latest AMA Guides	500–1,000–2,000–3,000
Longshore Act			Last covered employer	200 weeks	52 weeks			Over 25 (ANSI)	92 (ANSI)	500–1,000–2,000–
British Columbia	No requirement	No requirement	Loss apportioned by previous classification	15% total disability	3% of disability for unilateral loss	No	No consequence	28 dB or greater	68 dB (ANSI/ISO)	500, 1,000 and 2,000
Nova Scotia	Statute Silent	Statute Silent	Apportionment may apply	Permanent Impairment Benefits	Permanent Impairment Benefits	Yes	No consequence	4th edition AMA Guidelines	4th edition AMA Guidelines	500–1,000–2,000–3,000
Ontario									92/92	500–1,000–2,000–3,000

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Chart V — Occupational Hearing Loss, Cont.

Notes

* AAOO refers to the American Academy of Opthamology and Otolaryngology.

[1]AMA Guide refers to the American Medical Association's Guide to the Evaluation of Permanent Impairment.

[2]Illinois — 50 weeks under Workers' Compensation Act; 100 weeks under Workers' Occupational Diseases Act.

[3]Kentucky — No compensation for hearing loss with less than an 8% functional impairment to the body as a whole, no impairment percentage for tinnitus shall be considered in determining impairment to the whole person.

[4]Missouri — Employment in which employee was last exposed to hazards for which claim is made regardless of the length of time of such last exposure.

[5]New York — Claimant may file up to 3 months after knowledge that the loss of hearing was due to the nature of the employment.

[6]Oregon — Benefit amounts for injuries occurring on or after 1/1/2000.

[7]Pennsylvania — Depends on whether loss caused by long term exposure to hazardous occupational noise or other causes, such as head trauma. Compensation is paid in the amount of 66-2/3% of wages for a period of weeks calculated by multiplying the % of impairment calculated under the Impairment Guides by a certain number of weeks.

[8]Washington — Prior hearing loss must be adequately documented. Compensation is made only for the increase in hearing loss due to new exposure.

[9]Wisconsin — no compensation may be paid for tinnitus that occurs on or after 1/1/92.

[10]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

[11]Ontario — Clear and adequate history required of 90dB(A) for 5 years, or equivalent, during employment in the Province of Ontario.

[12]Idaho — Idaho uses "whole man" ratings for dual ear hearing loss. Hearing loss usually has to be proven as occupational disease, which has a higher burden of proof.

[13]California — Hearing loss is a compensable injury under California law. It is a ratable factor under the Permanent Disability Rating Schedule. It carries a standard rating of 15% for loss of hearing in one ear, and 60% for loss of hearing in both ears. There is no particular statutory section on occupational hearing loss.

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PART 2 — BENEFITS PROVIDED

Because workers' compensation imposes an absolute (but limited) liability upon the employer for employee disabilities caused by employment, the benefits payable to an injured employee attempt to cover most of the worker's economic loss. This loss includes both loss of earnings and extra expenses associated with the injury.

Specifically, the benefits provided are:

- ✓ Cash benefits, which include impairment benefits and disability benefits. The former are paid for certain specific physical impairments, while the latter are available whenever there is an impairment and a wage loss.
- ✓ Medical benefits, which are usually provided without dollar or time limits. In the case of most workplace injuries, only medical benefits are provided since substantial impairment or wage loss is not involved.
- ✓ Rehabilitation benefits, which include both medical rehabilitation and vocational rehabilitation for those cases involving severe disabilities.

Cash Benefits — In considering workers' compensation income or cash benefits — which replace employee loss of income or earning capacity due to occupation injury or disease — four classifications of disability are used:

1. Temporary total (TT)
2. Permanent total (PT)
3. Temporary partial (TP)
4. Permanent partial (PP)

Permanent partial is divided into 'nonscheduled' and 'scheduled' disabilities.

Most cases involve temporary total disability. That is, the employee — although totally disabled during the period when benefits are payable — is expected to recover and return to employment. Permanent total disability generally indicates that the employee is regarded as totally and permanently unable to perform gainful employment.

Income Benefits for Total Disability (Chart VI)

Income or cash benefits payable under either temporary total or permanent total disability are shown in Chart VI. For computing weekly benefit payments, a formula — expressed as a percentage of wages — is used. In most states, limitations are placed on maximum and minimum benefits payable weekly; some states also limit the total number of weeks and total dollar amount of benefit eligibility. Where there is permanent total disability, most states provide payments extending through the employee's lifetime.

For either temporary total or permanent total disability, the wage-replacement percentage in each jurisdiction is the same. However, in permanent total disability cases, the time limits tend to be longer and the total dollar amounts higher than in cases of temporary total disability. Some states provide additional amounts and other benefits for dependents. Allowances for dependents are charted as a range in the 'Maximum Weekly Payment' and 'Notations' columns.

Partial Disability — Most awards and the preponderance of dollars paid out as income benefits are for temporary total and permanent partial disability. As partial disabilities involve current earnings or wage earning ability, many state weekly benefit payments for temporary or permanent partial disabilities of the 'non-scheduled' type are based on a wage-loss replacement percentage. The percentage applies to the difference between wages earned before and after the injury. In some states 'nonscheduled' permanent partial disabilities are compensated as a percentage of the total disability cases.

Income Benefits for Scheduled Injuries (Chart VII)

Chart VII indicates maximum amounts payable in cases of 'scheduled' injuries. Listed by law, these injuries involve loss, or loss of use of, specific body members, where wage loss based on nature of impairment is presumed. In most jurisdictions, the actual amount payable is a specified number of weeks of benefits (based on the member involved) multiplied by the weekly benefit amount (based on earnings at time of injury).

The Chart also indicates whether the 'scheduled' award is in addition to any payment otherwise payable to the employee while they may be temporarily totally disabled (healing period). Some states limit the amount payable for such periods of temporary total disability.

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The Canadian statutes do not provide schedules of specific injuries. Cases are decided individually using medical impairment ratings as guidelines.

Fatalities: Income Benefits for Spouse And Children (Chart VIII)

Benefits payable in the event of fatal injuries are shown in Chart VIII. The benefits provided include a burial allowance as well as a proportion of the worker's former weekly wages.

Although accidental death is always a tragedy, the economic loss associated with death cases is often less than that of a permanent total disability. Because of these considerations, death benefits are generally paid to the spouse until remarriage and to the children until a specified age. In addition, some laws provide a maximum benefit total expressed as maximum period for the payment of benefits. Figures for one child only reflect compensation if sole survivor.

Waiting Period For Income/Medical Benefits (Chart IX)

Medical Benefits — Comprising a sizeable portion of all workers' compensation benefits paid, medical benefits are shown in Chart IX. In most instances unlimited medical benefits are provided either specifically by statute or by administrative discretion.

Choice of Physician — Practices vary with respect to choice of attending physician. States are divided nearly evenly between those that give this decision to the employer and those that give the choice to the employee. In some states, selection must be made from an approved list. The employer normally has the right to have select a physician to conduct an examination.

Waiting Periods — Statutes provide that a waiting period must elapse during which income benefits are not payable. This waiting period affects only compensation; medical and hospital care are provided immediately. If disability continues for a certain number of days or weeks, most laws provide for payment of income benefits retroactive to the date of injury. Statutory provisions for waiting periods are summarized in Chart IX.

Rehabilitation of Disabled Workers (Chart X)

Mutual interests of disabled employees and employers generally favor starting rehabilitation as soon as possible. Although rehabilitation is considered an integral part of complete medical treatment, its uses may extend beyond this — for example, where it includes vocational rehabilitation and retraining.

Specific rehabilitation provisions now in workers' compensation laws are outlined in Chart X. However, rehabilitation is provided in all states even if unspecified in the law. Maintenance allowance amounts and special fund sources to finance rehabilitation also are indicated.

Insurance carriers and many employers having medical departments are leaders in carrying on rehabilitation for the industrially injured. Likewise, many major industries have comprehensive programs for employment of the physically handicapped. Smaller industries maintain modified programs for placement of disabled individuals in congenial tasks. All of these private programs help employees and employers alike.

The Federal Vocational Rehabilitation Act is now effective in all states; it includes federal funds to aid states in vocational rehabilitation of the industrially disabled.

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Chart VI — Income Benefits for Total Disability

Jurisdiction	Percent of Wages	Maximum Weekly Payment: Amount ($)	Maximum Weekly Payment: Rate	Minimum Weekly Payment: Amount ($)	Minimum Weekly Payment: Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Alabama	66⅔%	531.00	100% SAWW	146.00[1]	27.5% SAWW[7]	Disability PP–300 weeks TP–300 weeks				Annual increase in maximum effective July 1.[7]
Alaska	80% of spendable earnings[1]	762	100% SAWW	168 or $10.00[1]		Disability			Social Security, unemployment compensation, employer-funded pension or profit-sharing plan	
Arizona	66⅔	374.01				Disability				Benefits payable monthly. Additional $25 monthly if 1 or more total dependents, not subject to maximum. If claim was handled in bad faith or was done unfairly, additional benefit of 25% of total or $500, whichever is greater.
Arkansas	66⅔%	410.00	85% SAWW	20		TT–450 weeks PT–Life				Maximum effective January 1. Employer may pay a lump sum equal to present value of all future payments computed at a discount of more than no 10%.[1]
California	66⅔	490[10]		126[10]		TT–Disability PT–Life		TT–after 2 years	Unemployment compensation, Social Security	50% increased compensation if injury due to employer's serious, willful misconduct. Compensation sation increased by 10% if undue delay in payment. If injury was caused by employee's intoxication by alcohol or other controlled substance, no compensation is payable.
Colorado	66⅔	593.81	91% SAWW			TT[11]–Disability PT–Life			Social Security, Unemployment compensation, an employer-paid pension plan	Annual maximum based on 91% of SAWW effective July 1. Compensation increased 50% if employer failed to comply with insurance provisions. Compensation decreased 50% if injury results from worker's failure to obey safety regulations or from intoxication.
Connecticut	75% of after-tax income	838	100% SAWW	167.60[12]	20% of maximum	Disability				
Delaware	66⅔	449.60	66⅔% AWW	149.87	33⅓% of maximum	Disability			Social Security, employer-funded pension	Annual increase in maximum effective July 1.
District of Columbia	66⅔	948.76[13]	100% SAWW[13]	237.19[13]	25% SAWW	Disability		PT–January 1, maximum 5%[13]	No Social Security, employer-funded pension	Annual increase in maximum effective January 1.[13]
Florida	66⅔	571	100% SAWW	20		All Temporary Benefits–504 weeks PT–Disability				Annual based SAWW and maximum effective January 1. Compensation increased 20% of initial installment if not paid within 7 days after it becomes due.[14] Compensation reduced by 25% if employee refuses to use a safety device provided by employer.[15]
Georgia	66⅔	375 for injuries after 7/1/00		35.00[1]		Catastrophic-length of disability Noncatastrohpic–400 weeks			Employer funded portion of disability plan, wage continuation plan, disability insurance policy contributed to by Employee; unemployment benefits.	A person convicted of the misdemeanor offense of fraudulently receiving and retaining benefits for which he/she is not entitled subjects that person to a penalty of not less than $1,000 nor more than $10,000, or one year of imprisonment, or both.[16]
Guam	66⅔%	250	66⅔% SAWW	PT–150.00[1]		Disability	100,000			Compensation increased 10% for late payment without award; 20% if award.

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Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Hawaii	66⅔	547	100% SAWW	137[1]	25% SAWW	Disability		PT–injuries prior to 1/1/92		Annual increase in maximum effective January 1. Compensation may be increased 20% for failure to pay within 31 days after decision or award or within 10 business days for uncontroverted TT disability case.
Idaho	67	445.50	90% SAWW	222.75	45% SAWW	Disability		After 52 weeks or on January 1 of following year		Annual increase in maximum effective January 1.[2] For first 52 weeks, benefit is 67% of worker's wages if there are no dependent children under 18; after 52 weeks, benefit is 67% of the SAWW. Benefit is increased 7% of the SAWW per dependent child (up to 5), but may not exceed 90% of wages. Worker with no wage history receives no less than 15% of SAWW for first 52 weeks; 67% of SAWW thereafter.[3] 8% interest on late payments.[4]
Illinois	66⅔	956.32[19]	133⅓ SAWW	358.62[20]	PT–50% SAWW	TT–Disability PT–Life		PT–July 15 of second year		Semi-annual increases in maximum effective January 15 and July 15.[20]
Indiana	66⅔	762[21]		50		500 weeks	254,000			After 500 weeks additional benefits are payable from second injury fund in 150-week increments.[22]
Iowa	80% of spendable earnings[23]	1031[24]	200% SAWW	0.92[25]		Disability				Annual increase in maximum effective July 1. Benefits up to 50% if late or stopped without good cause.
Kansas	66⅔	401	75% SAWW	25		Disability	TT–100,000 PT–125,000 (includes TT) PP–where functional impairment only is awarded–50,000		Retirement benefit provided by employer, including Social Security Retirement. No offset for Social Security Disability.	Annual increase in maximum effective July 1. Compensation may be increased up to $100 per week past due (plus up to $25 week past due).[27]
Kentucky	66⅔[26]	530.07	100% SAWW	106.01	20% SAWW	Disability For injuries/diseases after 12/12/96 award terminates upon eligibility for old age Social Security benefits			For injuries and dates of last exposure on or after 12/12/96: employer funded disability or sickness and accident plan covering same disability, unless plan contains an internal offset provision; unemployment benefits	The maximum and minimum benefit rates are based on the SAWW for 2000.
Louisiana	66⅔	388	75% SAWW	104	20% SAWW	TT–6 months PT–Disability			Social Security[28] unemployment compensation, employer funded disability, federal and other state workers' compensation	Annual increase in maximum effective September 1. No compensation paid if intoxication was the proximate cause of the injury.[29]
Maine	80% of after-tax AWW	458.83[30]	90% SAWW					For injuries on and after 1/1/93, there is no provision for automatic cost of living adjustment	Employer funded benefits, old age Social Security, unemployment benefits	Annual increase in maximum effective January 1.[31] Employee who terminates active employment and is receiving non-disability pension and retirement benefits and was paid weekly benefits is presumed not to have loss of earnings — this may be rebutted because of work-related disability.

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Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Maryland	66⅔	652	100% SAWW yearly maximum figure	TT–50[1]		Disability	45,000 PT–continuing benefits for accidental/occupational diseases occurring after 7/1/73	PT–January 1, maximum 5%		Annual increase in maximum effective January 1.
Mass.	60	830.89	100% SAWW	166.18	20% SAWW	TT–156 weeks PT–260 weeks	[2]	PT–Percentage change in most recent annual CPI, not to exceed 5%	Unemployment compensation, pension, old age Social Security	Annual increase in maximum effective October 1. Additional $6 weekly per dependent child if total benefit does not exceed $150 or 100% of wages.[3]
Michigan	80% of spendable earnings	644	90% SAWW	178.62	PT–25% SAWW	Disability[34]			Disability, unemployment compensation, pension, old age Social Security Retirement[35]	Annual increase in maximum effective January 1. Additional $50 per day for award unpaid after 30 days, maximum $1,500.[36]
Minnesota	66⅔	750		130[37]	PT–66⅔% SAWW	TT–90 days after MMI or after end of retraining		Anniversary of injury	Social Security after $25,000 paid for PT disability[38]	Increase in maximum effective October 1. Late payment shall be increased 25% if inexcusably delayed, plus interest.
Mississippi	66⅔	316.46[40]	66⅔ SAWW	25[41]		450 weeks	142,407			Annual increase in maximum effective January 1. Additional rehabilitation allowance up to $10 weekly for 52 weeks.[42]
Missouri	66⅔	599.96	105% SAWW	40		TT–400 weeks PT–Life	TT–239,984			Annual increase in maximum effective July 1; benefit set on rate in effect on date of injury. 10% interest for late payments. One time lumpsum award may be reached through a compromise settlement.[43]
Montana	66⅔	439	100% SAWW			TTD–disability until MMI; PTD–disability until eligible for or receiving full retirement benefits from Social Security or alternative system[45]		As of 7/1/90, maximum of 10 annual COLA adjustments. Rate no more than percent increase in SAWW or 3%, whichever is less.	Social Security	Annual increase in maximum effective July 1. PTD lump sum settlements may be discounted to PV based upon the average rate for US 10–year treasury bills in the previous calendar year.
Nebraska	66⅔	508.72	100% SAWW	49[46]		TTD–disability until MMI or return to work. PT–life				Annual increase in maximum effective January 1. Additional 50% compensation may be due for failure to pay within 30 days of notice of injury where no reasonable dispute exists, or for failure to pay within 30 days from the entry of final order, award or judgement.[46]
Nevada	66⅔	580.72[47]	150% SAMW			TT–Disability PT–Life			PT benefits are subject to an offset for previously received PP lump sum awards	TT benefits payable biweekly, PT benefits payable monthly. A TT cannot receive PP for the same period of time. Annual increase in maximum effective July 1.
New Hampshire	60[48]	923.00	150% SAWW	184.62[49]	30% SAWW[1]	Disability		Third anniversary of injury, July 1 thereafter		Annual increase in maximum effective July 1. Double compensation if employer violated prior recorded safety standard.[50]
New Jersey	70	591	75% SAWW	158	20% SAWW	TT–400 weeks PT–450 weeks			Social Security	Annual increases to rate if date of injury occurred prior to January 1, 1980. After 450 weeks at reduced rate if employed; at full rate if not able to be rehabilitated.

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Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
New Mexico	66⅔	480.47	100% SAWW	36		PT–Life[51] TT–80% or more–700 weeks TT–less than 80%–500 weeks			Unemployment benefits, wages and employer financed disability benefits if offset contractually exists.	Annual increase in maximum effective January 1. 10% additional compensation payable by employer for failure to provide safety device. 10% decrease for failure to use safety device. Up to 25% increase if judge finds unfair claims processing.[52]
New York	66⅔	400		TT–40' PT–40' Or actual weekly wage if less than $40.00		Disability			Social Security	Persons receiving PT benefits may collect full compensation and wages, but not in excess of pre-injury wage base.[53] Provision for collection of full wages and compensation applies only to statutory total disability for loss of both eyes, hands, arms, feet or legs, or any two thereof.
North Carolina	66⅔	620	110% SAWW	30		TT–Disability PT–Life				Annual increase in maximum effective January 1.
North Dakota	66⅔	497 plus dependents	110% SAWW	274.00[54]	60% SAWW	Disability or retirement			Social Security Disability and Social Security Retirement[55]	Annual increase in maximum effective July 1. Additional $10 weekly per dependent child under 18, or to age 22 if child attends a full-time educational institution; total benefits may not exceed claimant's net take-home pay.
Ohio	72% first 12 weeks; 66⅔ after 12 weeks; 66⅔ if receiving social security benefits[55]	618 for first 12 weeks[1]	100% SAWW	TT–206 PT–309	TT–331/3% SAWW PT–50% SAWW	TT[56]–Disability PT–Life			Employer funded benefits	Annual increase in maximum effective January 1. If PT benefit plus Social Security rate less than $263.32 weekly, Disabled Workers' Relief Fund (DWRF) pays the lesser of the difference between the DWRF rate and PT or DWRF rate and social security; amount increased annually by increase in CPI.
Oklahoma	70	473.00	100% SAWW	30[57]		TT–156 weeks[58] except for good cause shown PT–Life				Maximum amounts adjusted every 3 years based on SAWW. Current rates[59] effective 11/1/99–10/31/2002.[59]
Oregon	66⅔	TT–628.64 PT–628.64	100% SAWW	50, or 90% of actual wages, whichever is less		TT–Disability PT–Life			PT–Social Security TP–Unemployment compensation	Annual increase in maximum effective July 1. Injuries primarily caused by a controlled substance are not compensable. Up to 25% increase if unreasonable delay in payment.
Pennsylvania	66⅔	644.00	100% SAWW		50% SAWW or 90% of employee's AWW[60] which ever is less[61]	TT–Disability PT–Disability, but not more than 500 weeks			Unemployment compensation, Social Security (old age) and certain severance and pension payments	Claimants suffering injuries after 6/24/96 who continue to receive PT for 104 weeks may be required to undergo a medical examination requested within 60 days following expiration of the 104 weeks of receipt of benefits by the insurer to determine the degree of impairment utilizing the AMA Guidelines. A disability rating of less than 50% will result in the employee's compensation being reduced from total to partial status.
Puerto Rico[100]	66⅔	65		20		TT–312 weeks PT–Disability	24,300[2,58]			Double compensation if employee is under 18 and employed without a government permit. Triple compensation for accidents where a health or safety regulation had been overlooked after due warning had been issued.

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Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Rhode Island	75% of spendable income	653[59]	110% SAWW			Disability		Increases effective 5/10 and are based on the CPI for employees receiving total incapacity benefits for 1 year or partial incapacity extending beyond 312 weeks.		Annual change in maximum effective September 1. Additional $15 per dependent child under 18; 23 if in an accredited institution; total benefit may not exceed 80% of pre-injury wages. 10% increase if payment not made within 14 days of becoming due — 20% if payment awarded by Court.[60]
South Carolina	66⅔	532.77	100% SAWW	75		500 weeks[61]	266,385[61]			Annual increase in maximum effective January 1.
South Dakota	66⅔	448	100% SAWW	215	50% SAWW[1]	TT–Disability PT–Life		Yes, for all PTD claims.		Annual increase in maximum effective July 1.
Tennessee	66⅔	562.00[62]	100% SAWW	84.30		TT–400 weeks PT–Age 65	216,400		Social Security Disability	Annual increase in maximum effective July 1. Compensation may be increased 25% for failure to pay claim.
Texas	70[63]	533	100% SAWW	80	15% SAWW	TT–104 weeks PT–401 weeks	[64]			Maximum and minimum benefits established on September 1 annually. Benefits are subject to withholding for child support.
Utah	66⅔	529	TT–100% SAWW PT–85% SAWW	45		Disability 312 weeks all combinations unless PT			Social Security Disability and Retirement	Annual increase in maximum effective July 1. Additional $5 if spouse, plus $5 per dependent child under 18 (up to 4); total benefit may not exceed maximum.[65]
Vermont[66]	66⅔	760[67]	150% SAWW	253[1]	50% SAWW[1]	Disability[68]		July 1		Annual increase in maximum effective July 1. Additional $10 per unmarried dependent child under 21, total benefits may not exceed pre-injury wages.[68]
Virgin Islands	66⅔	311	66⅔ SAWW[69]	60[69]		Disability		After 2 years on January 1	PT–Social Security Disability and Retirement	Annual increase in maximum effective January 1. Total disability benefits begin after medical and vocational rehabilitation end. Compensation increased 15% for injury caused by employer's failure to obey safety order.
Virginia	66⅔	606	100% SAWW	151.50	25% SAWW[1]	TT–500 weeks PT–Disability[70]	TT–283,500	2.7 — 10/1/00 3.4 — 10/1/01[71]		Annual increase in maximum effective July 1. Compensation increased 20% for failure to pay within 2 weeks after due. Benefits subject to child support withholding.
Washington	60 to 75% depending on conjugal status and number of dependents	830.90[72]	120% SAWW	43.17 to 82.13 depending on marital status and number of dependents				July 1	Social Security Disability and Retirement	Annual increase in maximum effective July 1. Benefits payable monthly. 60% of wages, additional 5% of wages for spouse, plus 2% of wages per dependent child (up to 5), up to maximum. Benefits subject to child support withholding.
West Virginia	66⅔ PT 70% TT	490.55	100% SAWW	144.20	33⅓% SAWW (subject to Federal minimum WW)	TT–208 weeks PT–Life[73]	102,034.40		Reduce Permanent Total by after-tax amount of self-insurance, wage continuation employer provided disability insurance if no employee contribution to plan or premium [23–4–23(b)(1)(2)].	Annual adjustment in maximum and minimum effective July 1. All but Temporary Benefits payable monthly.[74]
Wisconsin	66⅔	582	100% SAWW	20		TT–Disability PT–Life			Social Security	

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Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Wyoming	TT–66⅔ or SAMW	501[76]	[77]	[77]	[77]	TT–24 months PT–Life	[78]			Quarterly adjustments in maximum effective January 1, April 1, July 1, and October 1. Benefits paid monthly. PT benefit fixed at 66⅔% of the SAMW.
FECA	66⅔ or 75	1,494.56	66⅔ or 75% of highest rate for GS-15	298.91[79]	66⅔ or 75% of lowest rate for GS-2	TT–Disability PT–Life		March 1	[79]	Benefits paid every four weeks. Benefits effective 1/2/2000. Higher percentage payable if 1 or more dependents.
Longshore Act	66⅔	933.82	200% NAWW[80]	225.32[1,80]	50% of NAWW[1,80]	Disability		PT–October 1	Jones Act, other workers' compensation benefits	Annual increase in maximum effective October 1.
Alberta[4]	90% of net income	625.05		247.86		TT–Disability PT–Life	50,100			PT payable monthly. Maximum annual gross earnings are $50,100 effective 1/1/2000. Automatic adjustments January 1 annually.
British Columbia[4]	75% gross	841.44		298.63[81]		TT–Disability PT–Life		January 1 and July 1 based on Consumer Price Index		Annual increase in maximum effective January 1. PT payable monthly Maximum annual earnings $58,500.
Manitoba[4]	90% net (80% after 24 months)	621.17[82]		204.16[83]		To age 65[84]	53,510	First day of the month following the second anniversary of the accident and annually thereafter	Canada Pension Plan Disability Benefits, other disability benefits, any payment made by an employer, EI benefits	Benefits payable periodically. Maximum annual earnings $53,510. Annual increase in maximum effective January 1.
New Brunswick[4]	85% of net earnings	517.13/ 544.70[85]				To age 65[86]		Benefits indexed by CPI[87] on anniversary of accident.	Remuneration or income replacement from an employment source and proportion of CPP benefits with respect to the injury.	Maximum annual earning is $46,200, increases annually on January 1, benefits payable bi-weekly.
Newfoundland[4]	80% of weekly net earnings	80%–523.85		200[88]		To age 65[89]			75% of employer sponsored pension plan benefits and Canadian Pension Disability Benefits	PT payable monthly. Maximum annual earnings $45,500.
Northwest Territories[4]	90% of net income	846.69		403.03[1]		TT–Disability PT–Life				Benefits payable monthly. Maximum annual earnings $60,000.
Nova Scotia[4]	75% of net loss of earnings for first 26 weeks, 85% thereafter	75%–426.98 85%–483.91[90]		No minimum		[91]		Based on on half of the percent change in the CPI for preceding year, effective January 1.	50% of Canadian Pension Disability and employer-paid collateral benefits	Maximum insurable earnings are 150% of average industrial wage for Province. Additional 5% of long-term disability set aside to provide annuity after age 65.
Nunavut[4]	90% of net income	846.69		403.03[1]		TT–Disability PT–Life				Benefits payable monthly. Maximum annual earnings $60,000.
Ontario[4]	85% of net average earnings[92]	848.79 to 913.38	296.24	295.08[93]		TT–Disability PT–Life		In accordance with increases in the CPI[94]		PT payable monthly. Maximum annual earnings $60,600.
Prince Edward Island[4]	80% for first 39 weeks, 85% thereafter	415.25				TT–Disability PT–Life		[95]	Canadian Pension Disability Benefits and employer paid collateral benefits.	Payable biweekly. Maximum annual earnings $38,100.

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Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Quebec[1]	90% of weighted net income[1]	558.82 to 637.98		207.19 to 234.16		TT–Disability[2] PT–to age 68		January 1		PT payable biweekly. Maximum annual earnings $50,500 effective 1/1/2000.
Saskatchewan[4]	90% of net income	607.80[6,98] [99]		282.03[99]		TT–Disability PT–Life		Payments indexed by CPI on anniversary of earnings loss	50% of Canadian Pension after 12 months	PT payable monthly. Assessable maximum is $48,000. After 2 years' disability, an amount equal to 10% of compensation is set aside to purchase annuity for benefits after age 65.
Yukon Territory	75 or 100[5]	897.54		306.88[1]		Age 65		12 months from date of accident		Maximum assessable earnings $62,400.
Canadian Merchant Seaman's Act[4]	75	604.11		156.32		TT–Disability PT–Life				Benefits payable monthly. Maximum annual earnings $42,000. Gov-in Council may raise benefits to level in maritime provinces.

Notes

[1]Actual wage if less.

[2]Amounts shown in italics have been calculated.

[3]Social security offsets generally apply by formula up to 50% of basic benefit.

[4]All amounts are reported in Canadian dollars.

[5]Injured workers who earn equal to or less than $16,000 will receive wage loss benefits, which equal 100% of their gross salary. If earning more than $16,000 an injured worker will receive 75% of their gross salary or $16,000, whichever is greater.

[6]Reflects maximum (net) for worker with dependent spouse and 2 dependent children.

[7]Alabama — Compensation may be increased up to 15% for failure to pay within 30 days after due. Disqualification occurs if being impaired by illegal drugs causes an accident. A drug test may be performed after an accident. No compensation awarded if employee refuses to submit to drug test.

[8]Alaska — Spendable weekly earnings if less. $168 with wage documents; $110 without wage documents.

[9]Arkansas — 18% penalty for failure to pay without an award, 20% penalty for failure to pay with an award. Benefits are subject to child support withholding. Ark. code Ann. § 11–9–522(F)(1) provides: Permanent total disability benefits shall be paid during the period of such permanent total disability until the employee reaches the age of 65; provided, with respect to permanent total disabilities resulting from injuries which occur after age 60, regardless of the age of the employee, permanent total disability benefits are payable for a period of 260 weeks.

[10]California — Maximum weekly payment covers injuries occurring on or after July 1, 1996; $126 or actual earnings if earnings less than $126.

[11]Colorado — TT payments cease when claimant reaches MMI, is released or is able to return to work or as otherwise determined by the statutes.

[12]Connecticut — 75% of the AWW if less.

[13]District of Columbia — Maximum is 100% of the SAWW; minimum is 25% of the SAWW

[14]Florida — Compensation increased 20% of initial installment if not paid within 7 days after it becomes due; $50.00 fine for each late payment below 90% of compliance.

[15]Florida — No compensation is payable if injury was caused primarily by the use of any drug, including alcohol. If employee refuses to take a drug test, it is presumed that drug use caused the accident.

[16]Georgia — Income payable without award increased 15% if not paid within 21 days of becoming due unless claim is controverted or Board excuses. Awarded benefits increased 20% if not paid within 20 days unless Board grants review. No compensation payable if employee was intoxicated or under the influence of a controlled substance. Blood alcohol reading of .08 within 3 hours of accident or confirmation of controlled substance within 8 hours of accident creates rebuttable presumption that it was the proximate cause of the accident.

[17]Idaho — If at minimum as of 7/1/91, no children are considered if accident occurred prior to7/1/91.

[18]Idaho — Benefits reduced 100% if use of a controlled substance or alcohol is "proximate cause of injury." Additionally, increase for each dependent child under age 18 is for injuries incurred prior to 7/1/91 only.

[19]Illinois — Minimum TT benefit is $100.90, if unmarried, ranges up to $124.30 if 4 or more dependents. In all cases claimant receives actual wage if less. Maximum weekly payment of $956.32 and minimum of $358.62 are effective as of 1/15/2001.

[20]Illinois — TT benefits may be increased $10 per day, up to $2,500, for unreasonable delay in payment; 14 days presumed unreasonable. Compensation may be increased 50% for unreasonable or vexatious delay in payment. Compensation may be increased 25% for employer's willful safety violation.

[21]Indiana — TT disability benefits subject to child support withholding.

[22]Indiana — Award is increased 5% if employer loses on court appeal; court may increase 10%.

[23]Iowa — Elected or appointed officials may choose to have their compensation based on their weekly earnings or they may choose to receive compensation equal to 140% of the SAWW.

[24]Iowa — Effective July 1, 2000 maximum for PT disability is $1,031.

[25]Iowa — Minimum weekly benefit amount for PP disability, PT disability, or death equal to the weekly benefit amount of a person whose gross weekly earnings are 35% of SAWW.

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[26]Kentucky — 80% of the AWW during rehabilitation.

[27]Louisiana — TT payable until claimant reaches MMI or for 6 months, whichever is less; claimant may, however, submit a claim for an extension.

[28]Louisiana — PT benefits reduced so that combined Social Security and PT benefits do not exceed 80% of pre-injury wages. Lump sum payments allowed upon director's approval and may be discounted at no more than 8% per year. Monthly supplemental earnings benefits cannot exceed 4–3/10 times TT benefits.

[29]Louisiana — 12% interest if undue delay in payment.

[30]Maine — Dates of injury prior to 1993 receive cost of living adjustments each year. The SAWW is calculated each year around the end of June. The SAWW is the basis for calculating maximum benefits, annual cost of living adjustments, and impairment awards. A new multiplier is calculated each July 1, obtained by dividing the new SAWW by the preceding year's average weekly wage. For partial incapacity benefits, compensation paid to employee for duration of disability if work-related injury results in permanent impairment of 15% of body. Other cases, payment of partial compensation limited to 260 weeks.

[31]Maine — Carrier may be assessed up to $200 per day for failure to pay award within 10 days. Some dates of injury prior to 1993 receive cost of living adjustments each year. Effective January 1, 1998, for dates of injury from and including 1/1/93 to and including 12/31/99, the permanent impairment threshold was reduced from in excess of 15% to 11.8% or greater.

[32]Massachusetts — Maximum limited by weeks of eligibility rather than dollar amounts.

[33]Massachusetts — Double compensation if injury due to employer's serious and willful misconduct. If no benefits are paid prior to final decision of claim, award is based on benefits in effect at time of decision instead of date of injury. Eligible for supplementary benefits after 24 months, calculated on October 1, equal to base benefit times percent increase in the SAWW over the SAWW at time of injury.

[34]Michigan — Conclusive presumption of PT disability does not exceed beyond 800 weeks from injury; thereafter determined in accordance with facts.

[35]Michigan — Benefits reduced if eligible for Social Security and benefits are not being coordinated.

[36]Michigan — Additional $50 per day penalty if uncontested benefits are unpaid after 30 days; $1500 maximum.

[37]Minnesota — Or employee's AWW, whichever is less.

[38]Minnesota — For injuries occurring on or after 10/1/92, the initial adjustment is deferred until the second anniversary of the date of injury. For injuries on or after 10/1/95, deferred until fourth anniversary.

[39]Minnesota — Offset for government disability benefits from same injury.

[40]Mississippi — Lump sum awarded in special cases, equal to present value of future payments.

[41]Mississippi — Except in cases of partial dependency or partial disability.

[42]Mississippi — If award is not paid within 14 days, 20% interest added (10% if no award).

[43]Missouri — Compensation increased 15% if injury caused by failure to comply with statute or order; decreased 15% if caused by worker's failure to use safety device.

[44]Missouri — If employer has a drug-free workplace program and the injury was primarily caused by intoxication, employee forfeits right to benefits.

[45]Montana — Compensation terminates upon receipt of or eligibility for Social Security Retirement benefits, when claimant is receiving PT disability benefits.

[46]Nebraska — Injuries caused by employee's intoxication or willful negligence are not compensable. Exception to employee's exclusive remedy is the willful and unprovoked physical aggression by a co-employee, officer or director. Lump sum settlements may be discounted to PV upon the basis of interest calculated at 5% per annum with annual rests.

[47]Nevada — (TT) Maximum compensation is $562.24 effective 7/1/99 — 6/30/2000, Injuries before 7/1/99 would have a different maximum TT rate.

[48]New Hampshire — Any claimant who holds 2 jobs concurrently shall have their AWW computed from their two salaries, but not to exceed 100% of their after tax earnings.

[49]New Hampshire — If AWW is 30% or less of the SAWW, employee is then compensated at rate equal to their AWW but not to exceed 90% of employee's after tax earnings.

[50]New Hampshire — Employer not liable for injury if worker was intoxicated by a non-prescription controlled substance unless employer was aware of intoxication.

[51]New Mexico — Except for total disability resulting from primary mental impairment in which case the maximum period is 100 weeks.

[52]New Mexico — If determined award is not paid timely, a workers' compensation judge may order the entire balance of the award due.

[53]New York — No compensation paid if injury caused solely by intoxication from alcohol or controlled substance; additionally, no compensation is paid if injury is caused by willful intention to injure oneself or another.

[54]North Dakota — Offset for retirement may not exceed 40% of weekly Social Security benefit. Offset for disability may not exceed 50% of weekly Social Security benefit. If eligible to receive supplemental benefits, claimant may receive minimum of $271 per week.

[55]Ohio — Maximum PT rate is 66⅔ of the SAWW unless claimant receives Social Security, which combined with PT, brings maximum up to 100% of the SAWW.

[56]Ohio — After 200 weeks, claimant examined to determine if disability is permanent. Claimant who receives an initial award of 90 days TT compensation will be required to be examined by bureau to determine continued eligibility for compensation, rehabilitation and medical treatment.

[57]Oklahoma — 10% penalty if not paid within 10 days after becoming due.

[58]Puerto Rico — May be paid in monthly installments of $65 to $200 for life; if converted to lump sum payment, total sum not to exceed $24,300.

[59]Rhode Island — Total award (TT and payments to dependents) may not exceed 80% of the AWW.

[60]Rhode Island — No compensation for PT disability if worker is earning pre-injury wages. Lump sum benefits available after benefits have been received for 6 months. Dependency allowance may be increased if the number of dependents increases during the time when an employee is receiving weekly benefits. Medical review required 26 weeks from date of compensable injury.

[61]South Carolina — Person who is paraplegic or quadriplegic or has suffered brain damage shall receive PT benefits for life. Commission may not order lump sum payment in such cases.

[62]Tennessee — Weekly rate applies to Temporary Total Disability and Permanent, Partial or Total Disability. Permanent Disability is paid from date injury is determined to be permanent.

[63]Texas — 75% if earning less than $8.50 per hour.

[64]Texas — For life in cases of amputation or paralysis of two limbs, loss of vision in both eyes or permanent insanity, at rate of 75% of the AWW. Annual increase not granted for benefits for life.

[65]Utah — Compensation provided by the Utah Workers' Compensation Act shall be reduced 15% when injury is caused by the willful failure of the employee to use safety devices when provided by the employer; or to obey any order or reasonable rule adopted by the employer for the safety of the employee. Disability compensation may not be awarded under the Utah occupational Disease Act when the major contributing cause of the employee's injury is the use of illegal

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substances, intentional abuse of prescribed drugs and intoxication from alcohol with a blood or breath alcohol concentration of .08 gram or greater. For purposes of Subsection 2 of the Occupational Disease Act, it is presumed that the major contributing cause of the employee's injury is the employee's conduct described in subsection 2-b-i through iii if at the time of injury, as shown by a chemical test.

The presumption created under Subsection 3-a may be rebutted by evidence. PT Disability beyond 312 weeks payable from Employers' Reinsurance Fund, minimum 36% of the SAWW. Employers and carriers have lifetime responsibility for injuries occurring after 7/1/94.

[66]Vermont — Employer must notify employee, who has not successfully returned to work, and the Commissioner, prior to terminating TT disability payments. Notice of payment discontinuation must include date and documented reason for discontinuation.

[67]Vermont — PT benefits payable at least 330 weeks, after temporary disability benefits cease. After 330 weeks, PT benefits continue while there is lost earning capacity.

[68]Vermont — Benefits may be disallowed if injury results from worker's failure to use safety device.

[69]Virgin Islands — During vocational rehabilitation, income benefits are 75% of the AWW, maximum SAWW, minimum $75 or actual wage if less.

[70]Virginia — Lifetime for permanent total disability.

[71]Virginia — Recipient of Social Security may be eligible for cost of living increases.

[72]Washington — Maximum monthly benefits are $3,561.00 effective 7/1/00.

[73]West Virginia — Employees of the state or any of its subdivisions may not simultaneously receive temporary workers' compensation benefits and sick/vacation pay.

[74]West Virginia — Until claimant attains the age necessary to receive federal old age retirement benefits. Rate adjustment not applicable to Permanent Total Awards with injuries after 5/10/95.

[75]Wisconsin — Compensation may be adjusted up or down by 15% (up to $15,000) for failure to use safety device or obey code or order. 10% interest payable on late payments. Employer, insurer or both may be assessed penalty up to double the amount of compensation (not to exceed $15,000) for bad faith failure to make payments.

[76]Wyoming — Benefits paid monthly, maximum is SAMW.

[77]Wyoming — SAMW changes quarterly. Worker's benefits are capped by the SAMW at the time of injury. PT benefits are based on a percentage of the worker's actual monthly earnings not to exceed the SAMW.

[78]Wyoming — PT benefits are awarded for 80 months. Extensions must be filed yearly and are approved by the division.

[79]F.E.C.A — Election required if benefits from Civil Service Retirement and Disability Fund (CSRA) or Federal Employees' Retirement System (FERS) are payable. In addition, individuals who receive social security benefits, due to Federal Service, are subject to offset.

[80]Longshore Act — Effective 9/29/84. Non-appointed Fund Instrumentalities Act employees subject to same maximum/minimum weekly rates as employees covered under Longshore Act.

[81]British Columbia — Actual wage, if less.

[82]Manitoba — Maximum payment for worker earning maximum with dependent spouse and 2 children.

[83]Manitoba — Maximum payment for worker earning minimum wage with dependent spouse and 2 children. Minimum weekly payment will be $212.60, as of 4/1/2001.

[84]Manitoba — If worker is 63 or older at time of accident, maximum time for receiving wage loss benefits is 24 months.

[85]New Brunswick — Annual review of maximum. $504.96 for single worker; $531.88 figure for married equivalent.

[86]New Brunswick — If 63 or older at time of loss, 2 years of benefits.

[87]New Brunswick — CPI calculated based on Statistics Canada information from July to June of each year.

[88]Newfoundland — 100% of average net earnings if less. In all cases Canada Pension Plan disability benefits are subtracted from the minimum payable.

[89]Newfoundland — If worker is 63 or older at time of injury, maximum time for benefits is 2 years.

[90]Nova Scotia — TD Code 1.

[91]Nova Scotia — Earnings-loss: until loss of earnings ends, no longer results from injury, worker reaches ages 65. Permanent Impairment Benefits: Life.

[92]Ontario — Net average earnings are gross wages minus probable income taxes, Canadian pension plan premiums and Unemployment Insurance. Lower figure for single, higher figure for married claimant with 1 child.

[93]Ontario — Minimum weekly amount payable is $295.06 or actual net average earnings (if the net average earnings are less than $15,343.12), whichever is less.

[94]Ontario — CPI paid on full permanent disability, Future Economic Loss benefits and Full Loss of Earnings. All other income benefits are indexed according to the following: (50% of CPI) — 1%, not less than 0, not more than 4%.

[95]Prince Edward Island — Permanent partial and total disability income benefits are indexed by following 75% of the CPI, to a maximum of 4%.

[96]Québec — Gross income less federal and provincial income tax net of credits established in relation to the family situation of the worker; unemployment insurance premiums; and contributions to the Québec Pension Plan.

[97]Québec — Income replacement indemnity is reduced by 25% at age 65, 50% at age 66, and by 75% at age 67.

[98]Saskatchewan — Maximum earning ceiling increased by $1,000 if 10% workers injured in preceding year earn in excess of maximum. For injuries occurring on and after 9/1/85, the maximum assessable wage rate is $48,000. For injuries occurring before 9/1/85, the maximum assessable wage rate is $46,000.

[99]Saskatchewan — Actual wages if less for first 2 years' disability.

[100]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

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Chart VII — Income Benefits ($) for Scheduled Injuries

Jurisdiction	Arm at shoulder	Hand	Thumb	First finger	Second finger	Third finger	Fourth finger	Leg at hip	Foot	Great toe	Other toes	One eye	Hearing: One Ear	Hearing: Both Ears
In this group of states, compensation for temporary disability is allowed in addition to allowance for scheduled injury.														
Alabama[2]	48,840	37,400	13,640	9,460	6,820	4,840	3,520	44,000	30,580	7,040	2,420	27,280	11,660	35,860
Alaska	No schedule. Benefits are $135,000 multiplied by the percent of whole person rating according to AMA Guide to the Evaluation of Permanent Impairment.[3]													
Arizona[4]	79,200	66,000	19,800	11,800	9,240	6,600	5,280	66,000	52,800	9,240	3,300	39,600	26,400	79,200
Arkansas[5]	72,224	54,168	21,608	12,728	10,952	7,104	5,624	54,464	38,776	9,472	3,256	31,080	12,432	46,768
California[6]	108,445[7]	58,862.50[8]	5,335	3,360	3,360	2,520	2,520	65,662.50[9]	27,370[10]	4,235	4,235[11]	21,420[12]	8,040	58,862.50
Colorado[13]	88,737.92	19,368.76	6,518.40	3,352.32	2,421.12	1,303.68	1,676.16	38,737.92	19,368.76	3352.32	744.96	25,887.36	6,510	25,887.30
Conn.[14]	137,904	111,384	41,769	23,868	19,227	13,923	11,271	102,765	82,875	18,564	5,967	104,091	23,205	68,952
Delaware	112,400	98,912	33,720	22,480	17,984	13,488	8,992	112,400	71,936	17,984	6,744	89,920	33,720	78,680
District of Columbia[62]	222,010	173,623	54,079	33,207	21,821	18,026	11,385	204,932	146,109	27,514	11,385	113,851	37,002	142,314
Florida	No schedule. Benefits paid according to degree of impairment.[15]													
Georgia	78,750	56,000	19,500	13,000	11,375	9,750	8,125	73,125	43,875	9,750	6,500	48,750	24,375	48,750
Guam	70,000	53,000	12,750	7,000	4,500	4,250	1,750	62,000	43,250	6,500	2,000	35,000	13,000	50,000
Hawaii[16]	170,664	133,468	41,025	25,162	16,410	13,675	8,205	157,536	112,135	20,786	8,752	76,580[64]	28,444	109,400
Idaho[17]	77,591.25	73,507.50	29,947.50	19,057.80	13,612.50	6,806.25	4,083.49	54,450.00	38,115.00	11,434.50	1,905.75	77,863.50		47,643.75
Illinois[18, 19]	286,896	181,700.80	66,942.40	38,252.80	33,471.20	23,908	19,126.40	269,988	148,229.60	33,471.20	11,475.84	153,011.20	25,807.15[65]	103,230
Iowa	237,000	180,120	56,880	33,180	28,440	23,700	18,960	208,560	142,200	37,920	14,220	132,720	47,400	165,900
Kentucky[54]	No Schedule. PP benefits are paid at 66 2/3% of wages according to degree of disability, for 425 weeks if disability is 50% or less or 520 weeks if disability is greater than 50%.													
Maine	"Specific loss" law provides set number of weeks at the employee's total compensation rate for loss of body parts whether worker actually loses that much time from work or not.[20] Employers may offset specific loss by amount of incapacity benefits previously paid.													
Maryland[21]	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mass.[22]								32,404.71	24,095.81			32,404.71	24,095.81	63,978.58
Minnesota	Benefits paid according to degree of impairment, mostly set out in PPD schedule rules.[23]													
Mississippi	63,292	47,469	18,987.60	11,076.10	9,493.80	6,329.20	4,746.90	55,380.50	39,557.50	9,493.80	3,164.60	31,646	12,658.40	47,469
Missouri[24]	72,908	54,996	18,856	14,142	10,999	10,999	6,914	65,052	48,710	12,570	4,400	43,996	15,399	56,567
Montana	No schedule. Benefits paid according to degree of impairment, age, education, wage loss and lifting restriction.[25]													
Nebraska[26]	114,300	88,900	30,480	17,780	15,240	10,160	7,620	109,220	76,200	15,240	5,080	63,500	25,400	[27]
Nevada[28]	No Schedule for injuries after 1973.													
New Hampshire[29]	193,830	174,447	70,148	43,381	35,074	17,537	8,307	129,220	90,454	16,614	2,769	77,532	27,690	113,529
New Jersey[30]	142,890	86,975	1,850	7,900	6,320	4,740	3,160	136,395	72,450	6,320	2,370	55,200	9,480	55,200
New Mexico	Schedule is based on a percentage of Total Disability for a number of weeks.[31]													
North Carolina[32]	148,800	124,000	46,500	27,900	24,800	15,500	12,400	124,000	89,280	21,700	6,200	74,400	43,400	93,000

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Chart VII — Income Benefits ($) for Scheduled Injuries, Cont.

Jurisdiction	Arm at shoulder	Hand	Thumb	First finger	Second finger	Third finger	Fourth finger	Leg at hip	Foot	Great toe	Other toes	One eye	Hearing: One Ear	Hearing: Both Ears
North Dakota[33,34]	70,215	51,340	3,775					22,650	6,040			4,530		15,100
Ohio[35]	139,050[36]	108,150	37,080	21,630	18,540	12,360	9,270	123,600[36]	92,700	18,540	6,180	77,250	15,450	77,250
Oklahoma[59]	61,738.50	49,390.80	14,817.24	8,643.39	7,408.62	4,939.08	3,704.31	61,738.50	49,390.80	7,408.62	2,469.54	59,268.96	24,695.40	74,086.20
Oregon[60]	98,167.68	76,693.50	24,541.92	12,270.96	11,248.38	5,112.90	3,067.74	76,693.50	69,024.15	9,203.22	2,045.16	51,129	30,677.40	98,167.68
Puerto Rico[37,61]	12,000	12,000	—	—	—	—	—	12,000	11,375	—	—	[38]	3,250	12,000
Rhode Island[39]	28,080	21,960	6,750	4,140	2,700	2,250	1,800	28,080	18,450	3,420	900	14,400	5,400	18,000
South Carolina	117,209.40	98,562.45	34,630.05	21,310.80	18,646.95	13,319.25	10,655.40	103,890.15	73,522.26	18,646.95	5,327.70	74,587.80	42,621.60	87,907.05
South Dakota	89,600	67,200	22,400	15,680	13,440	8,960	6,720	71,680	56,000	13,440	4,480	67,200	22,400	67,200
Tenn.[40]	112,400	84,300	33,720	19,670	16,860	11,240	8,430	112,400	70,250	16,860	5,620	56,200	42,150	84,300
Utah[41]	76,954	61,326	24,458	15,332	12,411	6,204	2,920	55,068	32,124	9,491	1,460	43,804	19,239	38,477
Vermont	No schedule. Benefits paid according to degree of impairment, AMA Guide 5th edition.													
Virgin Islands[42]	68,420	55,980	—	—	—	—	—	55,980	37,320	—	—	60,645	37,320	55,980
Virginia[43]	113,400	85,050	34,020	19,845	17,010	11,340	8,505	99,225	70,875	17,010	5,670	56,700	28,350	56,700
Wash.[44]	84,163.27	75,746.92	39,298.77	18,936.73	15,149.37	7,574.70	3,787.31	84,163.27	58,914.30	17,674.31	6,452.52	33,665.29	11,221.76	67,330.64
West Virginia[45]	117,732	98,110	39,244	19,622	13,735	9,811	9,811	117,732	68,677	19,622	7,849	64,753	44,150	107,921
British Columbia[63]	70%	50%	20%	4%	.4%	2.5%	2.5%	65%	10-25%	2.5%	.5% each	16%	3%	15%
Wisconsin[46]	92,000	73,600	29,440	11,040	8,280	4,784	5,152	92,000	46,000	15,332.72	4,600[47]	50,600	10,120[48]	60,720[48]
Wyoming	No schedule. Benefits paid by formula based on AMA Guide to the Evaluation of Permanent Impairment.													
F.E.C.A[49]	466,302	364,672	112,092	68,749	44,836	37,364	22,184	430,433	306,384	56,793	23,912	239,129	77,717	298,912
Longshore Act	271,989	212,709	65,382	40,101	26,153	21,794	13,076	251,067	178,711	33,127	13,948	139,482	45,332	174,352
In this group of states, compensation for temporary disability is allowed in addition to scheduled injury with certain limitations as to period.														
Indiana[50]	53,500	39,500	9,500	6,000	5,250	4,500	3,000	46,500	32,500	9,500	4,500	32,500	12,500	39,500
Kansas[51]	90,225	60,150	24,060	14,837	12,030	8,020	6,015	80,200	50,125	12,030	4,010	48,120	12,030	44,110
New York[52]	124,800	97,600	30,000	18,400	12,000	10,000	6,000	115,200	82,000	15,200	6,400	64,000	24,000	60,000
Penn.[53]	250,510	204,685	61,100	30,550	24,400	18,330	17,108	250,510	152,750	24,440	9,776	168,025	36,660	158,860
In this group of states, compensation for temporary disability is deducted from the allowance for scheduled injury.														
Kentucky[54]	No schedule. PP benefits paid at 66⅔% of wages according to degree of disability, for 425 weeks if disability is 50% or less or 520 weeks if disability is greater than 50%.													
Louisiana[55]	Schedule is based on 66⅔% of wages for a number of weeks.[56]													
Michigan[57]	173,236	138,460	41,860	24,472	21,252	14,168	10,304	138,460	104,328	21,252	7,084	104,328		
Texas[60]	No schedule. Benefits paid according to degree of impairment.													

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Chart VII — Income Benefits ($) for Scheduled Injuries, Cont.

Notes

[1]Amounts in chart reflect maximum potential entitlement. In Canada, permanent physical impairments generally are compensated by degree of disability using medical rating schedules as guidelines.

[2]Alabama — Maximum weekly PP benefit is lesser of $220.00 or 100% SAWW. Additionally, compensation is allowed for both temporary disabilities and permanent partial scheduled injuries but not at the same time.

[3]Alaska — Compensation is $177,000 multiplied by the employee's percentage of permanent impairment based on the AMA Guide to the Evaluation of Permanent Impairment.

[4]Arizona — Benefits based on $2,400.00 wage. Total loss payable at 55% of $2,400 (monthly payment of $1,320).

[5]Arkansas — Maximum PP rate is 75% of maximum total disability rate ($308.00 effective 1/1/2001).

[6]California — For injuries after 7/1/96, maximum PP disability benefit for disabilities is as follows: $140 for disability rating of less than 15%; $160.00 if 15–25%; $170 if 25–70%; $230 if over 70% but less than 90%.

[7]California — This assumes injury to the major arm and that reasonably satisfactory use of a prosthesis is not possible. Amount excludes life pension benefits.

[8]California — This assumes injury to the major hand and that reasonably satisfactory use of a prosthesis is possible.

[9]California — Loss of leg at or above knee, reasonably satisfactory use of prosthesis possible.

[10]California — Assuming satisfactory stump.

[11]California — Assuming loss of all except great toe.

[12]California — Assuming ability to wear artificial eye.

[13]Colorado — Effective July 1, 2000 the compensation rate is $186.24 per week. Each succeeding July 1, the compensation rate is modified for injuries arising on and after such date by the same percentage increase or decrease as the state AWW. When an injury results in the total loss or total loss of use of an arm at the shoulder, a forearm at the elbow, a hand at the wrist, a leg at the hip or so near as to preclude the use of an artificial limb, the loss of a leg at or above the knee where the stump remains sufficient to permit the use of an artificial limb, a foot at the ankle, an eye, or a combination of any such losses, the benefits shall be calculated as medical (or whole person) impairment. Medical impairment benefits are calculated by multiplying the medical impairment rating by an age factor set forth in statute, times 400 weeks and multiplied by the temporary total disability rate.

[14]Connecticut — Commission may award additional benefits based on loss of earnings.

[15]Florida — 3 weeks at 50% of the Average Weekly TT rate for each percent of impairment.

[16]Hawaii — In cases in which the disability is determined as a percentage of total loss or impairment of physical or mental function of the whole person, the maximum compensation is the corresponding percentage of 312 times 100% of the SAWW.

[17]Idaho — Maximum weekly PP benefit is 55% of the SAWW for year in which injury occurred.

[18]Illinois — Effective January 15, 2001. For PP benefits, wage replacement is 60%. Figures reflect benefits for amputation of a member and enucleation of an eye — maximum is 133⅓% of the SAWW ($956.32 effective 1/15/01). For other PP benefits, maximum is $516.15 effective 7/1/00–6/30/01.

[19]Illinois — Hearing loss under Workers' Compensation is $24,280.

[20]Maine — Set number of weeks.

[21]Maryland — Maximum weekly PP benefit is $94.20 where benefits are payable for less than 75 weeks; 66⅔% of the SAWW where benefits are payable for 75 weeks but less than 250 weeks; and 75% SAWW where benefits are payable for 250 weeks or more. Maximum benefit for second and third tiers.

[22]Massachusetts — Proportional benefits for partial loss of limbs (fingers, toes).

[23]Minnesota — PP disability equals scheduled dollar amount ($75,000 to $515,000) times percent whole body disability. Concurrent payment of PP disability and temporary benefits allowed in certain situations.

[24]Missouri — Totals rounded, totals given for hearing loss due to Transmatic incident loss (explosion, blast, or blow to head) 49 weeks (1 ear) or 180 weeks (both ears). Occupational hearing loss provides for loss up to 49 weeks (1 ear) or 180 weeks (both ears). Maximum weekly PP benefit is 55% of the SAWW; minimum is $40.00. If amputation or 100% loss of use, there is an additional 10% compensation. Benefit set at rate on date of injury.

[25]Montana — The maximum partial disability benefit is 50% SAWW.

[26]Nebraska — Terms run consecutively for loss of, or loss of use of, more than 1 member but less than total disability.

[27]Nebraska — PT loss of hearing is compensated as PT disability.

[28]Nevada — Some PT loss receives 100% of the Temporary Total Disability benefit until death. There is a schedule for the loss or permanent damage of teeth NAC616C.508.

[29]New Hampshire — If any injury results in more than one specified body part or is to the spinal column or spinal cord, an award shall be made to the whole person using 350 weeks as the maximum. Maximum weekly payment is $923 times the number of weeks specified.

[30]New Jersey — Figures reflect 2001 amounts. There is an an additional payment of 30% of the award where there has been an amputation of a major member (arm, hand, leg, foot). Compensation is payable weekly at 70% of pre-injury weekly wages, up to a maximum of 55% of the SAWW for arm or leg, 45% of the SAWW for hand, 40% of the SAWW for foot or one eye, 35% of the SAWW for hearing — both ears, 20% of the SAWW for other scheduled injuries in chart.

[31]New Mexico — benefits are a percentage of the compensation rate times the number of weeks specified for each injury in the statute schedule § 52-1-43. Effective 1/1/2000, the maximum weekly payment is $480.47.

[32]North Carolina — For unscheduled injuries, maximum compensation is $20,000.00.

[33]North Dakota — PP impairment benefit is 331/3% of the SAWW for a scheduled number of weeks. Impairments are paid as a lump sum and are not based on any disability of injured worker.

[34]North Dakota — If there is an amputation at or proximal to the distal interphalangeal joint of a finger or toe, it will be treated as a minimum of 16% whole body impairment, which is equal to 5 weeks.

[35]Ohio — Maximum weekly PP benefit is 331/3% of the SAWW, payable for a maximum of 200 weeks at a rate of 2 weeks for each percentage of the PP percentage.

[36]Oregon — For injuries occurring on or after 1/1/2000, calculated at $511.29 per degree for scheduled injuries; for unscheduled injuries awards of 0–64 degrees, $153 per degree, awards greater than 64 degrees but equal to or less than 160 degrees, $267.44 times 64 =

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$17,116.16 plus $153.00 times the number of degrees in excess of 64. Awards greater than 160 degrees ($153.00 times 64) plus ($267.44 times 96) plus $709.79 times the number of degrees in excess of 160.

[37]Puerto Rico — Maximum PP benefit is $65.00 weekly. Maximum amount for PP disability is $12,000.

[38]Puerto Rico — Permanent visual disability is compensated according to percentage of total disability; in addition, loss of eye by enucleation, evisceration or extreme atrophy is compensated at an additional 10% of PT disability.

[39]Rhode Island — Maximum scheduled PP benefit is 50% or AWW — $90.00 weekly; minimum is $45.

[40]Tennessee — Maximum weekly benefit is 66⅔% of the employee's AWW.

[41]Utah — Maximum per week, including allowance for dependents is 66⅔% of the SAWW. Entry presumes total loss of hearing in one ear and no loss of hearing in the other (54½ weeks).

[42]Virgin Islands — PP benefit is 66⅔% of the SAWW. For loss of two or more digits or one or more phalanges of two or more digits on a hand or foot, benefits may be proportioned to the loss of use of the hand or foot.

[43]Virginia — Benefits for scheduled injuries are payable in addition to compensation for temporary disability. County of Spotsylvania v. Hart, 218 Va. 565,238 S.E.2d 813 (1977). TT disability payments continue until claimant is released to return to work at which time award for specific disability may be entered and paid simultaneously with payment for TP benefits. Figures taken from the *2000 Analysis*.

[44]Washington — Amounts are adjusted each July 1 to reflect percentage changes in CPI. All scheduled injury benefits reported are the amputation or total loss values for scheduled injuries.

[45]West Virginia — Maximum weekly benefit is 100% SAWW for injuries after 5/10/95.

[46]Wisconsin — Maximum weekly PP benefit is $184.00 effective 1/1/99.

[47]Wisconsin — Third, fourth and fifth toes $3,580.

[48]Wisconsin — Under occupational hearing loss law, maximum is $6,624 for one ear and $39,744 for both ears as of 1/1/99.

[49]F.E.C.A — Includes allowances for dependents. Maximum weekly benefit is $1,494.56 effective 3/1/01.

[50]Indiana — Payable if injury occurred after 7/1/97. Amounts provided are for loss of use; loss by separation results in a doubled award. Indiana can conduct an assessment of up to 1.5% any time the fund drops below $1,000,000 on or before 10/1. Effective 7/1/00 — 7/1/01, PPI based on degree of injury: 1–10 degrees $1,100; 11 — 35 degrees $1,300; 36–50 degrees $2,000; 51 — 100 degrees $2,500. Impairment awards are subject to child support withholding.

[51]Kansas — Additional healing period up to 15 weeks may be allowed, for amputations only. Maximum weekly PP benefit is 75% of the SAWW.

[52]New York — $400 maximum does not relate to protracted healing period. Additional compensation due to loss of 50% or more of member applies only to loss of arm, leg, hand or foot and only if impairment of earning capacity is due solely to such loss.

[53]Pennsylvania — Healing period is 25 weeks for leg or foot; 20 weeks for an arm or hand; 12 weeks for great toe; 10 weeks for thumb, eye or hearing; 6 weeks for finger or toe. The healing period shall end on the last day of the periods prescribed by the Workers' Compensation Act or when the claimant returns to work. In limited circumstances, possible healing period for hearing loss is 10 weeks.

[54]Kentucky — For injuries occurring on or after 12/12/96 the degree of disability is determined by the AMA Guide. Benefits for PP disability benefits are calculated by multiplying 66⅔% of the employee's pre-injury AWW (not to exceed 75% of the SAWW) times the permanent disability rating (AMA impairment times factor). The multiplying factors are specifically set out by statute and the factor used is based on the AMA functional impairment rating. The benefit may not exceed 99% of 66⅔% of the employee's AWW or 75% of the SAWW, whichever is lower. When an employee lacks the physical capacity to return to the type of work performed at the time of the injury the maximum benefit may increase to 100% of the SAWW. For injuries from 12/12/96–7/13/2000, if the employee does not retain the physical capacity to return to the type of work performed at the time of injury, the employee is entitled to 1fi times the benefit one is entitled. In addition, when an employee returns to work at the same or greater wage, their workers' compensation benefits are reduced by fi for each week such work continues. If employment ceases for any reason, benefits will be restored to the regular benefit level during unemployment or work at lesser wages than earned at time of injury. For injuries occurring on or after 7/14/2000, multipliers are three times the benefit if lacking the physical capacity to return to previous type of work or a multiplier of two if worker ceases to earn the same wage. Hearing loss for dates on or after 12/12/96 require at least a finding of 8% functional impairment (AMA Guide) in order to be found to be compensable.

[55]Louisiana — Schedule applies to amputation or disability greater than 25%. Supplemental earnings benefits equal 66⅔% of the difference between AWW (4 weeks prior to injury) and post-injury earnings subject to the maximum earned while disabled. Supplemental earnings benefits are available to those who earn less than 90% of pre-injury wages; maximum 520 weeks; cease 2 years after termination of TT disability (unless paid for 13 consecutive weeks during that time) or upon retirement or receipt of Social Security retirement benefits.

[56]Louisiana — Arm-200 weeks; hand -150 weeks; thumb — 50 weeks; first finger — 30 weeks; second finger — 20 weeks; third finger — 20 weeks; fourth finger — 20 weeks; leg — 175 weeks; one eye — 100 weeks; one ear — 0 weeks; two ears — 100 weeks.

[57]Michigan — Wage-loss benefits payable for life.

[58]Michigan — Hearing loss compensable based on lost earnings.

[59]Oklahoma — If the shoulder or hip is involved, the disability is considered to be to the body as a whole, $123,240. Maximum PPD benefit is $237, 50% of the SAWW effective 11/1/99 to 10/31/2002 and shall be paid to the employee for the period in the schedule.

[60]Texas — For injuries occurring on or after 1/1/91, there is no schedule of benefits. Partial permanent benefits are paid according to the degree of impairment and the loss of earnings.

[61]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

[62]District of Columbia — Figures represent a 25% reduction of the stated period of weeks listed in the Act.

[63]British Columbia — Percentages are applied to 75% of average monthly earnings with the resulting amount payable monthly for life and adjusted January 1 and July 1 each year by the Consumer Price Index. Additional percentages may apply for bilateral impairment and age adaptability.

[64]Hawaii — Figure represents benefit for the loss of vision. For the loss of an eye by enucleation, benefit is $85,920.

[65]Illinois — Figure reflects amount under the Workers' Compensation Act, 50 weeks maximum. Under the Workes' Occupational Diseases Act; $51,615, 100 weeks maximum.

[66]Ohio — If shoulder or hip is involved, $224,800.

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Chart VIII — Fatalities: Income Benefits for Spouse and Children

Jurisdiction	Percent of Wages: Spouse Plus Children	Percent of Wages: Spouse Only	Percent of Wages: One Child Only	Maximum Per Week: Spouse Plus Children ($)	Maximum Per Week: Spouse Only ($)	Minimum Per Week: Spouse Only ($)	Amount Limit: Time Limit	Amount Limit: Spouse Plus Children ($)	Amount Limit: Spouse Only	Maximum Burial Allowance ($)
Alabama	66⅔	50	50	531.00[14]	531.00[14]	146.00[14]	500 weeks			3,000[15]
Alaska	80[16]	80[16]	80[16]	762.00[17]	762.00[17]	154.00 110.00[17]	[17]	[17]	[17]	2,500
Arizona	66⅔	66⅔	25	569.25[18]	369.25		[3,5]			5,000
Arkansas	66⅔	35	50	410.00	410.00	20.00	[3,5]	[19]	[19]	6,000
California	66⅔	66⅔	66⅔	490.00	490.00	224.00	[3]	160,000[20]	125,000	5,000
Colorado	66⅔	66⅔	66⅔	593.81	593.81[21]	148.45[21]	[3,4,5]			7,000
Connecticut	75 of after-tax income	75 of after-tax income	75 of after-tax income	838.00[23]	838.00[23]	20.00[24]	[3,4]			4,000
Delaware	80	66⅔	66⅔	539.92[25]	449.60	144.89	[3,5]			3,500[26]
District of Columbia	66⅔	50	50	948.76[27]	948.76[27]	237.19[27]	[3,5]			5,000
Florida	66⅔	50	33⅓	571.00[28]	571.00[28]	20.00	[3,5]	100,000	100,000[29]	5,000
Georgia	66⅔	66⅔	66⅔	375.00[30]	375.00[30]	35.00[9]	400 weeks[3,4]	[31]	125,000[2]	7,500
Guam	66⅔[32]	35	35	250.00	131.25	131.25[32]	[3,5]	100,000	100,000	3,600
Hawaii	66⅔	50	40	547.00[34]	410.25[34]	136.75[34]	[3,5]	[35]	[35]	8,205[36]
Idaho	60	45	5	297.00[37]	222.75[37]	222.75[37]	500 weeks			6,000[8]
Illinois	66⅔	66⅔	66⅔	956.32[38]	956.32[38]	358.62[38]	20 years[3,5,39]	[39]	[39]	4,200
Indiana	66⅔	66⅔	66⅔	762.00	762.00	50.00[9]	500 weeks[3,4]	254,000[5]	254,000[2]	6,000
Iowa	80% of spendable earnings	80% of spendable earnings	80% of spendable earnings	1,031.00[40]	1,031.00[40]	[40]	[3,5]			5,000
Kansas	66⅔	66⅔	66⅔	401.00[41]	401.00[41]	267.00	[3]	250,000	200,000	5,000
Kentucky	75[42]	50	50	397.55[43]	265.04[43]	106.01[43]	[3,5]			[44]
Louisiana	65	32⅓	46¼	388.00[45]	388.00[45]	104.00[45]	[3,5]			5,000
Maine[10]	80	80	80	458.83[46]	458.83[46]		500 weeks[2,5]			4,000[46]
Maryland	66⅔	66⅔	66⅔	602.00[47]	602.00[47]	25.00[9]	[3,5]			5,000[48]
Mass.	66⅔	66⅔	66⅔	699.91[49]	699.91[49]	139.98[49]	250 weeks[3,49]	[50]	[50]	4,000
Michigan	80% of spendable earnings	80% of spendable earnings	80% of spendable earnings	644.00[51]	644.00[51]	357.23[52]	500 weeks[2,5,52]	322,000[5]	322,000[5]	6,000
Minnesota[53]	66⅔	50	60	615.00	615.00		[3]			15,000
Mississippi[10]	66⅔	35	25	316.46	316.46		450 weeks[5]	142,407	142,407	2,000
Missouri	66⅔	66⅔	66⅔	599.96[54]	599.96[54]	40.00	[3,5,55]			5,000
Montana	66⅔	66⅔	66⅔	439.00[56]	439.00[56]	219.50[56]	500 weeks[3,4]			4,000
Nebraska	75	66⅔[5]	66⅔	508.00	508.00	49.00[9]	[3,5]			6,000
Nevada	66⅔	66⅔	66⅔	583.23[57]	583.23[57]		[3,4,5]			5,000[8]

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Chart VIII — Fatalities: Income Benefits for Spouse and Children, Cont.

Jurisdiction	Percent of Wages: Spouse Plus Children	Percent of Wages: Spouse Only	Percent of Wages: One Child Only	Maximum Per Week: Spouse Plus Children ($)	Maximum Per Week: Spouse Only ($)	Minimum Per Week: Spouse Only ($)	Amount Limit: Time Limit	Amount Limit: Spouse Plus Children ($)	Amount Limit: Spouse Only	Maximum Burial Allowance ($)
New Hampshire	60	60	60	923[58]	923[58]	184.62[58]	[3.59]			5,000
New Jersey	[60]	50	50	591.00[61]	591.00[61]	158.00[61]	[3.5,62]			3,500
New Mexico	66⅔	66⅔	66⅔	392.05[63]	392.05[3,63]	36.00	700 weeks[3,5,64]	274,435[2]	274,435[2]	3,000
New York[65]	66⅔	66⅔	66⅔	400.00	400.00	30.00	[3,5,65]			5,000 upstate 6,000 down-state
North Carolina	66⅔	66⅔	66⅔	620.00[67]	620.00[67]	30.00	[3,68]			2,000
North Dakota[10]	66⅔[69]	[69]	[69]	[69]	497.00	271.00	[3,5,8]	[69]	197,000	6,500
Ohio	66⅔	66⅔	66⅔	618[70]	618[70]	309[70]	[3,5]			3,200
Oklahoma[10]	70	70	50	473.00	331.00	30.00[71]	[3,5]			5,000[10,76]
Oregon				838.16[72]	419.11[72]	419.11[72]	[3,7]			6,286.40
Pennsylvania	60–66⅔	51	32	611.00[73]	611.00[73]	158.81[73]	[3,5,6]			3,000[74]
Puerto Rico[10,122]	85	50	60	46.15[74]	36.92[74]	9.23[74]	[3,6,75]			1,000
Rhode Island	75% of spendable income plus $40 per dependent	75% of spendable income	75% of spendable income	[76]	573.00[76]		[3,4]			5,000
South Carolina	66⅔	66⅔	66⅔	532.77[77]	532.77[77]	75.00[9]	500 weeks[3]	266,385	266,385	2,500
South Dakota[10,78]	66⅔	66⅔	66⅔	[79]	448.00[79]	224.00[9]	[3,5]			5,000[80]
Tennessee	66⅔	50 AWW	50 AWW	562	562	84.30	[3,4]	224,800	224,800	7,500
Texas	75	75	75	533.00[80]	533.00[80]	80.00	[3,5]			6,000[8]
Utah	66⅔[81]	66⅔	66⅔	450.00[82]	450.00[82]	45.00[9]	[3,82]			4,000[83]
Vermont	76⅔	66⅔	71⅔	760.00[84]	760.00[84]	253.00[84]	[3,4]			5,000
Virgin Islands				[86]	[86]	[86]	[3]	16,500[86]	16,500[86]	800[11]
Virginia	66⅔	66⅔	66⅔	606[87]	606[87]	151.50[88]	500 weeks[3]			10,000[8,87]
Wash.[10]	70	60	35	830.90[89]	830.90[89]	43.17	[3,7]			5,935
West Virginia	66.67%	66.67%	66.67%	490.55[90]	490.55[90]	144.20	[3,4]			5,000
Wisconsin[91]	66⅔	66⅔	66⅔	582.00[92]	582.00[92]	20.00	[93]	174,600[94]	174,600[94]	6,000
Wyoming		80% SAMW[95]		[95]	[95]		[95]		[95]	5,000[96]
F.E.C.A	75[97]	50	40	1,494.56[98]	996.38[98]	153.99[9,98]	[3,5,99]			800[100]
Longshore Act	66⅔	50	50	933.82[101]	933.82[101]	233.46[101]	[3,5]			3,000
Alberta[10]	90% of net income	90% of net income	90% of net income	601.42	240.49	240.49	5 years	48,600[102]		8,150[8]
British Columbia[10]	[103]	[104]	40[105]				[3]			6,741.17[8]

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Chart VIII — Fatalities: Income Benefits for Spouse and Children, Cont.

Jurisdiction	Percent of Wages: Spouse Plus Children	Percent of Wages: Spouse Only	Percent of Wages: One Child Only	Maximum Per Week: Spouse Plus Children ($)	Maximum Per Week: Spouse Only ($)	Minimum Per Week: Spouse Only ($)	Amount Limit: Time Limit	Amount Limit: Spouse Plus Children ($)	Amount Limit: Spouse Only	Maximum Burial Allowance ($)
Manitoba[10]	90% of net average earnings	90% of net average earnings		[106]	[106]	[106]	[3]			5,880[8]
New Brunswick[10]	80% of net average earnings for first year[107]	80% of net average earnings for first year[107]	N/A	$527.40 for first year only[107]	$527.40 for first year only[107]	[107]	Age 65			6,161
Newfound-land	80% of average net earnings[108,109]	80% of average net earnings[108,109]	[109]	80% net of $45,500 per year[108]	80% net of $45,500 per year[108]	[108]	Age 65			
Northwest Territories[10]			395.94 monthly allowance	1,742.03 monthly allowance[110]		[110]				2,400[8]
Nova Scotia[10]	[111]	[111]					Age 65[3]			4,000[8]
Nunavut[10]			395.94 monthly allowance	1,742.03 monthly allowance[112]		[112]				2,400[8]
Ontario[10,113]	85% of net average income	20%-60% of net average income de-pending on age on age of surviv-ing spouse	30% of net average income	[114]			[3,13]			10,122
Prince Edward Island[10]	[115]	70% of net earnings loss[115]	10% of net earnings loss[115]	[115]	[115]	[115]	Age 65[3,7]			4,000[8]
Québec[10]	[116]	[116]	[116]	[116]	[116]	[116]	[3,4]			2,307
Saskatch-ewan	90% of net income	90% of net income	$305.26 monthly allowance	607.80[117]	579.30[117]	282.03[123]	5 years[3,10]			5,755, plus transportation of body within Canada.
Yukon Territory[10]		3.125% of maximum wage rate per month	1.25% of maximum wage rate per month	[118]	[118]	[118]	Life	780.00	1,950.00	4,000[8,119]
Canadian Merchant Seaman's Act[10]				[119,120]	[120]	[120]				3,500[8]

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Chart VIII — Fatalities: Income Benefits for Spouse and Children, Cont.

Notes

[1]Figures report data from *2000 Analysis of Workers' Compensation Laws.*

[2]Amount limits have been computed where not stipulated by law and are shown in italics. Disability payment deducted in all laws, except those of Arizona, Arkansas, California, Delaware, District of Columbia, Florida, Michigan, Minnesota, Mississippi, Missouri, Nevada, New York, North Dakota, Oregon, Washington, West Virginia, Wisconsin, Wyoming, F.E.C.A. and Longshore Act.

[3]—To child age 16 in: Northwest Territories and Nunavut (unless attending school, when child receives compensation until completion/graduation).

—To child age 18 in: Arkansas (or upon marriage; or to age 25 if full-time student or continuing if physically or mentally disabled), California, Colorado (age 21 if in school or until capable of earning their own living if physically or mentally incapacitated), Florida (22 if full-time student or upon marriage), Guam, Illinois (25 if in school), Kentucky, Maine (23 if in school, or if physically or mentally incapacitated from earning), Michigan, Minnesota (25 if regularly attending, as a full time student, a high school, college or university, or vocational or technical training. Children over 18 when physically or mentally incapacitated from earning), Mississippi (unless child is full-time student and dependent in which case to 23, or unless child is wholly dependent and incapable of self-support by reason of mental or physical disability), Nevada (up to 22 if enrolled as a full time student in an accredited vocational or educational institution, if child is incompetent, he is entitled to benefit until such time as he becomes capable of supporting himself), New Hampshire (children continue if disabled or until 25 if full-time student), New Jersey, North Carolina, North Dakota (22 if in school), Oklahoma (23 if in school), Oregon (up to 23 while full-time student), Pennsylvania (except in the case of a dependent child dependent due to disability; up to 23 while a full-time student), Rhode Island (except in the case of a dependent child physically or mentally incapacitated from earning; up to 23 while full-time student), Utah (unless mentally handicapped), Virginia (23 if enrolled as a full-time student in an accredited school) Washington (23 if permanently enrolled full-time in an accredited school; over 18 if dependent as a result of a physical, mental or sensory handicap), West Virginia (25 if in school; over 18 if incapable of self-support by reason of mental or physical disability), F.E.C.A (23 if in school; over 18 if incapable of self-support by reason of mental or physical disability), British Columbia (21 if enrolled full-time in school), Manitoba (or child who is in a course of study and does not have a degree or vocational training, or if child is invalid, until ceases to be invalid or eligible for old age security, whichever first occurs), Nova Scotia (to 25 if attending approved educational facility), Prince Edward Island (22 if in school) and Saskatchewan (21 if student).

—To child age 19 in: Alaska (or to child any age while in first 4 years or vocational school, trade school or college), Nebraska (unless child is full-time student in which case to age 25, or child is actually dependent or physically or mentally incapable of self-support), and Wyoming.

—To age 21, if student, in: British Columbia, C.M.S.C.A. (or else to 18), Indiana, New Brunswick, and Yukon.

—To age 22 in: Arizona, Connecticut, Georgia (If only partially dependent, weekly compensation shall be in same proportion as the average amount contributed weekly by the deceased to his AWW at time of injury), Hawaii, Missouri, Montana, South Dakota, Tennessee (if full-time student), and Virgin Islands.

—To age 23 in: D.C. (or completion of college, whichever is first), Kansas (if in college), Louisiana, Maryland, New Mexico, New York, South Carolina and Longshore Act.

—To age 25 in: Delaware, Iowa, Ohio, Puerto Rico (if full-time student), Texas, and Québec.

—No age limit in: Massachusetts, Vermont, and Ontario.

—If invalid: for 15 years in Wisconsin, for period decedent would have supported child in Prince Edward Island and Yukon, and no age limit in Northwest Territories, Nova Scotia and Nunavut.

[4]To spouse for life; compensation or remarriage Nevada (Georgia-to spouse until age 65 or 400 weeks, whichever is greater, also ceases upon cohabitation in a meretricious relationship; if only partially dependent, weekly compensation shall be in same proportion as the average amount contributed weekly by the deceased to his AWW at the time of injury; Maine-if dependency on new spouse is proven; Montana — benefits cease to spouse upon remarriage, but continue to any remaining beneficiaries; Rhode Island — without dependent children, cease upon remarriage).

[5]To spouse for life; 2 years' lump sum upon remarriage (but only if no children in Colorado, Illinois, Indiana and Iowa) or balance of compensation if less (Indiana, New Mexico, and South Dakota). In Alaska, spousal benefit ceases after 10 years or remarriage — any further reductions cease at age 52 or PT disability. In Illinois, lump sum is paid upon remarriage only if there were no children at time of death. In Puerto Rico, upon remarriage or the start of a consensual union, the surviving spouse will loose all benefits and these will accrue to the dependent minors or will be redistributed among the other beneficiaries. In Guam, unless paid in lump sum, benefits cease upon death or remarriage and redistribution of remaining amount to qualified dependents (if any).

[6]To spouse for life; 1 years' lump sum upon remarriage.

[7]To spouse for life; cash lump sum on remarriage: Michigan — $500 or balance if less; Nevada — 2 years lump sum payment upon remarriage Oregon — 36 times monthly benefit; Washington — 24 times monthly benefit or 50% of remaining annuity value of pension, whichever is less; Northwest Territories — $8,712; Prince Edward Island — $6,600.

[8]Additional allowance for transportation of body; no maximum except: Texas — not to exceed usual cost of otherwise transporting body from place of death back to place of work; Virginia — $1,000; Alberta — $550 within Alberta, $1,000 outside Alberta; British Columbia — $1,065.05; Northwest Territories — $3,000; Nova Scotia — $500 within province, "actual cost" if death occurs outside province; Nunavut — $3,000; Prince Edward Island — $300; C.M.S.C.A. — $300; Yukon — "actual cost" of transporting body.

[9]Actual wage if less.

[10]Spouse receives cash lump sum in addition to other benefits: Maine— $3,000; Mississippi — $250; North Dakota — $600 plus $200 per child; Oklahoma — $20,000 plus $5,000 per dependent (maximum $10,000); Puerto Rico — $500; Washington — $2,967.50; Alberta — $1,300; British Columbia — $1,893.73; Manitoba — $32,340 to $53,510 depending on age of worker at time of death; Newfoundland — the greater of $15,000 or 26 times the weekly net earnings; Northwest Territories — $2,400; Nova Scotia — $15,000; Nunavut — $2,400; Ontario — $29,131.32 to $87,339.99; Prince Edward Island — $500; Québec — $1,539; Yukon — $1,585; C.M.S.C.A — $16,868.50.

[11]If no dependents.

[12]To spouse for 5 years or until youngest child reaches the age of 16. Benefits not interrupted upon remarriage.

[13]To spouse for life, regardless of remarriage.

[14]Alabama — Maximum is 100% of SAWW; minimum is 27-1/2 of SAWW, actual wage if less. In cases of remarriage by widow, any unpaid compensation is distributed to dependents, or any suitable person, based on court approval. Payment discharges employer from any further liability.

[15]Alabama — $7,500 payment made to an estate of a deceased worker who had no dependents.

[16]Alaska — 80% of spendable income.

[17]Alaska — Maximum is set by statute. For minimum, higher figure reflects amount with wage documents; lower figure reflects amount without wage documents. 80% allocated between spouse and children.

[18]Arizona — Maximum monthly wages are $2,400 effective 8/7/99.

[19]Arkansas — Benefits in excess of $75,000 payable from Death and Permanent Total Disability Trust Fund.

[20]California — When there are 3 or more total dependents, benefits increase to $160,000. For peace officers, including fire fighters, who develop cancer, the presumption of compensabilty may only be controverted by evidence that the primary site of the cancer has been established and that the carcinogen is not reasonably linked to the disabling cancer. Claims for benefits filed or pending on or after 1/1/1997 define cancer to include leukemia. Under Labor Code section 3208.3, psychiatric injuries must have been predominately caused by employment to be compensable. However, an employee whose injuries resulted from a violent act must demonstrate that employment was a substantial cause of the injury. The amended section also imposes limitations on post-termination stress cases. Dependants of a worker whose HIV-related death occurs more than 240 weeks after the date of the initial injury will receive death benefits. The period within which proceedings may be commenced for the collection of benefits for cases stated above, is one year from the date of death, providing that; a report of the injury or exposure was made to the employer or the proper government agency authorized to administer industrial injury claims, within one year of the date of injury; the worker has complied with the State's notice provisions, and the claim has not been finally determined to be

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noncompensable; The employer was to provide worker's compensation benefits for the injury prior to the date of death. A Health care worker is one who has direct contact, in the course of employment, with blood or other bodily fluids contaminated with blood, or with other bodily fluids identified by the Division of Occupational Safety and health as capable of transmitting HIV, who is either (1) any person who is an employee of a provider of health care, as defined in subdivision (d) Section 56.05 of the Civil Code or (2) an employee who provides direct patient care.

[21]Colorado — For injuries occurring on or after February 1, 2000.

[22]Colorado — Social Security offset.

[23]Connecticut — Maximum is 100% of the SAWW and minimum is $20.00 (75% of AWW if less). Employer funded cost of living increase payable each October. Retroactive death benefits for dependents of deceased employee who was injured on or after 1/1/74 and died no later than 11/1/91.

[24]Connecticut — Spouse may not sue employer for loss of consortium if receiving or had been receiving workers' compensation benefits.

[25]Delaware — Maximum is 80% of the SAWW for spouse and children, 66-2/3% of the SAWW for spouse only. Minimum for spouse only is 1/3 of maximum.

[26]Delaware — Additional burial allowance payable on Board approval.

[27]District of Columbia — Maximum is 100% of the SAWW; minimum is 25% of the SAWW; Social Security and employer funded benefit plans offset if combined total exceeds 80% of employee's AWW.

[28]Florida — Maximum is 100% of the SAWW. Surviving spouse entitled to tuition benefits at vocational-technical center or community college.

[29]Florida — Spouse upon remarriage: lump-sum payment of 26 weeks at 50% of AWW, subject to $100,000 cap.

[30]Georgia — Weekly benefits increased 20%, not to exceed $20,000, if death of employee was direct result of injury caused by intentional act of employer.

[31]Georgia — Greater of 400 weeks or age 65.

[32]Guam — Spouse 35% and each child thereafter 15% of the AWW, total not to exceed 66-2/3 of the AWW.

[33]Guam — Actual wage if less.

[34]Hawaii — Maximum is 100% of the SAWW for spouse and children, 75% of the SAWW for spouse only. Minimum is 25% of the SAWW or worker's average wage if less.

[35]Hawaii — Maximum amount for persons other than spouse and children is the maximum benefit times 312.

[36]Hawaii — Funeral expense is 10 times the SAWW, plus burial allowance to 5 times the SAWW.

[37]Idaho — Death benefit is fixed at 45% of the SAWW for spouse plus 5% of the SAWW per dependent child up to 3; 30% of the SAWW for 1 child if no dependent spouse.

[38]Illinois — Maximum is 133-1/3% of the SAWW; minimum is 50% of the SAWW.

[39]Illinois — Benefits are $250,000 or 20 years at TT rate, whichever is greater. Child under 18 is entitled to at least 6 years' benefits.

[40]Iowa — Maximum is 200% of the SAWW; minimum weekly benefit amount for PP disability, PT disability, or death equal to the weekly benefit amount of a person whose gross earnings are 35% of SAWW.

[41]Kansas — Maximum is 75% of the SAWW.

[42]Kentucky — If children live with spouse, 45% of claimant's benefits are paid to spouse plus 15% per child, up to 2 children. If children do not live with spouse, 40% of claimant's benefits are paid to spouse plus 15% per child, up to 2 children.

[43]Kentucky — SAWW two years prior is used to determine amounts. Maximum is 75% of the SAWW for spouse and children, 50% of the SAWW for spouse only. Minimum is 20% of the SAWW.

[44]Kentucky — In addition to other benefits, if the death occurs within four years of the date of injury as a direct result of a work-related injury, a lump-sum payment of $50,000 shall be made to the decendent's estate, from which the cost of burial and cost of transportation of the body to the employee's residence shall be paid.

[45]Louisiana — Maximum is 75% of the SAWW. Minimum is 20% of the SAWW, actual wage if less.

[46]Maine — Maximum is $458.83 as of 7/1/99. Dates of injury prior to 1993 receive cost of living adjustments each year. The SAWW is calculated each year around the end of June. The SAWW is the basis for calculating maximum benefits, annual cost of living adjustments, and impairment awards. A new multiplier is calculated each July 1, obtained by dividing the new SAWW by the preceding year's average weekly wage. In addition to burial expenses, $3,000 incidental compensation is also paid to the decedent's estate.

[47]Maryland — Maximum is 100% of the SAWW set annually.

[48]Maryland — Additional burial allowance payable on Commission approval; burial allowance within 7 years of injury.

[49]Massachusetts — Maximum is 100% of the SAWW. Annual cost of living increase payable up to 5% for deaths after that date.

[50]Massachusetts — After receiving an amount equal to 250 times the SAWW, spouse must prove actual dependence; time and amount limits do not apply to children's benefits.

[51]Michigan — Maximum is 90% of the SAWW, minimum is 50% of the SAWW.

[52]Michigan — 500-week limit does not apply to children.

[53]Minnesota — To spouse for 10 years or, if children, during dependency of children and then 10 years' benefits; Offset for some government survivors' benefits. Minimum compensation for dependent is $60,000. If no dependents, payments paid to the deceased's estate.

[54]Missouri — Maximum is 105% of the SAWW. Two years payable to spouse following remarriage.

[55]Missouri — 4 years' benefits payable to child on active duty in armed forces at age 18 who enrolls in school prior to age 23.

[56]Montana — Maximum is 100% of the SAWW; minimum is 50% of the SAWW, actual wage if less.

[57]Nevada — Maximum depends on date of injury. Incarcerated or retired persons are not entitled to TT benefits.

[58]New Hampshire — Maximum is 150% of the SAWW, minimum is gross SAWW, but not to exceed after-tax earnings.

[59]New Hampshire — On remarriage, the unpaid balance otherwise due is payable to parent or guardian for the children's benefit.

[60]New Jersey — For one dependent — 50% of wages; two dependents — 55% of wages; three dependents — 60% of wages; four dependents — 65% of wages; five or more dependents — 70% of wages.

[61]New Jersey — Maximum is 75% of the SAWW; minimum is 20% of the SAWW.

[62]New Jersey — No deductions for earnings after 450 weeks.

[63]New Mexico — Maximum is 85% of the SAWW.

[64]New Mexico — A child dependent is defined to be any child of the deceased who is under the age of 18 years or incapable of self-support and unmarried or under the age of 23 if enrolled as full-time student in any accredited educational institution.

[65]New York — If there is no spouse or dependent children, $50,000 is paid to deceased's parents and if there are no surviving parents, to the deceased's estate.

[66]New York — Social Security offset.

[67]North Carolina — Maximum is 110% of the SAWW.

[68]North Carolina — Payable for life if spouse disabled at time of decedent's death.

[69]North Dakota — Maximum is 100% of SAWW plus $10 per dependent child under 18, or 22 if in school. Minimum benefit is 60% of SAWW, not to exceed net wage of descendent.

[70]Ohio — Maximum is 100% of the SAWW; minimum is 50% of the SAWW.

[71]Oklahoma — If no surviving dependents, estate receives $5,000.

[72]Oregon — Spousal benefit is fixed at 662/3% of the SAWW plus 10% of SAWW per child up to monthly maximum; maximum is 133-1/3% of SAWW. Upon remarriage, surviving spouse receives 36 times the monthly benefit in lump sum final payment. Burial allowance is 10 times the SAWW.

[73]Pennsylvania — Maximum is 100% of the SAWW; minimum is 51% of 50% of the SAWW.

[74]Puerto Rico — Maximum for spouse and children is $200 monthly; this amount is divided amongst spouse and children based on ruling by the legal department; for spouse only, $160 monthly. Minimum is $40 monthly.

[75]Puerto Rico — 540-week limit inapplicable to spouse and children.

[76]Rhode Island — Maximum is 110% of the SAWW plus $40 per dependent child. Annual cost of living increase of 4% on anniversary.

[77]South Carolina — Maximum is 100% of the SAWW.

[78]South Dakota — Eligible dependents may qualify for a scholarship at a maximum of $2,000 per year, for not more than 5 years, paid to a post-secondary education.

[79]South Dakota — Maximum is 100% of the SAWW, minimum is 50% of the SAWW, actual wage if less. Additional $50 monthly is payable for

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each dependent child through age 18. $2,000 annually for 5 years is payable for dependent's schooling.

[80]Texas — Maximum is 100% of the SAWW, minimum is 15% of the SAWW.

[81]Utah — Additional allowance for dependents is $5 for spouse plus $5 for dependent child (up to 4). Maximum (including dependents' allowance) is 85% of the SAWW.

[82]Utah — After 312 weeks, payments continue only after annual review. Receives same payment minus 50% Social Security payment. Upon remarriage, spouse receives 52 weeks compensation in lump sum or balance of award, whichever is less.

[83]Utah — $4,000 burial allowance applicable in normal cases; additional amounts may be requested.

[84]Vermont — Maximum is 150% of the SAWW; minimum is 50% of the SAWW, actual wage if less.

[85]Vermont — To spouse until age 62 or when entitled to Social Security; balance of 330 weeks, if any, is payable on remarriage.

[86]Virgin Islands — Death benefit is $12,500 to $16,500, dependents of fire and police officers up to $25,000 at Labor Commissioner's discretion.

[87]Virginia — Maximum is 100% of the SAWW; minimum is 25% of the SAWW, actual wage if less.

[88]Virginia — Parents, in destitute circumstances, of killed employee entitled to receive benefits if deceased employee has no other dependents.

[89]Washington — Maximum monthly benefit is 120% of the SAMW. For injuries or fatalities occurring on or after 7/28/91 — 24 times the monthly compensation rate at the time of remarriage or 50% of the remaining annuity value of the pension, whichever is less. If the injury or fatality occurred prior to 7/28/91, the remarriage benefit lump sum is to be provided according to the remarriage benefit schedule then in effect. If a surviving spouse selects not to accept the lump sum payment at remarriage, payments can be resumed should the remarriage later be terminated by death or divorce.

[90]West Virginia — Maximum is 100% of SAWW; minimum is 33 1/3% of the SAWW. Not to exceed the Federal minimum WW.

[91]Wisconsin — Surviving parents receive benefit of $6,500.

[92]Wisconsin — Maximum is 100% of the SAWW. Benefits paid monthly. Commission may order that a partial lump sum be paid.

[93]Wisconsin — If death follows disability, total time limit for disability plus death is 1,000 weeks.

[94]Wisconsin — Amount limit is 300 times the SAWW. When primary benefit expires, a supplementary monthly benefit continues for children at 10% of the spouse's monthly benefit, payable from the Children's Fund to age 18 or for 15 years if invalid.

[95]Wyoming — Monthly benefit is either 80% of the SAMW or is capped at SAMW based on formula and actual monthly earnings of the worker. In addition, each child receives $150 monthly until age 19 (21 if physically or mentally incapacitated). After 54 months, the division may continue payments at 331/3% of the SAMW for 12 months. These additional benefits must be applied for yearly.

[96]Wyoming — Up to $5,000 allowed for burial and related expenses unless other arrangements have been made by the employer.

[97]F.E.C.A. — 2 or more children.

[98]F.E.C.A. — Benefits paid effective 3/1/01.

[99]F.E.C.A. — Spouse who remarries after age 55 continues to receive monthly benefits.

[100]F.E.C.A. — Additional $200 lump sum payable for cost of terminating status as U.S. employee.

[101]Longshore Act — Benefits shall not exceed lesser of employee's weekly wage or $933.82 or 200% NAWW. Minimum is 50% of NAWW, actual weekly wage if less. Death benefits not payable if employee receiving PP benefits dies from causes other than compensable injury.

[102]Alberta — A dependent spouse with children receives the same as a worker would have received had he been 100% disabled until the youngest child reaches 18, at which time the dependent spouse receives a 5 year decreasing pension.

[103]British Columbia — Including CPP, pension for spouse and one child is 85% of compensable income; including CPP, pension for spouse and two children is 100% of compensable income; an additional $253.77 for each additional child, subject to the minimum payment.

[104]British Columbia — Varies with age of spouse and whether spouse disabled: including CPP, pension for invalid spouse of any age is 60% of compensable income; including CPP, pension for spouse 50 years of age or over is 60% of compensable income (not to be less than $836.07 monthly); pension for spouse between 40 and 49 years of age is portion of pension payable to 50 years of age or over; compensation payable to spouse under 40 years of age is lump sum of $39,054.39.

[105]British Columbia — Including CPP, pension is 40% of compensable income, subject to minimum payment.

[106]Manitoba — In addition to the lump sum mentioned in note 10, the dependent spouse also receives monthly payments equal to 90% of the worker's net average earnings before the accident. These wage loss benefits will be provided for a period of up to 5 years or until the earlier of the youngest child turning 18 or the spouse turning 71. If the spouse is 60 years of age or older, these monthly payments stop at age 65. Where the spouse is 63 years of age or older, payments are made for 24 months. Under cases of hardship, monthly payments may be extended if the lump sum is not provided. The following monthly amounts are subtracted from the spouse's monthly payments: $290 for dependent child (monthly limit for children is $1,180); $290 for other dependent (monthly limit for other dependents is $1,180). Each orphan receives $590 monthly. Total monthly payments to dependents other than a spouse can not exceed $2,350.

[107]New Brunswick — Spouse with or without children receives 80% of average net income for 1 year or to age 65. After 1 year, spouse must elect one of the following: 85% average net not to exceed 85% net family income, plus a 5% annuity for a pension at age 65 OR 60% of average net income, plus a lump sum award, plus a specified amount for each dependent child, plus an 8% annuity for a pension at age 65. Figures represent maximum per week, less any Canada Pension Plan (CPP) Surviving Spousal Benefits that they receive.

[108]Newfoundland — Spouse receives lump sum equal to the greater of $15,000 or 26 times the weekly net earnings of worker. Monthly benefit is based on 80% of worker's net earnings.

[109]Newfoundland — Less CCP survivor benefits.

[110]Northwest Territories — Fixed monthly benefit is $1,650 plus $375 monthly per child.

[111]Nova Scotia — Benefits include $15,000 lump sum payment and are based on 85% of worker's net loss of earnings, determined as if worker suffered a PT disability. Rehabilitation services such as educational grants; dependent children paid $196.00 per month through age 18, or age 25 if still in school.

[112]Nunavut — Fixed monthly benefit is $1,650 plus $375 monthly per child.

[113]Ontario — Lump sum payment is determined on a sliding scale depending on the age of the surviving spouse with a maximum of $89,841.02 and a minimum of $29,946.99.

[114]Ontario — The weekly maximum is dependent on deceased worker's accident earnings and taxation code. CPP amount is offset in the calculation.

[115]Prince Edward Island — Spouse receives 70% of wage loss otherwise payable to worker. Dependent child receives 10% of wage loss otherwise payable to worker until 18 years of age (22 if in school). Total payment for all children may not exceed 30% of workers' compensation benefits.

[116]Québec — Spouse entitled to lump sum from $76,926 to $151,500. In addition, spouse entitled to monthly income replacement indemnity equal to 55% of employee's pre-injury wages (myears according to age of surviving spouse, plus $385 monthly for each minor child. Lump sum between $13,849 and $76,926 to child under 25, who is full time student, or a disabled child. Parents of a deceased worker with non-dependents receive a lump sum of $4,616 to each parent.

[117]Saskatchewan — No additional benefit for dependent children until age 18. If child is enrolled in post secondary education age 18–25 child benefits include: Monthly allowance $283.48 per child + tuition + books (payable for a maximum of 3 years) Monthly allowance is adjusted annually according to CPI. This net amount is based upon 90% of the maximum assessable earnings of $48,000 minus income tax, CPP/QPP, and UIC.

[118]Yukon — Benefits paid monthly. Surviving spouses receive 3.125% of the maximum rate for the year of payment, Dependent children receive a pension at 1.25% of the maximum wage rate for the year of accident

[119]Yukon — Additional burial expenses to maximum of $2,000.

[120]C.M.S.C.A. — Benefits paid monthly.

[121]C.M.S.C.A. — Plus $161.18 per month per child.

[122]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

[123]Minimum compensation is to be not less than this amount or the actual amount of the fatally injured spouse's average earnings if they are less.

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Chart IX — Waiting Period for Income/Medical Benefits

Jurisdiction	Waiting Period[1]	Retroactive Period	Medical Benefits: Choice of Physician[2] Unlimited[3]	Choice of Physician[2] Employer	Choice of Physician[2] Employee	Artificial Appliances Furnished	Special Provisions
Alabama	3 days[4]	21 days	Yes	Initial choice	[5]	Yes	Employer must replace appliances damaged in work-related accident and provide physical and vocational rehabilitation.
Alaska	3 days	4 weeks	Subject to frequency standard	Yes	Yes	Yes	Injury includes damages to eyeglasses, dentures, hearing aids, or any prosthetic devices.
Arizona	7 days	2 weeks	Yes	[6]	Yes[6]	Yes	Prayer or spiritual treatment by agreement.
Arkansas	7 days[7]	2 weeks	No[8]	Initial, from among those associated with managed care entities certified by the Commission.		Yes	Spiritual treatment by agreement. Glasses, contact lenses, hearing aids. Reasonable travel expenses to obtain treatment.
California	3 days[9]	14 days[10]	Yes		If employee has not predesignated a physician before time of injury, they may change to treating physician of their choice 30 days after injury. If employer offers managed care options, employer control of care may extend up to 365 days	Yes	Includes x-ray reports, medical reports, and testimony and laboratory fees reasonably required to prove a claim.[9] If requested, an employee may change physicians at any time, 1 time only.
Colorado	3 days	2 weeks	Yes	Initial choice		Yes	
Connecticut	3 days	1 week	Yes		From state list	Yes[11]	Worker compensated for time lost due to medical attention. Employer must repair/replace appliances damaged in employment, including eyeglasses, contact lenses, hearing aids, or dentures where injury to face or head. Prayer or spiritual treatment with Commissioner's approval.
Delaware	3 days[12]	7 days[13]	Yes		Yes	Yes	Employer must replace prosthesis and furnish hearing aids as needed.
District of Columbia	3 days	2 weeks	Yes		Yes	Yes	Spiritual treatment by agreement. Medical care furnished or scheduled to be furnished is subject to utilization review for determinations of necessity, character or sufficiency of care or service.
Florida	7 days	21 days	Yes[15]		Yes, from list supplied by employer	Yes	Injury includes damage to dentures, eyeglasses, and prosthetic devices in conjunction with accident. Employer must provide custodial care.
Georgia	7 days	21 days	Yes	Agency may change	From employer list	Yes[14]	Employee may be examined (at employer's expense) by physician of choice within 60 days of receiving any income benefits.
Guam	3 days	14 days	Yes		After application to Commissioner for change	Yes	

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Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Waiting Period[1]	Retroactive Period	Medical Benefits: Choice of Physician[2] Unlimited[3]	Medical Benefits: Choice of Physician[2] Employer	Medical Benefits: Choice of Physician[2] Employee	Medical Benefits: Artificial Appliances Furnished	Special Provisions
Hawaii	3 days—TTD only		Yes		Yes	Yes	Maximum monthly attendant's allowance-4 times the SAWW.
Idaho	5 days[15]	2 weeks[15]	Yes	Yes	May apply to Commission	Yes	Christian Science treatment permitted.
Illinois	3 days[16]	2 weeks	Yes		Yes, with limitations	Yes	Spiritual treatment by agreement. Employer must repair/replace appliances damaged in compensable accident.
Indiana	7 days	3 weeks	Yes	Yes		Yes	Employer must reimburse employees based on their average daily wage for lost work due to medical treatments or travel to/from the place of treatment. Spiritual treatment by agreement. Artificial members replaced by Second Injury Fund.
Iowa	3 days[17]	14 days	Yes	Yes		Yes	Employer must repair/replace appliances.
Kansas	7 days[18]	3 weeks	Yes	Yes		Yes	Prayer or spiritual treatment permitted by agreement.[19]
Kentucky	7 days	2 weeks	Yes[3]	May provide managed health care system	Yes[20]	Yes	Managed care system is subject to utilization review. Employee may choose provider in system; may obtain second opinion if surgery recommended; and may obtain treatment outside the system if it is unavailable in the system.
Louisiana	7 days	6 weeks	Yes	Yes[21]	Yes[22]	Yes	Employer must repair/replace appliances.
Maine	7 days[23]	2 weeks	Yes[24]	Yes[25]	Yes, after 10 days	Yes	Chiropractic services authorized. Prayer or spiritual means of treatment by an accredited practitioner.
Maryland	3 days for temporary total disability	2 weeks	Yes		Yes	Yes	Employer must repair/replace appliances. If employer or insurer fails to pay for treatment or services within 45 days, Commission may assess a fine of more than 20% of approved charges. Also subject to interest.
Massachusetts	5 days	21 days	Yes		Yes	Yes	
Michigan	7 days	2 weeks	Yes	Initial choice[26]		Yes	
Minnesota	3 days	10 days	Yes—Treatment parameters describe reasonable treatment	Agency may change	Yes[27]	Yes	Christian Science treatment by agreement. Injury is reportable to the Division. Employer is to repair/replace appliances.
Mississippi	5 days	2 weeks	Yes		Yes	Yes	Employee's choice limited to one (1) provider.
Missouri	3 days	14 days	Yes[28]	Agency may change		Yes	Prayer or spiritual treatment by agreement. Chiropractic care authorized.
Montana	6 days, 48 hours[29]		Yes		Yes	Yes	Reasonable lifetime medical and travel benefits provided. Determinations of disability must be supported by a preponderance of objective medical findings. Limitations apply once claimant reaches maximum stability. Certain co-payments may apply. Other limitations include secondary medical services, drug reimbursement, palliative or maintenance care and unscientific treatment. Medical benefits terminated if not used for 60 consecutive months.
Nebraska	7 days[63]	6 weeks	Yes	Yes[30]	Yes[31]	Yes	Employer must replace appliances damaged due to compensable injury. Employer must provide plastic surgery for disfigurement.

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Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Waiting Period[1]	Retroactive Period	Medical Benefits: Choice of Physician[2] Unlimited[3]	Medical Benefits: Choice of Physician[2] Employer	Medical Benefits: Choice of Physician[2] Employee	Medical Benefits: Artificial Appliances Furnished	Medical Benefits: Special Provisions
Nevada	5 days[32]	5 days[32]	Yes	[33]	Yes[34]	Yes	Spiritual treatment permitted.
New Hampshire	3 days	14 days or more	Yes[35]		Initial choice (within a network if managed care)	Yes	If appliances are damaged or destroyed at the time of injury, the employer shall pay the cost of repair or replacement.
New Jersey	7 days	8 days	Yes[36]	Yes		Yes	Hospital care must be semi-private, if available.
New Mexico	7 days	4 weeks	Yes	Yes	Yes		The party not making the initial choice has the right to change health care provider after sixty days or when treatment is unreasonable.
New York	7 days/ income only	2 weeks	Yes	Managed Care Pilot Program PPOs	From state list of authorized physicians	Yes[37]	Employer liable for medical care, nursing/hospital services, prosthetic devices, podiatry and chiropractic care. Employer liable for psychological care upon referral from authorized physician. Surgery, specialist consultations, therapy, x-rays, special diagnostic tests more than $500 require pre-authorization from employer except in emergency. 30 day opt out PPOs; collective bargaining for MCO or PPO to be enforceable in unionized setting.
North Carolina	7 days	3 weeks	Yes	Yes	Agency may change	Yes	Employer must repair/replace appliances damaged in compensable accident. Medical care includes rehabilitation services.
North Dakota	5 days	5 days	Yes	Yes	Yes, NDWC may change	Yes	Employee has first choice of treating doctor. Employers in risk management program may designate a medical provider for workers' compensation injuries.
Ohio	7 days	2 weeks	Yes		Yes	Yes	Included hospitalization and damages to eyeglasses, dentures, hearing aids or prostheses.
Oklahoma	3 days		Yes	Yes, Certified Workplace Medical Plan (CWMP) (Managed Care)	Yes, unless employer or insurer is a member of a CWMP and the employee is a participant in the plan	Yes	Employer must repair/replace appliances. Special provisions for hernias.
Oregon	3 days	2 weeks	Yes[38]		Yes[39]	Yes	Spiritual treatment by agreement. Insurer/employer may provide medical treatment through an approved Managed Care Organization.
Pennsylvania	7 days	2 weeks	Yes	Initial choice[40]		Yes	
Puerto Rico[41]	3 days[41]	10 days	Yes[42]		Yes, State Agency will examine too.	Yes[43]	When permanently and totally disabled, Administrator will provide orthopedic girdle, crutches, cane, wheelchair, hospital bed and other equipment necessary.
Rhode Island	3 days		Yes[44]	Yes[44]	Yes[45]	Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids and prosthetic devices.
South Carolina	7 days	2 weeks	Yes	Yes		Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids and prosthetic devices.
South Dakota	7 days[46]	7 days	Yes		Yes	Yes	Employer must repair/replace appliances damaged in compensable accident.
Tennessee	7 days	14 days	Yes		From employer list	Yes	Provides for nursing services and treatment by chiropractors and psychologists.

USCC 55999

Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Waiting Period[1]	Retroactive Period	Medical Benefits: Unlimited[3]	Medical Benefits: Choice of Physician[2] — Employer	Medical Benefits: Choice of Physician[2] — Employee	Medical Benefits: Artificial Appliances Furnished	Special Provisions
Texas	7 days	4 weeks	Yes[47]		Yes[48]	Yes	
Utah	3 days	14 days	Yes	Agency may change[49]	Yes; one change	Yes	Reasonable amounts awarded for repair/replacement of artificial appliances.
Vermont	3 days	10 days	Yes	Agency may change. Employer may choose	Employee may change	Yes	Injury includes damage to and cost of replacement of eye glasses, hearing aids and prosthetic devices. Employer must not withhold any wages from an employee if the employee's absence is for an examination or treatment of a work injury.
Virgin Islands	0 days	1 day	$40,000	Initial choice		Yes	$75,000 limit for specialized treatment not available in the Virgin Islands.[50]
Virginia	7 days	3 weeks	Yes		From employer list	Yes	Employer must repair/replace appliances damaged in compensable accident. Employer may be ordered to make alternations to home, maximum $25,000.
Washington	3 days	2 weeks	Yes		Yes	Yes	Employees of State Fund employers may pay half of medical aid premiums. Self-insured premiums/costs are fully covered by the employer.
West Virginia	3 days	1 week	Yes[51]	May have a preferred list	Unrestricted choice	Yes	Payment for prosthetic/orthotic appliances if medically necessary. Repair or replacement of glasses damaged in an accident not reimburseable unless there is a compensable injury.
Wisconsin	3 days	1 week	Yes		Yes	Yes	Repair/replacement of appliance is limited to normal wear and tear. Dental care, eyeglasses and hearing aids are also covered. Repair/replacement of eyeglasses and hearing aids not paid for unless damaged in compensable accident. Employer or insurer may request that a physician examine injured employee to determine reasonableness of claim.
Wyoming	3 days	9 days	Yes	Second opinion	Yes	Yes	All medical bills audited according to promulgated fee schedule.
F.E.C.A.	3 days[52]	2 weeks	Yes		Yes	Yes	Additional amount (up to $1,500) monthly for medical attendant.
Longshore Act	3 days	2 weeks	Yes		Labor Secretary may change	Yes	Consent for specialist, if needed. Spiritual treatment permitted.
Alberta	1 day	1 day	Yes		Yes	Yes	Appliances repaired/replaced by Board. Board may repair/replace garment damaged in compensable accident. Clothing allowance for wear due to prosthetic or wheelchair-up to $200 per year for upper body and $300 per year for lower body. Attendance allowance determined by the degree of personal care required and will reflect actual and reasonable costs or competitive rates.
British Columbia[64]	1 day		Yes		Yes	Yes	Appliances repaired/replaced at Board's discretion where damaged or broken as the result of compensable accident. Eyeglasses, dentures, and hearing aids replaced/repaired even where no injury as long as accident corroborated and worker not at fault. Board may provide protective eyeglasses where serious visual impairment caused by work injury. Personal care allowance — maximum $50.09 per day. Annual clothing allowance for wear due to prosthesis also provided. Independent Home Maintenance Allowance
Manitoba	1 day		Yes		Yes	Yes	Medical aid includes repair/replacement of damaged or lost clothing or personal appliance if personal injury. Personal appliances include eyeglasses, contact lenses, and prosthetic

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Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Waiting Period[1]	Retroactive Period	Medical Benefits: Choice of Physician[2] Unlimited[3]	Choice of Physician[2] Employer	Choice of Physician[2] Employee	Artificial Appliances Furnished	Special Provisions
Manitoba, cont.							devices. Clothing allowance for additional wear — $234 for upper body, $468 for lower body, $702 for upper and lower body, $702 for wheelchair users. Level of attendante services depends on the reasonable level of care required. Emergency expenditures — $5,000 maximum.
New Brunswick	3 days—waived when hospitalization is required	20 working days	Yes	No	Yes	Yes	Medical aid includes repair/replacement of appliances. Clothing allowance for wear and tear due to prosthesis is $214 yearly per extremity: Care Allowances from $239.32 to $797.70 monthly.
Newfoundland	1 day	[57]	Yes		Initially yes; should consult Commission before changing	Yes	Commission may repair/replace appliances and may pay daily allowance for treatment away from home. Clothing allowance for wear due to prosthetic devices $300 annually. Personal care allowance — $100 to $1,250 monthly.
Northwest Territories	1 day	1 day	Yes		Initial choice	Yes	Clothing allowance for wears due to prosthetic device — $100. Board may repair/replace appliances damaged in a compensable accident.
Nova Scotia	2 days[54,55]	[55] Waiting period paid if off five weeks.	Yes	Yes[56]	Yes	Yes	Attendant's allowance may be paid. Annual clothing allowance up to $750. Boards may repair/replace appliances, and renew eyeglasses (replaced if damaged in work-related accident).
Nunavut	1 day	1 day	Yes		Initial choice	Yes	Clothing allowances for wear due to prosthetic device — $100. Board may repair/replace appliances damaged in a compensable accident.
Ontario	1 day	[57]	Yes	[58]	Initial choice	Yes	Not more than 24 hours personal care allowance for attendants. Clothing allowance for wear due to prosthetic device — $255.56 for upper extremity and $511.12 for lower extremity.[59]
Prince Edward Island	1 day	1 day	Yes	No	Initial choice	Yes	Appliances repaired/replaced at Board's discretion. Clothing allowance for wear due to prosthetic device for para- and quadriplegics is $450 annually.
Québec	Day of injury[60]		Yes		Yes	Yes	Commission may repair/replace prosthesis damaged in course of employment. Additional clothing allowance for wear due to prosthetic device — $462.
Saskatchewan	[61]	[61]	Yes		Yes	Yes	Clothing allowance due to prosthetic device — maximum monthly amounts $17.89 upper clothing, $39.51 lower clothing and $57.42 for combination upper and lower. Personal care allowance $321 to $1,613 per month.
Yukon Territory	1 day	1 day	Yes		Yes	Yes	Clothing allowance — $197 for upper limb and $394 lower limb (no personal care or independence allowance).
Canadian Merchant Seaman's Act	3 days	3 days	Yes		Yes	Yes	Employer must keep appliances in repair or replace, at Board's discretion.

USCC 56001

Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Notes

[1]If disability continues for longer than stated retroactive periods, compensation is paid for the waiting period. Waiting periods do not apply to medical care, which is furnished from the first day of injury.

[2]Information supplied by Division of State Workers' Compensation Programs, U.S. Department of Labor.

[3]Many states have introduced medical fee schedules to control payments made to providers for medical care under the workers' compensation programs. Medical benefits remain "unlimited" in those states indicated, but employers and insurers are only liable for the amounts set forth in the medical fee schedule. Employees cannot be held accountable for any amount charged above and beyond the medical fee schedule.

[4]Alabama -Temporary disability only.

[5]Alabama — Employee can select second physician from a panel of 4 selected by employer.

[6]Arizona — Employee has freedom of choice after one visit as directed by employer. Self- insured employers may elect to direct all medical.

[7]Arkansas — Waiting period does not apply to medical benefits.

[8]Arkansas — May cease 6 months after injury when no time from work is lost (or 6 months after claimant returns to work), or maximum $10,000 has been paid, unless the employer may waive rights and Commission may extend limits.

[9]California — Waiting period also terminated by hospitalization.

[10]California — Psychologists and acupuncturists included within definition of physician and treatment permitted. Personal chiropractor allowed if employee has previously notified employer that chiropractic treatments were being rendered.

[11]Connecticut — By court decision, Olmstead v. Lamphier, 93 Conn. 20, 104 A. 488 (1918).

[12]Delaware — No waiting period for medical treatment or period if incapacity results in hospitalization or is caused by amputation of member.

[13]Florida — Expenses subject to managed care arrangement. Carrier or employee is allowed to select an independent medical examiner in disputes concerning overutilization, medical benefits, compensability, or disability.

[14]Georgia — Included in total amount allowed for medical care.

[15]Idaho — Waiting period also terminated by hospitalization.

[16]Illinois — TTD only.

[17]Iowa — No waiting period for PP disability.

[18]Kansas — Waiting period retroactive after 3 weeks. Employee may consult a physician of his own choice at any time but employer is only liable for fees and charges up to $500 for treatment . This unauthorized medical treatment cannot be used to obtain functional impairment ratings.

[19]Kansas — Director must adopt rules which establish a maximum medical fee schedule, subject to approval of an advisory panel. Fee schedule to be revised every two years.

[20]Kentucky — "Gatekeeper" physician may be required to file a treatment plan, not necessary in every case. In addition, bills subjected to medical bill audit and may be required to go through utilization review.

[21]Louisiana — Choice of examining physician.

[22]Louisiana — Choice of treating physician.

[23]Maine — Fire fighters are exempt from waiting period and receive compensation from date of disability.

[24]Maine — Subject to a medical fee schedule.

[25]Maine — Employer has initial choice of physician. After 10 days, employee may select different health care provider. Employee may not change health care provider more than once without employer or Board approval. This does not apply if referred to specialist.

[26]Michigan — Employer may choose physician for first 10 days of treatment, thereafter, the employee may choose own physician by giving notice to employer.

[27]Minnesota — If the employer has a managed care plan, the employee must choose among the physicians within the plan, with certain exceptions.

[28]Missouri — Employer retains the right to choose the physician. Medical Fee Dispute procedure established.

[29]Montana — Waiting period refers to number of days (hours) on which a worker has lost wages and is totally disabled and unable to work.

[30]Nebraska — Only if employee is informed of right to choose treating physician and does not have a physician with a record of previous treatment of employee or family member.

[31]Nebraska — Only if employee has a treating physician with a record of previous treatment with employee or family member. If employer does not inform employee of right to choose, employee may choose any doctor. If employer has informed employee of right to choose, employee cannot change treating physician unless employer agrees, or Court orders change. Employee may choose the doctor for major surgery or if injury involves dismemberment.

[32]Nevada — Waiting and retroactive period is at least 5 consecutive or cumulative days within a 20–day period.

[33]Nevada — If the employer's insurer has selected a managed care organization, the injured employee is required to choose a treating physician or chiropractor from MCO list. NRS 616C.090.

[34]Nevada — Employee may choose a treating physician within the Managed Care Organization network of providers. If services are not available, the injured employee may choose the services of a health care provider. The injured employee may change his treating physician/chiropractor within 90 days of the injury (if the insurer has an MCO, the doctor must be on the MCO list.)

[35]New Hampshire — Unlimited for those not under a managed care program.

[36]New Jersey, — Employer responsible for all necessary and reasonable costs of medical care, including chiropractor authorized and selected by employer. Employee has no freedom of choice.

[37]New York — Managed care available to employees of employers participating in pilot project for cost containment.

[38]Oregon — Costs subject to medical fee schedule, as determined by Director. Treatment may be restricted to MCO plan. Limitations on palliative care.

[39]Oregon — May choose physician within state (or outside state if insurer approves). Allowed initial choice plus 2 changes; insurer may object to additional changes and require Director's approval. If governed by MCO, treatment and choice may be restricted to plan.

[40]Pennsylvania — Only if a list of at least 6 designated health care providers. At least 3 of the providers must be physicians; no more than 4 of the providers may be coordinated care organizations or combinations thereof if posted and for the first 90 days after the first visit. The employee covered by such list may choose any suitable provider on the list.

[41]Puerto Rico — TTD only. PTD compensation paid from day of first medical treatment.

[42]Puerto Rico — Limitations on palliative treatments. Sergio Torres Garcia v. State Insurance Fund, June 30, 1981, P.R. Supreme Court.

[43]Puerto Rico — Only in cases of PT disability.

[44]Rhode Island — Rhode Island updates fee schedule as necessary not annually.

[45]Rhode Island — If employer has a Preferred Provider Network (PPN) in place, employee has choice of initial physician, but subsequent choices must be made from the PPN, or with permission of the employer if outside PPN.

[46]South Dakota — Consecutive days, temporary disability only.

[47]Texas — Medical charges subject to medical fee guidelines.

[48]Texas — Effective 1/1/93, employee will choose physician from a commission-approved list and will be allowed one change of physician with commission approval.

[49]Utah — Employee is allowed one change of physician.

[50]Virgin Islands — Total amount of $75,000 includes travel and accommodations.

[51]West Virginia — Costs subject to medical fee schedule, updated yearly.

[52]F.E.C.A. — Waiting period for income benefits begins running after 45 days continuation of pay.

[53]Newfoundland — Employer payment for day on which accident occurs.

[54]Nova Scotia — Waiting period does not apply to medical benefits.

[55]Nova Scotia — 2 days if worker works 5 day weeks.

[56]Nova Scotia — If so required by employer.

[57]Ontario — Employer must pay wages and benefits for day of injury.

[58]Ontario — May request worker receiving benefits to submit to exam by health professional selected and paid by employer.

[59]Ontario — Compensation payable during disability caused by damage to prosthetic device.

[60]Québec — Employer must pay wages and benefits for day of injury.

[61]Saskatchewan — Compensation not paid for the day on which the accident occurs.

[62]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

[63]Nebraska — The first day of disability is included in the 7–day waiting period; a partial day of disability is considered a full calendar day for purposes of the waiting period.

[64]British Columbia — 1 day for wage loss. Medical treatment paid by Board on day of injury. Employer has responsibility to transport worker to medical treatment.

USCC 56002

Chart X — Rehabilitation of Disabled Workers

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Alabama	No fund established	Board, lodging and travel, if away from home.	Vocational rehabilitation to restore employee to gainful employment at furnished employer's expense. Employee's refusal results in loss of compensation for the period of refusal.
Alaska	No fund established	Board, lodging, travel and temporary disability benefits.	Employer pays full cost on an expense-incurred basis, not to exceed $10,000. Benefits may not extend past 2 years from date of approval. Reemployment benefits suspended for unreasonable failure to participate in approved or agreed plan.
Arizona	Special Fund tax up to 1.5% on premiums written	Commission may authorize additional necessary awards to persons undergoing vocational rehabilitation.	The Industrial Commission's Special fund provides vocational rehabilitation for both scheduled and unscheduled injuries. The insurance carrier or self-insured employer may also make available vocational rehabilitation to claimants.
Arkansas	No fund established	Reasonable expenses for maintenance, travel and other necessary costs, 72 weeks maximum.	Must apply to Commission. Commission may authorize vocational rehabilitation if reasonable in relation to disability, but worker may refuse.
California	No fund established	During rehabilitation, necessary living expenses plus either a maintenance allowance not exceeding $246 per week (which may be supplemented up to temporary disability maximum if medical condition has become permanent and stationary) or temporary disability indemnity.	Rehabilitation program is compulsory on part of employer or carrier. Rehabilitation trainee is considered employee of training employer for insurance purposes. Employees restricted to 1 rehabilitation plan, which must be completed within 18 months. A $16,000 expenditure cap is established on all vocational rehabilitation plans. The cap applies to all expenses, counseling fees, training, maintenance allowance, and costs associated with or arising out of vocational rehabilitation services. Costs of counselor fees are capped at $4,500. Rehabilitation counselors and insurers are prohibited from referring injured worker to evaluation, training, or other rehabilitation entities in which they have a financial interest.[1]
Colorado	No fund established for vocational rehabilitation	TT and plan expenses paid during plan by carrier or employer if offered and accepted.	Voluntary benefit offered by carrier. If employee refuses offer of vocational rehabilitation, PT benefits will not be awarded.
Connecticut	Funded out of unified 5% assessment	Weekly subsistence allowance during vocational rehabilitation.	Employer pays full cost of medical rehabilitation, which continues until employee reaches maximum improvement. Vocational rehabilitation is furnished by Rehabilitation Services in the Workers' Compensation Commission.
Delaware	No fund established	Reasonable board, lodging and travel.	Physical and vocational rehabilitation furnished at employer's expense. Employee's refusal results in loss of compensation.
District of Columbia	No fund established	Not exceeding $50 per week.	Employer must provide vocational rehabilitation. Benefits forfeited if worker fails to cooperate.
Florida	Payments from Workers' Compensation Administration Trust Fund and assessments upon insurance carriers and self-insurers	Reasonable board, lodging and travel, if away from home.	Insurance carrier is required to provide reemployment services for dates of accident 9/30/89 or before and may voluntarily provide services for dates of accident after 9/30/89. The Division of Workers' Compensation shall pay for reemployment services for dates of accident 10/1/89 and after if such services are necessary for the injured employee to return to work. Carrier shall pay for only 26 weeks of the 52 weeks of rehabilitation and benefits that an injured employee may be entitled.
Georgia	No fund established	Reasonable board, lodging and travel, if away from home.	Rehabilitation benefits are compulsory only in catastrophic cases. Employee's unreasonable refusal may result in suspension of compensation.
Guam	State fund (appropriation)	$50 per week in addition to other compensation.	Commission directs the vocational rehabilitation of permanently disabled employees and arranges with the appropriate public or private agencies for such education.
Hawaii	No fund established	Board, lodging, travel, tuition, books and basic materials in addition to compensation.	Rehabilitation unit within the Department of Labor and Industrial Relations makes recommendation for vocational rehabilitation. Director approves services and reviews progress.
Idaho	Payments from Industrial Administration Fund	Reasonable expenses for maintenance and travel.	Rehabilitation Division administers TT or TP benefits that may be payable where retraining is authorized. Period of retraining not to exceed 52 weeks unless the Commission, following application and hearing, extends the period.

USCC 56003

Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Illinois	No fund established	Maintenance costs and incidental expenses.	Physical, mental and vocational rehabilitation as necessary. Institutional care, if required.
Indiana	No fund established		Vocational rehabilitation available to any employee unable to attain gainful employment, due to an occupational disease or injury.[3]
Iowa	No fund established	$20 weekly in addition to other compensation for 13 weeks.	May be extended additional 13 weeks. Medical care includes physical rehabilitation.
Kansas	No fund established	Only by agreement of all parties.	The employer or carrier may voluntarily provide vocational rehabilitation services under the workers' compensation act.
Kentucky	No fund established	Board, lodging, and travel, if away from home.	Unlimited medical rehabilitation; vocational rehabilitation up to 52 weeks (may be extended). Employee's refusal results in loss of 50% of compensation.
Louisiana	No fund established	Board, lodging and travel paid by employer or carrier.	Employer or carrier provides up to 26 weeks of vocational rehabilitation, extendable another 26 weeks. Benefits reduced 50% for refusal of necessary rehabilitation.
Maine	Employment Rehabilitation Fund[4]	Transportation or any extra and necessary expenses, upon board order.	Employee entitled to rehabilitation services when unable to perform work for which the employee has previous training or experience. Training, treatment or service is only 52 weeks unless board extends.[5]
Maryland	Paid for by insurer & self-insurers	Up to $40 weekly paid by employer for a maximum of 24 months if employee is required to live away from home while in Vocational Rehabilitation.	Workers Compensation Commission investigates claims and reports of disabilities for referral to State Department of Vocation Rehabilitation or to a private vendor. Employee as entitled to rehabilitation services with TT benefits. Employee's unreasonable refusal results in loss of compensation. Employer pays compensation for TT disability plus expenses of vocational assessment and rehabilitation.
Massachusetts	Paid the same as compensation by employer or insurer[6]	Office of Education and Vocational Rehabilitation may approve room, board and travel expenses for 52 weeks.	Necessary cost of rehabilitation subject to approval by Office of Education and Vocational Rehabilitation. Benefits suspended for refusal to participate.
Michigan	No fund established	Transportation and other necessary expenses during 52 weeks training.	Medical and vocational rehabilitation services under Workers' Compensation Bureau approved facility. Bureau may extend training period additional 52 weeks, maximum total 104 weeks.
Minnesota	No fund established	During a rehabilitation plan-necessary expenses, including tuition, books, travel, board, lodging and custodial daycare. Employee receives temporary total during retraining up to 156 weeks.	Qualified injured worker entitled to rehabilitation under a rehabilitation plan. If approved as plan, employer to provide retraining up to 156 weeks.[7] Participant may request 25% benefit increase and is eligible for one-time relocation allowance. Employer may seek termination or suspension of benefits if worker fails to cooperate with plan. Rehabilitation may be requested and consultation provided at given times.[8]
Mississippi	No fund established	Up to $10 per week up to 52 weeks.	Commission cooperates with federal and state agencies.
Missouri	$40 per week supplement paid from second injury fund to the employee, not to exceed 20 weeks, using approved physical rehabilitation with cost of treatment paid by employer or insurer.	Reasonable board, lodging and travel if away from home, paid by employer or insurer. TT or TP benefits paid throughout duration of rehabilitation program.	Administered by Director of the Division Workers' Compensation. Employer is to pay TT up to 20 weeks during physical rehabilitation. Initial vocational plan not to exceed 26 weeks; employers may extend plan up to 26 weeks.[9]
Montana	For dates of injury prior to July 1, 1987 Rehabilitation Fund by an assessment of 1% tax upon compensation paid by insurers, self-insured and state fund.	Disabled workers, or whole person impairment rating of 15% or greater, entitled to rehabilitation benefits at the TT rate paid throughout the duration of rehabilitation plan (subject to 104 week maximum). Auxiliary benefits up to $4,000 available for travel and relocation expenses as well as implementing rehabilitation plan.	Rehabilitation provider provides certification that the injured worker has vocational goals or re-employment opportunity which will have a reasonable reduction in the worker's actual wage loss, and a rehabilitation plan agreed upon by the injured worker and the insurer. The rehabilitation plan must be completed within 26 weeks of the completion date specified in the plan. The rehabilitation plan must begin within 78 weeks or reaching maximum medical healing.

USCC 56004

Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Nebraska	Workers' Compensation Trust Fund by 2% of benefits paid by carriers and self-insurers in the state in prior year.	Board, lodging, travel, tuition, fees, and books paid by fund. Temporary indemnity paid by self-insurer or carrier.	Payments into fund suspended when fund reaches $2,300,000. Assessment (2%) when fund reduced to $1,200,000.
Nevada	Private carriers, self-insured employers, and associations of self-insured employers.	Paid at the same rate as TTD, as prescribed by the Division of Industrial Relations.	Rehabilitation program is limited by the percentage of PP award. Insurer is authorized to provide necessary rehabilitation services. Employee's refusal may result in loss of benefits. Nevada allows payment of compensation in a lump sum in lieu of vocational rehabilitation services, at the insurer's discretion.
New Hampshire	No fund established	Board, lodging, travel, books, and basic materials in addition to compensation.	Insurer must furnish rehabilitation services voluntarily, or may be ordered to do so by Commissioner. Limited to a period of 1 year, unless unusual circumstances. Vocational Rehabilitation Coordinator can assist in development of program. Benefits can be suspended for non-cooperation with vocational rehabilitation.
New Jersey	No fund established		PT disability benefits may be stopped after 450 weeks unless the worker has submitted to physical or educational retraining.
New Mexico	No fund established		Only in cases of occupational disease; employer must furnish.
New York	$2,000 no dependency death cases	Up to $30 per week for rehabilitation maintenance.	The statute provides for direction by the State Education Department of the rehabilitation process. It does not provide a role for the Workers' Compensation Board.
North Carolina	No fund established		Insurer must furnish rehabilitation services required to lessen disability. Employee's unreasonable refusal of services ordered by Commission results in loss of compensation for period of refusal.
North Dakota	Benefit fund	Rehabilitation allowance plus supplies, tuition, fees and books in lieu of and equal to compensation for up to 2 years, plus 25% if maintaining 2 domiciles.	Bureau through its Vocational Rehabilitation Program provides retraining. Employee's unreasonable refusal to cooperate shall forfeit compensation. If worker refuses to cooperate with rehabilitation, no benefits will be provided. If refusal continues for 60 days, eligibility for benefits ends.
Ohio	State Insurance Fund	Same as for TT disability, minimum 50% of the SAWW, for 6 months (renewable).[10]	Rehabilitation Division is within the Bureau of Workers' Compensation and may make all necessary expenditures, medically including treatment of non-occupational conditions inhibiting return to work.
Oklahoma	No fund established	Board, lodging, travel, tuition and books.	Court may order necessary rehabilitation up to 52 weeks; may also order additional 52 weeks.
Oregon	No fund established	TT during training. Necessary expenses including tuition, books, some travel costs and tools.	Insurer must provide vocational assistance to permanently disabled workers who cannot return to work at a wage at least 80% of wage at injury.
Pennsylvania	No fund established[11]	State Office of Vocational Rehabilitation or private rehabilitation may provide cash payments for living expenses.	State Office of Vocational Rehabilitation or private rehabilitation may provide physical restoration, training, support and job placement services.
Puerto Rico[13]	Exclusive State Fund	Administrator may grant $65 weekly up to 26 weeks.	Rehabilitation center provides physical, medical and rehabilitation services.
Rhode Island	Workers' Compensation Administrative Fund	Board, lodging and/or travel.	The Department operates the Dr. John E. Donley Rehabilitation Center. Compensation suspended for willful refusal of suitable employment or rehabilitation.
South Carolina	No fund established		No specific statutory provision.
South Dakota		Compensation paid up to 60 days, if pursuing rehabilitation.	TT during period of approved vocational rehabilitation.
Tennessee	No fund established	Physical rehab covered under medical services; employee must accept or compensation suspended	Division of Workers' Compensation refers feasible cases to Department of Education pursuant to plan providing full or partial recovery of expenses from employer or insurer.

USCC 56005

Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Texas	No fund established		Insurer furnishes necessary medical care and services for physical rehabilitation. Commission may notify employees of vocational rehabilitation services through the Texas Rehabilitation Commission and private providers. Commission keeps registry of private providers of rehabilitation services.
[illegible]	Voluntary by insurance carrier		If worker cannot be rehabilitated, worker receives benefits for life from employer or insurance carrier, minimum is 36% of the current SAWW.
Vermont	No fund established	Board, lodging, travel, books and tools.	Commissioner may order vocational rehabilitation services, If employee refuses, compensation may be suspended.
[illegible]	Government Insurance Fund	Board, lodging and travel.	Department of Labor cooperates with Department of Human Services. Income benefits increased to 75% SAWW. Income benefits during rehabilitation suspended for employee's refusal to accept vocational rehabilitation. See Chart V — Total Disability Benefits.
Virginia	No fund established		Commission may award compensation, medical care and vocational rehabilitation. Employer may be required to furnish and maintain wheelchairs, bedside lifts, adjustable beds and make alterations to home, maximum $25,000 (wheelchairs exempt from maximum). Employee's unreasonable refusal may suspend compensation.
[illegible]	No fund established	Compensation board, lodging, travel, books, equipment and child care allowance, up to 52 weeks maximum $4,000	Supervisor may extend period for another 52 weeks. Department pays employer's cost of job modification or accommodations medically necessary for the worker to participate in a retraining plan, to a total maximum of $5,000.
West Virginia	State fund	Up to $10,000 (includes books, supplies, travel, lodging and tools for training purposes). No limit on physical rehabilitation cost.[12] Eligible for TTD benefits for approved physical/vocational programs.	Division claim managers review for appropriateness of rehab services. Early intervention and return to original employer emphasized utilizing transferable skills. Temporary Partial may be paid as wage differential for up to two years.
[illegible]	No fund established	TT disability travel and necessary maintenance if away from home.	80 week period may be extended with Division's permission if necessary. Division refers feasible cases to Department of Vocational Rehabilitation. If Department of Rehabilitation cannot serve the employee, employee is eligible to select a private specialist to provide vocational rehabilitation services.
Wyoming	Workers' Compensation Fund	As required to achieve vocational goal.	Work with State Division of Vocational Rehabilitation after eligibility determination with individualized rehabilitation plan.
[illegible]	Employees' Compensation Fund	Up to $200 per month	If person fails to undergo Vocational Rehabilitation, administrator may reduce benefit if rehabilitation would have increased earnings.
Longshore Act	Special Fund	Up to $25 per week.	Surplus in Fund in any 1 year may be carried over. Appropriations authorized.
[illegible]	Accident Fund	Discretion of Board.	Board operates physical rehabilitation center. Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
British Columbia	Accident Fund	Discretion of Board.	Rehabilitation Clinic established. Board may make necessary expenditures to aid rehabilitation and, if a fatality, may provide vocational rehabilitation to surviving dependent spouse.
[illegible]	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation. Spouse of deceased worker entitled to rehabilitation under certain circumstances.
New Brunswick	Accident Fund	Discretion of Commission.	Commission operates physical rehabilitation center. Commission may make necessary expenditures to aid rehabilitation.
[illegible]	Accident Fund	Discretion of Commission.	Commission may make expenditures as are necessary or expedient to aid a worker's rehabilitation.
Northwest Territories	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.

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Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Nova Scotia	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
[illegible]	[illegible]	[illegible]	Board may make necessary expenditures to aid rehabilitation.
Ontario	Schedule 1– Insurance Fund Schedule 2– Employer's individually	Discretion of Board.	No limit on amount in any 1 case or in any 1 year for labor market re-entry plans. Surviving spouses entitled to same level of labor market re-entry services as injured workers.
[illegible]	[illegible]	[illegible]	Board may make necessary expenditures to aid rehabilitation.
Quebec	Accident Fund. Individual liability for employers held personally responsible for the payment of benefits.	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
[illegible]	[illegible]	[illegible]	Board provides on-the-job training, employer assistance, and physical and occupational therapy. Vocational training available for spouse, educational allowance for dependent children of fatally injured workers.
Yukon Territory	Compensation Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
[illegible]	[illegible]	[illegible]	No specific statutory provision.

Notes

[1]California — For injuries occurring after 1/1/94.

[2]Florida — Refusal to accept reemployment services deemed necessary by the judge of compensation claims or the Division may result in a 50% reduction in weekly compensation benefits for each week of refusal.

[3]Indiana — State Rehabilitation Services Board administers vocational rehabilitation programs. Compensation suspended for refusal of suitable employment by partially disabled claimant.

[4]Maine — Board may levy assessment on each insurer based on paid losses for previous year when amount in Fund is less than $500,000. Fund also receives sum equal to 100 times the AWW when work-related injury causes employee death and there are no dependents.

[5]Maine — Office of Rehabilitation may implement and pay for out of the Rehabilitation Fund a plan previously rejected by the employer. If the plan proves successful, the Fund may assess the employer up to 180% of the plan implementation costs.

[6]Massachusetts — If insurer refuses payment, rehabilitation paid by Trust Fund. If rehabilitation is successful, insurer assessed no less than twice the cost of rehabilitation.

[7]Minnesota — Surviving spouse may request rehabilitation.

[8]Minnesota — Expenses of rehabilitation are borne by employer/insurer. Vocational rehabilitation is provided in most rehabilitation plans. Physical rehabilitation is a medical expense.

[9]Missouri — Refusal of employee to undergo vocational rehabilitation results in 50% reduction in TT or TP benefits. Refusal to attend approved physical rehabilitation may result in disqualification for TT or TP benefits.

[10]Ohio — If claimant returns to lesser-paying job while in rehabilitation, wage loss compensation of difference between wage at time of injury and wage at job while in rehabilitation program can be paid.

[11]Pennsylvania — Funded by federal and state sources.

[12]West Virginia — Work conditions and work hardening programs are subject to West Virginia's fee schedule.

[13]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

[14]Saskatchewan — *The Workers' Compensation Act, 1979* requires that the Saskatchewan WCB maintain a funded status although the extent of the reserves to be held by the Board is left to the discretion of the Board.

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PART 3 — ADMINISTRATION OF LAWS

Because workers' compensation grew out of a public dissatisfaction with the manner in which job-related disabilities were handled, it is not surprising that the system was designed with an eye toward prompt and effective disposition of disability cases. Without an effective delivery system, many of the problems associated with the common law and employer liability statutes would remain.

This requirement for an effective delivery system remains valid today. The National Commission on State Workmen's Compensation Laws, in listing this as a major objective for a modern workers' compensation system, made special note that the achievement of the system's objectives for protecting against workplace disabilities was dependent upon an effective system for delivery of benefits and services. This observation was reaffirmed by a second federal report on workers' compensation delivery in 1977, which emphasized the importance of efficient program administration.

As originally envisioned, the system would be self-administering. However, over time the complexities of the system proved too much for a laissez-faire approach, and states moved to take a more affirmative role in the administration of their laws.

Generally, the states moved either to administer their laws through their court system, a special commission or board, or a combination of both. In Canada, administrative activities are carried out by a board. The principal areas of administration include:

- ✓ Supervision of compliance with statutory requirements for employers, employees, carriers, and medical and legal personnel.
- ✓ Investigation and decision on disputed claims and the supervision of medical and vocational rehabilitation.
- ✓ Management of second-injury funds, and special assessment requirements.
- ✓ Collection of data and evaluation of program performance.

Administration — Notice to Employer's and Claims (Chart XI)

Workers' compensation laws generally are administered by commissions or boards created by law. A few states provide for court administration.

Chart XI shows statutory provisions relating to administration. These include:

- ✓ Time limits in which employers must be advised of injury;
- ✓ Time in which claims must be filed;
- ✓ Claim settlement conditions; and
- ✓ Regulation of attorney's fees.

Employer's Report of Accidents (Chart XII)

All employers are interested in requirements legally imposed on them to report injuries and the penalty, if any, imposed for failure to report. In many jurisdictions, except for preliminary reports, the insured's company relieves an employer of this burden. Provisions for employer reporting of accidents are summarized in Chart XII.

Second-Injury Funds (Chart XIII)

Second-injury funds (or like arrangements) were developed to meet problems arising when a preexisting injury combines with a second to produce a disability greater than that caused by the latter alone. The funds encourage hiring of the physically handicapped and allocate costs of providing benefits to such employees more equitably.

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Second-injury employers pay compensation related to the disability caused by the second injury alone — even though the employee receives a benefit relating to the combined disability; the difference is made up from a second-injury fund.

Where no special second-injury fund is provided by law, an employer in whose employment a second injury is sustained usually is liable for compensation due for the total resulting disability. Because of the potential increased cost of compensation benefits, an employer may be influenced to refuse employment to handicapped persons. It is for this reason that second-injury funds are advocated.

Most compensation laws now limit employer liability in second-injury cases to payment for the disability resulting from the second injury considered by itself — as shown in Chart XIII. The chart indicates the nature of the injury covered, portion payable by the employer and by the fund, and the sources for the fund. Vermont, has discontinued its second injury funds since last year's Analysis was published. The District of Columbia has repealed its second injury fund for injuries occuring on or after 4/16/2000.

Administration Expenses (Chart XIV)

Chart XIV refers to:

- ✓ How the costs of administration are met;
- ✓ Nature of assessments, if any; and
- ✓ Types of insurance provided for — whether private, state, or both.

Appeal Provisions (Chart XV)

Appeal provisions, including designation of the court of appeal and nature of the procedures, are summarized in Chart XV. Most Canadian jurisdictions use the inquiry system and do not provide for judicial appeals.

Directory of Administrators (Chart XVI)

The names and addresses of the administrators, boards, and commissioners for all jurisdictions reported upon by the Analysis are provided in Chart XVI. The Internet addresses are listed for those administrators with web pages.

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Chart XI — Administration: Notice to Employer and Claims

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Alabama	Courts	In writing within 5 days; excusable up to 90 days.	Within 2 years after accident, last payment or removal or incapacity.	By agreement, which must conform substantially to terms of act unless court approves lesser sum. Disputed cases settled by courts.	Lien when registered with probate judge.		Award for more than 6 months at any time by agreement of parties with court approval.	Fixed by Circuit Court judge up to 15% award. All litigation expenses, attorney's fees must be reported to the Director.
Alaska	Workers' Compensation Board	In writing to Board and employer within 30 days; excusable.	Within 2 years after knowledge of disability. Within 1 year after death or 2 years after last payment.	By agreement on approval of Board.	Lien; recording required in 1 year of injury. Interest and penalties accrue.	By Board.	Within 1 year after last payment of compensation or after rejection of claim.	25% of first $1,000, 10% of award balance by statute negotiable. Board approval required if employee pays.
Arizona	Industrial Commission	Forthwith; excusable.	Within 1 year after injury or accrual of right; excusable.[2] Claim not barred if compensation has commenced.	By Commission.	Decision of Award is effective upon finality. Lien upon filing.	By ALJ within 30 days.	By ALJ on application.	Commission may regulate; maximum 25% of award.
Arkansas	Workers' Compensation Commission	Forthwith; excusable.	Within 2 years after injury or death or 1 year after last payment of compensation, whichever is later. Note that the statute of limitation is different for Occupational Disease. See Chart IV.	Compensation without award except if contested claim. Disputed claims heard by Commission member or ALJ upon application. Settlements may be approved by joint petition. Disputes may be resolved through mediation.[3]	Preference rights of unpaid wage claims.	By Commission within 30 days of ALJ decision. Thirty days from Commission to Court of Appeals.	By Commission within 6 months of end of compensation period except in "joint settlements."	30% of first $1K, 20% next $2K, 10% remainder; no automatic lien against award.
California	Division of Workers' Compensation handles administration. Appeals Board handles judicial functions.	In writing within 30 days; excusable. Within 1 day of receiving notice or having knowledge of injury, employer must provide injured worker with claim form.	Disability — within 1 year from date of injury or last payment. Death — within 1 year after death to 240 weeks after injury.	By agreement on approval of Appeals Board which may order hearing. Disputed cases settled by Appeals Board on application.	Judgement of filing in Superior Court.	By Appeals Board from workers' compensation judge's finding.	Reconsideration within 20 days; no modification after 5 years.	Reasonable fee fixed by Appeals Board. If Court finds no reasonable basis for appeal, Appeals Board may award fees as supplementary award.[5]
Colorado	Division of Workers' Compensation handles administration. Division of Administrative Hearings handles merit hearings.	Within 4 days; excusable (claimant may lose up to 1 day's compensation for each day's delay).	Within 2 years after injury or death.[6] Does not apply if compensation paid or if reasonable excuse in 3 years.	By agreement approved by Director or ALJ. Disputes may be resolved through mediation, prehearing conference and formal hearings.	Judgement on filing copy of award against uninsured employer in District Court. Decision of award is effective upon finality.	By Director or ALJ within 20 days; then by Industrial Claims Appeals Office within 20 days.	Reopening by Director within 6 years from date of accident or 2 years after last payment, whichever is later.[7]	On unappealed and contested cases, a contingent attorney fee not exceeding 20% of the amount of the contested benefit shall be presumed to be reasonable. Director determines reasonableness of fee on request of claimant or attorney.
Connecticut	Workers' Compensation Commissioners. 1 chair and 15 members.	Forthwith; excusable.[8]	Within year after accident.[9] If death results, within 2 years after accident or disease, within 2 years from accident or disease, or within 1 year from death, whichever is later.	By agreement, on approval of Commission. Disputed cases settled by Commission.	Judgement on filing in Superior Court. Award has preference rights on unpaid wages.	By Compensation Review Board[10] within 10 days.	By Commissioner during compensation period.	Subject to approval by Commissioner.

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Delaware	Office of Workers' Compensation	If notice not given in 90 days, no compensation due until notice or knowledge of injury.	Within 2 years after injury, death, or 5 years from last payment.	By agreement, on approval of Board. Disputed cases settled by Board and/or hearing officer after hearing.	Preference rights of unpaid claims.		By Board and/or hearing officer at any time, but no more than once each 6 months.	Attorney/client agreement.
District of Columbia	D.C. Office of Workers' Compensation	In writing within 30 days; excusable.	Within 1 year after accident or last payment.	By agreement subject to approval of the Office of Workers' Compensation; approval automatic if both parties represented by legal counsel.	Award is effective upon filing.	By Director, Department of Employment Services on application or own motion.	By the office issuing the award within 1 year after last payment or denial of claim; own motion or application of interested party.	By the Office or court before which the work was performed.
District of Columbia Government Workers	Office of Benefits Administration	48 hours; extended for cause.	Within 60 days after injury or 1 year after death; extended for cause.	By the Office of Disability Compensation.	Fund pays award.	By administrator upon own motion or application at any time.	By administrator.	Subject to approval by administrator, Office, or court before which the work was performed.
Florida	Division of Workers' Compensation	Within 30 days after injury, death or employee's first knowledge of injury/illness.	Within 2 years after injury or death or 1 year from last payment of authorized medical treatment.	Allows total washout of claim at any time after employee has attained MMI. Allows total washout of claim 1 year after carrier files a denial within 120 days after date of injury and judge finds a justifiable controversy of legal or medical compensability.	May be filed in proper court for execution or other process of Circuit Court.		Joint Petitions or Stipulations approved by Judges are not subject to modification.	Sliding scale subject to approval of Judge of Compensation Claims or court; claimant pays own fee if the decision prevails.
Georgia	Board of Workers' Compensation	Within 30 days; excusable.	Within 1 year after injury, death or medical care; or within 2 years after last payment.	Compensation without award except in contested claims. Disputed claims settled by Board, Director, ALJ or through mediation.[11]	Judgement in Superior Court on certified copy of award.[12]	By Board on application within 20 days.	By Board on application or own motion within 2 years after final payment (4 years for PP). Final settlement may not be modified.	Fees in excess of $100 subject to Board approval. Board may assess attorney's fees against any party who proceeds without reasonable grounds or fails to provide income benefits as required. Maximum recovery fee is 25% of income benefit received.
Guam	Workers' Compensation Commission	In writing 30 days; excusable.	Within 1 year after injury, death last payment or awareness of relationship between the injury or death and the employment.	Compensation without award within 14 days after knowledge of injury or death. Controverted claims are settled by the Commission.	Lien against assets of carrier or employer. Enforcement of final order by Supreme Court.		By Commissioner within 1 year after last payment or rejection of claim on own motion or application.	Subject to approval of Commission or Court on review. Legal fees shall be a lien on compensation.
Hawaii	Director of Labor and Industrial Relations	Forthwith; excusable.	2 years after date on which effects of injury become manifest, but within 5 years after date of accident causing injury.	By agreement or by decision which must be prepared by Director within 60 days after conclusion of hearing[13], in accord with law. If not agreed, Director makes award.	Judgement on filing in Circuit Court.	By Appellate Board within 20 days.	By Director on own motion or any party on own application within 20 days but no later than 8 years after decision.	Subject to approval of Director.

USCC 56011

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Idaho	Industrial Commission	In writing 60 days after accident; excusable.	Within 1 year after accident or death.[14]	By agreement, subject to approval of Commission. Disputes settled by Commission or Member after hearing.	Judgement in District Court on filing certified copy of award. Judgement in Circuit Court on filing certified copy of award.	By Commission within 20 days.	By Commission within 5 years of accident, but not more than once in 6 months.	Subject to approval of Commission. 25% without hearing; 30% with hearing. Disclosure required.
Illinois	Industrial Commission	Within 30 days after accident; within 45 days after death; within 30 days after last exposure to injurious levels of radiation.	Barred after 3 years from date of death or 2 years after last payment, whichever is later. Radiation and asbestos — within 25 years after last exposure to injurious levels of radiation; within 2 years after death.	By agreement subject to approval of Commission after 7 days from injury. Disputed cases settled by arbitrator.	Judgement in Superior Court or Circuit Court on certified copy of agreement or award. After reference, rights of unpaid wages.	By Commission from decision of arbitrator within 30 days.	By Commission within 30 months of agreement or award.	Maximum 20% of compensation paid, up to 364 weeks of PPT disability. Unreasonable or vexatious delay by employer or carrier in payment of compensation may be penalized by cost of attorney's fees.
Indiana	Workers' Compensation Board	In writing as soon as practicable, excusable. Compensation may accrue from date of notice if given after 30 days.	Within 2 years after injury or death. Radiation —2 years after worker knows/ should know relation to employment.	By agreement, after 7 days from injury or at any time after death, subject to approval of Board. Disputed cases settled by Board member on application.	Judgement in District Court on filing certified copy of agreement or decision.	By full Board within 30 days after award.	By Board on application or own motion, within 2 years after last day for which compensation is paid.	Subject to approval of Board. Limits on fees in recoverability in 3rd party suits, basing those fees on the amounts actually repaid to the insurer/employer. Fees paid out of award unless bad faith by employer or lack of diligence, in which case paid by employer. Minimum fee is $100.
Iowa	Division of Workers' Compensation	Within 90 days after injury, unless employer has actual knowledge.	Within 2 years after injury or 3 years after last weekly payment.	Compensation without award except in contested cases, but claim may be settled by agreement, subject to approval of Workers' Compensation Commissioner.		By Commissioner from decision of Deputy Commissioner within 20 days.	By Commissioner within 3 years from last payments, award or noncommuted settlement.	Subject to Commissioner's approval.
Kansas	Division of Workers' Compensation	Within 10 days and up to 75 days with "just cause."	Claim must be served on employer within 200 days after accident or last payment, or within 1 year after death for death within 5 years after accident. Application for hearing must be filed with Division within 3 years after accident or within 2 years after last payment, whichever is later.[17]	By agreement, disputed cases settled by ALJ after hearing, subject to appeal to Workers' Compensation Board.		Appeal to Workers' Compensation Board must be filed within 10 days of decision by ALJ.	By ALJ, before final payment and within 1 year of prior approval on application.	Fixed by written contract. Maximum of 25% of compensation recovered as a result of attorney's involvement.
Kentucky	Department of Workers' Claims	In writing as soon as practicable, excusable.	Within 2 years after accident, death, or last voluntary income benefit payment.[18] Limits toll during minority or incapacity.	By agreement, subject to approval by ALJ. Disputed cases settled by an ALJ in a de novo proceeding.	Judgement in Circuit Court on filing certified copy of award or approved agreement.	Initial appeal from ALJ is to the Workers' Compensation Board within 30 days. Petition for reconsideration of any patent error required within 14 days of ALJ's decision and necessary prior to appeal to Workers' Compensation Board.	By ALJ any time, on application or own motion.	For contracts entered into on or after 7-14-2000, plaintiff's attorney fee is 20% of the first $25,000, 15% of the next $10,000 and 5% of the remainder of the award not to exceed a maximum fee of $12,000. Maximum fee for employer's attorney is $12,000.

USCC 56012

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Louisiana	Office of Workers' Compensation Administration	Within 30 days (12 months if employer fails to post requirements); excusable.	Within 1 year after accident, death or last payment; if injury has a delayed development, then 1 year from time injury develops, but in no cases more than 2 years from date of accident.	By agreement, subject to approval of Workers' Compensation Judges.[19]	Approved settlement entered as judgement.	No review by agency of District Court; appeals go to Court of Appeals.	By Workers' Compensation Judge or any time by agreement.	Subject to Workers' Compensation Judge's approval; maximum 20% of award on first $20,000 and 10% of any additional amount.
Maine	Workers' Compensation Board	Within 90 days after injury; within 2 years after death. Excusable for reasonable cause.	Within 2 years after accident, deposit of last payment, or wage loss; within 1 year after death. If mistake of fact or failure to file within applicable time, but within 2 years (4 years in any case).	Compensation without award except in contested cases. Disputed cases settled by Board.	Decision enforceable in Superior Court by all remedies.	By single hearing officer.	On application; approved lump sum final except employer relieved from liability for future medical expenses unless lump sum payment is contingent on release from such liability.	Each party responsible for own attorney's fees and costs. Attorney's fees subject to approval by Board. Attorney's fees not to exceed 20% of award. Award of attorney's fees in addition to award to employee. Board may award attorney's fees against employer for bad faith, frivolous defense or unreasonable delay. Board may award attorney's fees against employee for bad faith, frivolous claim or unreasonable delay. Employer to pay reasonable expenses of any proceeding for which Workers' Compensation Board orders employer to furnish or pay for medical, surgical or hospital treatment, attendance or supplies.
Maryland	Workers' Compensation Commission	Within 10 days after injury (30 days for hernia); within 30 days after death; excusable.	Within 60 days after disability begins; excusable to 2 years. Within 18 months after death.[21]	By agreement, subject to approval of Commission. Disputed cases are tried by the Commission; hearing required on application.		By Commission De Novo Appeal to Circuit Court (WCC decision presumed correct). Additional appeals on questions of law to appellate courts.	From final award on application or own motion within 5 years after the date of the last payment of compensation.	Subject to approval of Commission.
Mass.	Department of Industrial Accidents	In writing as soon as practicable; excusable.	Within 4 years after injury, death or onset of disability; excusable.	By agreement, subject to approval of Department. Disputed cases settled by a member of the Industrial Accidents Board after preliminary conference prior to hearing.	Decree in Superior Court on certified copy of agreement or decision.	By 6-member reviewing board from decision of member.	On application at any time; limited in death cases.	Subject to Board approval. Amount fixed, subject to cost of living adjustments according to state of proceedings.[22]
Michigan	Bureau of Workers' Disability Compensation	Within 90 days after injury; excusable.	Within 2 years after injury, death, recovery from incapacity, or after worker knows/should know relation of disease to employment.[23]	Compensation without award except in contested cases. Disputed cases settled by magistrate (by Bureau if "small dispute").	Judgement in Circuit Court on filing certified copy of award.	By Appellate Commission within 30 days from decision of magistrate.		Subject to approval of Bureau based on administrative rules and contingency fee schedules.
Minnesota	Commissioner, Department of Labor and Industry as head of Workers' Compensation Division and Administration.[24]	Within 30 days unless employer has actual knowledge; excusable up to 180 days unless prejudice shown.	Within 3 years after employer's report; no more than 6 years from date of injury. Occupational disease-within 3 years after employee knows cause of disability.[25]	Compensation without award except in contested cases. Claims settled by agreement subject to judicial approval. Presumed fair if both sides represented by attorney and medical and rehabilitation left open. Hearing determination subject to appeal.	Award is binding and may be enforced by penalty or entering judgment in District Court.	Appeals must be filed with Workers' Compensation Court of Appeals within 30 days from decision of compensation judge.	By petition to W.C. Court of Appeals to vacate.	Approval by Division or compensation judge of 25% of first $4,000 compensation, 20% of the next $60,000 subject to a maximum amount determined by a 7 factor analysis.

USCC 56013

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Mississippi	Workers' Compensation Commission	Within 30 days; excusable.	Within 2 years after injury or death.	Compensation paid without award except in contested claims. Disputed claims heard by Commission member or referee on application. Claims are settled on compromise basis by agreement, subject to Commission approval.	Lien against assets and has preference rights of unpaid wages.	By Commission if appealed within 20 days from decision of ALJ.	By Commission on application or own motion within 1 year from last payment or claim rejection.	Subject to approval of Commission or court. Maximum is 25% of award in matters before the Commission.
Missouri	Division of Workers' Compensation	Within 30 days unless employer has actual knowledge of injury.	Within 2 years after injury or death. No payment of compensation if claim filed more than 2 years after injury or death.	After 7 days from [illegible] agreement [illegible] approved by Division of Workers' Compensation.	[illegible]	By Division of Workers' Compensation within 20 days.	By Commission on application or own motion within [illegible]	Commission or Division may allow reasonable fees.
Montana	Department of Labor and Industry	For injuries not resulting in death, within 30 days unless employer has actual knowledge.	Verified claim within 12 months after accident; Department may grant additional 24 months.	By agreement and subject to approval of Department. Any dispute over conversion of benefits to a lump sum or dispute over the amount of benefits is submitted to a mediator and then to the Workers' Compensation Court, if necessary.	Insurer will pay award after order received.	By Department of Labor and Industry. 30 days to approve or disapprove settlement. If date of injury is prior to 7/1/87, order is reviewed by Workers' Compensation Court Judge, who has 10 days to disapprove settlement.	May not be reopened by Department.	May be fixed by Department or Workers' Compensation Judge. Added to successful claimant's award on appeals. Not awardable by the court unless the insurer's actions in denying liability or terminating benefits was unreasonable.
Nevada	Division of Industrial Relations	Within 7 days of injury.	Within 90 days after accident, 1 year after death.[26]	By agreement, in conformity with Act, subject to approval of insured.	Insurers are required to comply within 30 days after award is issued, unless a stay is entered. If a party applies for a stay which is denied, in specified circumstance, installment payments may be made.[27]	Department of Administration holds hearings and appeals for contested claims.	Medical investigation may be conducted at any time based on changed circumstance.	District Court may assess costs and fees if appeal is frivolous. At appeal level and above, claimant may utilize the free services of the Nevada Attorney for Injured Workers for representation.
New Hampshire	Division of Workers' Compensation	As soon as practicable but not later than 2 years after date of injury.	Within 2 years after injury or death and claimant knows or should know of injury and relation to employment.	If compensability of claim is contested, the employer or claimant may request a hearing by the Division. Claims may also be settled by stipulation with Division approval.	Payment within 2 [illegible] days unless employer files to comply with an award may [illegible] of the [illegible] Court. [illegible] day.	By Commissioner.	Commissioner of Labor may modify no later than 4 years after last indemnity payment, except lump sums.	Established by Operating policy 20-25% no provision regarding lien against award statutory provision added in some cases of award attorney fees and interest to successful claimant on appeal.

USCC 56014

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
New Jersey	Division of Workers' Compensation	Within 14 days; excusable up to 90 days. Separate provision for occupational diseases.	Within 2 years after accident, death, last payment or default. Separate provisions for occupational diseases.	By agreement, subject to approval of Judge of Compensation. Disputed cases litigated before Compensation Judge.	Final unless appealed to Superior Court.	Appeals are to the Appellate Division of the Superior Court.	Application to review or modify prior award to Judge of Compensation within 2 years of last payment of compensation.	Not over 20% before Division. Court may fix reasonable fee on appeal.
New Mexico	Workers' Compensation Administration	In writing within 15 days; excusable up to 60 days.	Within 1 year after notice, death, or failure to pay. Time tolled up to an additional year if still in same employment.	By agreement through a mandatory mediation conducted by agency staff attorneys. Disputed cases are resolved through hearings presided by an agency judge. Restricted lump sum settlements must be approved by a judge.	Award is judgement.	Reviewed by Court of Appeals.	By Workers' Compensation Judge, hearing for modifications may be held at not less than 6 month intervals.	Determined by Workers' Compensation Judge, maximum amount of $12,500 for both parties' attorneys, including all levels of appeal. Cost of attorney is split 50/50 by employer and employee.
New York	Workers' Compensation Board	In writing within 30 days; excusable.	In certain occupational disease cases, a claim may be filed after 2 years of disablement if within 2 years of date employee knew or should have known accident was due to nature of employment.	Compensation without award within 18 days after disability or within 10 days after employer had knowledge, except in contested claims. Disputed claims settled by referee or Board. Hearing is mandatory upon application. Employer may make temporary payments of compensation for up to 1 year without prejudice or admitting liability if unsure of the extent of liability for claim. Written stipulated settlements upon approval by Board.	Payment within 10 days after decision except when a review application has been filed by the carrier or self-insured employer.	Review of Workers' Compensation Law Judge decision is by 3 member panel of the Board. A split decision is reviewable by full Board; review of other decisions is discretionary.	By Board at any time. Subject to special conditions.	All attorney fees must be approved by the Board. Fee ward amounts set by Worker's Compensation Law Judge or Commissioner.
North Carolina	Industrial Commission	In writing within 30 days; excusable.	Within 2 years of final determination of disability or within 6 years after death from occupational disease or accident.	By agreement, after 7 days from injury or at any time in case of death, subject to approval of Commission. Disputed cases settled by Commission or member or through mediation.	Judgement in Superior Court of filing certified copy of agreement or decision.	By Commission upon application within 15 days after award.	By Commission on application or own motion, with 2 years.	Subject to approval of Commission, which may impose court costs and fees against party who proceeds without reasonable ground.
North Dakota	Workers' Compensation	Within 7 days.	Within 1 year after injury or 2 years after death.	By NDWC.	Fund pays award and has liquidated claim against defaulting uninsured employers.		By NDWC at any time on application or own motion.	If prevailing — $95 per hour, subject to a cap of 20% of award amount.
Ohio	Bureau of Workers' Compensation and Industrial Commission	None required except to self-insurers.	Within 2 years after accident, injury, occupational disease, or death.	By agreement, subject to 30 day waiting period and review by Bureau; Industrial Commission may reject settlement which is a gross miscarriage of justice or clearly unfair.	Fund or self-insurer pays award after judgment.	By district hearing officer, then staff hearing officer, then Commission within 14 days of decision.	By Commission or Bureau within 6 years after injury (no lost time) or 10 years from last payment or death (lost time).	Attorney's fees are fixed by judge based on effort expended, but shall not exceed $2,500.

USCC 56015

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Oklahoma	Workers' Compensation Court and an Administrator	Injury — within 30 days of the date an injury occurs. Occupational disease or cumulative trauma — within 90 days of the employee's separation from employment.	Within 2 years after injury or last payment. Death claims — within 2 years after death or last payment.	By agreement, after 3–day disability, subject to approval of Workers' Compensation Court. If both parties agree, they may enter into non-binding mediation. Disputed cases resolved by Court.	Payment within 20 days except in event of appeal. Enforcement of judgment in District Court upon motion to certify.	By Workers' Compensation Court en banc on appeal within 10 days or by Supreme Court on appeal within 20 days.	By Workers' Compensation Court on application or own motion. May reopen case within maximum number of weeks for which award is possible, or 300 weeks for non-scheduled injuries.	Workers' Compensation Court must approve and direct payment; 10% maximum for temporary disability; 20% maximum for PT or death.
Oregon	Department of Consumer and Business Services, Workers' Compensation Division	In writing within 90 days.	Injury: within 90 days, but up to one year after accident if employer had knowledge of the injury or the worker dies within 180 days of the accident. Occupational disease: within one year of the worker's discovery, diagnosis by physician, onset of disability, or beneficiaries' discovery death was due to occupational disease.	Accepted claims closed by insurer or by Claims Disposition Agreement. Disputes settled by agreement, Administrative Law Judge, Board, Court of Appeals, or Supreme Court (matters of law only).	Payment by insurer within 30 days of after order (except where appeal stays payment. Appeal must be made to the Department within 60 days of insurer Notice of Closure.	Reconsideration of disability awards by Department (appellate unit) within 10 days of request (60 additional days for a medical arbiter exam or additional information is required). The order on Reconsideration may be appealed within 30 days to Workers' Compensation Board (WCB) Hearings Division (denied claims may be appealed directly to the WCB); further appeal to Board within 30 days.	By Workers' Compensation Division or Board on application or by stipulation of the parties.	Subject to approval of ALJ, Board, or Court. Board-established fee schedule. Attorney fees are 10% of any increased disability awarded by an Order of Reconsideration.
Pennsylvania	Bureau of Workers' Compensation[32]	If notice is not given within 21 days, no compensation due until given. If not given within 120 days, compensation disallowed.	Within 3 years after injury, death or last payment.[33]	By agreement, after 7 days from injury, subject to Department approval. Disputed cases heard by Workers' Compensation Judge; appeals to Board.	Judgment in court of common pleas on filing certified copy of award or agreement.	By Appeal Board from Workers' Compensation Judge's decision within 20 days.	By Department on application within statutory limits.	Subject to approval of Workers' Compensation Judge, Appeal Board or Court.
Puerto Rico[34]	Board of Directors, Corporation of State Insurance Fund of Puerto Rico, which operates under manager so designated.	None required.	As soon as possible within 5 days from accident.	There is no settlement procedure.	Fund pays award.	Decision of Fund's Manager is final in the agency. Only review by appeal to Industrial Commission within 30 days of decision.	Only through review by the Industrial Commission.	No attorneys required in hearings, but if requested by employee, fees are fixed by Industrial Commission as percentage of award. Fees are fully paid by Fund.
Rhode Island	Department of Labor and Training, Division of Injured Workers' Services	In writing within 30 days; excusable.	Injuries prior to 5/18/92, within 3 years; 5/18/92 and after, within 2 years after injury, manifestation, knowledge of injury, death or removal of incapacity.	By voluntary agreement of both parties; or by Judge by decree.	Award enforceable by Court or Director.	By Court within 7 days.	By Court during compensation period, within 10 years after compensation period has ceased, on own motion or on petition of either party.	Subject to approval of Court. Maximum 15% of lump sum or structured settlements.

USCC 56016

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
South Carolina	Workers' Compensation Commission Claims Department	In writing as soon as practicable or within 90 days. Excusable.	Within 2 years after accident or 2 years after death.	By agreement after 7 days from date of injury or any time in case of death, subject to approval of Commission or member after hearing, upon application.	Judgement in Common Pleas Court on certified copy of agreement or award.[34]	By 3 member panel, apply within 14 days after award.	To Commission or member, application or own motion, within 12 months from last payment.	Subject to approval of Commission.
South Dakota	Division of Labor and Management	In writing as soon as practicable within 3 working days; excusable.	Within 2 years after notice of intention to deny coverage. Within 3 years of last benefit payment.	By agreement, if not disapproved by Director, within 20 days. Disputed cases settled by Commissioner after hearing, upon application.	Judgement on certified copy of agreement or decision.	By Labor Secretary within 10 days.	By Labor Secretary by application.	Subject to approval of Director of Division of Labor and Management.
Tennessee	Courts and Workers' Compensation Division[35]	Notice must be within 30 days; must be written if employer does not have actual knowledge. Excusable up to 1 year.	Within 1 year after accident. Dependents within 1 year after employer's notice accepting liability.	By agreement subject to approval by County Court. Disputed cases determined by Circuit Court. Commissioner or designee may approve settlements.	Judgement on approved agreement.		By court on application after 6 months. Award payable for more than 6 months may be modified by agreement approved by court.	Maximum 20% by statute. >$10K need court approval else unlawful per statute. Threshold adjusted each July. Lien against award.
Texas	Workers' Compensation Commission	Within 30 days; excusable.	Within 1 year after injury, death or removal of incapacity; excusable.[36]	By award of the Commission, by judgement of a District Court or by agreement approved by Commission or District Court. Contested cases settled by hearing officers or through arbitration.	Collectible by suit for full amount of unpaid compensation; 12% penalty and Attorney's fees. Failure or refusal to comply with a Commission order/decision within 20 days may result in a fine up to $10,000.	By 3 member appeals panel within 60 days after award.	By Board or Commission at any time during compensation period, on application or own motion.	In actions before the Board or Commission, fees are limited to 25% of the recovery unless special circumstances prevail. Subject to approval by Board, Commission or Court but not to exceed 25% of recovery.
Utah	Labor Commission	Within 180 days.	Within 1 year after death; within 6 years after date of injury. Medical expenses within 3 years of last treatment.[37]	By Labor Commission.	Lien from time of docketing in District Court. Payments must begin within 30 days of determination of award.	By Commission within 30 days.	By agency upon application.	Subject to approval by the Commission or the court. Maximum of 20% or 312 weeks of award, with a $9,100 cap.
Vermont	Commissioner of Labor and Industry	In writing as soon as practicable; excusable.	Within 6 months after injury, death, loss of damage suit or removal of incapacity; excusable.	By agreement, in conformity to Act, subject to approval of Commissioner (compromise agreements may be approved). Disputed cases settled by Commissioner.	Judgement in County Court on certified copy of agreement or award.	By Commissioner on application within 6 months.	By Commissioner on own motion or application at any time.	Commissioner may award to successful claimant, and on appeal, 12% interest on contested part of award.

USCC 56017

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Virgin Islands	Workers' Compensation Division	In writing within 48 hours; extendable up to 30 days. Occupational disease within 30 days from first manifestation; extendable to 90 days.	Within 60 days after injury.	By Workers' Compensation Division using the Direct Payment System or amount due as provided by statute. No lump sum payments under any circumstances unless allowed by law. By Commissioner of Labor upon review of disputed cases and decision of hearing officer after formal hearing.	First priority claim on employer's assets.	By Division of Hearings and Appeals.	By Agency.	Subject to approval of Commissioner.
Virginia	Workers' Compensation Commission	In writing within 30 days.	Within 2 years after accident or 2 years after death. Failure to file Employer's Accident Report may toll time for claim filing. Payment of benefits does not toll.	By agreement, after 10 days from injury, or at any time after death, subject to approval of Commission. Disputed cases settled by Commission or member after hearing upon application.	Judgment in Circuit Court on certified copy of agreement or award.	By full Commission within 20 days after opinion.	By Commission on own motion or application within 2 years of last payment, or 3 years for scheduled injures.[38]	Fixed by Commission.
Washington	Department of Labor and Industries	Immediately.	Within 1 year from date of injury. Future rights of beneficiaries barred 1 year after last payment. (Also occupational diseases)	By Department of Labor and Industries.	Fund or self-insurer pays award.	By Industrial Insurance Appeals Board within 60 days of affected party's receipt of decision. Agency may relinquish jurisdiction from the Board for reconsideration and further appealable decision.	By Department within 7 years on application of claimant or own motion. 10 years for loss of vision claims.	By Appeals Board upon application, reviewable by Superior Court.
West Virginia	Bureau of Employment Programs, Workers' Compensation Division	Immediately.	Injury claims within 6 months of injury; disease claims within 3 years of last exposure; fatal claim within 1 year of death.	By Workers' Compensation Division. Compromise settlements subject to approval by the Office of Judges.	Fund begins payment 30 days following the granting of an award.	By the Office of Judges. Decisions subject to appeal to the West Virginia Workers' Compensation Appeal Board.	By the West Virginia Workers' Compensation Division within 5 years of written application or within 2 years of date of death.	Maximum fees established by statute; limited to 20% of claimant's or dependent's award (up to 208 weeks).
Wisconsin	Workers' Compensation Division	Within 30 days; excusable.	Within 2 years after injury or death. Excusable if employer knew of disability. All rights barred after 12 years from injury, death or last payment.	By payment of amount due. Compromise subject to review by Department within 1 year. Disputed cases settled by Department.	Judgement in Circuit Court on certified copy of award.	By Commission within 21 days of decision.	By Commission on its own motion within 21 days; compromises may be modified within 1 year. If occupational disease, subject to review within 12 years.	Limited to 20% of amount in dispute. If admitted liability, not to exceed 10% or $100.
Wyoming	Division of Workers' Compensation	Within 72 hours (also within 10 days to the division); excusable.	Within 1 year after injury or discovery of injury not readily apparent.	By Division of Workers' Compensation, hearing examiners or Medical Commission. Appeals to District Court.	Fund pays award.		Within 4 years or during time payments are made on application.	Reasonable fees as allowed by court. Limited to $60 per documented hour.
FECA	Division of Federal Employees' Compensation, OWCP, U.S. Dept. of Labor	30 days; extended for cause.	Within 3 years after injury or death extended for cause.	By Division.	Fund pays award.	By Secretary of Labor on own motion or application at any time within 1 year.	By Secretary of Labor or Employees' Compensation Appeals Board on review.	Subject to approval by Division of Appeals Board.

USCC 56018

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Longshore Act	Division of Longshore and Harbor Workers' Compensation O.W.C.P., U.S. Dept. of Labor	Within 30 days.	Within 1 year after injury or death, or date of last payment. Within 2 years after aware of occupational disease.	By District Director (by agreement) or ALJ (formal hearing).	Award is effective on filing.	By District Director upon own motion or application and by Benefits Review Board of Appeal.	By District Director or Court on review.	Approval by District Director, Court, or Review Board where service given.
Alberta	Workers' Compensation Board	As soon as practical.	Within 1 year after injury or death; excusable.	By Case Manager.	Fund pays award.	By Review Committee on request then by Appeals Commission within one year; excusable.	By Review Committee and Appeals Commission at any time on application or own motion.	
British Columbia	Workers' Compensation Board	As soon as practical.	Within 1 year after injury, death or disablement by disease. Within 3 years if special circumstances precluded application within 1 year.[40]	By Board.	Fund pays award.	At any time if not appealed. Reconsiderations by Board unless specific matter already concluded by Review Board or Appellate Tribunal.	By Board at any time.	The Board may award costs to a party in an appeal in limited cases, where the worker or employer abused their legal rights. Costs do not include fees for lawyers or advocates.[41]
Manitoba	Workers Compensation Board	In writing as soon as practicable but not later than 30 days; excusable.	Within 12 months after injury or death; excusable.	By Claims Adjudicator.	Fund pays award.	At any time.	By Board	By Claims Adjudicator, Case Manager or Board.
New Brunswick	Workplace Health, Safety & Compensation Commission	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which he was injured.	Within 1 year after injury or 6 months after death; excusable.	By Claims Adjudicator.	Fund pays award.	At any time.	At any time by the Commission based on evidence or by decision of Appeals Tribunal.	None at Appeals Tribunal; determined by the court at Court of Appeal.
Newfoundland	Workplace Health, Safety & Compensation Commission	As soon as practicable.	Within 6 months after injury, within 6 months of death.	By Case Manager.	Fund pays award.	At any time.	Appeal at Commission's final decision goes to the Workers' Compensation Review Division, the last level of review.	
Northwest Territories	Workers' Compensation Board	As soon as practicable.	Within 1 year after injury or death; excusable if as soon as practicable; maximum 3 years after death.	By Board.	Fund pays award.	At any time.	By Board.	
Nova Scotia	Workers' Compensation Board	As soon as practicable.	Within 12 months. Failure to give notice may be waived, but only within 5 years from date of accident.	By Claims Adjudicator.	Fund pays award for regularly classified employers.	Appeals to internal Hearing Officers; external appeals to Appeals Tribunal.	By Board.	Free assistance of government appointed Workers' Counselor available to clients. Fees paid by Accident Fund.
Nunavut	Workers' Compensation Board	As soon as practicable.	Within 1 year after injury or death; excusable if as soon as practicable; maximum 3 years after death.	By Board.	Fund pays award.	At any time.	By Board.	[45]

USCC 56019

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Ontario	Workplace Safety & Insurance Board	As soon as practicable.	Employer files notice within 3 days; worker files claim within 6 months.	By Board.	Fund pays benefits. Schedule 1— Employers; Schedule 2— Individually liable.	At any time.	By Board.	
Prince Edward Island	Workers' Compensation Board	As soon as practicable.	Within 6 months after injury or death.	By Case Manager.	Fund pays award.	At any time.	By Board.[43]	
Québec	Commission de la Santé et de la Sécurité du travail du Québec	As soon as practicable after injury or knowledge of occupational disease.	Within 6 months after injury, death, or from first knowledge of the manifestation of an occupational disease.	By Commission.	Fund pays award. Individual liability for employers held personally responsible for the payment of benefits.	A medical finding or medical decision within 30 days to the Medical Review Panel. Reconsideration by Board within 90 days of decision.[44]	By Commission.	
Saskatchewan	Workers' Compensation Board	As soon as practicable; excusable.	Within 6 months after injury or death; excusable.[45]	By Board.	Fund pays award.	At any time.	By Board.	
Yukon Territory	Workers' Compensation Health and Safety Board	As soon as practicable.	Within 1 year of injury or death.	By Claims Adjudicator.	Fund pays award.	By internal review committee upon request.	By Board.	
Canadian Merchant Seaman's Act	Merchant Seaman Compensation Board	As soon as practicable.	Within 6 months after injury or death; excusable.	By Board.	Judgement in county, district of Québec Superior Court on certified copy of award.	At any time.	By Board.	Board may award "expenses of proceeding" to successful party.

USCC 56020

Chart XI — Administration: Notice to Employer and Claims, Cont.

Notes

[1]Alaska — Burden of proof shifted to claimant if late notice excused.

[2]Arizona — Limit on filing runs from when injury is manifest or when claimant knows/should know relation to employment; tolled during incapacity.

[3]Arkansas — If no hearing is requested within 6 months of claim filing, the claim may be dismissed.

[4]Arkansas — A "joint settlement" is authorized where all parties petition an immediate final settlement by the Commission. In such cases, an order of the Commission is final except as to appeals to the courts, but an order of the Commission allowing or denying such petition is not appealable.

[5]California — Typically 9–12% of contested benefits, which are usually permanent disability awards. Attorney's fee in rehabilitation cases is lesser of approximately 12% of rehabilitation benefit or reasonable hourly fee for services to attain these benefits.

[6]Colorado — Statute excepts certain occupational diseases.

[7]Colorado — If claimant has previously agreed to settlement, case will not be reopened except on grounds of fraud or mutual mistake of material fact.

[8]Connecticut — Lack of notice excused if voluntary agreement or medical treatment within 1 year after accident.

[9]Connecticut — Within 3 years after first manifestation of disease (see Chart IV).

[10]Connecticut — The Commissioners comprise the Review Board.

[11]Georgia — Automatic dismissal of claims for which no hearing has been held for 5 years.

[12]Georgia — 7% interest on all accrued amounts of awards. Interest runs on Superior Court judgement in event of appeal.

[13]Hawaii — Director may extend due date for good cause if parties agree.

[14]Idaho — When compensation is discontinued, claimant has 5 years from date of injury or showing of occupational disease to file request for a hearing of further review. If compensation is discontinued more than 4 years after injury, claimant has 1 year from date of last payment to file request for a hearing of further review.

[15]Illinois — Under Occupational Disease Act, as soon as practicable.

[17]Kansas — If employer fails to report accident within 28 days, claim must be served on employer within 1 year after accident, and application must be filed with Division within 3 years after employer reports accident. Childress v. Childress Painting Co., 1979.

[18]Kentucky — There is a 4 year statute of limitiation for all parties — except for reopenings for medical issues, fraud, employee returning to work at equal or greater wages thereby resulting in a 50% reduction, or an employee holding a total award returning to work; a motion to reopen cannot be made within 2 years of the original award or order. For coal workers pneumoconiosis, an additional 2 years of employment with continuous injurious exposure is required prior to motion reopen.

[19]Louisiana — For injuries occurring after 7/1/83. Claims filed before 1/1/90 for injuries occurring after 7/1/83, approved by Director.

[20]Maine — Claimant gets additional year in cases of death of employee. Two year period does not run until employer files first report of injury in cases which report is due. No petition after 6 years of latest payment.

[21]Maryland — Claim filed by employee direct with Commission. Employer or insurer who receives completed claim form must send it to Commission immediately and may not advise claimant that claim is denied.

[22]Massachusetts — For injuries after 12/24/91, employee will contribute portion of award to attorney's fees.

[23]Michigan — No claim valid unless made within 2 years after injury, manifestation of disability or last employment, whichever is later. Deadline suspended if worker receives any disability benefits.

[24]Minnesota — Now includes small claims court. Disputes of less than $5,000, by agreement of parties; no appeal.

[25]Minnesota — Employer who threatens to discharge claimant for filing claim is subject to civil suit for treble damages, costs and attorney's fees.

[26]Nevada — Late filing may be excused in some circumstances.

[27]Nevada — Insurer's delay or refusal to pay a claim within 30 days after notification, subjects them to an order for an additional amount equal to three times the amount specified as a benefit to the injured employee.

[28]New Mexico — If employer has actual knowledge of the accident then no notice is necessary.

[29]New Mexico — The statutory time for filing a claim is also dependent on the employer's filing the First Report of Injury or Illness with the Administration.

[30]New Mexico — A mediation hearing must be completed, and a resolution issued, within 60 days of the filing of the complaint.

[31]Ohio — Claimant's statute of limitations extended for every day the employer fails to make required notice to the Commission, up to 4 years from date of injury, disease or death.

[32]Pennsylvania — Workers' Compensation Advisory Council recommends changes in administration of law.

[33]Pennsylvania — Late discovery may extend the time for filing a claim involving an occupational disease.

[34]South Carolina — Payment must begin within 14 days after employer has knowledge of injury or death.

[35]Tennessee — Tennessee Claims Commission administers claims by State employers.

[36]Texas — Employer who discriminates against claimant is liable for damages.

[37]Utah — Claim for TT or PT disability hearing must be filed within 6 years of injury.

[38]Virginia — In cases where no compensation has been paid, commission may make award within 3 years from the date of accident.

[39]Washington — Provision is made for recoupment of benefits paid through mistake or fraud.

[40]British Columbia — In circumstances where an application is accepted after 3 years, compensation is payable only from the date of filing.

[41]British Columbia — Government appointed advisors may provide fee assistance to injured workers and employers to resolve WCB claims issues.

[42]Manitoba — Government appointed adviser handles workers' claims. As well, an internal body, the Fair Practices Office, addresses concerns brought forth by employers, injured workers, and their dependents. The office is not involved in the appeal process.

[43]Prince Edward Island — Modification of award due to aggravation or recurrence of injury may be based on earnings and benefits in effect at that time in accordance with legislation.

[44]Québec — By administrative review if appealed within 30 days; from review to appeal division if appealed within 45 days.

[45]Saskatchewan — The Office of the Worker's Advocate and the Provincial Ombudsman (Government appointed advisors) offers assistance to workers with their workers' compensation claims. Every worker and his or her dependents have the right to review and to appeal WCB decisions about their claims.

[46]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

USCC 56021

Chart XII — Employer's Report of Accident

Jurisdiction	Keeping of Accident Records by Employer[1]	Reporting Requirements[1]		Penalties for Failure to Report		
		Injuries	Time Limit	Fines		Imprisonment
				Maximum	Minimum	
Alabama	Required	Death or disability exceeding 3 days	Within 15 days			
Alaska	Required	Death, injury, or disease or infection	Within 10 days	[5]		
Arizona	Required	All injuries	Within 10 days			Petty offense
Arkansas	Required	Indemnity, injuries or death[6]. Controverted, medical only.	10 days from notice of injury	10,000		Class D Felony
California	Required	Death cases or serious injuries (1 day or more than first aid) Occupational diseases or pesticide poisoning	Immediately[7] As prescribed Within 5 days	200	50	
Colorado	Required	Death cases Injuries causing lost time of greater than 3 days or three shifts[8] Any accident in which 3 or more employees are injured Occupational disease cases Cases of permanent physical impairment	Immediately[8] Within 10 days[8] Immediately 10 days[8] 10 days[8]			
Connecticut	Required	Disability of 1 day or more	7 days, or as directed	250		
Delaware	Required	Death cases or injuries requiring hospitalization Other injuries	Within 48 hours[9] Within 10 days[9]	250	100	Up to 120 days
District of Columbia	Required	All injuries	Within 10 days	1,000		
Florida	Required	Death cases All injuries	Within 24 hours[10] Within 7 days of carrier receipt of notice[10]	500		
Georgia	Required	All injuries requiring medical or surgical treatment or causing over 7 days absence	Within 21 days[11]	1,000[12]	100	
Guam	Required	Injury, illness, or death	Within 10 days[13]	500[14]		
Hawaii	Required	Death cases All injuries	Within 48 hours Within 7 working days	5,000		
Idaho	Required	All injuries requiring medical treatment or using 1 day's absence	As soon as practicable, but not later than 10 days after the accident[2]	300		Up to 6 months
Illinois	Required	Death case or serious injuries Disability of over 3 days Permanent disability	Within 2 working days Between the 15th and 25th of the month Soon as determinable	500		Petty offense
Indiana	Required	Disability of more than 1 day	Within 7 working days[15]	500		
Iowa	Required	Disability of more than 3 days PP disability, death	Within 4 days	100	100	
Kansas	Not required	Death cases Disability of more than remainder of day or shift	Within 28 days Within 28 days	250[16]		
Kentucky	Required	Disability of more than 1 day	Within 7 days[5]	1,000	100	
Louisiana	Required[17]	Lost time over 1 week or death	Within 10 days of employer's actual knowledge of injury.	500		
Maine	Required	Only injuries causing 1 day or more of lost time[18]	Within 7 days	100[19]		
Maryland	Not required	Disability of more than 3 days	Within 10 days	50 and defacto loss of defense of statue of limitations		
Mass.	Required	Disability of 5 or more calendar days	Within 7 days—except Sundays and Holidays	100[20]		

USCC 56022

Chart XII — Employer's Report of Accident, Cont.

Jurisdiction	Keeping of Accident Records by Employer[1]	Reporting Requirements[1]		Penalties for Failure to Report		
		Injuries	Time Limit	Fines Maximum	Fines Minimum	Imprisonment
Michigan	Required	Death cases, disabilities of 7 days or more and specific losses	Immediately			
Minnesota	Required	Death or serious injury Disability of 3 days or more	Within 48 hours Within 14 days	500		
Mississippi	Required	Death, disability more than 5 days[4]	Within 10 days	100[4]		
Missouri	Not required	Death or injury	Within 10 days[22]	500	50	1 week to 1 year
Montana	Required	All injuries	Within 6 days	500	200	
Nebraska	Required	Death cases[23] All injuries	Within 48 hours[23] Within 7 days	1,000[23]		Up to 6 months
Nevada	Required[3]	All injuries requiring medical treatment	Within 6 working days after report from physician	1,000	100	
New Hampshire	Required	All injuries involving lost time or medical expenses	Within 5 calendar days	2,500		
New Jersey	Required	All injuries	Immediately	50	10	
New Mexico	Required[26]	Any injury or illness resulting in more than seven days of lost time	Within 10 days of employer notification	1,000		
New York	Required	Disability of 1 day beyond working day or shift on which accident occurred or requiring medical care beyond one first aid treatment	Within 10 days	2,500		Up to 1 year
North Carolina	Required	Disability of more than 1 day or charges for medical compensation exceeding the amount set by the Commission	Within 5 days[2]	25	5	
North Dakota	Not required	All injuries	Within 7 days			
Ohio	Required	Injuries causing 7 days total disability or more	Within 1 week	250		Up to 30 days
Oklahoma	Required	All injuries causing lost time or requiring treatment away from worksite	Within 10 days or a reasonable time	1,000		
Oregon	Required	All claims or injuries that may result in compensable injury claims.	Within 5 days[28]	[29]		
Pennsylvania	Required	Death cases Disability of 1 day or more	Within 48 hours Within 7 days but not later than 10 days	[30]		
Puerto Rico[43]	Required	All injuries	Within 5 days	100		
Rhode Island	No provision	Death cases Disability of 3 days or more and all injuries requiring medical treatment Any claim resulting in medical expenses to be reported within 48 days	Within 48 hours Within 10 days Within 3 years injuries prior to 6/18/92; 2 years 6/18/92 and after	100 per offense		
South Carolina	Required	All injuries requiring medical attention more than $500, more than 1 day disability or permanency	Within 10 days[2]	100	10	
South Dakota	Required	[31]	Within 7 days	200[32]	25	And/or 30 days
Tennessee	Not required	All injuries requiring medical attention	Within 14 days	$25 per each 15 days		
Texas	Required	Disability of more than 1 day or occupational disease	Within 8 days	500		
Utah	Required	All injuries requiring medical attention	Within 7 days	500		
Vermont	Required	Disability of 1 day or more or requiring medical care	Within 72 hours	5,000		

USCC 56023

Chart XII — Employer's Report of Accident, Cont.

Jurisdiction	Keeping of Accident Records by Employer[1]	Reporting Requirements[1] Injuries	Time Limit	Penalties for Failure to Report: Fines Maximum	Fines Minimum	Imprisonment
Virginia	Required	All injuries	Within 10 days[2]	5,000	500	
West Virginia	Not required	All injuries	Within 5 days			
Wyoming	Required	Compensable injuries	Within 10 days	750		Up to 6 months
Longshore Act	Required	[35]	10 days	10,000		
British Columbia	Required	Death cases All injuries not specifically excepted	Immediately 3 days	[36]		
New Brunswick	No provision	All injuries that disable or require medical aid In addition, incidents involving accidental explosions or accidental exposure to a biological chemical or physical agent at a place of employment, whether or not a person is injured, within 24 hours following the incident.	Under WC Act 3 days, under OH&S Act immediately for accidents involving fatalities, loss of limb, occupational diseases, or accidents that require hospitalization.	$100 under WC Act, if charged under OH&S Act, maximum of $50,000 determined by Court.		Under OH&S Act, 6 months in prison determined by the Court.
Northwest Territories	No provision	All accidents and deaths	3 days[3,39]	250		
Nunavut	No provision	All accidents and deaths	3 days[3,40]	250		
Prince Edward Island	No provision	All accidents that disable or require medical aid	3 days	1,000	100/ day	
Saskatchewan	No provision	All injuries	5 days[3]	1,000[42]		
		All accidents in which worker is injured	3 days	500		

USCC 56024

Chart XII — Employer's Report of Accident, Cont.

Jurisdiction	Keeping of Accident Records by Employer[1]	Reporting Requirements[1]		Penalties for Failure to Report		
		Injuries	Time Limit	Fines		Imprisonment
				Maximum	Minimum	
[illegible]	No provision	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Canadian Merchant Seaman's Act	No provision	All accidents that disable or require medical aid	60 days	500		Up to 12 months

Notes

[1]Federal Occupational Safety and Health Act of 1970 established uniform requirements and forms to meet its criteria for all businesses affecting interstate commerce to be used for statistical purposes and compliance with the Act. 12 U.S.C. §651.

[2]Supplemental report required after 60 days (for Rhode Island and South Carolina every 6 months), or upon termination of disability.

[3]Attending physician also required to make periodic reports to Commission/Board.

[4]Supplemental report within 24 hours after returning to work or knowledge that worker is able to return.

[5]Alaska — 20% of unpaid amounts due.

[6]Arkansas — Medical only claims reported monthly.

[7]California — To division of Occupational Safety and Health. Within 5 days of employer's notice or knowledge of employee death, employer must report death to the Department of Industrial Relations.

[8]Colorado — Failure to report tolls time for claims. Disability 3 days or less must be reported to insurer.

[9]Delaware — Supplemental report due on termination of disability.

[10]Florida — Report to carrier within 7 days, if injury involved lost time or medical treatment.

[11]Georgia — Supplemental report on first payment and suspension of payment, and within 30 days after final payment.

[12]Georgia — For each violation.

[13]Guam — Failure to report tolls limits for claims.

[14]Guam — For each refusal or willful neglect to report.

[15]Indiana — Supplemental report within 10 days after termination of compensation period.

[16]Kansas — Failure to report tolls time limit for claims. Childress v. Childress Painting Co., 1979.

[17]Louisiana — Employers with more than 10 employees must also report within 90 days after death, any nonfatal occupational illness or injury causing loss of consciousness, restriction of work or motion, job transfer, or medical treatment other than first aid. Violation of confidentiality of any record, subject to $500 fine.

[18]Maine — Must report asbestosis, mesothelioma, silicosis and exposure to heavy metals no later than 30 days from date of diagnosis.

[19]Maine — For each violation. Up to $1,000 for individual and $10,000 for corporation for any willful violation of Act, fraud or intentional misrepresentation.

[20]Massachusetts — After third violation.

[21]Mississippi — Permanent disability, serious head or facial disfigurement also covered. $100 may be added to any award and $100 may be ordered payable to the Commission.

[22]Missouri — Supplemental report within 1 month after original notice to Division.

[23]Nebraska — Report may be made by insurance carrier or employer. Failure to report tolls time limit.

[24]Nevada — For minor injuries not requiring medical treatment, the employee may file a "Notice of Injury," which must be retained by the employer for 3 years. A claim for compensation is filed with the insurer for lost time and claims requiring medical care.

[25]New Jersey — Uninsured employers are required to report compensable injuries only. If insured, carrier is also required to make report.

[26]New Mexico — For EDI filings all injuries having more than $300 of expenses must be reported to the Administration. A subsequent report from the claims administrator is required upon payment of any claim.

[27]New York — The carrier or employer, if self-insured, is required to provide a written statement of rights under the Law to injured employee or dependent, if deceased.

[28]Oregon — Insurers to send disabling claims to WC Division within 21 days of employer knowledge.

[29]Oregon — Quarterly penalty for insurers when late reporting exceeds 20% of claims reported. Employers liable for civil penalty if employer induced worker not to report accidents.

[30]Pennsylvania — Late filing of an accident report may be penalized by a sum not exceeding 10% of the compensation awarded and interest accrued and payable; however, in cases of excessive delay, penalty can be increased to 50%.

[31]South Dakota — Any injury requiring treatment other than first aid or which incapacitates employee for at least 7 calendar days.

[32]South Dakota — Additional Administrative Fine of $100.00.

[33]Wisconsin — 10% of first payment to injured employee. $10 to $100 penalty to state.

[34]F.E.C.A. — All injuries involving medical expenses, disability, or death.

[35]Longshore Act — Injuries which cause loss of 1 or more shifts of work, or death.

[36]British Columbia — Employer may be liable for additional assessment until 3 days after receipt by the Board of the report.

[37]Manitoba — If found guilty, employer may be liable for a fine up to $5,000. A penalty of $150 may be imposed on the employer. The penalty may be relieved in whole or in part.

[38]Newfoundland — The cost of the compensation paid for the injury is charged against the employer's experience plus $50 assessment. On summary conviction, the fine is $500 or imprisonment up to 3 months, or both. Claim may be charged against employer's experience for failure to notify.

[39]Northwest Territories — Supplemental report within 3 days after return to work or knowledge that worker is able to return.

[40]Nunavut — Supplemental report within 3 days after return to work or knowledge that worker is able to return.

[41]Ontario — If employer is an individual, may also be liable for additional fine up to $25,000 on conviction, or imprisonment up to 6 months, or both. If employer is not an individual, may also be liable for additional fine up to $100,000 on conviction.

[42]Saskatchewan — Plus percentage of assessment and where the Board orders, pay to the Board any part of the amount of the compensation and medical aid that the Board awards for that injury.

[43]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

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Chart XIII — Second Injury Funds

Jursidiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Alabama	Second Injury Fund eliminated				
Alaska	Second injury which added to pre-existing permanent physical impairment results in substantially greater disability than from second injury alone.	Disability caused by second injury up to 104 weeks.	Compensation in excess of 104 weeks.	Up to 6% of compensation payable to fund; percentage varies from 0% to 6% depending on fund balance. $10,000 in no-dependence death cases; civil penalties.	"Physical impairment" as listed or would support an award of 200 weeks or more.
Arizona	Second injury which added to pre-existing work-related disability or pre-existing physical impairment [illegible]	Disability caused by second injury.	Employer and special fund are equally liable for remaining difference between compensation payable for second injury and compensation for combined disability.	1.5% of all premiums and costs of self-insurance. Commission may allocate up to 0.5% of yearly premiums to special fund to keep fund actuarially sound.	Employer must have knowledge of nonindustrial physical impairment. Payments are also made from the fund for vocational rehabilitation, claims against non-insured employers, uninsured carriers, and supportive medical care.
Arkansas	Second injury, which added to previous PP disability or impairment results in additional disability or impairment greater than from second injury alone.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	$500 in no-dependency death case to be paid to the Permanent Total Disability and Death Fund. A portion of premium tax allocated to the Second Injury Fund and Death and Permanent Total Disability Trust Fund.	
California	Second permanent partial injury which added to pre-existing PP disability results in 70% or more permanent disability. Second injury must account for 35%.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Legislative appropriations and $50,000 in each no-dependency death case or unpaid balance.	Payments are made by State Compensation Insurance Fund.
Colorado[3]	Second injury which added to pre-existing PP disability results in PT disability. Includes specified occupational diseases with multiple exposure-asbestosis, silicosis, anthracosis and disease from radiation exposure.	Disability caused by most recent injury. In addition, in occupational disease cases, fund pays all medical and all compensation above $10,000.	Difference between compensation payable for most recent injury and PT disability.	1% premium surcharge and equivalent charge on self-insurers. $15,000 in non-dependency fatal cases or the remainder of $15,000 in partial dependency claims.	If employee obtains employment while receiving compensation from second injury fund, fund may reduce its contribution by fi.
Connecticut	Second injury or disease which added to pre-existing injury disease or congenital causes results in permanent disability greater than from second injury alone. Applies only to injuries occurring on or before 6/29/95.	Benefits for first 104 weeks less compensation payable for prior disability.	Benefits beyond first 104 weeks, less compensation payable for prior disability.	Tax equal to 5% of compensation paid by carriers and self-insurers during preceding calendar year plus fines.	Tax imposed each time fund balance is reduced to $1,000,000.
Delaware	Second injury or disease which added to existing permanent injury from any cause results in PT disability, for insureds only.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Tax of 2% of premiums received by insurance carriers.	
District of Columbia	For injuries occurring prior to 4/16/99 second injury or disease which added to pre-existing injury disease or congenital causes results in permanent disability greater than from second injury alone. Second injury fund repealed for injuries occurring on or after 4/16/99.		For injuries occurring prior to 4/16/99, lost wages beyond 104 weeks.	$5,000 in no-dependency death cases or unpaid awards. Pro rata assessments upon self-insurers based on paid losses and premium surcharge on insured employers.	Special Fund pays default cases.
Florida	Second Injury Fund eliminated. No claims after 12/30/97.				

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
[illegible]	Second injury or disease which merges with prior permanent physical impairment and results in greater disability than from second injury alone	Disability caused by second injury for first 104 weeks	Employer reimbursed for 50% of medical and rehabilitation expenses in excess of $5,000 up to $10,000 and 100% of medical and rehabilitation expenses in excess of $10,000 plus income benefits beyond 104 weeks	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid less net assets in fund	Employer must have prior knowledge of impairment. Assessments may be reduced or suspended when no funds are needed
Guam	Second injury which combined with a previous disability causes PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and compensable disability.	State fund (appropriation).	
[illegible]	Second injury which added to pre-existing disabilities results in greater PT disability, PT disability or death	Disability benefits for first 104 weeks	Compensation beyond first 104 weeks	25% of $12 x effective maximum weekly benefit rate in no-dependency death cases; impairment balance of compensation due in PT and PP disability cases; in no-dependents cases, special assessment on insurers and self-insurers	
Idaho	Second injury which combined with prior permanent physical impairment results in PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Proportionate assessment based on semi-annual reporting of indemnity payments paid but not less than $200.	Assessment calculated as two times previous year's payments by fund less existing cash balance.
[illegible]	Second injury involving loss or loss of use of hand, arm, foot, leg or eye which added to pre-existing loss of member results in PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and PT disability.	Semi-yearly employer payment of 125% of compensation payments.	When fund reaches $500,000 amount payable into fund reduced by 1% payments cease when fund reaches $690,000. When fund reduced to $400,000, payment of 1% amount required. When fund reaches $500,000 payment of full amount resumed.
Indiana	Second injury involving loss or loss of use of hand, arm, foot, leg or eye or damage to prosthetic device, which added to pre-existing loss or loss of use of member results in PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and PT disability.		Assessment of up to 1.5% any time the fund drops below $1,000,000 on or before 10/1.
[illegible]	Second injury involving loss or loss of use of member or eye which added to pre-existing loss of use of member results in permanent disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability less value of previous loss of member or organ.	$12,000 in dependent death cases; $5,000 in no-dependent death cases; and payments due but not paid to non-resident alien dependents.	A surcharge on weekly benefits paid by insurers and self-insurers may be imposed if necessary through 7-6-2003.
Kansas	Second Injury Fund abolished for accidents after 7/1/94.				
[illegible]	Second Injury Fund eliminated.				
Louisiana	Second injury which merged with known prior PP disability results in disability substantially greater than from second injury alone, or in death.[5]	Total disability benefits for first 104 weeks; in death cases, first 175 weeks; 50% of medical benefits which exceed $5,000 but are less than $10,000, and 100% thereafter is how much employer is reimbursed.	Employer is reimbursed for all weekly compensation payments payable after first 104 weeks, or 175 weeks concerning a death.	Assessment on carriers and self-insurers, based on benefits paid.	No reimbursement without assessment payment. Total assessment cannot be more than 125% of disbursements made from the fund in prior fiscal year. Insurers or self-insured needs Board approval for settlements on or after 10/1/95 for reimbursement.
[illegible]	Second Injury Fund eliminated.				

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Maryland	Second injury which combined with a pre-existing permanent impairment due to accident, disease or congenital condition results in a greater combined disability constituting a hindrance to employment; total payment disability must exceed 50% of body (or equivalent) as a whole with at least 25% due to accident and 25% pre-existing.	Disability caused by second injury.	If permanent disability exceeds 50% of the body as a whole, employee is entitled to additional compensation for the full disability from the "Subsequent Injury Fund." Prior and second injury must each be compensable for at least 125 weeks. Credit given to SIF for prior W/C awards & settlements.	6 fi% to the Second Injury Fund and 1% to the Uninsured Employer's Fund of compensation on all awards and settlement agreements.	
[illegible]	[illegible]	Benefits for first 104 weeks	Employer reimbursed for up to 75% of benefits after first 104 weeks	Assessment on employers	Pro rata assessment based on losses paid during preceding year by carriers and self-insureds
Michigan	Second injury involving loss of member or eye, which added to preexisting loss of member results in PT disability.	Disability caused by second injury.	Difference between compensation for second injury and PT disability. Benefits for employee with more than 1 job but for whom injury occurred on job which represented less than 80% AWW.[7]	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid.	Fund is credited with any balance in excess of $200,000.
[illegible]	Second Injury Fund eliminated for injuries after 6/30/92.				
Mississippi	Second injury involving loss or loss of use of member or eye, which added to pre-existing loss or loss of use of member or eye results in PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	$500 in no-dependency death cases; $300 in dependency cases. Commission may transfer up to $200,000 from Administrative Expense Fund.	Payments suspended when fund reaches $350,000 and resumed when fund reduced to $150,000.
[illegible]	Second Injury Fund liable where previous PPD or total disability of at least 12½% BAW or 15% of major extremity exists and where present additional disability of at least 12½% BAW or 15% of major extremity exists.	Disability caused by second injury.	Difference between compensation payable for second injury and compounded disability.	Surcharge set annually on basis of statutory as a percentage of premiums paid by all insured and self-insured premium equivalent.	Surcharge suspended when balance of fund exceeds 110% of the monies projected to be paid from Second Injury Fund in the ensuing calendar year and resumed when balance of fund is less than 110% of monies projected to be paid from the Second Injury Fund.
Montana	Any new compensable injury following certification.	Insurer liable for payment of medical benefits for 104 weeks following the injury and liable for the first 104 weeks of indemnity benefits.	Employer reimbursed after first 104 weeks.	Assessment of insurers to replenish the amount paid from the fund for benefits and administration in the previous calendar year.	Department must certify worker as vocationally handicapped.
Nebraska	For injuries occurring before 12/1/97, second injury which combined with pre-existing disability causes substantially greater disability than would result from second injury alone; pre-existing disability must be manifest or known & equal 15% loss of a member or 30 weeks of benefits.	Disability caused by second injury.	Difference between compensation payable for second injury and the total resulting disability.	2% assessment of benefits paid by carriers or self-insurers in the state in the prior year.	Payments suspended when fund reaches $2,000,000. Assessment (2%) when fund reduced to $1,200,000. Employer must have knowledge of pre-existing permanent disability.
Nevada	Four separately administered subsequent injury funds.[9]				
[illegible]	Second injury which combined with pre-existing disability results in greater disability than would result from second injury alone	Benefits for first 104 weeks	Employer reimbursed after first 104 weeks until 80% of anything over $10,000 during first 104 weeks	Assessment against carriers and self-insurers proportional to total benefits paid by all carriers	Employer who under-takes job modifications to retain injured worker is reimbursed 50% of

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	cost of modification from the fund, not to exceed $5,000 per employee per year. An employer who reinstates a previously injured employee shall not be eligible for reimbursement from the fund should the employee become injured a second time.
New Jersey	Second injury which in combination with pre-existing partial disability, compensable or not, totally disabled employee.	Disability caused by compensable injury.	Difference between compensation payable for second injury and preexisting disability.	Annual surcharge on policyholders and assessment on self-insured employers of pro rata percentage of 125% of payments estimated to be paid from fund during current year, less the year end balance over $5 million. Annual surcharge paid quarterly.	The Commissioner of Labor may transfer up to $12,500 annually from the Second Injury Fund, for administrative expenses incurred by the Fund.
[illegible]	[illegible]	[illegible]	Second Injury Fund eliminated.	[illegible]	[illegible]
New York	Second injury where employee has a pre-existing permanent physical impairment resulting in a permanent disability caused by both conditions that is materially and substantially greater than that which would have resulted from the second injury alone.	Benefits for first 104 weeks. For death or disability on or after August 1, 1994, 260 weeks.	Employer reimbursed after first 104 or 260 weeks.	Assessment against carriers and self-insurers proportional to compensation payments made by all carriers.	Employer or insurer pays award and medical expenses, but is reimbursed from special disability fund for benefits for first 104 weeks. For death or disability on or after August 1, 1994, 260 weeks.
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
North Dakota			Monopolistic state fund.[11]		
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Oklahoma[23]	Second injury to "physically impaired person"[13] which results in additional permanent disability so that the degree of disability caused by the combination of disabilities is materially greater than that which would have resulted from the subsequent injury alone.	Disability caused by latest injury. Additional liability for combined disabilities constituting PTD if the last compensable injury occurs on or after 6/1/00. No liability for combined disabilities constituting PPD.	Liability for combined disabilities constituting PPD only if the claim against the Fund and the last compensable injury occurred before 11/1/99. Liability for combined disabilities constituting PTD only if the last compensable injury occurred before 6/1/00.	Dividends to state agency policyholders insured by the State Insurance Fund that are diverted to the Second Injury Fund (now known as the Multiple Trust Fund) and a temporary assessment and tax. 2% assessment against gross direct written premiums. Self-insured employers (including groups) pay a 4% tax on the total compensation paid quarterly.	PTD awards against the MITF are payable for 5 years or until 65, whichever is longer. PTD awards against the employer are payable for 15 years or until 65, whichever is longer.

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Chart XIII — Second Injury Funds, Cont.

Jursidiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Oregon	Any new compensable injury sustained by an injured worker within 3 years from the hire date as a Preferred Worker through the Workers' Benefit Fund.	None.	Employer-at-Injury Program Provides assistance to employers to encourage the early return-to-work of their injured workers before claim closure. Benefits offered are a three-month wage subsidy early return to work purchases and worksite modification up to $2,800. Preferred Worker Program Employers hiring Preferred Worker are exempt from paying premiums and premium assessments on the worker for 3 years from hire date. Fund reimburses all claim costs incurred by the worker for any new compensable injury within the 3-year period. Other return-to-work incentives include work-site modification up to $5,000, wage subsidy of 50% up to 6 months and necessary purchase for obtained employment.	Worker and employer each pay 1.8 cents per hour into Workers' Benefit Fund, which also funds three other programs.	Reimbursement from fund subject to funds available. Settlement of reimbursable claim requires department approval if Workers' Benefit Fund reimbursement involved.
Pennsylvania	Second injury involving loss or loss of use which added to pre-existing loss or loss of use of a hand, arm, foot, leg or eye which results in total disability.[14]	Scheduled benefits as a result of second injury.	Remaining compensation due for total disability.	Assessment against carriers and self-insurers proportional to compensation payments.	Payments made directly by the Department.
Puerto Rico	[illegible]		Job injury not caused by work accident is compensated in addition to second injury. Compensation for prior job injury is deducted from compensation payable for total disability, except where combined injury results in PT disability which is compensated as such.	Insurance premiums defray work-related injuries; however previous impairments are covered from the Fund for catastrophes which does not affect employers accident experience ratings or premiums.	The difference between expenditures by the Industrial Commission and the Manager of the State Insurance Fund and their maximum budget allotment are placed in the Reserve Fund for catastrophes except for medical expense surpluses; maximum $1 million.
Rhode Island	"Old Fund" claims with injuries prior to 9/1/74.		Payment by Pretrial Order; later reversed by Trial Decree. Qualifying COLA reimbursements.	Assessment payable by insurers (and group self-insurers) is 6.75% of net premiums written for workers' compensation without application of deductible premium credit; self-insurers pay 6.75%[15] of premium they would have paid to be insured; $7,500 in no-dependency death cases; also certain penalties.	
South Carolina	Second injury which added to any previous permanent or sick impairment results in a totally greater disability or death.	Disability caused by second injury for first 78 weeks compensation and medical care.	Employer reimbursed for all benefits after 78 weeks plus 50% of medical payments over $3,000 during first 78 weeks.	Pro rata assessments on carriers and self-insurers based on losses paid. In no-dependency deaths, unpaid benefits to fund.	Employer must prove prior knowledge of impairment[16] or that worker was unaware of impairment. Any claim against the Fund must be filed with the Fund prior to payment of 78 weeks of benefits.
South Dakota	Second Injury Fund eliminated.				
Tennessee	Second injury which added to pre-existing loss or loss of use of a hand, arm, foot, leg or eye which results in PT disability.	Disability caused by second injury.	Benefits in excess of 100% total disability to body as a whole.	50% of revenues from the 2% premium tax on insurers and self-insurers.	

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Texas	Subsequent compensable injury combined with the effects of a previous injury entitles employee to life-time income benefits.	Benefits which would accrue if only the subsequent and not previous injury occurred.	Balance of lifetime income benefits due.	Maximum $150,424[17] payable into fund in each no-dependency death case.	Workers' Compensation Commission had right of subrogation to recover claims and attorney's fees paid from Second Injury Funds.
Utah	Second injury which combined with a previous permanent incapacity due to accident, disease or congenital condition results in PT disability.	Employer pays first 6 years of PT unless a 10% pre-existing condition, then employer pays first $20,000 of medical benefits and first 3 years of PT.	50% of medical expenses in excess of $20,000 and PT disability compensation after initial 3-year period. Balance of lifetime benefits after initial 3 or 6 years. No new injuries after July 1, 1994.	Up to 7.25% tax on insurers and self-insurers.	If employee is permanently and totally disabled, employer or insurance carrier credited for all prior payments of TT, TP, and PP disability compensation.
Vermont	Second Injury Fund eliminated 7/1/99.				
Virgin Islands	Second injury which combined with prior impairment results in death or compensable disability greater than from second injury alone.	None. Employer's experience rating affected by disability after 104 weeks.	All benefits.	Premiums paid by employers by classification and experience, plus fines, penalties and interest to Governmental Insurance Fund.	Employer must have prior knowledge of disability.
Virginia	Second injury involving 20% loss or loss of use of member or eye which added to pre-existing disability of 20% or more results in total or partial disability.	Disability caused by second injury.	Employer reimbursed for compensation has expired plus up to $7,500 each for medical and vocational rehabilitation expenses.	/% premium tax on carriers and self-insurers.	Payments suspended at $250,000 and resumed at $125,000.
Washington	Second injury or disease which added to pre-existing injury or disease results in PT disability or death.	Disability caused by second injury.	Difference between charge assessed against employer at time of second injury and total pension reserve.	Transfer of not more than cost from accident fund to second injury account. Self-insurers pay proportional to claims against self-insurers, including $10,000 in no-beneficiary deaths.	Preferred Workers[18] have all benefits for claims arising within 3 years of new employment paid by Second Injury Fund. The Second Injury Fund also covers job modification costs resulting from on-the-job injuries.
West Virginia	Second injury which in combination with physical impairment caused by prior injuries can result in Permanent Total disability.	Disability caused by second injury.	Remainder of the compensation that would be due for the PT disability.	Self-insured employers pay administrative costs and second injury fund insurance.	Self-insured employer must subscribe to the second injury fund.
Wisconsin	Second injury with permanent disability for 200 weeks or more with a pre-existing disability of an equal degree or greater.	Disability caused by second injury.	Disability caused by lesser of 2 injuries. If the combined disabilities result in PT disability, fund pays the difference between compensation payable for second injury and PT disability.	$5,000 in death cases; $7,000 for loss of hand, arm, foot, leg or eye. 100% of death benefit in no-dependency cases.	
Wyoming	No statutory provision.				
Longshore Act	Second injury resulting in PP disability which added to pre-existing injury results in PT disability or greater PP disability.	Disability caused by second injury for first 104 weeks.	Balance of compensation after 104 weeks.	$5,000 in no-dependency death cases or unpaid awards. Pro rata assessments based on losses paid. Fines and penalties.	
Alberta	All enhanced disabilities due to the aggravation of pre-existing condition.	No.	Yes.	Accident Fund.	
British Columbia	All disabilities enhanced by reason of a pre-existing disease, condition or disability.	No.	Yes.	Accident Fund.	Where the pre-existing condition prolongs the recovery or enhances the disability, the employer may be entitled to relief of claims after 13 weeks of benefits.

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Manitoba	Pre-existing or underlying conditions; occupational diseases with exposure outside Manitoba; loss of earnings from an employment other than worker's employer; prolonged recovery as a result of a second accident; costs of preventive rehabilitation measures; costs associated with an injury while a worker is on a vocational rehabilitation placement; increase in benefits due to recurrence, age or apprenticeship; or other circumstances which the WCB determines would unfairly burden a particular class, sub-class, group, or sub-group.	No.	Yes.	Cost Apportionment Fund	
New Brunswick	Recurrence injuries; personal conditions which impair and prolongs disability; industrial diseases with exposure outside New Brunswick; other prior injuries or disabilities.[18]	No.	Yes.	Accident Fund	No cost relief available for self-insured employers (Government)
Newfoundland	All injuries or recurrences that occur during rehabilitation program; injuries that are extended due to a pre-existing work-related injury with a different employer.	No.	Yes, for that portion of the disability attributable to the second injury.	Second Injury Relief Account.	
Northwest Territories	All disabilities due to pre-existing disease, condition or disability.	No.	Sliding scale dependent upon the severity of the injury and the pre-existing condition.	Accident Fund.	
Nova Scotia	No Second Injury Fund.				
Nunavut	All disabilities due to pre-existing disease, condition or disability.	No.	Sliding scale dependent upon the severity of the injury and the pre-existing condition.	Accident Fund.	
Ontario	All disabilities caused or enhanced due to pre-existing disease, condition or disability.	No.[19]	Determined by WCB- apportionment usually 50% but may range from 25% — 100% of cost, subject to approval.	Accident Fund.	Not restricted to permanent disability cases.
Prince Edward Island	No specific policy provision.				
Québec	Aggravation of a pre-existing condition that happens because or on the occasion of a work accident or is an occupational disease.	No; charges spread among all employers if it is demonstrated that the worker was previously disabled.	No specific fund designated.	Commission has authority to establish Second Injury Fund.	
Saskatchewan	All disabilities attributed to an earlier injury or a pre-existing disease, condition or disability.	No.	Difference between second injury and total cost.	Second Injury or Re-employment Reserve.	Established to provide employers with cost relief on claims which were attributed to an earlier injury and to assist in facilitating return to work.
Yukon Territory	All enhanced disabilities because of similar or other disabilities.	No.	Yes.	Compensation Reserve Fund for enhanced disabilities. Assessment on employer's annual payroll.	

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Canadian Merchant Seaman's Act	No statutory provision.				

Notes

[1]Alabama — Second Injury Trust Fund repealed on 5/19/92. An amount is included in the annual workers' compensation budget which shall be allocated for the specific and exclusive purpose of paying only benefits to the claimants who have qualified to receive benefits from the Second Injury Trust Fund on 5/19/92.

[2]California — Second injury must account for 35% unless prior disability involved a major member and second injury was to opposite and corresponding member and accounts for at least 5%. No benefits payable for subsequent unrelated noncompensable injury.

[3]Colorado — Fund is closed to injuries occurring on or after 7/1/93 and for occupational diseases occurring on or after 4/1/94.

[4]Illinois — Employer is liable in full if second injury is permanent and total without relation to prior injury.

[5]Louisiana — PP disability means any permanent condition due to injury, disease or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions presumed to be PP disabilities if employer had prior knowledge.

[6]Michigan — Compensation to certified vocationally handicapped persons payable from fund after 52 weeks.

[7]Minnesota — For a registered condition if subsequent injury causes substantially greater disability or if injury, disability or death would not have occurred but for the preexisting impairment, the fund pays benefits. Second-Injury Fund reimbursement for second injuries has been abolished after 6/30/92.

[8]Nebraska — Effective July 1, 2000, the SIF was merged with the Vocational Rehabilitation Fund and is now referred to as the Workers' Compensation Court Trust Fund. In death cases it must be established that either the injury or the death would not have occurred except for such pre-existing permanent physical impairment. "Permanent physical impairment" means any permanent condition due to previous accident, disease, or congenital condition, which is likely to be a hindrance to employment.

[9]Nevada — The state fund is administered by the State Industrial Insurance System, self-insured employers have a subsequent injury fund regulated by a two-tiered appeals process before judicial review, associations of self-insured public or private employers have a subsequent injury fund regulated be a single hearing procedure before judicial review, and private insurance carriers have a second injury fund as of July 1, 1999. Private carrier second injury appeals are heard by the Department of Administration, Appeals Officer.

[10]North Carolina — Epilepsy is considered a prior permanent disability.

[11]North Dakota — Compensation in excess of amount chargeable to second injury is charged to general fund.

[12]Ohio — Does not apply to compensation for TP or percentage of PP disability.

[13]Oklahoma — A "physically impaired person" means one "who as a result of accident, disease, birth, military action, or any other cause, has suffered the loss of sight of one eye, the loss by amputation of the whole or a part of a member of his body, or the loss of the use or partial loss of the use of a member such as is obvious and apparent from observation or examination by an ordinary layman, that is, a person who is not skilled in the medical profession, or any pre-existing disability adjudged and determined by the Workers' Compensation Court or any disability resulting from separately adjudicated injuries and adjudicated occupational diseases even though arising at the same time.

[14]Pennsylvania — Benefits under the Subsequent Injury provision are only payable with respect to subsequent loss, or loss of use of, 1 hand, 1 arm, 1 foot, 1 leg or 1 eye.

[15]Rhode Island — The percentage of assessment is determined by the Director on or before each 7/15.

[16]South Carolina — Permanent physical impairment means any permanent condition due to injury, disease or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions are presumed to be permanent physical impairments if employer had prior knowledge.

[17]Texas — 360 times maximum weekly benefit.

[18]Washington — Preferred Workers defined as workers who must change jobs due to effect of an industrial injury or illness. Basic premiums are waived for first 3 years on new job.

[19]Ontario — Only applies to Schedule 1 employers; Schedule 2 employers are not eligible for Second Injury Fund relief.

[20]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

[21]Nebraska — Effective July 1, 2000, the Second Injury Fund was merged with the Vocational Rehabilitation Fund and is now referred to as the Workers' Compensation Court Trust Fund.

[22]New Brunswick — Personal injuries by accident that aggravates a pre-existing disease or condition.

[23]Oklahoma — The SIF has been renamed "Multiple Injury Trust Fund."

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Chart XIV — Administration Expenses: Workers' Compensation Departments

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Alabama	Private insurance	Administrative Fund	Insurance carriers, self-insured employers, and group self-insurance funds.	$250 plus amount based on proportion that the total gross claims for compensation and medical payments paid by the carrier, self -insured employer, or group fund during preceding calendar year bore to the total gross claims for compensation and medical payments paid by all carriers, self-insured employers and group funds during that period.	
Alaska	Private insurance or approved self-insurance	General appropriations/Self-group assessment			
Arizona	Competitive fund	Administrative Fund	Carriers, self-insurers, and state fund.	Not to exceed 3% of premiums.	
Arkansas	Private insurance	Special Fund	Carriers and self-insurers.	3% of manual premiums maximum[1]	$500 first year for carriers, $100 first year for self-insurance
California[2]	Competitive fund	Appropriation and assessment[3]	Insurers and self-insured employers.		
Colorado	Competitive fund	Special funds, Major Medical and SIF	Carriers and self-insurers.	3% premium tax	Fines and penalties
Connecticut	Private insurance	Special funds	Carriers and self-insurers.	Pro rata assessment necessary to cover expenses.	
Delaware	Private insurance	General appropriation	Carriers.	Prorated.	
District of Columbia	Private insurance[4]	Administrative fund[4]	Carriers and self-insurers.	Prorated on basis of total compensation and medical payments.	Fines and penalties, and $5,000 in no-dependency death cases.
Florida	Private insurance	Administration fund	Carriers, self-insurers, self-insurance funds and Assessable Mutual Companies.	2.75% of net earned premiums.	Penalties, fees, investment income and fines.
Georgia	Private insurance/ Self insurance	Assessment against insurance carriers and self-insured companies precedes general appropriation.	Carriers and self-insurers.	Prorated.	
Guam	Private insurance	General appropriation			
Hawaii	Private insurance	General appropriation			
Idaho	Competitive fund	Industrial Administration Fund	Carriers, self-insurers, and state fund.	2.5% of premiums.	Fines, penalties, fees for copies and publications.
Illinois	Private insurance/ approved self-insurance	General appropriation			
Indiana	Private insurance	General appropriation	Employers[5]	$5.00[5]	
Iowa	Private insurance	General appropriation			
Kansas	Private insurance, self insurance, Group pools	Special fund			
Kentucky	Private insurance	Maintenance fund	Carriers and self-insurers.	9% on all policies on premiums for policies issued to employers, both coal and non-coal, CWP Fund — 1% written permission received plus .25 cents per ton on coal served.	$19 million severance tax from Revenue Cabinet.
Louisiana	Private insurance/ approved self-insurance	Assessment against insurance carriers and self-insureds	Carriers and self-insured	Percentage fixed annually.	Fines, penalties, fees for copies and publications.
Maine	Private insurance	Workers' Compensation Board Administrative Fund	Carriers and self-insured.[7]	Percentage fixed annually.	Penalties against insurers for failure to pay compensation in timely manner.

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Chart XIV — Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions: Against Whom	Assessment Provisions: Amount	Other Income
Maryland	Competitive fund	General appropriation	Carriers, self-insurers, and State fund.	Prorated.	Commission may assess up to $500 annually against self-insurers and self-insured groups for actuarial studies and audits.
Mass.	Private insurance Self-insurance	Special fund	Employers.	Prorated assessment necessary to cover expenses.	Referral fees, fines, and penalties.
Michigan	Private/self-insurance	General appropriation			$200 fee on redemption settlements.
Minnesota	Competitive fund, private insurance, approved self-insurance, including group.	Special compensation fund	Carriers and self-insurers.	30% of indemnity paid.	30% compensation for current indemnity payments, which finances all.
Mississippi	Private insurance	Special fund	Carriers and self-insurers	Assessment of $250 against each carrier and self-insurer, then remaining expenses pro-rated.	Civil penalties.
Missouri	Private insurance Self-insurance	Administrative fund	Carriers and self-insurers.	2% of premiums.	Fees for records, etc.
Montana	Competitive fund	Workers' Compensation Administration Fund; assessments, appropriations, and fees	Carriers, self-insurers and State fund.	Prorated assessment necessary to cover expenses, $500 minimum	Graduated inspection fee, fees for records, etc., and fines.
Nebraska	Private insurance	Special Fund, Self-Insurance Fund, Trust Fund	Carriers and self-insurers.	1% of written premiums for carriers; 1% of prospective-loss costs for self-insurers. Special assessment, as required.[9]	Fees for copies and publications, etc.
Nevada	State fund, self-insured and group self-insured, private insurance as of July 1, 1999	State Insurance Fund	Carriers and employers	As needed	Administrative fines, interest, premium penalties, collection actions made on behalf of the Uninsured Employers' Claim fund.
New Hampshire	Private insurance	Administration Fund-appropriation	Carriers and self-insurers.	Prorated on basis of total compensation paid, $100 minimum.[10]	Civil penalties.
New Jersey	Private insurance, approved self-insurance	Assessment against insurance carriers and self-insurers	Carriers and self-insured	Percentage fixed annually	
New Mexico	Private insurance	Special fund	Employers and employees.	$2.00 collected quarterly and assessed against all employers and employees covered under the Workers' Compensation Act.	Civil penalty of up to $5,000 for finding of retaliation by employer against employee filing claim.
New York	Competitive fund	Assessment	Carriers, self-insurers and State fund.	Total amount prorated on basis of compensation payments.	Fines and penalties.
North Carolina	Private insurance	General appropriation	Carriers and self-insurers.	On gross premiums at rate in revenue act.[11]	
North Dakota	Exclusive state fund	Appropriation from Workers' Compensation Fund	Employers	Budget submitted biennially to legislature	Investment fees, penalties and recoveries and $50.00 deductible.
Ohio	Exclusive fund and self-insurance	State fund	All employers, including self-insurers, counties and taxing district, and state instrumentalities.	15.35%, 16.00%, and 12.60% of premium for the respective employers, private State Fund employers, state agencies, and public employer taxing district.[12]	
Oklahoma	Competitive fund; private insurance; general practice and self-insurance	Administrative fund and assessments	Carriers and self-insurers	1% premium tax and 2% tax on self-insurers based on compensation paid for permanent disability or death	Fees, fines and penalties

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Chart XIV — Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions: Against Whom	Assessment Provisions: Amount	Other Income
Oregon	Competitive fund, Private Insurance And self-insurance	Administrative fund	Carriers, self-insured, and self-insured groups.	7.3% of earned premium. Additional 0.2% for self-insured groups.	Fines, penalties and interest.
Pennsylvania	Competitive fund	Administration fund	Employer (through carrier).	Prorated among insurers by premiums earned. Self-insurers assessed based upon compensation paid.	
Puerto Rico[15]	Exclusive fund	State fund and appropriations	Employer.	Maximum 22% of total premium receipts.	Income from investments.
Rhode Island	Private insurance	Workers' Compensation Administrative Fund	Carriers, self-insurers, group self-insurers, the State and municipalities.	Carriers/group self-insurers-6.75% of net premiums written; self-insurers-6.75% of premium they would have paid to be insured.[13]	Fines and fees.
South Carolina	Private insurance	General appropriation	Carriers and self-insurers.	2 fi% of premiums.	Fines and fees.
South Dakota	Private insurance	General appropriation	Carriers.	$14 per policy.	
Tennessee	Private insurance	General appropriation; court administration	Carriers and self-insurers.	4% of premiums.	
Texas	Private insurance	General appropriation	Carriers and self-insurers.	1.72% of gross workers' compensation premiums paid to General Revenue Fund for administration of Commission.	Fees for records, checks, copies, publications, audits and safety inspections.
Utah	Competitive fund, Private insurance, Self insurance	General appropriation			
Vermont	Private insurance	Special fund	Employers and self-insurers.	Employers—1.1% of W.C. premiums; self-insurers-1% of W.C. losses, during the preceding calendar year.	
Virgin Islands	Exclusive fund	Territorial fund	Territorial fund.		Fines, penalties, and interest.
Virginia	Private insurance	Special fund	Carriers and self-insurers.	Maximum of 2.50% of premiums.	
Washington	Exclusive fund and self-insurance	State fund	Employers and self-insurers.	Determined by Director.	Investment income, penalties, and third party actions.
West Virginia	Exclusive state fund and self-insured employers	State fund	All regular subscribers and self-insured.	Self-insured pay 12.6% (effective 7/1/99) of manual rates; remainder allocated to funding from premium taxes paid by regular subscribers.	
Wisconsin	Private insurance	General fund (based on assessment)	Carriers and self-insurers.	Pro rata on all indemnity paid on cases first closed in prior year.	
Wyoming	Exclusive fund and Private Insurance	Workers' Compensation Fund	Employers.	Expended budget.	Interest from investments, penalties, interest and third party lawsuits.
F.E.C.A	Exclusive fund	Appropriation authorized from U.S. Treasury	Employing agencies.	Cost of compensation and medical expenses.	
Longshore Act	Private insurance	Appropriation authorized from U.S. Treasury			
Alberta	Exclusive fund	Accident Fund	All employers under the act.	Determined by Board.	Investment income, interest and penalties.
British Columbia	Exclusive fund	Accident Fund	All Employers.	Determined by Board.	Investment income and penalties.

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Chart XIV — Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Manitoba	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Such sum out of consolidated fund as Lt. Gov.-in-Council may direct, investment income, interest, and penalties.
New Brunswick	Exclusive fund	Accident Fund	All assessed employers.	Included in the industry rates set by the Commission; self-insured pay costs plus administrative fee.	Interest, penalties, investment income, service fees.
Newfoundland	Exclusive fund	Injury Fund	All enumerated employers.	Determined by Commission.	Interest and penalties.
Northwest Territories	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Investment income, interest and penalties.
Nova Scotia	Exclusive fund	Accident Fund	All enumerated employers; administrative costs for self-insured employers.	Determined by Board.	Investment income and penalties.
Nunavut	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Investment income, interest and penalties.
Ontario	Exclusive fund for Schedule I employers; individual liability for Schedule II employers	Insurance Fund for Schedule I employers. Deposit with Board for Schedule II employers	All employers in Schedule I; administrative costs only for Schedule II employers.	Determined by Board.	Investment income and penalties.
Prince Edward Island	Exclusive fund for Part I, individual liability, Part II, No limitation	Accident Fund	All enumerated employers.	Determined by Board.	Investment income and penalties.
Québec	Exclusive fund; individual liability for employers held personally responsible for the payment of benefits	Accident Fund and deposit with Commission for employers held personally responsible	All employers.	Determined by Commission.	Investment income, interest and penalties.
Saskatchewan	Exclusive fund	Injury Fund	All employers.	Determined by Board.	Investment income, interest, and penalties.
Yukon Territory	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Investment income and penalties.
Canadian Merchant Seaman's Acc	Private insurance	Cost of administration apportioned among employers	All employers of merchant seamen.		

Notes

[1]Arkansas — May be increased or reduced by Commission up to 3% maximum.

[2]California — The Workers' Compensation Administration Revolving Fund pays for administrative expenses and is funded by employers and insurers.

[3]California — Assessments are of two parts: User Funding Assessment to fund a portion of the operating costs of the Division of Workers' Compensation and a Fraud Surcharge Assessment. Combined assessment rates in 2000–2001 for self-insured employees are .011040 times total indemnity paid by the employer. For insured employers, combined assessments are .003689 times Employer's expected assessable premium.

[4]District of Columbia — Exclusive fund for D.C. government workers, financed from D.C. and/or federal appropriation.

[5]Indiana — $5.00 filing fee for proof of coverage filings — expires 6/30/95.

[6]Kansas — System of assessments up to a maximum of 3% of paid losses against private insurance, self-insured employers and approved group funded pools.

[7]Maine — Assessment against every insurance company or association authorized to write workers' compensation insurance. Assessments may not produce more than $6,735,000. Assessment on carriers is passed through to employers.

[8]Michigan — Annual assessment of 3/4% of compensation levied on insurers and self-insurers of compensation paid to be used for the safety education and training fund.

[9]Nebraska — Not especially for workers' compensation administration.

[10]New Hampshire — Total assessment may not exceed amount appropriated for the budget of Workers' Compensation Division.

[11]North Carolina — Stock and mutual carriers pay 22% of net written premiums for the period covered by the return. All self-insurers also pay 22%.

[12]Ohio — Effective 7/1/90, self-insured employers assessed on a prorated portion of paid compensation in self-insured claim.

[13]Rhode Island — The percentage of assessment is determined by the Director on or before each July 15.

[14]Wyoming — Private insurers allowed to write coverage for industries and occupations not considered extra hazardous, however, only state fund allowed to provide immunity to lawsuit by injured workers.

[15]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

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Chart XV — Appeal Provisions

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Alabama	Courts[4]	42 days	Alabama Court of Civil Appeal/Supreme Court	Certiorari		Yes	Record	
Alaska	Workers' Compensation Board	30 days	Superior Court /Supreme Court	Notice of Appeal		Yes	Record	No
Arizona	Industrial Commission	30 days	Court of Appeals/ Supreme Court	Certiorari		Yes	Record	No
Arkansas	Workers' Compensation Commission	30 days	Court of Appeals	As in civil actions, with precedence over all other civil cases	Yes		Record	No
		No Provision	Supreme Court	As in civil actions	Yes			No
California	Workers' Compensation Appeals Board	45 days	Supreme Court or District Court of Appeals	Writ of Review	Yes		Record	No
Colorado	Industrial Claims Appeals Office	20 days	Court of Appeals	Court of Appeals' review any decision of the Industrial Claims Appeals Office		Yes	Record	No
		15 days	Supreme Court	Writ of certiorari; courts will not alter factual findings which are supported by substantial evidence		Yes	Record	No
Connecticut	Chairman	10 days	Compensation Review Board	Notice of Appeal[5]		Yes		No
		20 days	Appellate Court, Supreme Court	Notice of Appeal[5]	Yes	Yes	Record	No
Delaware	Office of Workers' Compensation	30 days	Superior Court	As prescribed by the court		Yes	Record	No
District of Columbia	Office of Workers' Compensation		Hearings and Adjudication	Application		Yes	Hearing de novo	No
		30 days	Director's Review	Application	Yes		Record	No
		30 days	D.C. Court of Appeals	Petition	Yes		Record	No
District of Columbia Government Workers	Office of Benefits Administration	30 days	Hearings and Adjudication	Application		Yes	Hearing de novo	No
		30 days	Employees' Compensation Appeals Board	Application	Yes		Record	No
		30 days	D.C. Superior Court	Application		Yes	Trial de novo	No
Florida	Department of Labor and Employment	30 days	District Court of Appeal, First District	Notice of Appeal	Yes		Record	No
Georgia	State Board of Workers' Compensation	20 days	Superior Court Court of Appeals	Notice of Appeal Discretionary authority	Yes		Record	No
Guam	Workers' Compensation Commission	30 days	Superior Court	Injunction Proceedings	Yes		Record	No
Hawaii	Disability Compensation Division	20 days	Appellate Board	Notice of Appeal[6]	Yes	Yes	Trial de novo	No
		30 days	Supreme Court				Record	
Idaho	Industrial Commissioner	42 days	Supreme Court	Notice of Appeal	Yes		Record and transcript of evidence	No

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Illinois	Industrial Commission	20 days	Circuit Court	Proceeding for review		Yes	Record; no additional evidence	No
		30 days	Appellate Court Supreme Court[7]	As prescribed by court	Yes			
Indiana	Workers' Compensation Board	30 days	Court of Appeals	As in civil action[8]	Yes		Assignment of errors	No
Iowa	Workers' Compensation Commissioner	30 days	District Court	Petition for judicial review	Yes		Certified transcript of documents and evidence	No
		20 days	Supreme Court	As in civil cases	Yes			
Kansas	Workers' Compensation Board	10 days	Court of Appeals	Notice of Appeal		Yes	Transcript of evidence and proceedings	No
Kentucky	Department of Workers' Claims	30 days	Workers' Compensation Board Court of Appeals Supreme Court	Notice of Appeal As in civil actions	Yes		Certified Record	No
Louisiana	Office of Workers' Compensation	60 days[10]	Workers' Compensation Court Judge	Petition		Yes	Trial de novo	No
		30 days	Appellate Court	As in civil actions		Yes	Transcript of proceedings	No
			Supreme Court	As in civil cases		Yes	Certified Records	No
Maine	Workers' Compensation Board	20 days	Law Court	Certiorari[11]	Yes		Record	No
Maryland	Workers' Compensation Commission	30 days	County Circuit Courts or Circuit Court for Baltimore City, Court of Special Appeals	Notice followed by informal and summary trial—De novo jury trial allowed	Law only at Appellant level	Yes	Trial de novo	Yes, on demand
		No Provision	Court of Appeals	As in civil cases				
Mass.	Department of Industrial Accidents	30 days	Appeals Court	As in civil cases	Yes	Agreed statement of facts and findings and decision	No	
		No Provision	Supreme Judicial Court	As in civil cases	Yes			
Michigan	Workers' Compensation Appellate Commission[12]	30 days	Court of Appeals	Certiorari, mandamus, or other permissible method	Yes			No
		30 days	Supreme Court					
Minnesota	Office of Administrative Hearings[13]	30 days	Workers' Compensation Court of Appeals	Notice of Appeal		Yes	Certified record; oral arguments on issues of law	No
			Supreme Court	Certiorari				

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Mississippi	Workers' Compensation Commission	30 days	Circuit Court	Notice of Appeal		Yes	Record	No
			Supreme Court	As in civil cases		Yes	Record	
Missouri	Division of Workers' Compensation[11]	20 days	Labor and Industrial Relations Commission			Yes	Certified record	No
		30 days	Appellate Court		Yes			
Montana	Department of Labor and Industry	[13]	Workers' Compensation Court	Notice of Appeal		Yes	Certified record	No
			Supreme Court					
Nebraska	Workers' Compensation Court[14]	14 days	WC C. Review Panel	Notice of appeal and bill of exceptions	Yes		Certified record	No
		30 days	Court of Appeal & Supreme Court	Notice of appeal and bill of exceptions (general laws)				
Nevada	Department of Administration Appeals Officer	70 days	District Court					
		30 days	ALJ					
New Hampshire	Department of Labor	30 days	Compensation Appeals Board, Supreme Court	Notice of Appeal		Yes	Trial de novo	No
New Jersey	Division of Workers' Compensation	45 days	Appellate Division of Superior Court	Notice of Appeal		Yes	Record	No
New Mexico	Court of Appeals	30 days	Court of Appeals	As in civil actions		Yes	Certified record	No
New York	Workers' Compensation Board	30 days after decision is filed / served.	1) Board panel of 3 commissioners. 2) Appellate Division, third party. 3) Court of Appeals.	1) Review application (Panel of commissioners 2) Notice of Appeal (Appellate) 3) Notice of Appeal or motion for permission to appeal (Court of Appeals)	Appellate Court of Appeals	Panel of Commissioners	Record	No
			Court of Appeals[17]		Yes			
North Carolina	Industrial Commission	30 days	Court of Appeals	As in civil actions[18]	Yes		Record	No
North Dakota	Workers' Compensation	30 days	District Court	Appeal		Yes	Record	No
		60 days	Supreme Court	Appeal		Yes	Record	
Ohio	Industrial Commission	60 days	Court of Common Pleas	Notice of appeal and petition by claimant or employer		Yes	Trial de novo	Yes, on de- mand
		No provision	Supreme Court					
Oklahoma	Workers' Compensation Court	20 days[19]	Supreme Court[19]	Petition		Yes	Certified record and specifications of error	No
Oregon	Workers' Compensation Board (WCB)[20]	30 days	WCB	Notice of Appeal		Yes	Record	No
		30 days	Court of Appeals	Notice of Appeal		Yes	Record	No
		35 days	Supreme Court	Petition for review		Yes	Record	No
	Workers' Compensation Division (WCD)[20]	60 days	Court of Appeals	Appeal		Yes	Record	No
		35 days	Supreme Court	Petition for review	Yes		Record	No

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Pennsylvania	Bureau of Workers' Compensation[21]	20 days 30 days	Workers' Compensation Appeal Board Commonwealth Court Supreme Court	Appeal Petition for review Petition for allowance of appeal	Yes Yes		Certified record	No
Puerto Rico	Industrial Commission	30 days 20 days 30 days 30 days	Industrial Commission[22] Industrial Commission Circuit Court of Appeals Supreme Court of Puerto Rico	Appeal Reconsideration Petition for review Certiorari	Yes Yes Yes Yes	Yes	Record Record Certified record Certified record	No No No No
Rhode Island	Workers' Compensation Court	5 days 20 days	Workers' Compensation Court Appellate Division of Workers' Compensation Court Supreme Court	Claim of Appeal Writ of certiorari	Yes	Yes	Certified documents and testimony	No
South Carolina	Workers' Compensation Commission—Judicial Division	30 days[24]	Court of Common Pleas	As in civil actions	Yes		Record	No
South Dakota	Division of Labor and Management	30 days[25] 60 days	Circuit Court Supreme Court	Notice of Appeals As in civil actions		Yes	Certified record	No
Tennessee	Courts	10 days No Provision	Circuit Court Workers' Compensation Appeals Panel Supreme Court	As in civil actions Writ of error		Yes	Trial de novo Certified Record	No
Texas	Workers' Compensation Commission	40 days	Court of county where employee resided at time of injury or death and court of county where employee resided on the date disability began or any county agreed to by the parties for an occupational disease	Appeal decision		Yes	Limited to issues decided by the Commission appeals panel on which judicial review is sought	Yes
Utah	Labor Commission or Appeals Board	30 days	Court of Appeals	Petition for review		Yes	Certified record	No
Vermont	Workers' Compensation Commissioner	30 days After 30 Days	Superior Court[26] Supreme Court	As prescribed by Court As prescribed by Court	Yes	Yes	Certified record	No
Virgin Islands	Division of Hearings and Appeals	30 days	Court of competent jurisdiction	As in civil action	Yes		Record	No
Virginia	Workers' Compensation Commission	30 days	Court of Appeals	As in equity		Yes	Certified record	No
Washington	Board of Industrial Insurance Appeals	60 days 30 days	Superior Court Further appeal	Notice of Appeal As in civil actions		Yes	Trial de novo, but on testimony before the Board	Yes on demand
West Virginia	Workers' Compensation Division	30 days[27]	Protest are filed with the Office of Judges. Judge's decisions may be appealed to the Workers' Compensation Appeal Board. Appeal Baord decisions may be appealed to the WV Supreme Court of Appeals.	Petition		Yes	Record of proceedings	No

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Wisconsin	Labor and Industry Review Commission	21 days	Circuit Court, Appellate Court Supreme Court	Action against Commission As from orders	Yes		Record	No
Wyoming	Hearing Examiners or Medical Commission	30 days	District Court	Petition and bill of exceptions		Yes	Record	No
F.E.C.A.[31]	Division of Federal Employees' Compensation, O.W.C.P.	1 year 30 days 90 days to 1 year	Reconsideration Hearing[28] Appeals Board	In writing In writing In writing		Yes	Record	No
Longshore Act	Division of Longshore and Harbor Workers' Compensation, O.W.C.P.	30 days 60 days	Benefits Review Board[29] U.S. Court of Appeals	Petition Petition		Yes	Record Record	No
Alberta	Workers' Compensation Board	One year	Assessment Review Committee, Claims Services Review Committee	Request for Review		Yes	Record and written or oral testimony	No
			Appeals Commission	Notice of appeal in writing		Yes	Record and written or oral testimony	No
British Columbia	Workers' Compensation Board	90 days	Workers' Compensation Review Board	Appeal		Yes, de novo	Record and written or oral testimony	No
		30 days	Appeal Division	Appeal or referral		Yes, de novo	Record and written or oral testimony	No
		90 days	Medical Review Panel	Appeal (medical facts only)		Yes, de novo	Medical record and examination	No
Manitoba	Workers Compensation Board	No Limit	Review Office or Assessment Committee Appeal Commission	Reconsideration by written request Appeal by written request		Yes	Record and written or oral testimony	No
New Brunswick	Workplace Health, Safety and Compensation Commission	One year	WHSCC Appeals Tribunal	Appeal By-laws[3]			Claim file and brief or oral testimony	No
	Provincial Court	30 days	Court of Appeal	Rules of Court	Yes		Appeal Record	
Newfoundland	Workplace Health, Safety and Compensation Commission	90 days	Workers' Compensation Review Division	Written request		Yes	Record and oral testimony	No
Northwest Territories	Workers' Compensation Board	No Limit	Review Committee, Appeals Tribunal	Appeal in writing		Yes	Record and written or oral testimony	No

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Nova Scotia	Workers' Compensation Board	30 days	Hearing Officer	Deliver, mail, or fax form			Oral or Paper	No
	Workers' Compensation Appeals Tribunal	30 days	Appeals Tribunal	Deliver, mail, or fax form		Yes	Oral or Paper	No
	NS Court of Appeals	30 days	Court of Appeals	Leave to Appeal		Yes	Jurisdiction	No
Nunavut	Workers' Compensation Board	No Limit	Review Committee Appeals Tribunal	Appeal in writing		Yes	Record and written or oral testimony	No
Ontario	Workplace Safety and Insurance Board	6 months	Independent Appeal Tribunal	Request to Appeals Tribunal	Yes[3]	Yes	De novo	No
Prince Edward Island	Workers Compensation Board	No Limit	Independent Appeal Tribunal	Request to Appeals Tribunal		Yes	Record	No
Québec	Ministère du Travail	30 days	The Bureau d'evaluation médicale	Notice (Medical facts only)	Yes	Yes	Medical file and examination	No
	CSST	30 days	Review	Appeal		Yes	File only	No
	Ministère du Travail	45 days	Commission des lésions professionnellles	Appeal, recourse joint board		Yes	Conciliation offered	No
Saskatchewan	Workers' Compensation Board	No Limit	Board	In writing		Yes	Record and written or oral testimony	No
Yukon Territory	Workers' Compensation Health and Safety Board	No Limit	Board	Appeal in writing		Yes	Record, written and oral testimony	No
Canada (Newfoundland, Labrador)	Merchant Seamen Compensation Board	No Limit	Board	Appeal in writing	Yes	Yes	Record and written or oral testimony	No

Notes

[1]Courts may set aside an award on one of the following grounds: 1–the Commission acted in excess of its powers; 2-the award was procured by fraud; 3-the facts found by the Commission did not support the award; 4–there was not sufficient competent evidence in the record to warrant the finding.

[2]Board may request opinion on question of law or jurisdiction of its own motion.

[3]Court has power to pass only upon question of law or jurisdiction.

[4]Alabama — Ombudsman program, effective for injuries after 1/1/93, to mediate disputes. Settlements reached under this process do not require court approval but may be taken to court for final judgement.

[5]Connecticut — Board may certify question of law on its own motion.

[6]Hawaii — Appellate Board may certify questions of law to Supreme Court.

[7]Illinois — Supreme Court jurisdiction discretionary.

[8]Indiana — Board may also certify questions of law on its own motion.

[9]Louisiana — If any compensation under a final, non-appealable judgement is not paid within 30 days, a 20% penalty will be added to the compensation.

[10]Louisiana — 60 days for devolutive appeal.

[11]Maine — Appeal to court may be stayed by hearing officer obtaining review of decision by Board. Appeals to law court then taken from decision issued by Board.

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[13]Minnesota — Disputed WCD conference determination is heard de novo at OAH.

[14]Missouri — ALJ's award may be appealed to Industrial Commission.

[15]Montana — Varies depending upon reason for appeal.

[16]Nebraska — The Court is constituted the same as the boards and commissions in other states.

[17]New York — Workers' Compensation Law Judge decisions can be appealed to a 3-member Board panel within 30 days. Split panel decisions appealed to the full Board within 30 days. All panel decisions can be appealed to the Appellate Division, Third Department of the Supreme Court within 30 days. Appellate Division decisions can be reviewed as of right in the Court of Appeals if there is a dissent by two judges. Otherwise, appeals to the Court of Appeals are by permission only. 30 day limit applies.

[18]North Carolina — Commission may certify questions of law to Court of Appeals. Commission may order payment of portion of award not in dispute.

[19]Oklahoma — Appeal to Workers' Compensation Court en banc within 10 days may be filed in lieu of appeal to the Supreme Court. En banc order may be appealed to Supreme Court within 20 days.

[20]Oregon — Oregon has two forums which hear contested cases: the Workers' Compensation Board's Hearings Division hears a variety of cases including, but not limited to, compensability, responsibility, compensation (extent of disability), safety/health, and other issues; A hearing Officer Panel was created by House Bill 2525, 1999 Legislative Session. This panel hears cases on behalf of the Workers' Compensation Division regarding a variety of matters, including, but not limited to, medical treatment and fees, palliative care, managed care organizations (MCOs), and vocational assistance.

[21]Pennsylvania — Decisions of Workers' Compensation Judges are subject to appeal to the Workers' Compensation Appeal Board.

[22]Puerto Rico — Also can petition Industrial Commission to reconsider its decision, within 20 days.

[23]Puerto Rico — On weight of expert testimony.

[24]South Carolina — Notice of appeal must state the grounds for appeal or the alleged errors of law.

[25]South Dakota,— Commission may order payment of portion of award not in dispute.

[26]Vermont — Then to Supreme Court on exception.

[27]West Virginia — May be extended for cause.

[28]F.E.C.A — There is no court appeal; Board has authority to make final decision on appeals.

[29]Longshore Act — First level of appeal is to Benefits Review Board within the U.S. Department of Labor. Board may sit in 3-person panels. Panel decision may be reviewed, upon petition, by full Board.

[30]Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2000 Analysis*.

[31]Employee may request only one appeal method at a time. A hearing may be requested before consideration. If reconsideration is requested first, the employee loses the right to a hearing.

Chart XVI — Directory of Administrators

ALABAMA

Workers' Compensation Division
Department of Industrial Relations
Industrial Relations Building
649 Monroe Street
Montgomery, Alabama 36131
(334) 242-2868
www.dir.state.al.us/wc.htm
Scottie Spates, Administrator

ALASKA

Division of Workers' Compensation
Department of Labor & Workforce Development
P.O. Box 25512
Juneau, Alaska 99802-5512
(907) 465–2790
www.state.ak.us/local/akpages/LABOR/
Paul Grossi, Director

Workers' Compensation Board
(Same address as Division)

ARIZONA

Industrial Commission of Arizona
800 West Washington Street
Phoenix, Arizona 85007–2922
(602) 542-4411
Ms. Gay Conrad Kruglick, Chairman

ARKANSAS

Workers' Compensation Commission
324 Spring Street
P.O. Box 950
Little Rock, Arkansas 72203-0950
(501) 682-3930
www.awcc.state.ar.us
Eldon Coffman, Chairman

CALIFORNIA

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Division of Workers' Compensation
455 Golden Gate Avenue, 9th Floor
P.O. Box 420603
San Francisco, California 94142-0603
(415) 703-4600
www.dir.ca.gov
Richard Gannon, Administrative Director

Workers' Compensation Appeals Board
455 Golden Gate Avenue, 9th Floor
P.O. Box 429459
San Francisco, California 94102
(415) 703-4580
Merle Rabine, Chairman

COLORADO

Division of Workers' Compensation
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Tower 2, Suite 500
Denver, Colorado 80202
(303) 575–8700
Mary Ann Whiteside, Director

Industrial Claims Appeals Office
1515 Arapahoe Street
Denver, Colorado 80202
(303) 620–4277
David Cain, Member
Kathy Dean, Member
Dona Halsey, Member
Robert Socolossky, Member
William Whitacre, Member

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Workers' Compensation Commission
21 Oak Street
Hartford, Connecticut 06106
(860) 493-1500
wcc.state.ct.us
John Mastropietro, Chairman

DELAWARE

Department of Labor
Office of Workers' Compensation
Fox Valley
P.O. Box 8902
Wilmington, Delaware 19899–8902
(302) 761–8200
www.delawareworks.com
John Polk, Chief Hearing Officer
John F. Kirk, Administrator

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Department of Employment Services
Office of Workers' Compensation
1200 Upshur Street, NW
Washington, D.C. 20011
(202) 576–6265
Charles L. Green, Associate Director
http://does.ci.washington.dc.us

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Tallahassee, Florida 32399–0680
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www2.myflorida.com/les/wc
Charles Williams, Director

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270 Peachtree Street, NW
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(404) 656–3875
Carolyn Hall, Chairman
Vicki L. Snow, Director
Larry Smith, Director

GUAM

Workers' Compensation Commission
Department of Labor
Government of Guam
108 E Street
Tiyan, Guam 96913
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David G. Dell-isola, Director of Labor
Ex-Officio Commissioner
Rolando P. Zabala, Deputy Director, Acting
Employment Program Administrator

HAWAII

Disability Compensation Division
Department of Labor and Industrial Relations
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Honolulu, Hawaii 96812
(808) 586–9151
Leonard Agor, Director
Gary Hamada, Administrator

Labor and Industrial Relations Appeals Board
830 Punchbowl Street, Room 404
Honolulu, Hawaii 96813
Frank Yap, Chairman

IDAHO

Industrial Commission
317 Main Street
Boise, Idaho 83720
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Rachel Gilbert, Commissioner
R.D. Maynard, Commissioner
James Kile, Commissioner

ILLINOIS

Industrial Commission
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(312) 814–6555
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John W. Hallock, Jr., Chairman

INDIANA

Workers' Compensation Board
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G. Terrence Coriden, Chairman

IOWA

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Iowa Workforce Development
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Iris Post, Commissioner

KANSAS

Division of Workers' Compensation
Department of Human Resources
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Topeka, Kansas 66612-1227
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www.hr.state.ks.us/wc/html/wc.htm
Philip S. Harness, Director

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Department of Workers' Claims
Perimeter Park West
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Frankfort, Kentucky 40601
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http://dwc.state.ky.us/
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USCC 56045

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Thomas Patrick O'Reilly, Chairman
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Department of Industrial Accidents
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www.state.ma.us/dia
Thomas J. Griffin, III, Commissioner

MICHIGAN

Bureau of Workers' Disability Compensation
Department of Consumer & Industry Services
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Lansing, Michigan 48909
(517) 322-1296
www.state.mi.us/migov/
Craig Petersen, Director

Board of Magistrates
Department of Consumer & Industry Services
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Crary Grattan, Chief Magistrate

Workers' Compensation Appellate Commission
Department of Consumer & Industry Services
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Lansing, Michigan 48909
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Jurgen Skoppek, Chairperson

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Office of Administrative Hearings —
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Law Judge

Workers' Compensation Court of Appeals
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Hon. Steven D. Wheeler, Chief Judge

MISSISSIPPI

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Glenn W. Morton, Administrator

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NORTH CAROLINA

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Donna Owens, Member
Patrick J. Gannon, Member

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Susan M. McDermott, Chairman

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Robert F. Arrigan, Chief Judge

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www.sdjobs.org/dlm/dlm-home.htm
James E. Marsh, Director

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Department of Labor & Workforce Development
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www.state.tn.us/labor-wfd
Sue Ann Head, Administrator

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www.ind-com.state.ut.us/indacc/indacc.htm
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Joyce A. Sewell, Director

VERMONT

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(802) 828–2286
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Laura Collins, Director

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Lawrence D. Tarr, Commissioner
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www.wa.gov/lni
Gary L. Moore, Director

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Thomas E. Egan, Chairperson

WEST VIRGINIA

Bureau of Employment Programs
Workers' Compensation Division
4700 Mac Corkle Avenue, SE
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Charleston, West Virginia 25304
(304) 926–5048
www.state.wv.us/BEP/wc.
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Workers' Compensation Appeal Board
104 Dee Drive
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Charleston, West Virginia 25329
(304) 558–5230
R. Michael Shaw, Chairman

WISCONSIN

Worker's Compensation Division
Department of Workforce Development
201 East Washington Avenue, Room C100
P.O. Box 7901
Madison, Wisconsin 53707–7901
(608) 266–1340
www.dwd.state.wi.us/wc
Judy Norman-Nunnery, Administrator

Labor and Industry Review
Commission
P.O. Box 8126
Madison, Wisconsin 53708
(608) 266–9820
David Falstad, Chairperson

WYOMING

Workers' Safety and Compensation Division
Department of Employment
122 West 25th Street, 2nd Floor
East Wing, Herschler Building
Cheyenne, Wyoming 82002-0700
(307) 777–7159
http://wydoe.state.wy.us/wscd
Kathleen McKinna, Administrator

UNITED STATES

Department of Labor
Employment Standards Administration
200 Constitution Avenue, Suite S. 2321
Washington, DC 20210
(202) 693-0200
www.dol.gov
Bernard Anderson, Assistant Secretary

Office of Workers' Compensation Programs
200 Constitution Ave. S 3524
Washington, DC 20210
(202) 693-0031
www.dol.gov/dol/esa/public/owcp_org.htm
Shelby Hallmark, Acting Director

USCC 56047

Division of Coal Mine Workers' Compensation
200 Constitution Ave Rm. C3520
Washington, DC 20210
(202) 693-0046
www.dol.gov/dol/esa/public/regs/compliance/owcp/bltable.htm
James DeMarce, Director

Division of Federal Employees' Compensation
(202) 693-0040
www.dol.gov/dol/esa/public/regs/compliance/owcp/fecacont.htm
Deborah B. Sanford, Acting Director

Division of Longshore and Harbor Workers' Compensation
200 Constitution Ave. Rm. C4315
Washington, DC 20210
(202) 693-0038
www.dol.gov/dol/esa/public/regs/compliance/owcp/lstalbe.htm
Michael Niss, Director

Benefits Review Board
800 K Street, NW, Suite 500
Washington, D.C. 20001–8001
(202) 565–7500
www.dol.gov/dol/brb/welcome.html
Hon. Betty Jean Hall, Chief Judge

Employees' Compensation Appeals Board
300 Reporters Building
7th & D Streets, SW, Room 300
Washington, D.C. 20210
(202) 401–8600
www.dol.gov/dol/ecab/welcome.html
Michael J. Walsh, Chairman

ALBERTA

Workers' Compensation Board
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Edmonton, Alberta T5J 2S5
(403) 498–4000
www.wcb.ab.ca/index.html
Mary Cameron, President and CEO

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www.wcb.bc.ca
Maureen Nicholls,
Chair of Panel of Administrators
Ralph W. McGinn,
P. Eng., President & CEO

MANITOBA

Workers Compensation Board
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Winnipeg, Manitoba R3C 4W3
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www.wcb.mb.ca
Wally Fox-Decent, Chairperson

The Appeal Commission
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Winnipeg, Manitoba R3C 3Z5
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Terry Sargeant, Chief Appeal Commissioner
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NEW BRUNSWICK

Workplace Health, Safety and Compensation Commission
1 Portland Street
P.O. Box 160
Saint John, New Brunswick E2L 3X9
(506) 632-2200
www.whscc.nb.ca
law: www.gov.nb.ca/justice/asrlste.htm
Douglas C. Stanley, President and CEO

NEWFOUNDLAND

Workplace Health, Safety & Compensation Commission
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Ann Marie Hann, CEO
Eric Bartlett, Executive Director of Corporate Services

NORTHWEST TERRITORIES

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NOVA SCOTIA

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www.wcb.ns.ca
Innis Christie, Chairman

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Katherine F. Carrigan,
Chief Appeals Commissioner

NUNAVUT

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Joanne Deneron, Chairperson

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200 Front Street W.
Toronto, Ontario M5V 3J1
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www.wsib.on.ca
David Williams, President

PRINCE EDWARD ISLAND

Workers' Compensation Commission
14 Weymouth Street, P.O. Box 757
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(902) 368–5680
Phil MacDougall, CEO & Board Secretary
Honorable Jim Lee, Chairman

QUÉBEC

Commission de la santé et de la sécurité du travail
1199 de Bleury Street
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www.csst.qc.ca
Treffié Lacombe, Chairman & CEO

SASKATCHEWAN

Workers' Compensation Board
1881 Scarth Street
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www.wcbsask.com
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YUKON

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401 Strickland Street
Whitehorse, Yukon Y1A 5N8
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http://www.wcb.yk.ca
Dale Schmekel, Chair

CANADA

Human Resources Development Canada
Federal Workers' Compensation Service
Ottawa, Ontario K1A 0J2
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Carol Chauvin Evans, Director

Merchant Seamen Compensation Board
Ottawa, Ontario K1A 0J2
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H.P. Hansen, Chairman

USCC 56048

ABBREVIATIONS AND COMPUTATIONS

Abbreviations

ALJ	Administrative Law Judge
AMA	American Medical Association
ANSI	American National Standards Institute
AWW	Worker's average weekly wage
C.M.S.C.A.	Canadian Merchant Seamen's Compensation Act
CPI	Consumer price index
F.E.C.A.	Federal Employees' Compensation Act
IME	Independent medical exam
MMI	Maximum medical improvement
MCO	Managed Care Organization
NAWW	National average weekly wage
O.W.C.P.	Office of Workers' Compensation Programs, U.S. Department of Labor
OP	Occupational Pneumoconiosis
PMI	Permanent Medical Impairment
PP	Permanent partial disability
PT	Permanent total disability
SAMW	State average monthly wage
SAWW	State average weekly wage
TP	Temporary partial disability
TPR	Temporary partial rehabilitation
TT	Temporary total disability

Computations — Monthly to Weekly

All benefits payable other than on a weekly basis have been converted to an equivalent weekly rate. There are several methods of conversion in use, which may cause slight differences in results. The Analysis attempts to follow the practice of the jurisdiction wherever possible.

1. A method widely used in Canada is to multiply the monthly benefit by 12, divide by 365, and multiply the result by 7. Example for a monthly benefit of $750:

$$\frac{\$750 \times 12}{365} \times 7 = \$172.60$$

2. A second method is to multiply the monthly benefit by 12 and divide by 52. Example:

$$\frac{\$750 \times 12}{52} = \$173.08$$

3. The third method is to divide the monthly benefit by 4.3 or a similar figure, because the average month contains 4.33 weeks. Example:

$$\frac{\$750}{4.3} = \$174.42$$

Next Edition of the Analysis

A complete revision of this publication is printed annually. The 2002 edition will be available in May 2002. It will reflect changes made in workers' compensation laws effective January 1, 2002.

USCC 56049

EXHIBIT 10

2003 Analysis of Workers' Compensation Laws

PECK EXHIBIT 10
Offered by Opposer, The Chamber of Commerce of the United States of America

The Chamber of Commerce of the United States of America v. United States Hispanic Chamber of Commerce Foundation
Opposition Number 91/156,321

USCC 56051

U.S. Chamber of Commerce
Statistics and Research Center

2003 Analysis of Workers' Compensation Laws

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FOREWORD

The 2003 edition of the *Analysis of Workers' Compensation Laws* offers an overview of workers' compensation statutes and is intended to provide both a comparison and an improved understanding of the various laws. Sixteen detailed charts are presented to aid employers, employees, insurance firms, agents, brokers, attorneys, physicians, and others in locating specific provisions of workers' compensation laws.

The *Analysis* tracks the laws of the 50 U.S. states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. Statutory provisions are also provided for the provinces and territories of Canada as well as the Canadian Merchant Seaman's Act.

Although the *Analysis* provides essential information needed daily throughout the business community, it should not be considered as an extraction of exact provisions found in statutory texts.

The information required to bring together this publication was supplied by government officials in the states and jurisdictions represented, legislative reporting services, insurance companies, and the U.S. Department of Labor. For further information about the *Analysis*, please contact the U.S. Chamber of Commerce, 1615 H Street, NW, Washington, D.C. 20062–2000 or phone (202) 463–5381.

All contributions to this publication are gratefully appreciated.

Updates to the Analysis

A complete revision of the *Analysis* is printed annually. The 2004 edition will be available in May 2004. It will reflect changes made in workers' compensation laws effective January 1, 2004. Mid-year revisions to the *2003 Analysis*, including updates for those jurisdictions with benefit level changes between publication and January 1, 2004, will be made available free of charge on the world wide web. For more information and the most recent updates to the *Analysis*, please visit www.analysisupdates.com.

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INTRODUCTION

Highlights of the 2003 Analysis

From 2002 to 2003, maximum income benefits for total disability increased an average of 3.4% in the United States, excluding the Federal Employees' Compensation Act (F.E.C.A.). The average maximum weekly benefit in the U.S. for 2003 is $610.96. Iowa makes the highest benefit payment (excluding F.E.C.A.), with a weekly maximum of $1,103. From 2002 to 2003, maximum income benefits for total disability increased an average of 2.1% in Canada. Canada's average maximum weekly benefit is $709.42 (Canadian dollars). Ontario is the province with the highest weekly payment at $983.06 (Canadian dollars).

Overview of the Analysis

The charts on the following pages present the statutory provisions of workers' compensation laws as of January 1, 2003 unless otherwise noted. The charts detail the provisions of the laws of the federal, state and territorial jurisdictions of the United States (including the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, the Federal Employees' Compensation Act (F.E.C.A.), and the Longshore and Harbor Workers' Compensation Act) as well as the federal, provincial and territorial laws of Canada (including the federal Merchant Seamen's Compensation Act).

The charts do not cover the federal Black Lung Act, the disability provisions of the Social Security program, the Federal Employers' Liability Act (Jones Act), or veterans' benefits. Also, please note that D.C. government employees are covered by a separate D.C. enactment that replaces the F.E.C.A. The law for D.C. government workers is not charted except where it differs materially from the F.E.C.A. Employees of the Canadian federal government are compensated under the Government Employees' Compensation Act, administered by Human Resources Development. Compensation is paid by the workers' compensation board for the province where the worker is usually employed. Government employees residing in the Northwest Territories, Nunavut, or the Yukon Territory may receive compensation in accordance with the Alberta Act. In view of this arrangement, the charts do not include the Government Employees' Compensation Act except where it differs materially from the provincial acts.

The charts are grouped in three categories:

- ✓ Coverage of Laws, listing the various requirements pertaining to employment, injuries and diseases (Part I);
- ✓ Benefits Provided, detailing the required income replacement benefits and medical benefits (Part II); and
- ✓ Administration of Laws, grouping the many administrative requirements and safeguards (Part III).

All provisions presented by the charts in the *Analysis* have required study and interpretation to reduce them to the brief statement found in the charts. In some instances space does not permit sufficient explanation to clarify all points. In such cases, it may be helpful to examine the text of the law.

History of Workers' Compensation and Employers' Liability

Workers' compensation laws are designed to provide satisfactory means of handling occupational disabilities. A 20th century development in North America, the laws evolved as the economy became more industrial and less agricultural. Before these laws were enacted, a well-established common-law principle held that a master or employer was responsible for injury or death of employees resulting from a negligent act. Thus, disabled workers who sued employers for damages had to prove their injuries were due to employer negligence — a slow, costly, uncertain legal process. As business enterprise and machine production expanded, the number of industrial accidents and personal-injury suits increased. At the close of the 19th century it was apparent that the accepted common-law defenses — contributory negligence, assumption of risk, negligent acts of fellow servants — operated too harshly on claims of disabled workers. The situation led to demands for legal provisions.

As a result, between 1900 and 1910 so-called employers' liability laws were adopted by many states. Although they tended to modify common-law defenses, they did not prove completely satisfactory; employees still had to prove employer responsibility and negligence. Other legal remedies were urged.

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A new answer was forthcoming. In 1911 the first workers' compensation laws were enacted in the United States on an enduring basis. The first comprehensive Canadian laws were enacted in 1915.

Today, each of the 50 states, as well as American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands, has a workers' compensation law. Federal workers' compensation laws have also been enacted, i.e., the District of Columbia Workers' Compensation Act, the Federal Employees' Compensation Act and the Longshore and Harbor Workers' Compensation Act — the latter providing for private and public employees in nationwide maritime work. Each of the Canadian provinces and territories has a compensation act or ordinance as well.

In essence, workers' compensation laws hold that industrial employers should assume costs of occupational disabilities without regard to any fault involved. Resulting economic losses are considered costs of production - chargeable, to the extent possible, as a price factor. The laws serve to relieve employers of liability from common-law suits involving negligence.

Six basic objectives underlie workers' compensation laws:

1. Provide sure, prompt, and reasonable income and medical benefits to work-accident victims or income benefits to their dependents, regardless of fault;
2. Provide a single remedy and reduce court delays, costs and workloads arising out of personal injury litigation;
3. Relieve public and private charities of financially draining incidents associated with uncompensated industrial accidents;
4. Eliminate payment of fees to lawyers and witnesses as well as time-consuming trials and appeals;
5. Encourage maximum employer interest in safety and rehabilitation through appropriate experience-rating mechanisms; and
6. Promote frank study of causes of accidents (rather than concealment of fault), thereby reducing the number of preventable accidents and consequent human suffering.

To what extent have the laws achieved their desired objectives? Answers to this question vary from state to state and depend on many factors, including the viewpoint of the appraiser.

However, a 1972 evaluation by the National Commission on State Workmen's Compensation Laws concluded that state laws were not living up to their potential, and the commission made 84 recommendations for the improvement of the system. Nineteen of these were labeled "essential." Despite this negative assessment, the Commission was convinced that workers' compensation is a fundamentally sound system and a valued institution in our industrial economy.

In January 1976, the policy group of the Inter-Agency Workers' Compensation Task Force, with members from several U.S. government departments and agencies, reported its findings on the need for reform of state workers' compensation programs. Essentially, the Task Force found existing programs must be reformed to bring about more effective management at the state level, with the federal government monitoring progress and providing technical assistance. The group felt that, without a reordering of priorities and a new mode of operation, workers' compensation would become more expensive, less equitable, and less effective. After completing its mission, the Task Force was merged with the Division of State Workers' Compensation Standards in the Office of Workers' Compensation Programs, U.S. Department of Labor.

The constructive criticism rendered by the Commission and the Task Force gave new impetus to the development and growth of workers' compensation laws, and these laws now enjoy a more prominent role within the social insurance system of the United States. The National Commission and the Task Force both rejected proposals to replace the various state programs with one federal program. Nevertheless, legislation has been introduced in the U.S. Congress for the past several years to give the federal government a direct role in the state systems by federally mandated "minimum standards." There has never been sufficient support for these bills to move them beyond the committee level.

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PART 1 — COVERAGE OF LAWS

A basic and oft-repeated objective of workers' compensation, where there is broad agreement, is that coverage under the acts should be virtually, if not completely, universal. For various historical, political, economic or administrative reasons, no state law covers all forms of employment.

To aid employers in delineating the employment coverage requirements, Charts I, II, and III outline the stipulations of the various jurisdictions.

Another basic objective for workers' compensation is to provide compensation for all work-related injuries and diseases. Note that workers' compensation does not seek to cover all worker health problems. To make this distinction, fairly uniform statutory definitions and tests have been adopted in each state. Typically the statute limits compensation benefits to 'personal injury caused by accidents arising out of and in the course of employment.'

Although the test is fairly uniform, its interpretation has not resulted in completely uniform coverage of injuries and diseases. Initially, this problem was remedied by providing coverage for specific occupational diseases. With advances in medical technology and increased exposures to a growing number of substances with a variety of physical stresses, it became impractical to define work-related diseases by specific enumeration. States have therefore amended their statutes to provide coverage of all occupational diseases. Chart IV portrays this shift in the laws, with every state and nearly every provincial law recognizing all occupational diseases.

Type of Law and Insurance Requirements (Chart I)

Compensation laws are *compulsory* or *elective*. Under an elective law, the employer may accept or reject the act, but if rejected the employer loses the three common-law defenses — contributory negligence, assumption of risk, and negligence of fellow employees. Practically, this means that all laws, in effect, are 'compulsory.' A compulsory law requires each employer within its scope to accept its provisions and provide for benefits specified.

Suits for Damages — Under workers' compensation acts, employers generally are exempted from damage suits. Where an employee rejects the act, and sues an employer who has accepted it, the employer usually retains the three common-law defenses. Conditions for rejection of the act often are so severe as to make the privilege virtually inoperative. In a few states, however, courts have created exceptions to the exclusive remedy rule under certain circumstances.

Security for Payment of Benefits — Most jurisdictions require employers to obtain insurance and prove financial ability to carry their own risk.

Chart I notes provisions relating to:

- ✓ Insurance requirements;
- ✓ Penalties for failure to insure; and
- ✓ Whether self-insurance or group self-insurance is permitted.

The U.S. Chamber of Commerce advocates that employers be permitted to buy private insurance if they so desire and that employers who qualify are allowed to be self-insurers. Chamber policy states:

> *'Insurance is an integral part of private enterprise. Insurance should not be regarded as a function to be carried on by the government, and insurance monopolies carried on by governmentally created entities should not be permitted.'*

Self-Insurers — Some large corporations prefer to assume liability for workers' compensation and avoid administrative costs associated with insurance policies.

Self-insurance operates best when an employer has a spread of risk so large that the employer may benefit from the law of numbers. It is necessary and desirable that self-insurers establish their own protective services. Also, the self-insurer may have to retain attorneys and doctors to handle problems incident to claims and medical and legal services.

Self-insurance is permitted in most U.S. states but none of the 3 U.S. territories covered, as shown in Chart I. Chart I also reflects those states that specifically authorize group self-insurance.

Employers may set up a reserve fund for self-insurance to pay compensation and other benefits under the workers' compensation acts of the states. Contrary to the treatment accorded in insurance premiums, amounts paid into this reserve fund are not always deductible from gross income as a business expense for income tax purposes. However, amounts paid out — as cash or medical benefits — are deductible. In many cases, insurance is purchased because such purchase can dispose of the item of expense and future cost in the current year.

Coverage of Laws (Chart II)

Virtually all industrial employment is covered by workers' compensation. Chart II shows this is in detail; it also indicates the extent of coverage for public employment.

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Some jurisdictions cover all private employment; others exempt those with less than a stipulated number of employees. Most jurisdictions specifically exclude certain employments. Due to the nature of the work, farm labor, domestic servants and casual employees are usually exempted. Most jurisdictions permit employees in an exempted class to be brought in voluntarily by the employer or the administrative agency order.

Many jurisdictions provide workers' compensation for all or certain classes of public employees.

Merchant marine and railroad workers in interstate commerce generally are not covered by workers' compensation acts and may seek damages under the Federal Employers' Liability Act.

Coverage of Minors (Chart III)

Minors are covered by workers' compensation. Some jurisdictions provide double compensation or added penalties — as shown in Chart III. In many states, minors also enjoy special legal protections. These are specifically noted for each state.

Coverage of Occupational Diseases (Chart IV)

Although workers' compensation laws initially had no specific provisions for occupational diseases, now all states recognize responsibility for them. Coverage extends to all diseases arising out of and in the course of employment. Most states do not provide compensation for a disease that is an 'ordinary disease of life' or which is not 'peculiar to or characteristic of' the employee's occupation.

Chart IV outlines provisions governing occupational disease in each jurisdiction. Generally, compensation is the same as for traumatic injuries (see Part II). Medical care is unlimited. A few states that do not provide permanent partial disability benefits for certain diseases are charted under the heading 'Compensation.'

Occupational diseases usually become evident during employment or soon after exposure. However, as with radiation disabilities, certain diseases may be latent for a considerable time. As Chart IV notes, most states have extended periods in which claims may be filed concerning latent, slowly developing occupational diseases.

Some states impose special restrictions regarding disability resulting from exposure to coal, dust, asbestos, silica or radiation. A number of states have established presumptions for police and fire fighters who have heart attacks or respiratory conditions, but no attempt is made to chart them.

Occupational Hearing Loss (Chart V)

The difficulty of distinguishing between work-related permanent hearing loss and loss of hearing caused by nonoccupational factors has resulted in enactment of special provisions in certain states, as shown in Chart V. Entries include the threshold for compensable loss of hearing, minimum exposure requirements and deductions for loss caused by aging (presbycusis).

Other Considerations

A. Accident Prevention — The encouragement of safety is another basic objective of workers' compensation. The effort to reduce the frequency and severity of work-related injuries is accomplished in at least two ways.

First, the workers' compensation program provides employers with preventive services, including safety engineering. This role is assumed by casualty insurance carriers, employers, state funds, and safety agencies. A second general role is to provide a monetary incentive to employers to improve their safety records. The insurance premium structure is a primary incentive for an improved safety record.

Costs of accident-prevention services are included in workers' compensation insurance premiums. Casualty insurance engineers help in setting up accident-prevention programs. Such programs contribute to lower insurance rates, increased production efficiency, and better use of manpower. Of course, the greatest benefit is the strong decrease in industrial accidents by the effective loss-prevention engineering methods.

B. Ratemaking Service Organizations — Premium rates for workers' compensation insurance are compiled scientifically. Accident experience throughout the U.S. business community is collected by data service organizations. Member companies of these organizations report expenses incurred under workers' compensation policies.

In states that follow the traditional process for establishing rates, the data organization prepares a statistical analysis that includes a manual rate. The manual rate incorporates factors that cover claims costs ('loss costs'), taxes and assessments, expenses, and profit. In other states, the statistical analysis prepared by the data organization typically includes only the portion of the rate that covers loss costs and taxes, and each insurer is individually responsible for preparing its own final rates. In these states, the statistical organization prepares a manual rate only for employers insured through an assigned risk pool or similar residual market mechanism. Whether a state uses a final rate or loss costs system, the statistical analysis based

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on collective activity is subject to review by each state's insurance regulatory authority to assure that rates are not excessive, inadequate, or unfairly discriminatory.

Once overall rates are established, they are applied under a uniform classification system that groups employers by the level of hazard associated with their type of employment. In addition, the uniform experience rating plan provides a price adjustment for each employer based on the actuarially predictive value of its own claims history. All but the smallest employers are subject to experience rating, which furnishes direct monetary incentive for safety and prompt re-employment. Most states also permit other forms of pricing adjustments, such as retrospective rating, deductible plans, discounts, and loss sensitive dividend plans.

Manuals prepared by data organizations are standard with all insurance companies writing business in each state where such organizations are licensed. These manuals set forth rules, procedures, and rates of loss costs applicable to workers' compensation insurance. Revised compensation rates and supporting data are filed annually with it; often, public hearings are held before rates are revised. All states now provide for rate regulation by state authority. In Canada, rates are in the form of an assessment — established by each provincial compensation board annually by class of risk. As set forth in these manuals, compensation rates are based on payroll. Usually only an estimated premium is collected when the policy is written. After the policy expires, a payroll audit is required. The actual premium is then figured and adjustments made.

C. Injuries Outside the Jurisdiction — Frequently, when a worker's occupation takes the worker into another jurisdiction, questions arise as to which law determines compensation payable. In effect, most compensation laws are extraterritorial — either by specific provisions or court decision. Answers depend on the provisions of the particular laws involved and require consideration of several circumstances — such as the place and nature of employment, place where the contract was made, employee's residence and employer's place of business.

D. Civil Defense and Other Volunteers — Many states have laws to compensate civil defense and other volunteer workers, such as fire fighters, injured in the line of duty. Attention is called to these laws, but no attempt is made to chart their provisions.

E. Black Lung Act — The federal Black Lung Act (Title IV of the federal Coal Mine Health and Safety Act of 1969, as amended in 1972, 1977, 1978 and 1981) provides benefits for total disability or death caused by respiratory illness attributable to coal mining (black lung disease). The Act is administered by the Division of Coal Mine Workers' Compensation in the U.S. Department of Labor's Office of Workers' Compensation Programs and by the Social Security Administration.

Monthly benefit rates for calendar year 2003 range from $534.00 to $1,069.00 in addition to annual cost-of-living adjustments.

A Black Lung disability Trust Fund, financed by an excise tax on coal production, was set up by the 1978 amendments to pay claims when the last employment was prior to 1970 or where no responsible coal mine operator has been identified.

F. Social Security Disability — The federal Social Security Disability program pays benefits on behalf of disabled workers under age 65 whose disability is expected to last 12 months or result in death. A worker becomes eligible after a minimum period of employment covered by Social Security, measured in calendar quarters. There is a five-month waiting period.

Cash benefits are payable monthly based on wages in covered employment, plus allowances for spouse and children. In December 2002, the average monthly benefit was $833 for disabled workers, which includes a 1.4% Cost-of-living increase based on the Consumer Price Index.

Benefits are paid out of the Disability Trust Fund, financed from the federal Social Security tax.

On October 25, 1999 the Social Security Administration revised the medical criteria for determination of disability according to 64FR 46122.

Combined Social Security disability and workers' compensation benefits may not exceed 80 percent of 'average current earnings' prior to disability. The Omnibus Budget Reconciliation Act of 1991 requires that Social Security disability benefits supplement workers' compensation unless state law provided for a reverse offset on or before February 18, 1981.

Chart I — Type of Law and Insurance Requirements

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Alabama	Compulsory	Required	Individual and group	Fine of not less than $100 nor more than $1,000. Employer may be enjoined from doing business and liable to suit with defenses abrogated and double amount of compensation.
Alaska	Compulsory	Required	Permitted	Class B or C felony (up to 1 year imprisonment, $10,000 fine, or both). Board may enjoin use of labor. Employer liable to suit with defenses abrogated, and employer negligence presumed proximate cause of injury. Individuals in charge of corporation personally liable for compensation.
Arizona	Compulsory	Required	Individual and group	Employer liable to suit with defenses abrogated. $500 civil penalty plus a 10% penalty on all claim expenses. Award paid by Special Fund. Injunction against doing business in state.
Arkansas	Compulsory	Required	Individual and group[1]	Fine up to $10,000 or Class D Felony; employer liable to suit with defenses abrogated; Possibly enjoined from engaging in further employment.
California	Compulsory	Required	Individual and group	The failure to secure the payment of compensation, as required by one who knew, or because of his or her knowledge or experience should be reasonably expected to have known, of the obligation to secure the payment of compensation, is a misdemeanor punishable by imprisonment in the county jail for up to one year, or by a fine of up to ten thousand dollars ($10,000), or by both imprisonment and fine. Employer may be enjoined from doing business. Mandatory penalty upon issuance of stop order is $1,000 per employee. Failure to obey a stop order is a misdemeanor; penalty is up to $10,000, imprisonment up to 60 days, or both. $500 penalty for failure to respond to Director's inquiry. Upon final adjudication of a claim, the uninsured employer shall be assessed: (a) in noncompensable cases, $2000 per employee employed at the time of injury, or (b) in compensable cases, $10,000 per employee employed. The maximum shall be $100,000. Payments are credited to the Uninsured Employer Fund of the State Treasury. New law (amendment to Labor Code 3722) on penalties for uninsured employers provides that: At any time that the director determines that an employer has been uninsured for a period in excess of one week during the calendar year preceding the determination, the director may issue and serve a penalty assessment order requiring the uninsured employer to pay to the director for deposit in the State Treasury to the credit of the Uninsured Employers Fund, the greater of (1) twice the amount the employer would have paid in workers' compensation premiums during the period the employer was uninsured, determined according to subdivision (c), or (2) the sum of one thousand dollars ($1,000) per employee employed during the period the employer was uninsured. A penalty assessment issued and served by the director pursuant to this subdivision shall be in lieu of, and not in addition to, any other penalty issued and served by the director pursuant to subdivision (a). (c) If the employer is currently insured, or becomes insured during the period during which the penalty under subdivision (b) is being determined, the amount an employer would have paid in workers' compensation premiums shall be calculated by prorating the current premium for the number of weeks the employer was uninsured. If the employer is uninsured at the time the penalty under subdivision (b) is being determined, the amount an employer would have paid in workers' compensation premiums shall be calculated by applying the weekly premium per employee calculated according to subdivision (d) of Section 11734 of the Insurance Code to the number of weeks the employer was uninsured. Each employee of the uninsured employer shall be assumed to be assigned to the governing classification for that employer as determined by the director after consultation with the Insurance Commissioner. If the employer contends that the assignment of the governing classification is incorrect, or that any employee should be assigned to a different classification, the employer has the burden to prove that the different classification should be utilized.
Colorado	Compulsory	Required	Individual company and group	Compensation increased 50% or employer liable to suit with defenses abrogated (at option of employee). Employer may also be enjoined from doing business or fined up to $500 per day for failing to insure, not to exceed the annual premium.
Connecticut	Compulsory	Required	Permitted	Fine of not more than $50,000 for failure to insure. Employer may be enjoined from entering into any contracts of employment.
Delaware	Compulsory	Required	Individual and group	Fine of $1 per day per employee (minimum $25 per day); if default continues for 30 days employer may be enjoined from doing business. Employer liable to suit with defenses abrogated.
District of Columbia	Compulsory	Required	Permitted	Civil fine of not less than $1,000 and not more than $10,000.
Florida	Compulsory	Required	Individual and group[2]	Fine of $1,000 or twice the amount the employer would have paid during periods it illegally failed to secure coverage in the preceding 3–year period, whichever is greater. Failure to provide coverage is deemed an immediate and serious danger to public health, safety, or welfare sufficient to justify stop-work order issuance and $100 daily penalty until compliance is achieved. Subject to prosecution for third degree felony for knowingly failing to secure coverage if required.
Georgia	Compulsory	Required	Individual and group	Misdemeanor. Compensation may be increased 10% plus attorney's fees. Penalty up to $5,000 per violation.
Guam[33]	Compulsory	Required	Not permitted	Uninsured employers may be sued at law or in admiralty. Insured employer liability is exclusive for contribution among joint tort feasors against the employer.

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Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Idaho	Compulsory	Required	Permitted	Misdemeanor. Employer may be liable for penalty of $2 per day peremployee or $25 per day, whichever is greater, for each day failure continues. May be enjoined from doing business. Additional penalties include $500 for the second violation and $1,000 for subsequent violations.
Indiana	Compulsory	Required	Permitted[3]	Class A infraction — maximum fine $10,000. Uninsured employer may be liable for medical and legal expenses, plus double compensation and may be enjoined from doing business.
Kansas	Compulsory	Required	Individual and group	Employer liable to suit. Penalty may be double the amount the premium would have been or $25,000, whichever is greater.
Louisiana	Compulsory	Required	Individual and group	Compensation increased 50% and civil fine up to $10,000 ($250 for first offense and $500 for each additional employee). Employer may be enjoined from doing business. Willful failure to insure is a felony, and is subject to a criminal fine up to $10,000 and one year at hard labor. Willful misrepresentation is a felony subject to a criminal fine up to $10,000 and 10 years at hard labor.
Maryland	Compulsory	Required	Individual and group[4]	Assessment against uninsured employers of at least $150 but not exceeding $500 and 15% of any award made in the claim not to exceed $2,500. Non-Insured Employer guilty of misdemeanor and upon conviction subject to fine not to exceed $5,000 or one year imprisonment or both. Employer loses exclusivity of remedy protection and if sued in tort the defenses of contributory negligence and assumption of risks are abrogated. Other insurer assessed to pay unpaid claims of insolvent insurer payable into Uninsured Employers' Fund.
Michigan	Compulsory	Required	Individual and group	Fine of not more than $1,000 per day or imprisonment for not more than 6 months, or both; employer liable for damages.
Mississippi	Compulsory	Required	Individual and group[5]	Fine up to $1,000 or 1 year imprisonment or both, civil penalty up to $10,000. Employer also liable to suit with defenses abrogated.
Montana	Compulsory	Required	Individual and group[7]	Employer enjoined from doing business. Double amount of unpaid premiums assessed as penalty (minimum $200). Employer liable for all benefits paid, or to be paid to injured worker. Employer automatically negligent if no coverage obtained. Penalties payable to Uninsured Employers' Fund.

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Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Nevada	Compulsory	Required	Individual & Group	An employer who fails to obtain or maintain coverage is liable to suit by the injured employee or his dependents; if the injured employee elects to be covered by the Uninsured Employers' Claim Fund, the employer is liable for claim costs, administrative fees, interest, attorney's fees and costs, and an 'administrative fine of not more than $10,000.' The employers business may be closed; employer is liable for a penalty equal to the premiums that would have been owed for the period of non-insurance but not to exceed 6 years and interest. A first offense is generally a misdemeanor; however, if an employee in the course and scope of employment suffers 'substantial bodily harm' or is killed during the period of non-coverage, it is a category C felony, punishable by imprisonment between 1 and 5 years and a fine between $1,000 and $50,000. A second failure to provide or maintain insurance coverage is a category C felony.
New Hampshire	Compulsory	Required	Individual and group	Penalty of $2,500 plus $100 per employee per day. Employer may be enjoined from doing business and injured worker may sue for damages. Employer shall be guilty of a misdemeanor.
New Jersey	Elective[9]	Required	Permitted	Uninsured employers are subject to a disorderly person's offense, an initial penalty of $1,000 as well as an assessment of 15% of any award, of which the amount of the assessment is not to exceed $5,000. Willful failure to provide insurance is a crime of the fourth-degree. An assessment of $1,000 may be imposed for every 10–day period that insurance is not provided.
New Mexico	Compulsory	Required	Individual, group, and pools[10]	Employer may be enjoined from doing business and fined up to $1,000 for each instance of non-compliance.
New York	Compulsory	Required	Individual and group	Fine of $500 to $2,500 or imprisonment for up to 1 year, or both, with fines to $7,500 for repeated offenses. Employer liable to suit with certain special defenses abrogated. Additional fine of $250 for each 10–day period of no coverage, or a sum not to exceed 2% of payroll for period of no coverage.[11]
North Carolina	Compulsory	Required	Individual and group[12]	Misdemeanor punishable by penalty of $1.00 per day per employee (maximum $100, minimum $50 per day), imprisonment, or both. Employer liable to suit with common law defenses abrogated.
North Dakota	Compulsory	Required in state fund	Not permitted	Class A Misdemeanor. If the difference is more than $500 it is a class C felony. $2,000 fine plus 3 times the difference between premium paid & amount that should have been paid. Uninsured employer liable for damages for injuries or death and cannot avail himself/herself of common law defense. Employer may be enjoined from employing uninsured workers.
Ohio	Compulsory	Required in state fund	Permitted	Minor misdemeanor — fine up to $100. If willful, second-degree misdemeanor — fine up to $750, imprisonment up to 90 days, or both. Employer may be enjoined from doing business. Employer is also liable to suit with defenses abrogated.
Oklahoma	Compulsory	Required	Individual and group	Civil penalties are a fine up to $250 per employee for first offense, up to $1,000 per employee for second offense, with the maximum fine for all violations being $10,000. Criminal penalty is conviction of misdemeanor subject to a fine of not more than $1,000 or up to 6 months in jail, or both. The Commissioner of Labor can issue cease-and-desist order against an employer who is cited for 2 offenses of failing to obtain workers' compensation insurance.
Oregon	Compulsory	Required	Individual and group	Employer is liable to suit with defenses abrogated. Enjoined from hiring workers. Liable for payment of all claims plus administrative costs. Minimum fine of $1,000 for first violation or twice the amount of premium evaded, whichever is greater, to $250 per day for subsequent violations; additional fines to $5,000 based on extent of injury.
Pennsylvania	Compulsory	Required	Permitted	It is a third-degree misdemeanor offense for an employer not to carry workers' compensation insurance. Fines of up to $2,500 and/or one year in prison for each day of non-coverage can be imposed for noncompliance with the law. If the failure to insure is intentional, the offense is considered a third degree felony with fines of up to $15,000 and 7 years in prison per day of non coverages. Any party may file a criminal complaint against an uninsured party with the county district attorney's office.
Puerto Rico[13]	Compulsory	Required in territorial fund	Not permitted	Misdemeanor, fine of $1,000 maximum, or imprisonment for not more than 6 months, or both. Employer liable to suit with defenses abrogated. Penalty 30% of compensation (minimum $10.00). Detention of construction work.
Rhode Island	Compulsory	Required	Individual and group	Misdemeanor. Fine of $500 to $1,000 per day of noncompliance and/or imprisonment for one year. Corporate officers liable personally.
South Carolina	Compulsory	Required	Individual and group	If employer fails to insure, fine of 10 cents per day per employee (maximum $50, minimum $1 per day). Employer liable to suit with defenses abrogated. Willful failure to insure is misdemeanor punishable by fine of $100 to $1,000, or imprisonment of 30 days to 6 months, or both.
South Dakota	Compulsory	Required	Individual	Employer liable to suit for damages or double compensation and medical care as benefits.
Tennessee	Compulsory	Required	Individual and group	Administrative fine of $5,000 for every 30 days of willful refusal and noncompliance. Employers may be penalized 25% of medical costs in cases of bad faith failure or late payments.
Texas	Elective[13]	Required[14]	Permitted[15]	Employer liable to suit with defenses abrogated.

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Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Utah	Compulsory	Required	Permitted	Minimum fine of $1,000 but not more than 3 times the premium, employer would have paid during period of noncompliance. Employer liable to suit with defenses abrogated. Costs and attorney's fees in civil suit. Employers and officers guilty of a misdemeanor. Employer liable for all compensation paid from Uninsured Employers' Fund plus interest, costs, and attorney's fees.
Vermont	Compulsory	Required	Permitted	Failure to secure compensation — fine up to $50 per day, up to a maximum of $5,000. Fine increases to $150 per day 5 days after notice by Commissioner.
Virgin Islands	Compulsory	Required in territorial fund	Not permitted	Employer liable for compensation and expenses plus penalty equal to 30% of compensation and expenses. Employer liable to suit with defenses abrogated. Fine up to $500 or imprisonment up to 6 months, or both. Interest on premiums in default. Employer may be enjoined from doing business.
Virginia	Compulsory	Required	Individual and group	Civil penalties of $500 to $5,000. Employer liable to suit with certain defenses abrogated and may be enjoined from doing business. Intentionally uninsured employer commits Class 2 misdemeanor.
Washington	Compulsory	Required in state fund	Permitted[16]	Claim cost penalty = 50% to 100% of the cost of the injury; unregistered penalty = $500 or twice the unpaid premium, whichever is greater.
West Virginia	Compulsory	Mandated state fund	Permitted through state fund approval	Employer liable to suit with defenses abrogated; all past premium taxes, interest and penalties may be enjoined from doing business in the state; Willing failure or false reporting is a felony with imprisonment up to 10 years and fine of $2,500 to $10,000.
Wisconsin	Compulsory	Required	Permitted	Fine of twice the amount of premium not paid during an uninsured time period or $750, whichever is greater. Under certain circumstances, an employer can be subject to a penalty of $100 for each day that he/she is uninsured up to 7 days. Employer may be restrained from doing business pending compliance. Employer is liable for all benefits awarded on uninsured claims.
Wyoming	Compulsory[17]	Required	Permitted if work is determined to not be extra-hazardous[17]	Fine of not more than $750 for first conviction; fine of not more than $10,000 for second conviction or subsequent convictions, plus .02% interest per month or $50 per month, whichever is greater, on unpaid balance. Employer may be enjoined from doing business and liable to suit with defenses abrogated.
FECA	Compulsory	Federal appropriation		
Longshore Act	Compulsory	Required	Permitted	Fine of not more than $10,000 or 1 year in prison, or both, for each Corporate Officer, for failure to secure payment of compensation.
Alberta	Compulsory	Required in provincial fund	Not permitted	Fine of up to $25,000.00 plus additional penalties in the discretion of the Board for failure to pay premium. Security may be required in cases of nonpayment. Where security is not furnished, the Board may order the employer to cease employment of workers.
British Columbia	Compulsory	Required in provincial fund	Not permitted	Penalty of 8% of amount due, plus 1% per month thereafter, plus full amount or capitalized value of compensation payable. Penalty can be relieved in whole or in part if default was excusable. Minimum penalty $25.00. May be liable for retroactive assessment and total costs of injury that occurred prior to registration.
Manitoba	Compulsory	Required in provincial fund	Permitted[18]	Penalty for late filing of payroll return is 5% of employer's assessment; penalty for failure to submit return is 10% of employer's assessment. Inaccurate reporting may result in a penalty of 15% of the difference between the amount reported by the employer and the amount determined by the Board. In all cases, maximum penalty is $5,000.
New Brunswick	Compulsory	Required in provincial fund[19]	Permitted for Federal and Provincial Crown	Failure to submit statement of wages: employer liable for assessment backdated to mandatory coverage date plus maximum penalty of $500; Late filing penalty, 5% if received prior to April 15th and 10% afterwards, to a maximum of $500 in each industry; failure to pay assessment, employer liable for compensation payable plus interest and costs of collection.
Newfoundland	Compulsory	Required in provincial fund	Permitted with agreement of Commission	Maximum penalty $2,000 for failure to submit statement of wages. Failure to pay assessment results in assessment plus costs of collection and a percentage penalty. Employer may be held liable for costs of claims or injuries during period of default.
Northwest Territories	Compulsory	Required in territorial fund		Failure to submit statement of wages or to pay assessment — employer liable for compensation payable and assessment plus percentage of assessment as penalty established by Board or regulations.
Nova Scotia	Compulsory	Required in provincial fund	Permitted for provincial crown	Coverage backdated and penalty charged on outstanding assessment equal to 10% of assessment owed. If employer registers as a result of filing a claim, the cost of the claim will be charged.
Nunavut	Compulsory	Required in territorial fund		Failure to submit statement of wages or to pay assessment — employer liable for compensation payable and assessment plus percentage of assessment as penalty established by Board or regulations.
Ontario	Compulsory	Required in provincial fund	Permitted[20]	Failure to submit statement of wages upon commencing operations and at other required times — penalty plus liability for additional percentage of assessment and costs of claim at discretion of Board.

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Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Prince Edward Island	Compulsory	Required in provincial fund	Permitted for Federal and Province Government	$100/week that the return payment or report is not made. Failure to pay assessment — employer may be prevented from operating.
Québec[21]	Compulsory	Required in provincial fund	Not permitted[21]	Failure to submit statement of wages following the opening of the file with the Board or at other specified times will cause the interests to be calculated and charged to the concerned employer.
Saskatchewan	Compulsory	Required in provincial fund	Not permitted	Failure to submit statements of wages upon commencing operations or at other required times — maximum fine $1,000. Also liable to pay an additional percent of the assessment as penalty or interest on the amount of assessment as fixed by the Board.
Yukon Territory[22]	Compulsory	Required in territorial fund	Not permitted	The maximum fine is $5000 or six months imprisonment or both. The employer may also be prevented from operating.
Canadian Merchant Seaman's Act	Compulsory	Required	At discretion of Board	Failure to insure or cover by other means satisfactory to the Board may cause ship to be detained by Customs.

Notes

[1]Arkansas — Municipalities with population of more than 70,000 may self-insure on individual or group basis.

[2]Florida — Application for workers' compensation coverage under a group self-insurance fund must contain the following statement: 'This is a fully assessable policy. If the fund is unable to pay its obligations, policyholders must contribute on a pro rata earned premium basis the money necessary to meet any unfilled obligations.'

[3]Indiana — Except as to state and political subdivisions, banks, trust companies, and savings and loan associations. These entities are self-insured by statute.

[4]Maryland — Eligibility for group self-insurance is limited to counties, municipalities, Board of Education, Community Colleges, and certain private employers.

[5]Mississippi — All self-insurers must be members of the Mississippi Workers' Compensation Self-Insurer Guaranty Association.

[6]Missouri — Employers engaged in mining must insure only to the extent of maximum liability for 10 deaths in any one accident.

[7]Montana — Private employers and public entities, other than state agencies, may establish individual or group self-insurance funds.

[8]Nebraska — Group self-insurance permitted for any two or more public agencies.

[9]New Jersey — Statutory presumption of compulsory inclusion in every contract of hire since July 4, 1911. Coverage may be terminated by either party upon notice in writing prior to any accident. Permits ten (10) or more employers licensed by the State as hospitals to group self-insure.

[10]New Mexico — Group means a not-for-profit unincorporated association consisting of two or more public hospital employers or private employers, which are engaged in the same or similar type of business as defined by the NM Workers' Compensation Administration Rules. See NMSA 52-6-2B.

[11]New York — President, secretary and treasurer of a corporation are criminally liable for their failure to obtain coverage and are personally liable for penalties. Corporate officer who failed to obtain insurance is ineligible for benefits out of Uninsured Employers' Fund for self, surviving spouse, or dependents.

[12]North Carolina — All individual and group self-insurers must be members of North Carolina Self-Insurance Guaranty Association as a condition of authority to self-insure.

[13]Texas — Coverage is mandatory for Carriers (Article 911–A, Sec. II, Motor Bus Transportation and Regulations by the Railroad Commission).

[14]Texas — If employer accepts.

[15]Texas — Except for state and political subdivisions. Self-insurance is permitted upon Commission's approval of each inquiry.

[16]Washington — Group self-insurance permitted for school districts and hospitals.

[17]Wyoming — Coverage is compulsory for 'extra-hazardous' industries and occupations only. Private insurers allowed to write coverage for industries and occupations not considered extra hazardous, however, only state fund allowed to provide immunity to lawsuit by injured workers.

[18]Manitoba — Employers or industries included in Classes A, B, C, or D are permitted to self-insure. Self-insurers include employers or industries such as railways, provincial and federal governments, an airline and the largest municipality.

[19]New Brunswick — Subject to approval of Lt. Gov.-in-Council, Board may make arrangement for insurance or reinsurance.

[20]Ontario — Employers defined as Schedule 2 employers under the Ontario Workplace Safety and Insurance Act are self-insured.

[21]Québec — Permitted only for employer operating an interprovincial or international railway transport or shipping firm, under the special provisions for employers held personally responsible for the payment of benefits.

[22]Yukon Territory — The Yukon legislation changed as of April 1, 2000.

[23]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

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Chart II — Coverage of Laws

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Alabama	Compulsory as to employers of 8 or more. Elective as to partners or sole proprietors. Corporate officers may reject.	Compulsory as to all public employments except municipalities with a population of less than 2,000. Certain school systems and institutions covered.[3]	Domestic servants and casual employees, owner/operator or leased operator of common carriers engaged in interstate commerce, farm laborers, U.S. and State government.	Voluntary for employers of less than 5, including farmers and volunteer fire departments.[3]
Alaska	Compulsory as to most employment. Officers of a for-profit corporation may elect to waive coverage. Sole proprietors, partners and executive officers of non-profit organizations are not covered but may choose to buy coverage.	Compulsory as to state and political subdivisions, members of state boards and commissions, members of state-organized militia, and volunteer medical technicians. Voluntary as to executive officers of municipal corporations.	Part-time baby sitters, cleaning persons, harvest help, or similar transient help; entertainers and certain sports officials employed on contractual basis; commercial fishers; and certain taxicab drivers.	Executive Officers of a charitable, religious, educational, or other nonprofit corporations may elect not to be covered.
Arizona	Compulsory as to all employments. Elective for working partners. Employee may reject.	Compulsory as to state, counties, cities, towns, municipal corporations, school districts, and volunteers enumerated by statute.	Domestic servants, casual employees and real estate licensees.	Voluntary as to sole proprietors and employers of domestic servants. Motion picture business employers and employees may be exempted from law provided equal benefits are provided by insurance in domicile state.
Arkansas	Compulsory as to employers of 3 or more. Partners or sole proprietors may opt out of coverage for themselves only.	Compulsory as to state agencies, departments, institutions, counties, and cities and towns. Excludes workfare recipients, and incarcerated prisoners doing work for cities, counties, or the state.	Farm laborers; domestic servants; casual workers; nonprofit religions, charitable or relief organizations; vendors or distributors of newspapers, other publications; qualified real estate agents; and individuals with certificate of non-coverage.	Voluntary as to excepted employments. Compulsory for employments in which 2 or more employees are engaged in building or building repair work; in which 1 or more employees of a contractor who subcontracts any part of a contract; and in which 1 or more employees is employed by a subcontractor.
California	Compulsory as to all employments. Elective for working members of a partnership and for working officers and directors of a private corporation who are sole shareholders.	Compulsory as to all public employments except clerks and deputies serving without remuneration, and to regional occupational centers, programs or school districts offering training to pupils outside attendance area as to enrolled pupils.	Charity workers and volunteer member workers at camps, etc., operated by nonprofit organizations; employer-sponsored bowling teams; domestics who work less than 52 hours during preceding 90 days or earn less than $100; students in sport events (excludes amateur athletic participants who are not employees).	Voluntary as to excepted employments and sponsoring agencies of Economic Opportunity Programs. Employer not liable for injury due to off-duty recreational, social, or athletic activity not part of work-related duties. Student apprenticeship programs registered by the Division of Apprenticeship Standards of the Department of Industrial Relations are considered employers of registered student apprentices. Volunteers for State agencies involved in disaster preparedness for the year 2000 are deemed disaster service workers for the purpose of the Workers' Compensation Act.
Colorado	Compulsory as to all employments. Corporate officer or member of a Limited Liability Company who is 10% shareholder may reject coverage. Elective as to working general partners or sole proprietor.	Volunteers in members of most localities are covered if locality adopts a resolution stating they are covered. Compulsory as to all salaried public employments. Job trainees deemed employees of training institution.	Part-time domestic workers;[4] casual farm and ranch employers expending less than $2,000 per year. Volunteer ski patrol and instructors; independent real estate salespersons and brokers, and independent truckers.	All farm laborers covered. Officers of farm corporation may reject coverage.
Connecticut	Compulsory as to all employments. Corporate officer may reject. Elective as to sole proprietors or partners.[5]	Compulsory as to all state, public corporations, and members of General Assembly. Municipalities may elect coverage of elected and appointed officials, police, and fire fighters.	Casual employees, outworkers,[3] domestics employed less than 26 hours weekly, officers of fraternal organizations paid less than $100 per year.	Voluntary as to excluded employments.
Delaware	Compulsory as to all employments. Up to 8 Corporate officers/stockholders may reject. Sole proprietors, partners, or members of their immediate families may elect to be exempt from coverage.	Elective as to state and certain counties, cities, and towns.	Domestic servants; casual employees earning less than $750.00 in 3 months from 1 household; farm laborers.	Elective as to licensed real estate brokers.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
District of Columbia	Compulsory as to all employments.	Separate act is compulsory for all public employments, except officers or employees of the United States, state or foreign government, and uniformed D.C. police or fire fighters.	Farm laborers, casual employees, master or crew of any vessel, and employees of common carrier by railroad in interstate commerce and commission real estate brokers and salespersons.[9]	Domestic workers covered if employer employs 1 or more for 240 hours or more in a calendar quarter. Act applies to injuries occurring outside of D.C. if the employment is principally localized in D.C.
Florida	Compulsory as to employers of 4 or more, 1 or more in construction or construction-related trades. Elective as to corporate officers, partners and sole proprietors, but officers of a construction-related company, an independent contractor in the construction industry, or partners of a partnership may elect exemption from coverage for up to 3 officers.	Compulsory as to state and political subdivisions (includes volunteers), except elected officials.	Domestic servants, casual employees, 12 or fewer casual or 5 or fewer regular farm laborers, professional athletes, owner/operator of a motor vehicle who is under written contract with a motor carrier and assumes all responsibility for carrying out that contract, and volunteers (except government entities but including volunteer fire fighters).	Voluntary as to excepted employments. Excludes real estate salespersons solely on commission. Numerical exemption is applicable to employees of subcontractors. When a contractor sublets part of his contract, the contractor is responsible for securing and paying coverage for subcontractor.
Georgia	Compulsory as to all employers of 3 or more. Elective as to active partners, sole proprietors or farm employers.	Compulsory as to state, county, municipal corporations, and political subdivisions including school districts. Voluntary as to planning commissions.	Farm laborers, domestic servants, employees of common carriers by railroad, casual laborers and licensed real estate salespersons and brokers.	Voluntary as to excepted employments.
Guam[16]	Compulsory as to all industrial employments.[9]	Compulsory as to paid and voluntary work done for Government of Guam or any political subdivision.	Casual laborers and members of Territorial Board of Education.	All contracts of hire in the Territory for work outside the Territory are presumed to allow remedies under the Guam Workers' Compensation Law.
Hawaii	Compulsory as to all industrial employments.[10] Compulsory as to all out-of-state employers who work in the state.	Compulsory as to all public officials elected or appointed. Covers public board members.	Volunteers of religious, charitable or nonprofit organizations. Domestics who earn less than $225 during each quarter in the preceding year. Unpaid corporate officers with 25% plus shares of corporation with no employees. Individual with 50% or more shares of corporation. Real estate salesperson performed services for others and compensated solely by way of commission.	Voluntary as to employments not defined as industrial.
Idaho	Compulsory as to all employments unless specifically exempted.	Compulsory as to all public employments except officials at secondary school athletic contests. Members of Idaho National Guard are covered under state law if not covered under federal law.	Domestic and casual workers; Parents, children, or grandchildren of sole proprietor and spouse[11]; Sole proprietor and indwelling household members; Non-pecuniary gain, partners, members of limited liability company; Corporate officers[12]; Employment covered under federal law; Pilots of agricultural spraying planes; Real estate brokers paid entirely on commission; Volunteer ski patrollers and officials of athletic contests involving secondary schools.	Employees within state who work for employers domiciled in another state are covered. Credit is provided for benefits paid to employees under the law of other states.
Illinois	Compulsory as to enumerated 'extra-hazardous' employments (including occupational diseases).	Compulsory as to all public employments except members of fire and police departments in cities over 200,000 population (such fire fighters covered to extent of burn-related disfigurement).[13]	Certain farm laborers, domestics, and persons not in usual course of employer's business; real estate brokers and salespersons paid by commission only.	Voluntary as to excluded employments.[14] Corporate officers of any domestic or foreign corporation may elect to withdraw from coverage. Partners and sole proprietors may opt out. A member of a limited liability company may elect to withdraw from the Act.
Indiana	Compulsory as to all employments including corporate officers. Elective as to sole proprietors, partners, and members/managers of limited liability companies.	Compulsory as to state, municipal corporations, and political subdivisions; includes state legislators, and elected and appointed officials. Volunteers working as authorized emergency management workers, volunteers working	Farm laborers, domestic servants, casual workers, railroad workers, and licensed real estate professionals.[15]	Compulsory as to coal mining and for students in cooperative education.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Indiana, cont.		for hazardous materials response teams and police reserves may be covered.		
Iowa	Compulsory as to all employments but up to 4 corporate officers may reject. Elective for proprietors and working partners.	Compulsory as to all public employments, except fire fighters and police officers entitled to pension fund. Covers highway safety patrol officers, conservation officers, criminal defendants while performing unpaid community service or other services and agricultural workers at state universities.	Domestic and casual workers earning less than $1,500 in the 12 consecutive months preceding an injury; farm laborers, if employer payroll under $2,500 per year.	Voluntary as to excepted employments. Persons receiving employment training or evaluations in an approved facility are covered for PP or PT disabilities. Under certain conditions, truck owner/operators and real estate agents are considered independent contractors and are required to maintain own coverage.
Kansas	Compulsory as to all employments, including corporate executive officers. Elective as to partners, individuals, or self-employed.	Compulsory as to all public employments. Members of fire fighter's relief associations may elect to accept or reject coverage. Public agencies or entities may elect coverage for persons sentenced to community service.	Farm labor or any employer whose gross annual payroll is not more than $20,000; real estate brokers and real estate salespersons on commission.	Compulsory as to charitable institutions. Voluntary as to excluded employments. Labor unions and associations may elect coverage for their members who perform services and are not full-time employees.
Kentucky	Compulsory as to all employments, including corporate officers. Elective as to owner of business or partner. Worker may reject voluntarily prior to injury.	Compulsory as to state and political subdivisions, including elected and appointed state officials, employees of the General Assembly, and volunteer ambulance, fire, and police personnel.	Domestic servants if employer employs fewer than 2, each regularly employed 40 hours a week; casual workers employed less than 20 consecutive work days; agricultural laborers; worker for charitable or religious organization in return for aid or sustenance; and participant in carpool to and from work. Exemption from Workers' Compensation Act for members of any religious group conscientiously opposed to acceptance of public or private death, retirement, disability, medical expense payments, including social security, and which group has for more than 10 years made provisions for its dependents members.	Specifically covers newspaper carriers and members of volunteer ambulance service, fire or police department. Voluntary as to excluded employments.
Louisiana	Compulsory as to all employments, including corporate executives. Corporate officers who are 10% shareholders, partners, and sole proprietors may reject.	Compulsory as to all public employments, except sheriffs' deputies and officials. Subdivisions may cover elective and appointive officials. Coverage for volunteer firefighters is not mandatory, but elective.	Crews of crop spraying aircraft while acting as contractors, or employees of persons principally engaged in agriculture; real estate brokers and salespersons; domestic workers; and certain farm workers.	Excludes officers of nonprofit charitable, fraternal, cultural, or religious corporations or associations. Musicians pursuant to a service contract are exempt from coverage.
Maine	Compulsory as to all employments, including corporate executive officers. Corporate officers who are 20% shareholders may reject. Elective as to self-employed persons or partners. Except for persons engaged in wood harvesting.	Compulsory as to state, counties, cities, towns, and quasi-municipal corporations. Includes fire fighters, police, volunteer fire fighters, and emergency medical service personnel.	Domestic workers, seasonal or casual agricultural or aquacultural employees.[16] Maritime employee in interstate or foreign commerce. Commission-paid real estate salesperson or broker.[17] Independent contractor. Employee harvesting 150 cords of wood from farm wood lot. Voluntary participant in employer sponsored athletic event. Elected or appointed executive officers of a charitable, religious, educational, or other nonprofit corporation.[18]	Voluntary as to excluded employments. Parent, spouse, or child of sole proprietor, partner or corporate officer who is a 20% shareholder or shareholders of a professional corporation may reject coverage. Except for persons engaged in wood harvesting.
Maryland	Compulsory as to all employments, including corporate officers. Elective as to partners or sole proprietors. Corporate officers with 75% of income from farm operations and who own at least 20% of the outstanding capital	Compulsory as to state, counties, cities, and their Agencies; paid fire fighters in certain counties; prisoners working for county roads boards; forest wardens; jockeys;[19] crewpersons and fire fighters for Department of Forest	Domestic workers who earn less than $750 in cash in a calendar quarter from a household; certain maintenance workers not employed for 30 consecutive days around a private home; seasonal, migratory farm laborers	Voluntary as to excluded employments. Officers of close corporation may reject. Small employers of farm laborers may be insured under a group policy. Certain volunteer fire fighters and paramedics may be covered. A principal contractor is not liable to pay

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Maryland, cont.	stock of the corporation may elect to be exempt. Officers owning 20% of the outstanding capital stock of a professional services corporation can elect to be exempt. Officers of a statutory close corporation and of a Limited Liability Company with 20% profit interest may be elect to be exempt.	and Parks; jurors for non-federal courts; including the state militia during both training and active duty.	within 25 miles of residence who work no more than 13 weeks a year and who do not operate machinery or equipment; farmers who employ fewer than 3, or have a full-time payroll less than $15,000; commission-paid real estate salesperson or broker. Also, independent contractors and owner/operators of Class F tractors who are under agreement with a motor carrier.	workers' compensation to an individual who is a sole proprietor subcontractor if the individual does not notify the principal contractor of the individual's status as a covered employee and does not elect to be a covered employee.
Mass.	Compulsory as to all employments	Compulsory as to state employees as to counties, cities and districts having power of taxation. Municipalities may [illegible]	Masters and seamen in interstate commerce covered by federal law; notices whose contracts provide wages in lieu of disability; commission salespersons under specified conditions	Elective for domestic servants working less than 16 hours per week
Michigan	Compulsory as to all employers of 3 or more, or less than 3 if 1 is employed for 35 hours per week for 13 weeks by same employer.[20]	Compulsory as to all public employments. Trainees in federally funded training program deemed employees of sponsoring public entity.	Professional athletes whose AWW is more than 200% of the statewide AWW; domestic servants who work less than 35 hours a week for 13 weeks a year; licensed real estate salesperson.	Voluntary as to employer of 2 or less, and domestic service. Family members may be excluded by endorsement.
Minnesota	Compulsory as to most employments. Elective as to the relatives of the employer, partners, members of limited liability companies, and corporate officers.	Compulsory as to all public employments, including elected officials. Elective for [illegible]	Household workers who earn under $1,000 per 3 months from private household; farmers with prior annual agricultural payroll under $20,000; all real estate workers covered by federal law; non-profit elementary schools with annual payroll under $1,000; certain casual labor not in the course of employer business.[21]	Specifically covers volunteer firefighters and members of law enforcement, ambulance, and rescue squads, and certain patient members performing services under supervision of a facility of the state, its political subdivisions, [illegible]
Mississippi	Compulsory as to all employers of 5 or more. Corporate officers may reject. Sole proprietor, partner or any employee owning 15% or more stock may reject.	Compulsory as to all public employments, including subdivisions of the state. Specifically excludes handicapped in state sheltered workshop programs.	Domestic servants; farmers; farm laborers; newspaper distributors; nonprofit charitable fraternal, cultural, or religious corporations or associations; and independent contractors.	Voluntary as to exempted employers.
Missouri	Compulsory as to all employers of 1 or more. Elective for partners and sole proprietors. Compulsory as to construction trades employers of 1 or more employees.	Compulsory as to all public employments, including elected officials and appointed state officials, contractors of public works and state utilities, state [illegible] and deputy sheriffs. Compulsory as to workers on state highways, [illegible]	Farm laborers, domestic servants, casual labor not in the course of employer's trade or business, real estate agents, members of employer's family by marriage or consanguinity, inmates confined to a state or county penal farm, county or municipal jail, residents of mental health facilities, private volunteers of a tax exempt organization, interscholastic and other youth programs, sports officials and contest workers.	Voluntary as to exempt employments, employers of less than 5 employees and salaried officers of Missouri farm corporations.
Montana	Compulsory as to all employments. Elective as to partners, sole proprietors or members of member managed limited liability companies. Elective for corporate officers who are 20% or more shareholders.	Compulsory as to all public employments, including public contractors and volunteer rescue workers.	Domestic and casual employment; employers covered by federal law; Person performing services for aid and sustenance only; Officials at amateur athletic events; Real estate brokers and salespersons; Direct sellers of consumer goods; Newspaper carriers and freelance correspondents; Cosmetologists, and barbers; Sole proprietors, working partners, or working members of a member-managed liability company; Employment with a	Coverage is mandatory for partner or sole proprietor who is independent contractor, but may apply for personal exemption. Voluntary as to exempt employments.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Employment[1] covered: Public	Exceptions[2]	Special Coverage Provisions
Montana, cont.			railroad engaged in interstate commerce; tribal members; Racing jockeys; employer's spouse if exempted under 26 USC 7703; petroleum land professionals; Corporate officers; any clergy.	
Nebraska	Compulsory as to all employments. Elective as to executive officers of a Nebraska corporation who own 6% or more of the corporate common stock, proprietors, partners, self-employed executive officer of limited liability company member of a Nebraska non-profit corporation who receives annual compensation of $1,000 or less.[23]	Compulsory as to all employments including officials elected or appointed — for fixed terms.	Farm laborers and domestic servants	Voluntary as to farm labor and domestic service.
Nevada	Compulsory as to all employment. Elective as to sole proprietors and partners. Officer or manager of a corporation may elect to reject coverage. Elective coverage is available for non-paid family member and all statutorily excluded employment.	Compulsory as to all employment, including public contractors. Also includes unpaid members of state departments, boards, commissions, agencies, or bureaus appointed by a statutory authority; members of local bands and orchestras.	[24]Excluded coverage by statute: Farm labor; domestic servants; casual employees; employees engaged without pay in employer's social or athletic events; persons selling or soliciting products in person or by telephone; voluntary ski patrol; any clergy, rabbi or lay reader; stage entertainer; and real estate licensees.	[25]Voluntary as to exempt employments. Coverage is mandatory for certain statutorily identified paid or non-paid employees or volunteers. Injured employee may elect compensation if mandated employer is uninsured. Exemption for an employee temporarily in the state if that state has reciprocity with Nevada.
New Jersey	Compulsory as to all employments. First 3 corporate officers of a corporation counted as employees. Elective as to partners and sole proprietors.	Compulsory as to all public employments.	Railroad workers covered under FELA (Jones Act).	
New Jersey	Statutory presumption of election as to all employments.	Compulsory as to all public employments.	Casual workers, maritime workers, and railroad workers engaged in interstate commerce.	Elective as to sole proprietors/ self-employed persons and partners in a general partnership as well as certain volunteers specifically designated by statute.
New Mexico	Compulsory as to employers of 4 or more. Corporate officers who are 10% shareholders may elect out but are still considered employees for determination of coverage. Elective as to partner (includes elected or appointed officials) or self-employed. All employers licensed under the Construction Industries Licensing Act must elect coverage regardless of number of employees.	Compulsory as to state, counties, cities and towns; drainage, irrigation, conservancy or school districts; public institution or administrative boards;	Farm or ranch laborers, domestic servants, casual employees, and real estate sales persons.	Voluntary as to farm labor, domestic service, and where less than 3 are employed. Compulsory for charitable organizations employing more than 3 workers.
New York	Compulsory as to all employments. Elective as to partner or self-employed, sole shareholder/ officer and 2 sole shareholders/ officers.[27]	Compulsory as to state and subdivisions when worker is engaged in hazardous occupations enumerated. Covers school aides and public school teachers in districts outside New York City. Voluntary as to municipal corporations in non-hazardous employments.	Farm labor if payroll during prior year was less than $1,200; volunteer workers who are not considered employees under the law; domestic worker not employed by same employer at least 40 hours per week; teacher or non-manual laborer for religious, charitable, or educational institution; certain real estate salespersons, sole shareholder officer and 2 shareholders/ officers who have no other employees; baby-sitters under 18; and casual employment or repairs in or about a one-family owner occupied residence; real estate broker and insurance agent or broker; and casual employment.	Voluntary as to exempt employments and for certain employment in fulfillment of probationary sentence. Jockeys covered by the NY Jockey Injury Compensation Fund. Special groups of volunteers who are injured in the line of duty are covered under a separate Volunteer Ambulance Workers' Benefit Law or Volunteer Firefighter Benefits Law. Black Car Operators are covered under the NY Black Car Operators Injury Compensation Fund.
North Carolina	Compulsory as to all employers of 3 or more and all employees with exposure to radiation. Corporate officers cont.	Compulsory as to public employments, public and quasi-public corporations, and elective officials.	Farm laborers, domestic servants, casual workers, railroad workers, voluntary ski patrol, persons, individual sawmill or	Voluntary as to casual employees, domestic servants, and employers of fewer than 3 employees. Compulsory as to agricultural employer

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
North Carolina cont.	toward total number of employees but may reject. Elective as to partner or sole proprietor.		logging operators with fewer than 10 employees who operate less than 60 days over a 6-month period.	with 10 or more full-time non-seasonal workers. Contractor must certify that their subcontractor has secured compensation. If subcontractor has no employees, coverage may be waived.
North Dakota	Compulsory as to all hazardous employments. Elective as to employers and resident family members.	Compulsory as to all public employments.	Farm labor, domestic servants, members of board of directors of business corporation, casual workers, illegal enterprises or occupations, and clergy. Real estate brokers or salespersons and newspaper delivery personnel with written agreements defining them as independent contractors.	Voluntary as to non-hazardous and excluded employments.[28] Injuries caused by intoxicants are not compensable.
Ohio	Compulsory as to all employments. Elective as to partners and sole proprietors.	Compulsory as to state, counties, cities, townships, incorporated villages, and school districts.	Casual and domestic workers paid less than $160 by 1 employer in any 3-month period.	Elective as to officers of family farm corporations and for ordained or licensed ministers in the exercise of their ministry. Coverage provided for off-duty firefighters or peace officers, emergency medical technicians who responds to an inherently dangerous situation that calls for an immediate response, regardless of the jurisdiction of the person's regular employment.
Oklahoma	Compulsory as to all employments. Elective as to 10% shareholders, partners, sole proprietors and members of a limited liability company (LLC) who own at least 10% of the capital of the LLC.	Compulsory as to the state, counties, cities, or municipalities, and their instrumentalities, and public trusts of which there are beneficiaries.	Domestic and casual employees of home owner whose annual payroll is under $10,000; workers covered by federal law; agricultural/horticultural employees whose employer's annual payroll is under $100,000; real estate salespersons and brokers paid on a commission basis; and owner-operator truck drivers; an employer which is a youth sports league which qualifies for exemption from federal income taxation. Employer with 5 or less employees all related to the employers by blood or marriage. Providers of services in medical care or social service programs, or participants in work or training programs, of the Department of Human Services.	Excludes certain persons sentenced to public service, assigned to work release or private prison industry programs, and volunteers who receive no wages other than meals.
Oregon	Compulsory as to all employments. Elective as to sole proprietors, partners, limited liability company (LLC) members, and some corporate officers who are also directors with a substantial ownership interest. Prime Contractors[29] liable for providing coverage. Elective as to exceptive employment.	Compulsory as to state, departments, cities, or towns and other political subdivisions. Covers volunteer trainees in state schools for deaf and blind. Excludes cities over 200,000 population with equivalent compensation.	Under specified circumstances, domestics, casual labor, interstate transportation, certain charitable or relief work, newspaper carriers, certain amateur athletes and sports officials, volunteer ski patrols and volunteers in the ACTION Program, personnel under federal permits, owners and operators of certain motor vehicles, commission-paid real estate agents, foster care providers, and golf caddies in an established training program.	Prime Contractors liable for providing coverage for subcontractors and their employees unless subcontractor provides coverage.[30]
Pennsylvania	Compulsory as to all employments. Executive officer, defined as individual who has either ownership interest in a subchapter S corporation or at least 5% ownership interest in a subchapter C corporation or who serves without pay in a nonprofit corporation, may elect not to be covered.	Compulsory as to all employments except elected officials.	Agricultural workers, unless the employer is otherwise covered or pays wages of $1,200 or more in one year to one employee or employs one worker in one year for 30 or more days. The spouse or children under 18 years of the agricultural employer are excluded from coverage,	Voluntary as to casual and domestic service.[32]

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Employment[1] covered: Public	Exceptions[2]	Special Coverage Provisions
Pennsylvania, cont.			unless they work under a written contract which is filed filed with the Bureau. Licensed real estate salesperson or licensed insurance agent.[31]	
Puerto Rico[32]	Compulsory as to all employments.	Compulsory as to all salaried and voluntary public employments. People who do voluntary work for the Puerto Rico Government or one of its agencies or subdivisions, without pay, shall be considered employees within the meaning of the statute and will have a right to receive full benefits. Small-scale farmers, those whose gross income does not exceed 25,000, shall have a right to receive medical treatment, without compensation, for accidents occurring at their place of employment if they are registered with the fund.	Casual and domiciliary workers.	Voluntary for sole proprietors and their families when supervising or engaging in manual labor in their business or farm; industrial partners of a private society. Independent contractors who are not employers may be considered employees when performing services inherent or indispensable for the principal's line of business.
Rhode Island	Compulsory as to all employers of one or more employees. Corporate officers (as defined by the Department) are included. Sole proprietors and partners are excluded.	Compulsory as to the state and city of Providence;[33] elective as to cities or towns.	Certain agriculture and domestic service; professional hockey teams; certain real estate persons.	Voluntary as to certain agriculture and domestic service. Excludes employer-sponsored social or athletic events.
South Carolina	Compulsory as to all employers of 4 or more, full or part-time; partners and sole proprietors are excluded unless they make an election to be covered; corporate officers are included unless they reject.	Compulsory as to all public employments[34] except elective and appointive officials. Coverage extended to members of the State and National Guard.	Casual employees, persons engaged in selling agricultural products, farm labor, railroads, express companies, state and county fair associations, employers with annual payroll under $3,000, and licensed real estate agents who are independent contractors working on straight commission and working for a broker that does not control the agent.	Voluntary as to excluded employments. Corporate officers may reject.
South Dakota	Compulsory as to all employments. Elective as to employer performing labor incidental to job.	Compulsory as to all public employments, except elected or appointed officials. Fire fighters covered. Subdivisions of state may elect to cover elected and appointed officials. Students in vocational work program covered as employees of employer.	Farm laborers and domestic servants if employed less than 20 hours in any week and less than 6 weeks in any 13-week period; and workfare participants. Truck drivers that are independent contractors certified by the Labor Department do not need coverage.	Voluntary as to farm labor and domestic service. Compulsory as to operators of farm machinery, e.g., threshers, combines, shellers, cornhuskers.
Tennessee	Compulsory as to all employers of 5 or more. Corporate officers may reject. Elective as to partners and sole proprietors.	Voluntary as to state and political subdivisions.	Farm laborers, domestic servants, casual employees, employees of interstate common carriers, and voluntary ski patrol persons.	Subcontractors and construction industry covered even if less than 5 employees. Voluntary as to employers of less than 5. Voluntary as to agricultural employers.
Texas	Elective as to all employments. Farm/ranch operator may elect to cover self, partner, corporate officer or family member.	State provides self-insurance coverage for Highway Department, University of Texas, Texas A&M University and all state employees. Counties, municipalities and other political subdivisions may provide compensation for their employees.[35]	Domestic or casual workers engaged in employment incidental to a personal residence; persons covered by a method of compensation established under federal law; migrant workers; seasonal workers employed on a farm, orchard or vineyard, or employed by an employer with a payroll under $25,000; other farm or ranch employees working for an employer with a payroll under $25,000, or employing fewer than 3 workers.	
Utah	Compulsory as to all employments. Elective as to partners, sole proprietors, corporate officers and directors covered unless they opt out.	Compulsory as to all public employments, including community service workers and volunteers.[36]	Casual employees; farm employers with payroll of $50,000 and over per calendar year; or employer/owner's family. Domestics who	Voluntary as to farm labor and domestic service.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
[illegible]	[illegible]	[illegible]	work less than 40 hours per week for a single employer. Real estate salesperson or broker, insurance broker and agents who are independent.	[illegible]
Vermont	Compulsory as to all employments. Department of Labor may exclude corporate officers. Elective as to sole proprietors and partners by application.	Compulsory as to all public employees, including legislators while in session, teachers, police, fire fighters, town and school employees, other municipal employees entitled to pensions, and road commissioners or select persons engaged in highway maintenance or construction.[37] Excludes elected public officials, sheriffs and other identified officials or prisoners.	Casual or domestic employees; amateur athletes; farm laborers where employer's payroll is under $2,000 per year.	Exempted farmers and employers of domestics may elect coverage.
Virginia	Compulsory as to all employments. Elective as to partners and sole proprietors.	Compulsory as to all public employees.	Casual and domestic employees, and volunteers for charitable organizations.	Voluntary as to exempt employers and employees.
Virginia	Compulsory as to employers of 3 or more and farm employers with more than 2 full-time employees. Elective for partners and sole proprietors. Corporate officers may reject for accidental injury only.	Compulsory as to all public employment, except administrative officers and employees elected or appointed for definite terms.[38] Includes judges of Supreme Court and Circuit Court and judges and clerks of juvenile, domestic relations, and district courts. May include volunteer hazardous materials emergency response teams.	Casual employees; horticultural and farm laborers; taxi drivers and domestic servants; employees of railroads; employment not in usual course of employer's trade, business, or occupation; and real estate salesperson/associated brokers on commission, under independent contract, or not treated as employees for federal income tax purposes.[39]	Voluntary as to employers of fewer than 3 employees; Farm laborers, and domestics. Employers may elect coverage for their independent contractors provided that independent agrees in writing. The independent contractor may have to pay for all or part of that coverage. Alien workers, whether lawfully or unlawfully employed are covered for temporary total benefits (except vocational rehabilitation services if not eligible for employment).
Washington	Compulsory as to all employments. Elective as to partners, sole proprietors, joint venturers, corporate officers who are shareholders/Directors and most workers listed as exceptions.	Compulsory as to all public employments.	Domestic servants; voluntary law enforcement officers; home repair and gardening workers; railroad workers; unpaid workers in charitable organizations; children under 18 on a family farm; jockeys; employments not in the usual course of employer's business, interstate truckers.	Covers apprentices registered with Apprenticeship Council. Excludes purchaser of contract musical or entertainment performance.
West Virginia	Mandatory. Sole proprietors, partners and limited officers may opt out of coverage.	Compulsory for all public employment. Elected officials may elect out of coverage.	Elective to: domestic service; farm labor of 5 or fewer full-time employees or 3 or fewer temps; out of state work (except when temporarily exceeding 90 days); churches; professional athletes; volunteers of rescue squads, emergency medical service, police auxiliary and government volunteer organizations.	Extraterritorial coverage accepted for up to 90 days in state; extended out of state for temporary periods recognized by other states. Additional state coverage required for Longshoremen & Harbor Workers.
Wisconsin	Compulsory as to all employments (except farm labor) if payroll is $500 or more in any calendar quarter for services in the state. Compulsory as to farmers with 6 or more employees who work 20 or more days.	Compulsory as to all employees, including state legislators. Includes certain vocational education students.	Domestic servants and casual employees.	Voluntary as to excluded employments. Elective as to working sole proprietors, partners, and members of limited liability companies for up to 2 corporate officers in closely held corporation. Includes participants in community work experience program. Independent contractor is considered employee of any employer for whom they are working, except when the independent meets certain enumerated conditions.

Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Wyoming	Compulsory as to enumerated 'extra-hazardous' industries and occupations conducted for gain. Elective as to corporate officers.	Compulsory to all state employees, counties, and municipal corporations when engaged in 'extra hazardous' work. Effective July 2, 2002, "state employee" shall include the University of Wyoming.	Casual employees, independent contractors, private household workers, federal employees, interstate trucking without a fixed base in Wyoming, sole proprietors and partners.	Elective as to all non-required industries and occupations. Specific volunteers require coverage.
Federal Act		All civil employees of the U.S. government, including wholly-owned instrumentalities.		
Longshore Act	Compulsory as to all maritime employment nationwide, including longshoring, harborworking, shipbuilding, or ship repair.	Officers and employees of the U.S. or any state or foreign governments are not covered.	Master or crew of any vessel and persons unloading or repairing vessels of less than 18 tons.[40] Not applicable to maritime employment in Puerto Rico.[41]	Act also applies to workers at military bases and public works abroad; welfare and morale service workers for military abroad; and workers for nonappropriated funds (ship's services, PX's, etc.) in U.S. and abroad.
Alberta	Compulsory as to all non-exempt employment. Corporate Directors are not covered. Employer, partner, and sole proprietor may apply to Board for personal coverage.	Compulsory as to provincial employees; most schoolteachers are exempt.	Employments listed in General Regulations, includes farm labor, domestic, outworkers, financial institutions, religious and charitable institutions, legal services, medical and dental services, athletes, and employees of labor unions.	Voluntary as to excepted employment and Corporate Directors. Board may include any individual or class by order.
British Columbia	Compulsory to all employers and workers in BC, except those exempted by order of the Board. Independent operator may elect coverage for self.	Compulsory as to all federal, provincial and municipal employees in BC, including members of fire brigade and ambulance staff working with or without remuneration.	Specific exemptions from coverage include: Armed Forces, RCMP, Coast Guard, professional athletes, personal financial holding companies, spouses involved in an unincorporated business, some non-resident employers and workers, and some domestic workers. A variance from exemption may be requested in certain circumstances.	Board may include as workers persons engaged in an undertaking in the public interest, persons engaged in a vocational or training program, or persons engaged in a work study program or other program of self-improvement.
Manitoba	Compulsory as to employers and industries set out in section 1(1) and the Schedule appended to the Act respectively. Elective as to directors, employers, independent contractors, and certain family members.	Compulsory as to all provincial and municipal employment, except for educational institutions.	Farm laborers; outworkers;[43] a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business; and a person who (i) ordinarily resides outside Canada, (ii) is employed in the carriage trucking industry by an employer whose principal place of business is outside of Canada, and (iii) is temporarily working in or passing through the province.	Voluntary as to exempted employer's undertaking or individual plan. The WCB may include or exclude any industry by regulation. The Lt. Gov.-in-Council may only include by regulation.
New Brunswick	Compulsory to all employers having 3 or more workers, 25 or more for the fishing industry. Compulsory for salaried Corporate Officers or Directors. Elective for non-salaried Officers and Directors and for employers for whom coverage is not compulsory.	Compulsory to all municipal, provincial and federal public employment. Armed Forces and RCMP excluded.	Outworkers,[44] domestic servants and casual workers whose employment is for the purpose of the industry, and persons playing a professional sport.	Voluntary as to excepted employments, Lt. Gov.-in-Council may regulate exclusion of industry in which not more than stated number of workers fixed by regulation are usually employed.
Newfoundland	Compulsory as to all employments except as excluded by regulation.	All provincial and federal employees are covered.	Employment by a person in construction or renovation of a private residence that is or shall be used as a private residence of that person; employment by a person in a function in a private residence of that person; and professional sports competitors.	Commission may accept excluded employer or worker.
Northwest Territories	Compulsory as to all employments. Elective as to corporate officers, employers, independent contractors, and certain family members.	Compulsory as to all territorial and municipal employment.		Commissioner may exempt an industry, employer or worker. Voluntary as to excepted employment.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] covered: Private	Employment[1] covered: Public	Exceptions[2]	Special Coverage Provisions
Nova Scotia	Compulsory as to employments listed in regulations. Board has exempted employers of 2 or fewer. Includes active corporate executives; employer may elect coverage for self.	Fire fighters and police are excluded from mandatory coverage but may apply for voluntary coverage.	Casual laborers, outworkers,[3] farm laborers, domestic servants. By regulation Board has excluded specific industries, including educational institutions, persons in medical, dental surgery, veterinarians, athletes, barbers, taxicabs, florists, horticultural employment and entertainers.	Voluntary as to excepted employments. Board may include or exclude any industry or set numerical exemption by regulation.
Nunavut	Compulsory as to all employments. Elective as to corporate officers, employers, independent contractors, and certain family members.	Compulsory as to all territorial and municipal employment.		Commissioner may exempt industry, employer or worker. Voluntary as to excepted employment.
Ontario	Compulsory as to all employments listed in Schedules 1 and 2. Elective as to independent operators, sole proprietors, partners and executive (incorporate) officers.	Compulsory as to all provincial and municipal employments as well as related agencies, boards and commissions.	Casual workers, outworkers, and most volunteer workers in industries listed in Schedules 1 and 2.	Voluntary as to unenumerated and excluded employments.
Prince Edward Island	Compulsory as to all employments with exclusions as listed in regulations. Elective as to corporate officers.	Compulsory except for elective officials of a city, town or municipality.	Outworkers,[3] farm laborers, domestic servants, taxi industry, fishing, clergy, certain salespersons, sports professionals, entertainers and volunteers.	Voluntary as to exempted employments. The Board may include any exempted industry.
Quebec	Compulsory as to all employments.	Compulsory as to all provincial and municipal employments.	Domestics[4] covered upon request. Also, sole proprietors and corporate officer. Persons who play sports as main source of income specifically excluded.	Voluntary as to unenumerated and excepted employments.
Saskatchewan	Compulsory as to all employments.	Compulsory as to all provincial and municipal employments. Municipalities and corporations may elect coverage of mayor and members of governing body.	Over 30 specific industries and occupations excluded, including Farm and ranch laborers, domestic servants, outworkers[3] and school teachers.	Voluntary as to excepted employments. Lt. Gov.-in-Council may exclude any industry, employer or worker.
Yukon Territory	Compulsory for all employment.	Compulsory for territorial government.	A person acting in a religious function as a cleric, a member of a religious order or a lay reader; a person who works and resides outside the Yukon and is employed by an employer based outside the Yukon and has temporary business in the Yukon; an employer, a director, a worker of another employer, or a sole proprietor; casual employees or outworkers.[3]	Voluntary for excepted employments.
Canadian Merchant Seaman's Act	Compulsory as to all employees of Canadian registered ships, as defined.		Pilots, apprentice pilots, and fishermen.	No compensation payable, if entitled under Government Employees' Compensation Act or any Provincial act.

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Chart II — Coverage of Laws, Cont.

Notes:

[1]Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option of either accepting or rejecting (in general, companies included under compulsory act unless they opt out) but if an employer rejects the customary common law defense, risk is assumed by employee, negligence of fellow servants, and contributory negligence. In most states workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other states, the employees must agree such action of the employer. State courts vary in decisions whether minimum of persons must be in state.

[2]Applying to private employments only. The exceptions for public employments are given under 'Employments Covered-Public.'

[3]Outworker is a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted in his own home or on other premises not under the control or management of the person who gave out the articles or materials.

[4]Alabama — Employees of all county and city boards of education, Alabama Institute for Deaf and Blind, and 2–year colleges under state Bd. of Educ. Control. Special act covers employees of U.S.S. Alabama Battleship Comm. and authorizes excess medical care benefits, not to exceed $10,000 per employee; also, for employees of Department of Agriculture and Industries. Special act covers employees of Tannehill Furnace and Foundry Commission.

[5]Alabama — Employer electing not to accept coverage must notify each employee in writing. Regular employer of a volunteer fire fighter or rescue squad worker is in no way liable for compensable injury.

[6]Colorado — Part-time is equal to less than 40 hours per week and less than 5 days per week.

[7]Connecticut — Non-members of a civil preparedness force and volunteer fire fighters, who are requested by a municipality to aid in an emergency situation, are covered under the workers' compensation laws of the municipality where the injury occurs and under the laws where their company is located.

[8]District of Columbia — Provided that broker or salesperson is an independent contractor and signs contract with agency indicating such.

[9]Guam — Employment in trade, occupation or profession, carried on by employer for pecuniary gain.

[10]Hawaii — Employment in trade, occupation, or profession, carried on by employer for pecuniary gain.

[11]Idaho — Requires declaration to be filed with Commission.

[12]Idaho — Must be board member (if board exists) and own not less than 10% of all issued voting stock.

[13]Illinois — Townships may elect coverage to participants in job training or work program.

[14]Illinois — The law is elective as to private employments of a non-hazardous nature, but it does not abrogate the employer's defenses if the employer does not accept the act, and thus is considered to be voluntary.

[15]Indiana — Elective for officer of a charitable, religious, educational, or nonprofit corporation.

[16]Maine — Employers of 6 or fewer full time equivalent agricultural or aquacultural employees for all 52 weeks immediately preceding the injury exempt if employer maintains liability insurance policy with limits of not less than $100,000 per employee and medical coverage of not less than $5,000.

[17]Maine — Provided that broker or salesperson is independent contractor and signs contract with agency indicating such.

[18]Maine — No compensation allowed if injury or death of employee is brought about by willful intention of self or another, or by intoxication while on duty.

[19]Maryland — Jockeys or their dependents who are covered employees, while performing a service in connection with training, are eligible to apply for payment from the Maryland Jockey Injury Compensation Fund.

[20]Michigan — Corporate officer who is 10% shareholder of corporation with up to 10 shareholders and owners of limited liability companies with 10 or less members and managers may reject.

[21]Minnesota — Less than $8,000 or less than the annual SAWW when farm operation has total liability and medical payment coverage equal to $300,000 and $5,000 respectively under a farm liability insurance policy and the policy covers injuries to farm laborers.

[22]Minnesota — Act does not apply to persons covered by Domestic Volunteer Service Act of 1973, as amended.

[23]Missouri — Employers who do not elect coverage are liable to suit with defenses abrogated. Also corporations with 2 owners who are also the only 2 employees may elect to be exempt.

[24]Nevada — Exemption for an employee temporarily in the state if that state has reciprocity with Nevada (NRS 616B.600).

[25]Nevada — Consolidated Insurance Programs are allowed. (NRS 616B.710)

[26]New Hampshire — Fourth corporate and any employees must be covered.

[27]New York — Elective as to unsalaried executive officer of not-for-profit unincorporated association or corporation, and as to executive officer of religious, charitable or educational corporation or veterans' organization.

[28]North Dakota — General contractor is responsible for securing coverage and paying premiums for its subcontractor until subcontractor has secured and paid for own coverage.

[29]Oregon — Ownership interest not required for certain corporate officers & directors of corporations whose activities are on land that receives certain farm use tax assessments and officer/directors are members of the same family, whether related by blood, marriage or adoption. In the commercial timber harvest industry and construction industry, the number of exempt officers is limited unless all are members of the same family.

[30]Oregon — Prime contractors can become liable for providing coverage for subcontractors and their employees. Liability in the construction industry is excepted if subcontractor is licensed with the Construction Contractor's Board.

[31]Pennsylvania — If remunerated by written agreement on a commission only basis and also qualify as an independent contractor for state or federal tax purposes.

[32]Pennsylvania — Employers may be exempted from covering an employee whose religious sect prohibits benefits from insurance provided that the sect makes provisions for its members.

[33]Rhode Island — Members of the National Guard must be on active duty in order to be eligible for benefits.

[34]South Carolina — Department of Parole and Community Corrections may elect coverage for convicted persons performing community service or participating in a work program.

[35]Texas — Subdivisions may elect to cover officer deemed volunteer fire fighters, police, and emergency medical personnel.

[36]Utah — Volunteers are eligible only for workers' compensation medical benefits, not indemnity benefits.

[37]Vermont — Municipalities may elect coverage of other employees. Excludes other elected officials, certain judges, sheriffs, and county treasurers and clerks.

[38]Virginia — Governing body of county, city, or town may elect coverage of its members.

[39]Virginia — Does not apply to injuries received during emergency services activities, unless the injury results from gross negligence.

[40]Longshore Act — Also excluded to extent covered by state law are: office, clerical, secretarial, security or data processing employees; club, camp, recreational operation, restaurant, museum or retail outlet employees; marina employees not engaged in construction, replacement or expansion; persons temporarily on premises not doing work normally performed by employer; aquaculture workers; builders, repairers or dismantlers of recreational vessels under 65 feet in length; and master or crew of any vessel.

[41]Longshore Act — By decisional law, Garcia v. Friesecke, 597F.2d 284 (1st Cir.) cert. denied 444 U.S. 940 (1979).

[42]Alberta — Corporate director may apply to Board for coverage.

[43]Manitoba — An outworker is a person to whom articles are given for cleaning, repairing, etc., at home. Domestics and individuals who care for children, or aged, infirm or ill persons for more than 24 hours a week are provided compulsory coverage.

[44]New Brunswick — An outworker is a natural person to whom articles are given for cleaning, repairing, etc., at home.

[45]Domestic is a natural person engaged by an individual for remuneration, whose main duty is, in the dwelling of the individual (1) to do housework, or (2) to care for a child or a sick, handicapped, or aged person and who lives in the dwelling.

[46]Figures could not be confirmed at the time of publication; ilnformation taken from the *2002 Analysis*.

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Chart III — Coverage of Minors

Jurisdiction	Covered	Future earning capacity	Illegal employment	Special benefit provisions
Alabama	Yes		Double compensation	Settlement valid
Alaska	Yes	Considered		
Arizona	Yes		50% additional compensation[1]	Lump sum payable to guardian
Arkansas	Yes	Considered	Double compensation[2]	
California	Yes	Considered	50% additional compensation[1]	Settlement valid until claimed by parent or guardian
Colorado	Yes	Considered	[3]	
Connecticut	Yes	Considered		If under 18, 50% additional compensation for scheduled injury; under 16, 100% added. Guardian may be required.
Delaware	Yes			
District of Columbia	Yes	Considered		
Florida	Yes		[4]	Guardian may be required.
Georgia	Yes			In limited circumstances a guardian may be appointed by the Probate Court or Board of Workers' Compensation
Guam[19]	Yes	Considered		Guardian may be required.
Hawaii	Yes	Considered		When an exceptional child is employed as part of their education, the state is considered the child's employer.
Idaho	Yes	Considered[6]		Lump sum under probate jurisdiction.[7]
Illinois	Yes		If under 16, 50% additional compensation	Minor may elect suit for damages.
Indiana	Yes		If under 16, double compensation[18]	If over $100, payable to guardian.
Iowa	Yes	Considered if apprentice or trainee		Settlement valid.
Kansas	Yes			Payments to minor, guardian, or conservator.
Kentucky	Yes	Considered		Lump sum payable to guardian.
Louisiana	Yes			Prescription does not run against minor if he or she has a tutor. Payments made to curator or tutor who must file a bond.
Maine	Yes		?	
Maryland	Yes	Considered	Double compensation, discretionary[1]	Covers handicapped students who work without pay as part of their education.
Massachusetts	Yes	Considered	Double compensation[1]	If guardian required, insurer must pay expenses.
Michigan	Yes		If under 18, double compensation[10]	
Minnesota[17]	Yes			Entitled to maximum benefits if PT disability. Guardian may be required.
Mississippi	Yes		Double compensation[11]	Guardian may be required.
Missouri	Yes	Considered	50% additional compensation[1]	Same as adults. Guardian may be required.
Montana	Yes			
Nebraska	Yes		Same as adults	
Nevada	Yes	Considered	Not less than $300, nor more than a $2,000 fine	
New Hampshire	Yes	Considered	Double compensation	Guardian required
New Jersey	Yes		Under 14, or between 14–18 without permit, double compensation.[12] Minor may elect suit for damages.	
New Mexico	Yes	Considered	Illegally employed minors may elect tort suit for damages	
New York	Yes	Considered	If illegally employed, double compensation[1]	All awards of compensation to minors must be paid to or for the benefit of the minor. Where awards exceed $250, The Board may appoint a guardian.
North Carolina	Yes	Considered[20]		Permanent disability payments over $500 payable to guardian.
North Dakota	Yes			Lump sum payable to guardian.

Chart III — Coverage of Minors, Cont.

Jurisdiction	Covered	Future earning capacity	Illegal employment	Special benefit provisions
Ohio	Yes	Considered	Double compensation	Lump sum payable to guardian.
Oklahoma	Yes	Considered		
Oregon	Yes		Penalty of 25% of claim cost (not less than $100 nor exceeding $500) to Consumer and Business Services Fund	Lump sum of permanent partial disability award payable to guardian.
Pennsylvania	Yes		Violation of child labor law — 50% additional compensation[1]	
Puerto Rico[2]	Yes		If under 18 and without government permit, double compensation	Additional compensation will constitute a lien over employer's property.
Rhode Island	Yes		Triple compensation	
South Carolina	Yes			Not more than $10,000 payable to father, mother, or natural guardian; more than $10,000 payable to person or corporation appointed by probate court.
South Dakota	Yes			
Tennessee	Yes			If over $250, payable to guardian.
Texas	Yes	Considered[14]		Payable to guardian.
Utah	Yes			Lump sum payable to guardian.
Vermont	Yes			
Virgin Islands	Yes		30% additional compensation[1]	
Virginia	Yes			If over $15,000, payable to guardian.
Washington	Yes		Same as adults	Benefits payable to guardian or directly to minor with guardian's permission. $300 allowed for appointing a guardian, if needed.
West Virginia	Yes		Same as adults	
Wisconsin	Yes	Considered	Doubled or tripled[15]	Guardian may be required.[16]
Wyoming	Yes	Considered		
FECA	Yes	Considered		
Longshore Act	Yes	Considered		
Alberta	Yes	Considered if apprentice or learner or if past employment is insufficient to allow calculation of benefits.		Paid as Board deems best.
British Columbia	Yes	Considered		Paid as Board deems best.
Manitoba	Yes	Considered		Paid as Board deems best. Additional benefit costs charged to a Cost Apportionment Fund.
New Brunswick	Yes	Considered for injured workers under 21 years of age		Paid as Board deems best.
Newfoundland	Yes	Considered	Death benefit to parent may be withheld	Paid as Commission deems best.
Northwest Territories	Yes	Considered		Paid as Board deems best.
Nova Scotia	Yes	Considered if under 30		Costs associated with additional deemed wages apportioned.
Nunavut	Yes	Considered		Paid as Board deems best.
Ontario	Yes	Considered	[17]	Payments shall be made to spouse (who is not a minor), parent, guardian, or trustee.
Prince Edward Island	Yes	Considered	Death benefit to parent may be withheld[18]	Paid as Board deems best.
Quebec	Yes	Considered		Paid as required by law.
Saskatchewan	Yes	Considered		Paid as Board deems best.
Yukon Territory	Yes	No		Paid to any person the Board deems appropriate.
Canadian Merchant Seaman's Act	Yes	Considered		Paid as Board deems best.

Chart III — Coverage of Minors, Cont.

Notes:

[1]Employer may not insure additional amount of compensation.

[2]Arkansas — Unless minor misrepresents age in writing to employer.

[3]Colorado — Permanent disability and death benefits paid at maximum rate payable at time of death or determination of permanent disability.

[4]Florida — Violation of Child Labor Law subject to up to double compensation based on J.C.C.'s findings.

[5]Hawaii — PT disability and death benefits based on the AWW employee would have received at age 25.

[6]Idaho — Adult wages for all scheduled injuries.

[7]Idaho — If any public school student is working as part of their instruction, they need not be earning any wages for workers' compensation purposes and are covered under the school district's policy.

[8]Indiana — Student in vocational education program treated as worker age 17 and not entitled to double compensation.

[9]Maine — Fanion v. Philip McNeal, 577 A.2d 2 (Me. 1990) held that an illegally employed minor is still within the statutory definition of an employee. An illegally employed minor is not deemed to have waived the minor's right of action at common law and may therefore seek compensation under Workers' Compensation Act as well as through civil action.

[10]Michigan — Except in case of fraudulent use of permits or age certificates.

[11]Mississippi — Employer may not insure additional amount of compensation. Students 14 and over employed between semesters or on-the-job-training are excepted.

[12]New Jersey — Employer may not insure additional amount of compensation. Vocational students age 14 and over employed between semesters or on-the-job training, and junior auxiliary fire fighters are excepted from double compensation.

[13]North Carolina — Compensation for permanent disability or death with surviving dependents is based on AWW paid an adult employee in a position to which a minor employee would likely be promoted; if no position exists, then the minor is entitled to the maximum benefit. In temporary disability and no-dependency death cases, compensation may be increased in proportion to expected earnings where total disability extends over 52 weeks.

[14]Texas — Considered only if minors' wages are limited because of apprenticeship, continuing formal training, or education intended to enhance future wages and those wages would reasonably be expected to change. Future earnings more than 3 years after the date of injury cannot be considered.

[15]Wisconsin — Doubles for minor of permit age employed without permit-maximum $7,500; triples if such minor was employed in prohibited work, or if a minor under permit age and illegally employed-maximum $15,000. Additional compensation payable by employer. Minors given contractual power under the Act. Employer misled by fraudulent written evidence of age by minor, extra compensation paid into special benefit fund.

[16]Wisconsin — Maximum burial expenses for children who are eligible for additional benefits is $1,500.

[17]Ontario — Employer may be held individually liable.

[18]Prince Edward Island — Employer may be held individually liable.

[19]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

USCC 56079

Chart IV — Coverage of Occupational Diseases

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Alabama	All occupational diseases and some ordinary life diseases under evidentiary standards of proof		Death — within 3 years after last exposure or last payment. Radiation or occupational pneumoconiosis[3] exposure must occur in at least 12 months over 5 years prior to last exposure.	Disability — within 2 years after last exposure or last payment (radiation — within 2 years and claimant knows/should know relation to employment). Death — within 2 years after death or last payment. Coalminer's pneumoconiosis — within 3 years after total disability or death and claimant knows/should know relation to employment.	Death following disability — if death occurs during the period of disability, all compensation previously paid shall be deducted from compensation due as a result of death.	Unlimited	Same as for accidents.[4]
Alaska	All diseases			Two years after knowledge of relation to employment. Within 1 year after death.		Subject to frequency standard	Same as for accidents.
Arizona	All diseases[5]	Commission may appoint board of 3 medical consultants. Report is prima facie evidence of facts.	Silicosis or asbestosis-employer liable only if exposure during 2 years.	Within 1 year after disability or accrual of right; excusable.[6]	Disability payments. No deductions from death award.	Unlimited	Same as for accidents.
Arkansas	Any disease that results in disability or death and arises out of and in the course of the occupation or employment of the employee, or naturally flows or unavoidably results from an injury.		Disability or death — within 1 year after last exposure (3 years for silicosis or asbestosis), or 7 years for death following continuous disability. Does not apply to radiation. Silicosis or asbestosis presumed non-occupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state unless same employer).	Disability — within 2 years after last exposure (silicosis or asbestosis — within 1 year from disablement; radiation — within 2 years from diagnosis). Death — within 2 years.		Unlimited	If an occupational disease is aggravated by any disease or infirmity not itself compensable, or if disability or death from any cause not itself compensable, is aggravated, prolonged, accelerated or contributed to by an occupational disease, compensation payable shall be reduced and limited to the proportion of the compensation that would be payable if occupational disease were the sole cause of the disability or death as the occupational disease, as a causative fact, bears to all causes of disability or death. A causal connection between the occupation or employment and the occupational disease must be established by a preponderance of the evidence.
California	All diseaes[7]			Disability — within 1 year of injury or last payment. Death — within 1 year after death (for death within 1 year after injury); 1 year after last medical payment; or 1 year after death if compensation paid; no proceedings 240 weeks after injury except for claims based on asbestos exposure.[8]		Unlimited	Same as for accidents.

USCC 56080

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Colorado	All diseases[3]	Division IME must be overcome by clear and convincing evidence in disputes over MMI and whole person impairment.	Silicosis, anthracosis, or asbestosis — last employer liable where employee suffered substantial permanent aggravation.	Within 2 years after disability or death (5 years in case of ionizing radiation, asbestosis, silicosis, or anthracosis), or 3 years if reasonable excuse.		Unlimited	Same as for accidents.
Connecticut	All diseases	Panel of 3 physicians may be appointed by Commissioner to resolve medical issues involving lung disease.		Within 3 years after first manifestation of disease (within 2 years if death occurs within 2 years after first manifestation of disease, or 1 year after death, whichever is later).		Unlimited	AWW is calculated as of date of total or partial incapacity to work. If disease arises when claimant has not worked during past 52 weeks, AWW is equal to SAWW for past 52 weeks or to AWW during last 52 weeks worked, whichever is greater.
Delaware	All diseases			Disability or death — within 1 year after claimant knows relation to employment.		Unlimited	Same as for accidents.
District of Columbia	All diseases			Within 1 year after injury, death, last payment, or knowledge of relation to employment.		Unlimited	Same as for accidents.
Florida	All diseases	[4]	Death — following continuous disability and within 350 weeks after last exposure.	Within 2 years after disablement, death, or employee's first knowledge of exposure.		Unlimited	Same as for accidents.
Georgia	All diseases	IME by physician chosen by agreement of parties or appointment of Board.	Within 1 year of date when employee knew/should have known of existence of an occupational disease but in no event more than 7 years after last injurious exposure.	Within 1 year of date when employee knew/should have known of existence of an occupational disease but not more than 7 years after last injurious exposure.	Disability payments.	Unlimited	Same as for accidents.
Guam[5]	All diseases			Within 1 year after injury, illness or death, or from last payment of compensation, or reasonable knowledge of occupational causality.		Unlimited	Same as for accidents.
Hawaii	All diseases			Within 2 years after claimant knows relation to employment.		Unlimited	Same as for accidents.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Idaho	All diseases		Within 1 year after last exposure (4 years for silicosis; 2 years for death following continuous disability). Employer liable for non-acute disease only if exposure lasts 60 days. Silicosis exposure must occur in 5 years during 10 years prior to disablement (last 2 in-state unless same employer).	Within 1 year after manifestation or death. Silicosis — within 2 years after last exposure. Radiation or unusual disease — within 1 year after incapacity, disability or death and claimant knows/should know relation to employment.	Disability payments	Unlimited	Same as for accidents. Silicosis-partial disability non-compensable.
Illinois	All diseases		Disability — within 2 years after last exposure (3 years for berylliosis, silicosis or asbestosis; 25 years for radiation).	Disability — within 3 years after disablement or 2 years after last payment. Death — within 3 years after death or last payment. Coalminer's pneumoconiosis — within 5 years after last exposure or payment. Radiation or asbestosis — within 25 years after last exposure.		Unlimited	Same as for accidents.
Indiana	All diseases		Disablement — within 2 years after last exposure (3 years if caused by coal or silica dust; 15 years if caused by asbestos). Radiation — within 2 years after claimant knows/should know relation to employment. Death — within 2 years after disablement or during pendency of disability claim filed within that period; within 2 years after fixed disability expires but no later than 300 weeks after disablement. Employer liable for silicosis or asbestosis only if exposure lasts 60 days.	Within 2 years after disablement or death.	Disability payments	Unlimited	Same as for accidents.
Iowa	All diseases	Medical Board may decide controvert medical questions or provide medical examinations for certain employees.	Disability or death — within 1 year after last exposure (3 years for pneumoconiosis, 7 years for death following continuous disability). Pneumoconiosis presumed non-occupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state).	Within 2 years after death or disablement or 3 years after last payment.[14] Radiation — within 90 days after disablement or death and claimant knows/should know relation to employment.	Same as for accidents.	Unlimited	Same as for accidents. Pneumoconiosis-partial disability less than 33⅓ is noncompensable.

USCC 56082

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Kansas	All diseases		Disability or death — within 1 year after last exposure (3 years for death from silicosis, 7 years for death following continuous disability).[15] Silicosis presumed non-occupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state unless same employer).[16] Employer liable only if exposure lasts 60 days.	Within 1 year after disablement, death, or last payment (2 years after last payment in case of silicosis). Radiation — within 1 year after claimant knows/should know relation to employment.		Unlimited	Same as for accidents.
Kentucky	All diseases			Disability — within 3 years after last exposure or first manifestation. Death — within 3 years, if it occurs within 3 years after last exposure or first manifestation. No claim more than 5 years after last exposure (20 years in case of radiation or asbestos related disease).[17]		Unlimited	Same as for accidents. Where disablement occurs after 5 years' exposure or results from silicosis or pneumoconiosis, apportioned between employer and Special Fund. Fund pays 75% of cost if not conclusively proven to result from last exposure, otherwise pays 40%. Employer pays balance.[18] Where last exposure occurs after 12/12/96, Special Fund has no liability.
Louisiana	All diseases		Presumed to be non-occupational if contracted within 1 year. Presumption is refutable by 'preponderance of evidence'.[19]	Disability — within 1 year after manifestation, occurrence of disability, or worker knows/should know relation to employment. Death — within 1 year which begins on the date of death, or within 1 year after worker knows/should know relation to employment.	Same as for accidents.	Unlimited	Same as for accidents.
Maine	All diseases		Incapacity — within 3 years after last exposure (does not apply to asbestos-related disease). Employer liable only if exposure lasts 60 days (except for radiation and asbestos-related disease). Silicosis presumed non-occupational absent in-state exposure in 2 years during 15 years preceding disability (part of exposure may be out of state if same employer).[20]	Within 2 years after incapacity or 1 year after death or last payment (40 years after last payment for asbestos-related disease). If mistake of fact, within reasonable time but no later than 6 years after last payment. Radiation — limit runs from date of incapacity and claimant knows/should know relation to employment.	Disability payments.	Unlimited	Same as for accidents.

USCC 56083

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Maryland	All diseases			Within 2 years (3 years for pulmonary dust disease) of date of disablement and when the employee has actual knowledge that the disablement was caused by the employment.		Unlimited	Same as for accidents.
Mass.	All diseases			Within 4 years of diagnosis, or knowledge of relation to employment.	Disability payments.	Unlimited	Same as for accidents.
Michigan	All diseases			Within 2 years after claimant knows/should know relation to employment.		Unlimited	Same as for accidents.[23]
Minnesota[58]	All diseases[24]			Within 3 years after (A) employee's knowledge of cause of injury and (B) disability.		Same as for injuries	Same as for injuries. Nondisabled claimants eligible for medical benefits.
Mississippi	All diseases		[25]	Within 2 years after injury or death.	Same as for accidents.	Unlimited	Same as for accidents.
Missouri	All diseases	Except repetitive motion where employment of less than 3 months and evidence that exposure for prior employer was the substantial contributing factor, prior employer is liable.	Last employer liable regardless of length of time of last exposure.	Within 2 years after injury, death, or last payment (3 years if no injury report filed); limitation runs from date injury is reasonably apparent.	Disability payments.	Unlimited	Same as for accidents.
Montana	All diseases	Examinations made by a department designated Occupational Disease Evaluator.	The employer liable shall be the employer whose employment the employee was last injuriously exposed to the hazard of such disease.	Within 1 year from the date the claimant knew/should have known the condition resulted from an occupational disease. Silicosis — resident of Montana for 10 or more years immediately prior to the date of application.		Same as for injuries	Same as for accidents, excluding partial disability. Worker who is affected but not disabled may leave job and receive compensation up to $10,000. Benefits for pneumoconiosis reduced by amount payable under federal law. Silicosis victims or beneficiaries not qualifying for occupational disease benefits may receive up to $200 monthly; supplement is resource indemnity trust financed.[26]
Nebraska	All diseases			Within 2 years after claimant knew of injury and relation to employment, or accumulated effects manifested themselves.		Unlimited	Same as for accidents.

USCC 56084

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Nevada	All diseases[29,30]	N/A	Silicosis or diseases related to asbestos are noncompensable unless the injured employee has been exposed for not less than 1 year in employment in this state. For tenosynovitis, prepatellar bursitis, and infection or inflammation of skin, the employee must be a resident of Nevada for 90 days preceding the contraction of such disease or employed by self-insured employer or employer contributing to the occupational diseases fund of Nevada.[27]	Within 90 days after knowledge of disability and relation to employment or 1 year after death. Silicosis or respiratory dust disease — within 1 year after temporary or total disability or death.[28,31]		Unlimited	Same as for accidents.
New Hampshire	All diseases			Within 2 years for notification to employer. Within 3 years for filing a claim for disability, rehabilitation, medical or death benefits.[32]		Unlimited	Same as for accidents.
New Jersey	All diseases			Within 2 years after injury or death and claimant knows/should know of injury and relation to employment.	Disability payments	Unlimited	Same as for accidents.
New Mexico	All diseases[33]		The last employer where employee was exposed is liable for benefits. Death must occur within one year from date employee last worked for employer, or within three years if claim is filed or compensation paid. Death from silicosis or asbestosis must occur within 2 years from date of last exposure of 5 years, if claim is filed or compensation paid.[34]	Within 1 year of beginning disability or 1 year for death from illness. In case of radiation illness 1 year from date worker knew or should have known of relation to employment.		Unlimited	Same as for physical injuries.
New York	All diseases arising out of and in the course of the employment.[35]			Within 2 years after disablement or death, and 2 years after claimant knows/should know relation to employment.		Unlimited	Same as for accidents.[35]

USCC 56085

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
North Carolina	All diseases	Commission appoints 3–member advisory board for silicosis or asbestosis cases although the Commission may designate a qualified physician to examine claimant.	Death within 2 years after injury if totally disabled 6 years after injury or 2 years after final determination. Asbestosis — disability or death within 10 years after last exposure;[36] death following continuous disability, disability must occur within 10 years after last exposure. Lead poisoning — disability or death within 2 years after last exposure; for death following continuous disability, disability must occur within 2 years after last exposure.	Within 2 years after final determination disability or within 6 years after death from occupational disease.		Unlimited	Same as for accidents.[37]
North Dakota[38]	All diseases[39]		Death — within 1 year after injury if no disability or 1 year after cessation of disability, or 6 years after injury if disability is continuous.[40]	Within 1 year after injury; within 2 years after death.[41]		Unlimited	Same as for accidents.
Ohio	All diseases	Medical specialist in specific cases; findings advisory.		Within 2 years after disability or death or within 6 months after diagnosis, whichever is later.		Unlimited	Same as for accidents. No partial disability for respiratory dust disease.[42]
Oklahoma	All diseases			Claims for occupational disease must be filed within 2 years of last exposure. However, in the case of silicosis, asbestosis, or exposure to nuclear radiation, a claim must be filed within 2 years of the date of last hazardous exposure or within 2 years from date the condition manifested.		Unlimited	Same as for accidents.
Oregon	All diseases[43]			Within 1 year of the later of worker's discovery, diagnosis by physician, onset of disability or beneficiaries' discovery death was due to occupational disease.		Unlimited curative care; limited palliative care	Same as for accidents.
Pennsylvania	All diseases	Examination by impartial physician may be ordered.	Within 300 weeks after last exposure (except death following disability that occurs within 300 weeks after last exposure) Silicosis, anthracosilicosis, or coalminer's pneumoconiosis — noncompensable absent in-state exposure in 2 years during 10 years preceding disability.[44]	Within 3 years after disablement, death or last payment. Radiation — within 3 years after the employee knows/should know relation to employment.		Unlimited	Same as for accidents.

USCC 56086

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Puerto Rico[58]	All diseases		Disability — within 1 year after last exposure, except diseases with longer latency periods. Death within 3 years from time disability emerged.	Within 3 years from time employee learns nature of disability and relation to work or could have learned through reasonable diligence.		Unlimited	Same as for accidents. If disability occurs after employer's violation of OSHA specifications, a triple compensation charged to employer.
Rhode Island	All diseases	Medical Advisory Board approves and promulgates rules and procedures for impartial medical examiners. Court appoints 1 or more impartial physicians to examine claimant.	Date of disablement — date of partial or total incapacity to work as a result of the disease.	Within 2 years after the date of disablement and per case law within 2 years of knowledge of condition attributable to employment.		Unlimited	Same as for accidents.
South Carolina	All diseases	Medical board determines controversial medical questions; pulmonary cases may be referred to pulmonary specialist of state medical universities.	Disease must be contracted within 1 year after last exposure (2 years for pulmonary dust disease), except radiation. Byssinosis is noncompensable absent exposure for 7 years.	Within 2 years after definitive diagnosis or 2 years after death. Radiation — limitation runs from date of disability and claimant knows/should know relation to employment.	Disability payments.	Unlimited	Same as for accidents. Worker who is affected but not disabled may waive compensation (except radiation).
South Dakota	All diseases	Division may contract with physicians for reports.	Silicosis — noncompensable absent in-state exposure in 2 years (in-state requirement waived if same employer), employer liable only if exposure lasts 60 days.	Within 2 years after disability or death. Radiation — within 1 year after disability and claimant knows relation to employment.	Permanent total disability payments.	Unlimited	Same as for accidents. No PP disability for silicosis.[45]
Tennessee	All diseases			Within 1 year after incapacity or death.	Same as for accidents.	Unlimited	Same as for accidents. Coalminer's pneumoconiosis — same as Federal Black Lung Act.
Texas	All diseases[46]	Provides for medical committee to pass on controvert questions and with power to order examinations. Commission appoints medical panel of 1 or more to report on extent of disability.[47]		Within 1 year after the employee knew/should have known that the disease was related to employment.	Same as for accidents.	Same as for accidents	Same as for accidents.

USCC 56087

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Utah	All diseases[47]		Notification must be given to the employer or the Industrial Commission within 180 days after cause of action arises. Cause of action is considered to arise on the date the employee knew that the occupational disease was caused by employment.	Within 6 years after cause of action arose but not more than 1 year after death.		Unlimited	Same as for accidents.
Vermont	All diseases		Cause of action is considered to arise on the date of the initial diagnosis of the disease.	Within 6 years of the date the disease and its relationship to employment is reasonably discoverable and apparent.		Unlimited	Same as for accidents.
Virgin Islands	All diseases	IME by impartial health care provider may be ordered	Notice shall be given by person injured or someone on his behalf to employer or any of his agents within 30 days from district manifestation, or written notice not later than 90 days at discretion of the Director.	First claim filed within 60 days extensions may be considered for good or reasoned cause.	None	Same as for accidents	Same as for accidents.
Virginia[47]	All occupational diseases and some ordinary diseases of life under unusual evidentiary standards of proof.		Exposure in 90 workshifts conclusive as to injurious exposure only for pneumoconiosis.	Within 2 years after diagnosis or within 5 years after last injurious exposure, whichever is first.[48] Within 3 years after death occurring within periods for disability.	Disability payments.	Unlimited	Same as for accidents.[49] Worker who is affected but not disabled may waive compensation, subject to approval of the Commission.
Washington	Claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of an occupational disease.		Date of manifestation; the date the disease required treatment or became totally or partially disabling.	Within 2 years after employee receives written notice by physician of a diagnosed occupational condition and that a claim may be filed.		Unlimited	Same as for accidents.
West Virginia	All occupational diseases are compensable except mental claims.		Pneumoconiosis is compensable and requires 2 years of continuous exposure in the 10 years prior to last exposure or 5 years cumulative exposure within the 15 years prior to date of last exposure.	Within 3 years of last exposure or reasonable knowledge. Dependents within 1 year from date of death.	None.	Unlimited with exception of Pneumoconiosis claims where medical care is based on percentage of impairment.	Same as for accidents.[50]

USCC 56088

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Wisconsin	All diseases	May appoint independent medical expert in disputed cases.	Disability date is last day of work for last employer whose employment caused disability.	Unlimited. After 12 years claim may be filed with state fund.		Unlimited	Same as for accidents.
Wyoming	All diseases	Medical commission issues final decision on disputed medical issues.	Date of diagnosis is considered to be date of injury.	Within 1 year after diagnosis or 3 years after exposure, whichever is last. Radiation — within 1 year after diagnosis or death.	Disability payments	Unlimited	Same as for injuries.
F.E.C.A	All diseases			Within 3 years after injury, death, or disability and claimant knows/should know relation to employment; excusable.		Unlimited, subject to fee schedule	Same as for accidents.
Longshore Act	All diseases			Within 2 years after knowledge of relation to employment or, 1 year after last payment.		Unlimited	Same as for accidents.[3]
Alberta	All diseases	Appointed by discretion of WCB.		Within 2 years after injury or death; excusable.		Unlimited	Same as for accidents.
British Columbia	All diseases in schedule or otherwise recognized under Act.[55]		Date of disablement shall be treated as occurrence of the injury.	Generally within 2 years of death or disablement; within 3 years if special circumstances precluded applying within 1 year.[59]	Where a Board pension is payable to a dependent, the Board deducts any amount the dependent may receive under the Canada Pension Plan.	Unlimited	Same as for injuries, except no pension payable if no actual loss of earnings.
Manitoba	Occupational diseases, excluding ordinary diseases of life and stress, other than a acute reaction to a traumatic event; employment must be the dominant cause of the occupational disease.[61]	Medical review panel only involved where difference of medical opinion exists.	Date of loss of earnings or impairment is considered to be date of accident.	Within 1 year after injury or death, may be enlarged.	The lump sum payable to a dependent spouse in the case of a fatality is reduced by the amount of any impairment award the worker received in respect of the same claim.	Unlimited	Same as for injuries.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
New Brunswick	All diseases listed in regulation and any disablement caused by an occupational disease or disablement arising out of and in the course of employment, excluding disablement of mental stress other than as an acute reaction to a traumatic event.		Date of accident is deemed to be date of disablement.	Within 1 year after injury or 6 months after death.	Canada Pension Plan Benefits.	Unlimited	Same as for accidents.
Newfoundland	All diseases	Committee of medical referees appointed by Commission.	Date of disability is considered to be date of injury.	Within 3 months after injury or disease and within 6 months after death.		Unlimited	Same as for accidents.
Northwest Territories	All diseases	Board may require examination by impartial physician.	Date of accident is deemed to be date of the disablement or date of application, whichever is later.	Disability — within 1 year after injury; excusable. Death — within 3 years after last employment and within 3 years after death.		Unlimited	Same as for accidents.
Nova Scotia	All diseases, excluding stress (aside from an acute reaction to a traumatic event)	Board may require examination by impartial physician	Date of accident earliest of: date occupational disease results in loss of earnings; the date a PMI is determined or date of death.	Within 5 years after the worker ceased to be regularly employed in the industry exposed, and within one year after dependants learn injury resulted from silicoses or pneumoconiosis.		Unlimited	Same as for accidents.
Nunavut	All diseases	Board may require examination by impartial physician.	Date of accident is deemed to be date of the disablement or date of application, whichever is later.	Disability — within 1 year after injury; excusable. Death — within 3 years after last employment and within 3 years after death.		Unlimited	Same as for accidents.
Ontario	All occupational diseases, some restrictions regarding exposure		Date of diagnosis is considered to be date of accident, or date of first medical report, whichever is earlier.	Within 6 months of the worker learning of disease, or death; excusable.		Medical care for work-related aspect of disease	Same as for accidents.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Prince Edward Island	All industrial diseases arising out of and in the course of employment.	The Board may appoint a medical panel to advise on disputed medical issues.		Within 6 months after injury or death.		Unlimited	Same as for accidents.
Québec[54]	All diseases[55]	All pulmonary diseases are submitted to Committee on Occupational Lung Diseases.[56]	The date of the medical visit recorded and diagnosed or the date of work stoppage due to the disability, whichever is earlier.	Within 6 months after worker, or beneficiary in case of death, is made aware of disease.		Unlimited	Same as for accidents.
Saskatchewan	All occupational diseases if developed out of and in the course of employment.	Medical panel issues final decision on disputed medical questions.		Within 6 months after injury or death.		Unlimited	Same as for other injuries.
Yukon Territory	All diseases	Disputes may be referred to independent examination.		Within 1 year of disability arising, Board may allow late application.		Unlimited	Same as for accidents.
Canadian Merchant Seaman's Act	All diseases.	Disablement in the course of employment 'otherwise than a result of an accident' is compensated as for an accident.					

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Chart IV — Coverage of Occupational Diseases, Cont.

Notes

[1]Employer and insurance carrier at time of last exposure are liable in: Arkansas, Colorado (the employer is liable where the employee was last injuriously exposed and suffered substantial permanent aggrevation), Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, New Hampshire, North Carolina, Oklahoma, Tennessee, Vermont, and Virginia. The employer at time of last exposure is liable in: Alabama, Arizona, Iowa, Michigan, Missouri, Montana, New Mexico, Pennsylvania, South Dakota, Texas, and Utah. Liability is apportioned among responsible employers in New York, Rhode Island, and Washington. California limits liability to employer during last year of exposure.

[2]Benefits determined as of the date of last exposure or last injurious exposure in: Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Nevada, New Jersey, South Dakota, Texas, Washington, West Virginia, Wisconsin, and Wyoming. Benefits determined as of the date of disability, knowledge, or manifestation in: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Iowa, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, and Washington (date of injury after 07/1/88).

[3]Alabama — Radiation illness caused by gradual exposure. Pneumoconiosis when dust is due to causes and conditions arising out of and in the course of employment.

[4]Alabama — If compensation is payable for occupational disease other than pneumoconiosis or radiation, the only employer liable, if any, shall be the employer in whose employment the employee was last exposed.

[5]Arizona — HIV infection is covered if employee handles body fluids, excluding tears, saliva and perspiration. Specifically excludes sexual activity and illegal drug use as a cause of infection. Establishes a presumption (if certain criteria are met) that a disease, infirmity or impairment caused by certain cancers or leukemia resulting in disability or death to a firefighter is an occupational disease as defined in the law and is deemed to arise out of employment.

[6]Arizona — Limit on filing runs from when injury is manifest or when claimant knows/should know relation to employment; tolled during incapacity.

[7]California — For peace officers, including fire fighters, who develop hepatitis, meningitis, and/or cancer, the presumption of compensabilty is only rebuttable if not related to employment or if the carcinogen is not reasonably linked to cancer. Claims for benefits filed or pending on or after 1/1/1997 define cancer to include leukemia. Under Labor Code section 3208.3, psychiatric injuries must have been predominately caused by employment to be compensable. However, an employee whose injuries resulted from a violent act must demonstrate that employment was a substantial cause of the injury. The amended section also imposes limitations on post-termination stress cases. Dependants of a worker whose HIV-related death occurs more than 240 weeks after the date of the initial injury will receive death benefits. The period within which proceedings may be commenced for the collection of benefits for cases stated above, is one year from the date of death, providing that; a report of the injury or exposure was made to the employer or the proper government agency authorized to administer industrial injury claims, within one year of the date of injury; the worker has complied with the State's notice provisions, and the claim has not been finally determined to be noncompensable; The employer was to provide worker's compensation benefits for the injury prior to the date of death. A Health care worker is one who has direct contact, in the course of employment, with blood or other bodily fluids contaminated with blood, or with other bodily fluids identified by the Division of Occupational Safety and health as capable of transmitting HIV, who is either (1) any person who is an employee of a provider of health care, as defined in subdivision (d) Section 56.05 of the Civil Code or (2) an employee who provides direct patient care. Legislation in 2001 adds: presumptions of work-relatedness for lower back impairment of certain law enforcement personnel (labor code section 3213.2); meningitis and other presumptions for peace officers of Dept. of Correction, Dept. of the Youth Authority and others (3212.10); skin cancer for certain active lifeguards (3212.11); blood-borne infections diseases of certain peace officers and firefighters (3212.8). In 2002 presumptions of work-relatedness were added in a few more areas, including injuries to public safety employees from exposure to a biochemical substance (AB 1857) and injuries to specified peace officers and members of the California Conservation Corps who contract Lyme Disease while working in high risk areas (AB 2125).

[8]California — Date of injury is date of disability and claimant knows/should know relation to employment.

[9]Colorado — Supreme Court held that employees may be entitled to benefits for job-related mental or emotional stress. City of Boulder v. Streeb, 706 P.2d 786 (1985).

[11]Idaho — AIDS, ARC, HIV infections and Hepatitis B virus are covered for any occupation with exposure to body fluids.

[12]Idaho — For silicosis, a worker who is affected but not disabled may waive full compensation and, if later disabled, receive benefits up to $5,000.

[13]Indiana — 20 years if last asbestos dust exposure occurs on or after 7/1/85, 3 years if last exposure occurred before 7/1/85.

[14]Iowa — Death from respiratory disease of coalminer employed 10 years presumed due to pneumoconiosis.

[16]Kansas — Worker who is affected but not disabled may waive full compensation and if later disabled receive benefits up to 100 weeks.

[17]Kentucky — Applies to asbestos-related disease claims filed on or after 7/15/86.

[18]Kentucky — Special provisions for coal worker's pneumoconiosis.

[19]Louisiana — Mental injury, heart-related and perivascular diseases are not occupational diseases, but under certain circumstances are compensable under workers' compensation.

[20]Maine — Asbestos-related diseases not covered by Maine Act if at time of last injurious exposure the employee was covered by Federal Longshore Act or F.E.C.A.

[23]Michigan — Silicosis, dust disease, and logging industry fund reimburses compensation over $25,000 or 104 weeks, whichever is greater, for injury after 6/30/85; also reimburses benefits in cases of exposure to brominated biphenyl before 7/24/79 and where disability or death occurs/becomes known after 7/24/79.

[24]Minnesota — Employer during last significant exposure liable; if several insurers- last exposure liable.

[25]Mississippi — For radiation, date of disablement is date of injury.

[26]Montana — A representative may apply for and receive silicosis payments on behalf of an eligible person or beneficiary.

[27]Nevada — Additional testing/incubation rules apply to contagious diseases. If injured employee worked as a police officer or fire fighter for 5 continuous years and subsequently develops heart disease, it is conclusively presumed to have arisen out of employment; lung disease is presumed to have arisen out of employment for these individuals after 2 years.

[28]Nevada — NRS 617.450 lists a schedule of 21 occupational diseases which are covered. Many of the occupational diseases covered under this statute are various types of chemical poisoning.

[29]Nevada — the 'last injurious exposure rule' is applicable in occupational disease cases.

[30]Nevada — NRS 616C.052 provides for a blood test to screen for contagious diseases such as hepatitis A, B, C, tuberculosis and HIV. Nevada has special provisions for hearing (NRS 617.454), lung (NRS 617.455), and heart (NRS 617.457) occupational diseases for firefighters and police officers. Cancer may be an occupational disease for firefighters in specified circumstances.

[31]Nevada — Benefits are determined as of the date of the last exposure.

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[32]New Hampshire — Date of injury is the date worker knows/should know relation to employment or, in the event of death, date dependents know/should know relation to employment.

[33]New Mexico — Occupational Disease Disablement Law applies to employers of 3 or more but excepts employers of ranching or agricultural laborers, employers of private domestic servants and qualified real estate salespersons.

[34]New Mexico — Unless worker is receiving disability compensation for work, then death within 3 years is compensable. The statute setting forth time limits for claims for exposure to radioactive or fissionable materials has been declared unconstitutional.

[35]New York — Disability or death prior to 8/1/94 due to silicosis or dust disease reimbursed from special fund for all payments over 104 weeks; reimbursed for all payments over 260 weeks where death or disability on or after 8/1/94.

[36]North Carolina — Asbestosis or silicosis is noncompensable absent in-state exposure in 2 years during 10 years preceding last exposure or if exposure is less than 30 working days in 7 consecutive months. However a 1996 North Carolina Supreme Court case has found this statutory limitation to be unconstitutional.

[37]North Carolina — Worker who is affected but not disabled by asbestosis or silicosis or who is removed from exposure receives benefits up to $674 weekly for 104 weeks. If later totally disabled, full compensation is paid. If death results within 2 years after last exposure (350 weeks if caused by secondary infection), full compensation is paid. If partially disabled, 66⅔ of wage loss is paid for another 196 weeks. If unrelated death, balance of 104 weeks is paid plus 300 weeks (total disability) or percentage of 196 weeks (partial disability). Worker may waive full compensation and receive 104 weeks of compensation plus 100 more weeks if later disabled or dies.

[38]North Dakota — Date of injury is the first date a reasonable person knows/should know the employee suffered a compensable injury.

[39]North Dakota — In order to be compensable, injuries due to heart attack, stroke, and mental injury must be causally related to employment, with reasonable medical certainty, and must have been precipitated by unusual stress. Unusual stress must be at least 50% of the cause of injury or disease.

[40]North Dakota — Date of injury is date on which a reasonable person knows/should know relation to employment.

[41]North Dakota — Police and fire personnel who are paid and full-time are presumed eligible for workers' compensation if lung or heart disease develop. Fire personnel presumption for cancer. Burden to disprove entitlement shifts to the Bureau.

[42]Ohio — Includes asbestosis, silicosis, and coalminer's pneumoconiosis. Worker who is affected but not disabled by respiratory dust disease and changes occupation, may receive 50% of the SAWW weekly for 30 weeks and immediately following expiration of that award, claimant may receive 66⅔ of wages lost from change of occupation for 100 weeks, but may not exceed 50% of the SAWW.

[43]Oregon — Conditions must be established by medical evidence supported by objective findings, and must be the major contributing cause of the consequential condition.

[44]Pennsylvania — For purposes of the occupational disease provisions of the Workers' Compensation Act; under the Occupational Disease Act, disability or death must occur within 4 years of the last exposure. Under Occupational Disease Act, state pays $125 monthly for total disability or death caused by silicosis, anthracosilicosis, coalminer's pneumoconiosis, or asbestosis provided there has been 2 years of in-state exposure, in cases where the claim is barred by the statute of limitations and the last exposure occurred before 1965 or where exposure occurred under several employers.

[45]South Dakota — Worker who is affected by silicosis but not disabled may waive full compensation and if later disabled or dies receive benefits up to 52 times the maximum weekly benefit; if eaves employment, may receive compensation up to $1,000.

[46]Texas — Heart attacks covered if medical evidence shows that cause was work-related and not triggered solely by emotional or mental stress, absent a sudden stimulus.

[47]Utah — Disability compensation may not be awarded under the Utah Occupational Disease Act (subsection 2–b–i through iii) when the major contributing cause of the employee's injury is the use of illegal substances, intentional abuse of prescription drugs or intoxication from alcohol with a blood or breath alcohol concentration of .08 grams or greater. For purposes of Subsection 2 of the Occupational Disease Act, it is presumed that the major contributing cause of the employee's injury is the employee's conduct described in subsection 2–b–i through iii if at the time of injury, as shown by a chemical test.

The presumption created under Subsection 3–a may be rebutted by evidence.

[48]Virginia — 5–year limitation does not apply to cataract of the eyes, skin cancer, radium disability, ulceration, undulant fever, angiosarcoma of the liver due to vinyl chloride exposure, or mesothelioma; byssinosis — within 7 years after last exposure; coalminer's pneumoconiosis - within 3 years after diagnosis; asbestosis — within 2 years after diagnosis or if based on changed condition, within 2 years after diagnosis of advanced stage. No claim for an advance stage of asbestosis shall be denied on the ground that there has been no subsequent accident. Claimant must file claim within 2 years after positive identification of infection with human immunodeficiency virus.

[49]Virginia — Compensation for advanced asbestosis or mesothelioma based on wages at time of diagnosis if employed in same employment where injurious exposure occurred; otherwise based on the AWW of worker in similar employment.

[50]West Virginia — Pneumoconiosis benefits for federal claims are paid from the Coal Workers' Pneumoconiosis Fund.

[51]Longshore Act — In PP disability claims due to occupational disease where times of injury occurs after retirement, compensation is 66⅔ of the AWW times percentage of permanent impairment (according to AMA guidelines) payable while impairment continues.

[52]British Columbia — Certain illnesses are presumed caused by work exposure as provided in schedule.

[53]British Columbia — If filed within 3 years and special circumstances exist which precluded filing within 1 year, the Board may pay compensation from date of disablement. If filed after 3 years and special circumstances existed, Board may pay compensation from date Board received the application. If filed within 3 years after new scientific/medical evidence is made available to the Board, compensation may be paid from date of disablement. [RSCM 32.55-32.58 and 93.21-93.22]

[54]Québec — A worker age 55 or over who suffers from an occupational disease, or one age 60 or over who suffers from an injury and is affected by a permanent physical or mental disability, is entitled to an Income Replacement Indemnity for as long as he does not have a new job or a suitable job with his employer.

[55]Québec — Certain diseases are presumed caused by work exposure as provided in Schedule.

[56]Québec — Committee formed by Minister of Labor.

[57]Virginia — Ovarian and breast cancer in the case of eligible fire fighters and hazardous materials officers.

[58]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

[59]New York — To be compensable as an occupational disease, a disability must be one that is caused by the nature of the employment, a distinctive feature of the type of work being done, rather than caused by a condition in the environment in the workplace. With respect to State and Local Correctional Officers, an exposure to blood or bodily fluid during the course of employment shall be presumed, in the absence of substantial evidence to the contrary, to be an injurious exposure, if subsequent to the exposure the correctional officer is diagnosed with a blood borne disease (WCL § 47).

[60]Florida — If ill employee can show that the exposure in the workplace is greater than to the general public as a whole.

[61]Manitoba — The Act provides a rebuttable presumption of compensation for full-time firefighters who have regular exposure to a fire scene (other than a forest fire scene) for a prescribed minimum period and who contract primary site brain, bladder or kidney cancer, primary non-Hodgkin's lymphoma or primary leukemia. A regulation sets out the minimum employment periods which range from five years for leukemia to 20 years for kidney cancer and non-Hodgkin's lymphoma.

Chart V — Occupational Hearing Loss

Jurisdiction	Separation from Noise Before Filing	Minimum exposure in Last employment	Liability for prior loss	Benefits: Total Loss	Benefits: One Ear	Deduction for Presbycusis	Failure to Use Protective Device	Compensable Loss of Hearing (in DB)	Loss of Hearing Considered Total (in DB)	Cycles at which Loss is Measured
Alabama	Statute silent	Statute silent		163 weeks	53 weeks					
Arizona	No requirement	Statute silent	N/A	60 months	20 months	N/A	N/A	Latest AMA Guides	Latest AMA Guides	Latest AMA Guides
Arkansas	Statute silent	Statute silent	No	158 weeks	42 weeks	No				Medical evaluation
California[2]										
Colorado	Statute silent	Statute silent	Apportionment may apply	139 weeks	35 weeks	Yes		Over 25	91.7	500–1,000–2,000–3,000
Delaware	No requirement	No requirement	No	175 weeks	75 weeks	No	No			
District of Columbia	6 months			150 weeks	39 weeks	Possible		Latest AMA Guides[1]	Latest AMA Guides[1]	
Georgia	6 months	90 days	No	150 weeks	Proportionate		No compensation	Over 15 (26 ANSA/ISO)	82 (93 ANSI/ISO)	500, 1,000–2,000
Guam[10]	No requirement	No requirement	Last covered employer	200 weeks	52 weeks		No consequence	Latest AMA Guides[1]		Latest AMA Guide
Hawaii	No requirement	No requirement	Last covered employer	200 weeks	52 weeks	No	No consequence	Latest AMA Guides[1]	Latest AMA Guides[1]	Latest AMA Guides[1]
Idaho[12]				175 weeks						
Illinois				200 weeks	[3]	Yes		Over 30	85	1000–2,000–3,000
Iowa	1 month	90 days	No	175 weeks	50 weeks	Yes	No compensation	Over 25 ANSI/ISO	92 ANSI/ISO	500–1,000–2,000–3,000
Kansas	No requirement	No requirement	No	110 weeks	30 weeks	No		AMA 4th edition	AMA 4th edition	AMA 4th edition
Kentucky	No requirement	No requirement	No	[3]	[3]		Compensation reduced 15%	Latest AMA Guides[1]		
Maine	30 days	90 days	No	200 weeks	50 weeks			Over 15 ASA (25 ANSI)	82 ASA (92 ANSI)	500–1,000–2,000
Maryland		90 days	Implead prior employers	250 weeks	125 weeks	Yes		Over 25	91.7	500–1,000–2,000–3,000
Massachusetts	No requirement	No requirement	None	SAWWX 77	SAWWX 29	No	No	AMA Guideline	AMA Guideline	AMA Guideline
Minnesota[10]	No requirement	No requirement	Last significant exposure	35% whole body disability	Loss calculated binaurally	No		At least 1.8 binaural hearing loss.		500–1,000–2,000–3,000
Mississippi	No requirement	No requirement	Yes, but apportionment may apply	150 weeks	40 weeks	No	No AMA Guides[1]	Latest AMA Guides[1]	Latest AMA Guides[1]	Latest
Missouri	6 months	[4]	No	180 weeks	49 weeks	Yes	Compensation/ death benefits reduced 15%	Over 15 ASA (25 ANSI/ISO)	82 ASA (93 ANSI/ISO)	500–1,000–2,000
Montana	6 months	90 days, 8 hours daily	No	200 weeks	40 weeks	Yes		Over 25 ISO '64	92 ISO '64	500–1,000–2,000
Nebraska	No requirement	No requirement		Same as PT disability	50 weeks		No compensation if willful negligence	Supported by medical expert opinion	No requirement	No requirement
Nevada	No specific provision for occupational hearing loss, but may be considered under Nevada's general occupational disease statute NRS 617.440. Firefighters and police officers are required to undergo hearing tests under NRS 617.454. Accepted claims for hearing loss are evaluated by rating physicians and chiropractors under *AMA Guides to Physical Impairment*, 4th ed, 3rd printing.									
New Hampshire	Statute silent	Statute silent	No	123 weeks	30 weeks	Possible				Latest AMA Guides
New Jersey	4 weeks	1 year, 3 days weekly during 40 weeks	No	200 weeks	60 weeks. For occupational hearing loss, the loss must be bilateral.	Yes	No compensation	Over 20 ASA '51 (30 ANSI '69)		1,000–2,000–3,000
New Mexico	No requirement	No requirement	No	150 weeks	40 weeks		10% reduction may apply	Latest AMA Guides[1]	Latest AMA Guides[1]	

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Chart V — Occupational Hearing Loss, Cont.

Jurisdiction	Separation from Noise Before Filing	Minimum exposure in Last employment	Liability for prior loss	Benefits: Total Loss	Benefits: One Ear	Deduction for Presbycusis	Failure to Use Protective Device	Compensable Loss of Hearing (in DB)	Loss of Hearing Considered Total (in DB)	Cycles at which Loss is Measured
New York	3 months[3]	Under 90 days presumed noncompensable	Implead prior employers	150 weeks	60 weeks	No		Over 25 (ANSI '69)	92 (ANSI '69)	500–1,000–2,000–3,000
North Carolina	6 months	90 days	No	150 weeks	Proportionate		No compensation	Over 15 (26 ANSI/ISO)	82 (93 ANSI/ISO)	500–1,000–2,000–3,000
North Dakota	No requirement	No requirement		% of total body impairment	% of total body impairment		5th edition of AMA Guide[1]	5th edition of AMA Guide[1]		
Oklahoma	No requirement	No requirement	No	330 weeks	110 weeks	No	No compensation for failure	Applicable AMA Guides	Applicable AMA Guides	500–1,000–2,000–3,000
Oregon			No, if adequately documented by a preemployment audiogram	107,328[4]	33,540[4]	Yes		Over 25 (ANSI '69)	92 (ANSI '69)	500–1,000–2,000–3,000–4,000–6,000
Penn.	No requirement	No requirement	No	[7]		Possibly	No impact	AMA 4th ed.	75% presumed	500, 1000, 2000, 3000
Puerto Rico[16]	1 year	No requirement	No, if claims term has elapsed	200 weeks	50 weeks	No		Latest AMA Guides[1]	Latest AMA Guides[1]	Latest AMA Guides[1]
Rhode Island	6 months	N/A (Employer with whom employee was last exposed to harmful noise shall be liable)	No	244 weeks, lump sum	75 weeks, lump sum			Medical Advisory Board Protocols[17]	Medical Advisory Board Protocols[17]	Medical Advisory Board Protocols[17]
South Carolina	No requirement	No requirement	No	165 weeks	80 weeks			Over 25	92 (ANSI '69)	500–1,000–2,000–3,000
South Dakota	6 months	90 days or parts thereof	No	150 weeks	50 weeks	Yes	No compensation	Over 25 (ANSI)	92 (ANSI)	500–1,000–2,000–3,000
Tennessee	No requirement	No requirement	No requirement	150 weeks	% of loss			Latest AMA Guidelines	Latest AMA Guidelines	Latest AMA Guidelines
Utah	6 weeks		No	109 weeks	Proportionate	No	Can apply for 15% reduction	Over 25 ANSI '69	90 (53.6 ANSI '69)	500–1,000–2,000–3,000
Vermont	No requirement	No requirement	No					Latest AMA Guides	Latest AMA Guides	Latest AMA Guides
Virgin Islands	6 months for scheduled income benefits	No requirements	No	250 weeks	180 weeks	Possible	No compensation if willful negligence	No provision	No provision	No provision
Virginia								27 ASA	90 ASA	500–1,000–2,000–3,000
Washington	No requirement	No requirement; facts must support injurious exposure	No[8]	71,575.80	11,929.26	No	No impact on rights or benefit levels	Latest AMA Guides[1]	85	500–1,000–2,000–3,000
West Virginia	Statute silent	Statute silent	No	% of PT	% of PT	No	No consequence	Over 27.5 (ANSI '69)[1]	90 (ANSI '69)	500–1000–2000–3000
Wisconsin	7 days[9]	90 days	No	216 weeks	36 weeks		15% decreased compensation	Over 30 ANSI	93	500–1,000–2,000–3,000
FECA	No requirement			200 weeks	52 weeks	No		Over 25 (ANSI/ISO)	Latest AMA Guides[1]	500–1,000–2,000–3,000
Longshore Act			Last covered employer	200 weeks	52 weeks			Over 25 (ANSI)	92 (ANSI)	500–1,000–2,000–3,000
British Columbia	No requirement	No requirement	Loss apportioned by industry classification	15% total disability	3% disability for total unilateral loss	No. May be taken into consideration when deciding cause.	No consequence	28 dB or greater (ANSI/ISO)	68 dB (ANSI/ISO)	500, 1000 and 2,000
Manitoba	No requirement	No requirement	Apportionment may apply	30% total loss of function $25,620[14]	5% total loss of function $1,220[14]	Yes	No consequence	35 db,[15] over 25 db[16]	80 db or over ISO[15], 92 db or over ISO[16]	500–1,000–2,000–3,000[15, 16]
Nova Scotia	Statute Silent	Statute Silent	Apportionment may apply	Permanent Impairment Benefits	Permanent Impairment Benefits	Yes	No consequence	4th edition AMA Guidelines	4th edition AMA Guidelines	500–1,000–2,000–3,000
Ontario		[11]							92/92	500–1,000–2,000–3,000

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Chart V — Occupational Hearing Loss, Cont.

Notes

[1]AMA Guide refers to the American Medical Association's Guide to the Evaluation of Permanent Impairment.

[2]Illinois — 50 weeks under Workers' Compensation Act; 100 weeks under Workers' Occupational Diseases Act.

[3]Kentucky — No compensation for hearing loss with less than an 8% functional impairment to the body as a whole, no impairment percentage for tinnitus shall be considered in determining impairment to the whole person.

[4]Missouri — Employment in which employee was last exposed to hazards for which claim is made regardless of the length of time of such last exposure.

[5]New York — Claimant may file up to 3 months after knowledge that the loss of hearing was due to the nature of the employment.

[6]Oregon — Benefit amounts for injuries occurring on or after 1/1/2002.

[7]Pennsylvania — Depends on whether loss caused by long term exposure to hazardous occupational noise or other causes, such as head trauma. Compensation is paid in the amount of 66⅔% of wages for a period of weeks calculated by multiplying the % of impairment calculated under the Impairment Guides by a certain number of weeks.

[8]Washington — Prior hearing loss must be adequately documented. Compensation is made only for the increase in hearing loss due to new exposure.

[9]Wisconsin — no compensation may be paid for tinnitus that occurs on or after 1/1/92.

[10]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

[11]Ontario — Clear and adequate history required of 90dB(A) for 5 years, or equivalent, during employment in the Province of Ontario.

[12]Idaho — Idaho uses "whole man" ratings for dual ear hearing loss. Hearing loss usually has to be proven as occupational disease, which has a higher burden of proof.

[13]California — Hearing loss is a compensable injury under California law. It is a ratable factor under the Permanent Disability Rating Schedule. It carries a standard rating of 15% for loss of hearing in one ear, and 60% for loss of hearing in both ears. There is no particular statutory section on occupational hearing loss.

[14]Manitoba — Amounts reflect accident dates in 2003.

[15]Manitoba — For accidents prior to April 1, 2000.

[16]Manitoba — For accidents after March 31, 2000.

[17]Rhode Island — Workers' Compensation Medical Advisory Board Treatment Protocols per RIGL 28–33–5.

PART 2 — BENEFITS PROVIDED

Because workers' compensation imposes an absolute (but limited) liability upon the employer for employee disabilities caused by employment, the benefits payable to an injured employee attempt to cover most of the worker's economic loss. This loss includes both loss of earnings and extra expenses associated with the injury.

Specifically, the benefits provided are:

- ✓ Cash benefits, which include impairment benefits and disability benefits. The former are paid for certain specific physical impairments, while the latter are available whenever there is an impairment and a wage loss.
- ✓ Medical benefits, which are usually provided without dollar or time limits. In the case of most workplace injuries, only medical benefits are provided since substantial impairment or wage loss is not involved.
- ✓ Rehabilitation benefits, which include both medical rehabilitation and vocational rehabilitation for those cases involving severe disabilities.

Cash Benefits — In considering workers' compensation income or cash benefits — which replace employee loss of income or earning capacity due to occupation injury or disease — four classifications of disability are used:

1. Temporary total (TT)
2. Permanent total (PT)
3. Temporary partial (TP)
4. Permanent partial (PP)

Permanent partial is divided into 'nonscheduled' and 'scheduled' disabilities.

Most cases involve temporary total disability. That is, the employee — although totally disabled during the period when benefits are payable — is expected to recover and return to employment. Permanent total disability generally indicates that the employee is regarded as totally and permanently unable to perform gainful employment.

Income Benefits for Total Disability (Chart VI)

Income or cash benefits payable under either temporary total or permanent total disability are shown in Chart VI. For computing weekly benefit payments, a formula — expressed as a percentage of wages — is used. In most states, limitations are placed on maximum and minimum benefits payable weekly; some states also limit the total number of weeks and total dollar amount of benefit eligibility. Where there is permanent total disability, most states provide payments extending through the employee's lifetime.

For either temporary total or permanent total disability, the wage-replacement percentage in each jurisdiction is the same. However, in permanent total disability cases, the time limits tend to be longer and the total dollar amounts higher than in cases of temporary total disability. Some states provide additional amounts and other benefits for dependents. Allowances for dependents are charted as a range in the 'Maximum Weekly Payment' and 'Notations' columns.

Partial Disability — Most awards and the preponderance of dollars paid out as income benefits are for temporary total and permanent partial disability. As partial disabilities involve current earnings or wage earning ability, many state weekly benefit payments for temporary or permanent partial disabilities of the 'non-scheduled' type are based on a wage-loss replacement percentage. The percentage applies to the difference between wages earned before and after the injury. In some states 'nonscheduled' permanent partial disabilities are compensated as a percentage of the total disability cases.

Income Benefits for Scheduled Injuries (Chart VII)

Chart VII indicates maximum amounts payable in cases of 'scheduled' injuries. Listed by law, these injuries involve loss, or loss of use of, specific body members, where wage loss based on nature of impairment is presumed. In most jurisdictions, the actual amount payable is a specified number of weeks of benefits (based on the member involved) multiplied by the weekly benefit amount (based on earnings at time of injury).

The Chart also indicates whether the 'scheduled' award is in addition to any payment otherwise payable to the employee while they may be temporarily totally disabled (healing period). Some states limit the amount payable for such periods of temporary total disability.

The Canadian statutes do not typically provide specific injuries; Cases are decided individually using medical impairment ratings as guidelines.

Fatalities: Income Benefits for Spouse And Children (Chart VIII)

Benefits payable in the event of fatal injuries are shown in Chart VIII. The benefits provided include a burial allowance as well as a proportion of the worker's former weekly wages.

Although accidental death is always a tragedy, the economic loss associated with death cases is often less than that of a permanent total disability. Because of these considerations, death benefits are generally paid to the spouse until remarriage and to the children until a specified age. In addition, some laws provide a maximum benefit total expressed as maximum period for the payment of benefits. Figures for one child only reflect compensation if sole survivor.

Waiting Period For Income/Medical Benefits (Chart IX)

Medical Benefits — Comprising a sizeable portion of all workers' compensation benefits paid, medical benefits are shown in Chart IX. In most instances unlimited medical benefits are provided either specifically by statute or by administrative discretion.

Choice of Physician — Practices vary with respect to choice of attending physician. States are divided nearly evenly between those that give this decision to the employer and those that give the choice to the employee. In some states, selection must be made from an approved list. The employer normally has the right to have select a physician to conduct an examination.

Waiting Periods — Statutes provide that a waiting period must elapse during which income benefits are not payable. This waiting period affects only compensation; medical and hospital care are provided immediately. If disability continues for a certain number of days or weeks, most laws provide for payment of income benefits retroactive to the date of injury. Statutory provisions for waiting periods are summarized in Chart IX.

Rehabilitation of Disabled Workers (Chart X)

Mutual interests of disabled employees and employers generally favor starting rehabilitation as soon as possible. Although rehabilitation is considered an integral part of complete medical treatment, its uses may extend beyond this — for example, where it includes vocational rehabilitation and retraining.

Specific rehabilitation provisions now in workers' compensation laws are outlined in Chart X. However, rehabilitation is provided in all states even if unspecified in the law. Maintenance allowance amounts and special fund sources to finance rehabilitation also are indicated.

Insurance carriers and many employers having medical departments are leaders in carrying on rehabilitation for the industrially injured. Likewise, many major industries have comprehensive programs for employment of the physically handicapped. Smaller industries maintain modified programs for placement of disabled individuals in congenial tasks. All of these private programs help employees and employers alike.

The Federal Vocational Rehabilitation Act is now effective in all states; it includes federal funds to aid states in vocational rehabilitation of the industrially disabled.

USCC 56098

Chart VI — Income Benefits for Total Disability

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Alabama	66⅔%	569.00	100% SAWW	156.00[1]	27.5% SAWW[7]	Disability PP–300 weeks TP–300 weeks				Annual increase in maximum effective July 1.[7]
Alaska	80% of spendable earnings	814.00		179.00 110.00[8]		Disability			Social Security, unemployment compensation, employer-funded pension or profit-sharing plan	
Arizona	66⅔	374.01				Disability				Benefits payable monthly. Additional $25 monthly if 1 or more total dependents, not subject to maximum. If claim was handled in bad faith or was done unfairly, additional benefit of 25% of total or $500, whichever is greater.
Arkansas	66⅔	440.00	85% SAWW	20		TT–450 weeks PT–Life				Maximum effective January 1. Employer may pay a lump sum equal to present value of all future payments computed at a discount of no more than 10%.[9]
California	66⅔	602[10]		126[10]		TT–Disability PT–Life		TT–after 2 years	Unemployment compensation, Social Security	50% increased compensation if injury due to employer's serious, willful misconduct. Compensation sation increased by 10% if undue delay in payment. If injury was caused by employee's intoxication by alcohol or other controlled substance, no compensation is payable.
Colorado	66⅔	659.12	91% SAWW				TT[11]–Disability PT–Life		Social Security, Unemployment compensation, an employer-paid pension plan	Annual maximum based on 91% of SAWW effective July 1. Compensation increased 50% if employer failed to comply with insurance provisions. Compensation decreased 50% if injury results from worker's failure to obey safety regulations or from intoxication.
Connecticut	75% of after-tax income	909	100% SAWW	181.80[12]	20% of maximum	Disability				
Delaware	66⅔	491.57	66⅔ AWW	163.86	33⅓% of maximum	Disability			Social Security, employer-funded pension	Annual increase in maximum effective July 1.
District of Columbia	66⅔	1,022.00[13]	100% SAWW[13]	255.50[13]	25% SAWW	Disability		PP and PT–January 1, maximum 5%[13]	No offsets for injuries occurring on	Annual increase in maximum effective January 1.[13] or after 4/16/99
Florida	66⅔	608	100% SAWW	20		All Temporary Benefits–104 weeks PT–Disability				Annual based SAWW and maximum effective January 1. Compensation increased 20% of initial installment if not paid within 7 days after it becomes due.[14] Compensation reduced by 25% if employee refuses to use a safety device provided by employer.[15]
Georgia	66⅔	400 for injuries after 7/1/00		40.00[1]		Catastrophic-length of disability Noncatastrohpic–400 weeks			Employer funded portion of disability plan, wage continuation plan, disability insurance policy contributed to by Employee; unemployment benefits.	A person convicted of the misdemeanor offense of fraudulently receiving and retaining benefits for which he/she is not entitled subjects that person to a penalty of not less than $1,000 nor more than $10,000, or one year of imprisonment, or both.[16]
Guam[100]	66⅔	250	66⅔ SAWW	PT–150.00[1]		Disability–100,000				Compensation increased 10% for late payment without award, 20% if award

USCC 56099

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Hawaii	66⅔	580	100% SAWW	141[1]	25% SAWW	Disability		PT–injuries prior to 1/1/92 and January 1 of every tenth year thereafter.		Annual increase in maximum effective January 1. Compensation may be increased 20% for failure to pay within 31 days after decision or award or within 10 business days for uncontroverted TT disability case.
Idaho	67	474.30	90% SAWW	79.05	15% SAWW	Disability		After 52 weeks or on January 1 of following year		Annual increase in maximum effective January 1.[16] For first 52 weeks, benefit is 67% of worker's wages; after 52 weeks, benefit is 67% of the SAWW. Worker with no wage history receives no less than 15% of SAWW for first 52 weeks, 67% of SAWW thereafter. 8% interest on late payments.[18]
Illinois	66⅔	1,004.41[19]	133⅓ SAWW	376.66[20]	PT–50% SAWW	TT–Disability PT–Life		PT–July 15 of second year		Semi-annual increases in maximum effective January 15 and July 15.[20]
Indiana	66⅔	588[21]		50		500 weeks	294,000			After 500 weeks additional benefits are payable from second injury fund in 150–week increments.[22]
Iowa	80% of spendable earnings[23]	1,103[24]	200% SAWW	0.92[25]		Disability				Annual increase in maximum effective July 1. Benefits up to 50% if late or stopped without good cause.
Kansas	66⅔	432	75% SAWW	25		Disability	TT–100,000 PT–125,000 (includes TT) PP–where functional impairment only is awarded–50,000		Retirement benefit provided by employer, including Social Security Retirement. No offset for Social Security Disability.	Annual increase in maximum effective July 1. Compensation may be increased up to $100 per week past due (plus up to $25 week past due).
Kentucky	66⅔[26]	571.42	100% SAWW	114.28	20% SAWW	Disability For injuries/diseases after 12/12/96 award terminates upon eligibility for old age Social Security benefits			For injuries and dates of last exposure on or after 12/12/96: employer funded disability or sickness and accident plan covering same disability, unless plan contains an internal offset provision; unemployment benefits	
Louisiana	66⅔	398	75% SAWW	106	20% SAWW[1]	TT–6 months[27] PT–Disability			Social Security[28], unemployment compensation, employer-funded disability, federal and other state workers' compensation	Annual increase in maximum effective September 1. No compensation paid if intoxication was the proximate cause of the injury.[29]
Maine	80% of after-tax AWW	491.35[30]	90% SAWW					For injuries on and after 1/1/93, there is no provision for automatic cost of living adjustment	Employer funded benefits, old age Social Security, unemployment benefits	Annual increase in maximum effective January 1.[31] Employee who terminates active employment and is receiving non-disability pension and retirement benefits and was paid weekly benefits is presumed not to have loss of earnings — this may be rebutted because of work-related disability.

USCC 56100

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Maryland	66⅔	700	100% SAWW, yearly maximum figure	TT–50[31]		For TTD–length of total disability	For PT–45,000 and thereafter as long as claimant remains permanently, totally disabled	PT–January 1 maximum 5%		Annual increase in maximum effective January 1. Statutory formula utilized.
Mass.	60	882.57	100% SAWW	176.51	20% SAWW	TT–156 weeks PT–260 weeks	[32]	PT–Percentage change in most recent annual CPI, not to exceed 5%	Unemployment compensation, pension, old age Social Security	Annual increase in maximum effective October 1. Additional $6 weekly per dependent child if total benefit does not exceed $150 or 100% of wages.[33]
Michigan	80% of spendable earnings	653	90% SAWW	181.24	PT–25% SAWW	Disability[34]			Disability, unemployment compensation, pension, old age Social Security Retirement[35]	Annual increase in maximum effective January 1. Additional $50 per day for award unpaid after 30 days, maximum $1,500.[36]
Minnesota[100]	66⅔	750		130[37]	PT–65% SAWW	TT–90 days after MMI or after end of retraining, not to exceed a total of 104 weeks of benefits[102]		Annual increase equal to most recent percent increase in SAWW, not to exceed 2%, with first adjustment on fourth anniversary of injury[38]	Social Security after $25,000 paid for PT disability[39]	Increase in maximum effective October 1. Late payment shall be increased 25% if inexcusably delayed, plus interest.
Mississippi	66⅔	331.06[40]	66⅔ SAWW	25[41]		450 weeks	148,977			Annual increase in maximum effective January 1. Additional rehabilitation allowance up to $10 weekly for 52 weeks.[42]
Missouri	66⅔	649.32	105% SAWW	40		TT–400 weeks PT–Life	TT–259,728			Annual increase in maximum effective July 1; benefit set on rate in effect on date of injury; 10% interest for late payments. One time lumpsum award may be reached through a compromise settlement.[43,44]
Montana	66⅔	473	100% SAWW			TTD–disability until MMI; PTD–disability until eligible for or receiving full retirement benefits from Social Security or alternative system[45]		As of 7/1/90, maximum of 10 annual COLA adjustments. Rate no more than percent increase in SAWW or 3%, whichever is less.	Social Security	Annual increase in maximum effective July 1. PTD lump sum settlements may be discounted to present value based upon the average rate for US 10-year treasury bills in the previous calendar year.
Nebraska	66⅔	542.00	100% SAWW	49[1]		TTD–disability until MMI or return to work, PT–life				Annual increase in maximum effective January 1. Additional 50% compensation may be due for failure to pay within 30 days of notice of injury where no reasonable dispute exists, or for failure to pay within 30 days from the entry of final order, award or judgment.[46]
Nevada	66⅔	616.70[47]	150% SAMW			TT–Disability PT–Life			PT benefits are subject to an offset for previously received PP lump sum awards	TT benefits payable biweekly, PT benefits payable monthly. A TT cannot receive PP for the same period of time. Annual increase in maximum effective July 1.

USCC 56101

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
New Hampshire	60[48]	1,018.50	150% SAWW	203.70[49]	30% SAWW[1]	Disability		Third anniversary of injury, July 1 thereafter		Annual increase in maximum effective July 1. Double compensation if employer violated prior recorded safety standard.[50]
New Jersey	70	638	75% SAWW	170	20% SAWW	TT–400 weeks PT–450 weeks			Social Security	Annual increases to rate if date of injury occurred prior to January 1, 1980. After 450 weeks at reduced rate if employed, at full rate if not able to be rehabilitated.
New Mexico	66⅔	540.07	100% SAWW	36		PT–Life[51] TT–80% or more–700 weeks TT–less than 80%–500 weeks			Unemployment benefits, wages and employer financed disability benefits if offset contractually exists.	Annual increase in maximum effective January 1. 10% additional compensation payable by employer for failure to provide safety device. 10% decrease for failure to use safety device. Up to 25% increase if judge finds unfair claims processing.[52]
New York	66⅔	400		TT–40[1] PT–40[1] Or actual weekly wage, if less than $40.00		Disability			Social Security	Persons receiving PT benefits may collect full compensation and wages, but not in excess of pre-injury wage base.[53] Provision for collection of full wages and compensation applies only to statutory total disability for loss of both eyes, hands, arms, feet or legs or any two thereof.
North Carolina	66⅔	674	110% SAWW	30		TT–Disability PT–Life				Annual increase in maximum effective January 1.
North Dakota	66⅔	537 plus dependents	110% SAWW	293.00[1]	60% SAWW[1]	Disability or retirement			Social Security Disability and Social Security Retirement[54]	Annual increase in maximum effective July 1. Additional $10 weekly per dependent child under 18, or to age 22 if child attends a full-time educational institution; total benefits may not exceed claimant's net take-home pay.
Ohio	72% first 12 weeks; 66⅔ after 12 weeks; 66⅔ if receiving social security benefits[55]	644 for first 12 weeks[1]	100% SAWW	TT–214.00 PT–322.00	TT–331/3% SAWW PT–50% SAWW	TT[56]–Disability PT–Life			Employer funded benefits	Annual increase in maximum effective January 1. If PT benefit plus Social Security rate less than $273.54 weekly, Disabled Workers' Relief Fund (DWRF) pays the lesser of the difference between the DWRF rate and PT or DWRF rate and social security; amount increased annually by increase in CPI.
Oklahoma	70	528.00	100% SAWW	30[1]		TT–156 weeks except for good cause shown PT–Life				Maximum amounts adjusted every 3 years based on SAWW. Current rates effective 11/1/02–10/31/05.[57]
Oregon	66⅔	865.78	133% SAWW	50, or 90% of actual wages, whichever is less		TT–Disability PT–Life			PT–Social Security TP–Wages	Annual increase in maximum effective July 1. Percentage of SAWW increased from 100% to 133% effective for injury dates on or after 1/1/2002. Up to 25% increase if unreasonable delay in payment.
Pennsylvania	66⅔	675	100% SAWW		50% SAWW, or 90% of employee's AWW, whichever is less	TT–Disability PT–Disability, but not more than 500 weeks			Unemployment compensation, Social Security (old age) and certain severance and pension payments	Claimants suffering injuries after 6/24/96 who continue to receive PT for 104 weeks may be required to undergo a medical examination requested within 60 days following expiration of the 104 weeks of receipt of benefits by the insurer to determine the degree of impairment utilizing the AMA Guidelines. A disability rating of less than 50% will result in the employee's compensation being reduced from total to partial status.

USCC 56102

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment: Amount ($)	Maximum Weekly Payment: Rate	Minimum Weekly Payment: Amount ($)	Minimum Weekly Payment: Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Puerto Rico[100]	66⅔	65		20		TT–312 weeks PT–Disability	24,300[58]			Double compensation if employee is under 18 and employ employed without a government permit. Triple compensation for accidents where a health or safety regulation had been overlooked after due warning had been issued.
Rhode Island	75% of spendable income	702[59]	110% SAWW			Disability		Increases effective 5/10 and are based on the CPI for employees receiving total incapacity benefits for 1 year or partial incapacity extending beyond 312 weeks		Annual change in maximum effective September 1. Additional $15 per dependent child under 18; 23 if in an accredited institution; total benefit may not exceed 80% of pre-injury wages. 10% increase if payment not made within 14 days of becoming due — 20% if payment awarded by Court.[60]
South Carolina	66⅔	563.55	100% SAWW	75[1]		500 weeks[61]	281,775[61]			Annual increase in maximum effective January 1.
South Dakota	66⅔	482.00	100% SAWW	241.00	50% SAWW[1]	TT–Disability PT–Life		Yes, for all PTD claims.		Annual increase in maximum effective July 1.
Tennessee	66⅔	599.00[62]	100% SAWW	89.85		TT–400 weeks PT–Age 65	239,600		Social Security Disability	Annual increase in maximum effective July 1. Compensation may be increased 25% for failure to pay claim.
Texas	70[63]	537	100% SAWW	80	15% SAWW	TT–104 weeks PT–401 weeks	[64]			Maximum and minimum benefits established on September 1 annually. Benefits are subject to withholding for child support.
Utah[65]	66⅔	562	TT–100% SAWW PT–85% SAWW	45		Disability 312 weeks all combinations unless PT			Social Security Disability and Retirement	Annual increase in maximum effective July 1. Additional $5 if spouse, plus $5 per dependent child under 18 (up to 4); total benefit may not exceed maximum.[65]
Vermont[66]	66⅔	865.00[67]	150% SAWW	288[1]	50% SAWW[1]	Disability or medical end result[68]		July 1		Annual increase in maximum effective July 1. Additional $10 per unmarried dependent child under 21, total benefits may not exceed pre-injury weekly net income or wages.[68]
Virgin Islands	66⅔	385	66⅔ SAWW[69]	77[1,69]		Disability		After 2 years on January 1	PT–Social Security Disability and Retirement	Annual increase in maximum effective January 1. Total disability benefits begin after medical and vocational rehabilitation end. Compensation increased 15% for injury caused by employer's failure to obey safety order.
Virginia	66⅔	681	100% SAWW	170.25	25% SAWW[1]	TT–500 weeks PT–Disability[70]	TT–283,500	2.7 — 10/1/00 3.4 — 10/1/01[71]		Annual increase in maximum effective July 1. Compensation increased 20% for failure to pay within 2 weeks after due. Benefits subject to child support withholding.
Washington	60 to 75% depending on marital status and number of dependents	542.92[72]	120% SAMW	43.19 depending on marital status and number of dependents				July 1	Social Security Disability and Retirement	Annual increase in maximum effective July 1. Benefits payable monthly. 60% of wages, additional 5% of wages for spouse, plus 2% of wages per dependent child (up to 5), up to maximum. Benefits subject to child support withholding.
West Virginia[73]	66⅔ PT 70% TT	526.81	100% SAWW	144.20	33⅓% SAWW (subject to Federal minimum wage)	TT–208 weeks PT–Life[74]	109,576.48		Reduce Permanent Total by after-tax amount of self-insurance, wage continuation, employer provided disability insurance, if no employee contribution to plan or premium [23-4-23(b)(1)(2)]	Annual adjustment in maximum and minimum effective July 1. All but Temporary Benefits payable monthly.[75]

USCC 56103

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Wisconsin[75]	66⅔	669	110% SAWW	20		TT–Disability PT–Life			Social Security	
Wyoming	TT–66⅔ or SAWW	527[76]		[77]		TT–24 months PT–Life	[78]			Quarterly adjustments in maximum effective January 1, April 1, July 1, and October 1. Benefits paid monthly. PT benefit fixed at 66⅔% of the SAWW.
F.E.C.A	66⅔ or 75	1,548.42	66⅔ or 75% of highest rate for GS–15	239.30[1]	66⅔ or 75% of lowest rate for GS–2	TT–Disability PT–Life		March 1	[79]	Benefits paid every four weeks. Annual increase in maximum effective Jan. 2. Higher percentage payable if 1 or more dependents.
Longshore Act	66⅔	996.54	200% NAWW[80]	249.14[1][80]	50% of NAWW[80]	Disability		PT–October 1	Jones Act, other workers' compensation benefits	Annual increase in maximum effective October 1.
Alberta[4]	90% of net income	745.26		256.46		TT–Disability PT–Life	58,800			PT payable monthly. Adjustments are made January 1 annually.
British Columbia[4]	90% Net Average	796.97		313.18[1]		TT–Disability PT–Greater of to retirement or 2 years[81]		January 1 based on Consumer Price Index	50% of any CPP disability deducted	Annual increase in maximum January 1. Maximum annual compensable earnings $60,100.
Manitoba[4]	90% of net average earnings (80% after 24 months)[101]	674.42[82]		219.99[83]		To age 65[84]	55,620	First day of the month following the second anniversary of the accident and annually thereafter	Canada Pension Plan Disability Benefits, other disability benefits, any payment made by an employer, EI benefits	Benefits payable periodically. Maximum annual earnings $55,620. Annual increase in maximum effective January 1.
New Brunswick[4]	85% of net earnings	559.21/ 586.86[85]				To age 65[86]		Benefits indexed by CPI[87] on anniversary of accident	Remuneration or income replacement from an employment source and proportion of CPP benefits with respect to the injury	Maximum annual earning is $48,400, increases annually on January 1, benefits payable bi-weekly.
Newfoundland[4]	80% of weekly net earnings	513.51		No minimum		To age 65[89]			75% of employer sponsored pension plan benefits and Canadian Pension Disability Benefits	PT payable monthly. Maximum annual earnings $45,500.
Northwest Territories[4]	90% of net income	859.31		413.84[1]		TT–Disability PT–Life				Benefits payable monthly. Maximum annual earnings $64,500.
Nova Scotia[4]	75% of net loss of earnings for first 26 weeks, 85% thereafter	75%–430.11; 85%–487.45[90]		No minimum		[91]		Based on on half of the percent change in the CPI for preceeding year, effective January 1.	50% of Canadian Pension Disability	Maximum insurable earnings are 140.2% of average industrial wage for Province. Additional 5% of long-term disability setaside to provide annuity after age 65.
Nunavut[4]	90% of net income	859.31		413.84[1]		TT–Disability PT–Life				Benefits payable monthly. Maximum annual earnings $64,500.
Ontario[4]	85% of net average earnings[92]	915.32 to 983.06	175% of Average Industrial Wage in Ontario	298.02[93]		TT–Disability PT–Life		In accordance with increases in the CPI[94]		PT payable monthly. Maximum annual earnings $65,600.

USCC 56104

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment Amount ($)	Maximum Weekly Payment Rate	Minimum Weekly Payment Amount ($)	Minimum Weekly Payment Rate	Time Limit	Amount Limit ($)	Automatic Cost of Living Increase	Offsets	Notations
Prince Edward Island[4]	80% for first 38 weeks; 85% thereafter	*443.76*				TT–Disability PT–Life		[95]	Canadian Pension Disability Benefits and employer paid collateral benefits.	Payable biweekly. Maximum annual earnings $40,000.
Québec[4]	90% of weighted net income[96]	625.03 to 718.96		218.60 to 243.38		TT–Disability[97] PT–to age 68		January 1		PT payable biweekly. Maximum annual earnings $53,500 effective 1/1/2003.
Saskatchewan[4]	90% of net income	*706.73*[95] [98] [99]		*303.33*[99]		TT–Disability PT–Life		Payments indexed by CPI on anniversary of earnings loss.	50% of Canadian Pension after 12 months	PT payable monthly. Assessable maximum is $51,900. After 2 years' disability, an amount equal to 10% of compensation is set aside to purchase annuity for benefits after age 65.
Yukon Territory[4]	75 or 100[5]	952.19		306.88[1]		Age 65		12 months from date of accident		Maximum assessable earnings $66,200.
Canadian Merchant Seaman's Act[4]	75	604.11		156.32		TT–Disability PT–Life				Benefits payable monthly. Maximum annual earnings $42,000. Gov-in Council may raise benefits to level in maritime provinces.

Notes

[1]Actual wage if less.

[2]Amounts shown in italics have been calculated.

[3]Social security offsets generally apply by formula up to 50% of basic benefit.

[4]All amounts are reported in Canadian dollars.

[5]Injured workers who earn equal to or less than $16,000 will receive wage loss benefits, which equal 100% of their gross salary. If earning more than $16,000 an injured worker will receive 75% of their gross salary or $16,000, whichever is greater.

[6]Reflects maximum (net) for worker with dependent spouse and 2 dependent children.

[7]Alabama — Compensation may be increased up to 15% for failure to pay within 30 days after due. Disqualification may occur if impaired by illegal drugs causes an accident. A drug test may be performed after an accident. No compensation awarded if employee refuses to submit to drug test.

[8]Alaska — Spendable weekly earnings if less. $174 with wage documents; $110 without wage documents.

[9]Arkansas — 18% penalty for failure to pay without an award, 20% penalty for failure to pay with an award. Benefits are subject to child support withholding. Ark. code Ann. § 11–9–522(F)(1) provides: Permanent total disability benefits shall be paid during the period of such permanent total disability until the employee reaches the age of 65; provided, with respect to permanent total disabilities resulting from injuries which occur after age 60, regardless of the age of the employee, permanent total disability benefits are payable for a period of 260 weeks.

[10]California — Maximum weekly payment covers injuries occurring on or after 1/1/03; minimum benefit is $126 per week.

[11]Colorado — TT payments cease when claimant reaches MMI, is released or is able to return to work or as otherwise determined by the statutes.

[12]Connecticut — 75% of the AWW if less.

[13]District of Columbia — Maximum is 100% of the SAWW; minimum is 25% of the SAWW for PP and PT.

[14]Florida — Compensation increased 20% of initial installment if not paid within 7 days after it becomes due; $50.00 fine for each late payment below 90% of compliance.

[15]Florida — No compensation is payable if injury was caused primarily by the use of any drug, including alcohol. If employee refuses to take a drug test, it is presumed that drug use caused the accident.

[16]Georgia — Income payable without award increased 15% if not paid within 21 days of becoming due unless claim is controverted or Board excuses. Awarded benefits increased 20% if not paid within 20 days unless Board grants review. No compensation payable if employee was intoxicated or under the influence of a controlled substance. Blood alcohol reading of .08 within 3 hours of accident or confirmation of controlled substance within 8 hours of accident creates rebuttable presumption that it was the proximate cause of the accident.

[17]Idaho — If at minimum as of 7/1/91, no children are considered if accident occurred prior to7/1/91.

[18]Idaho — Benefits reduced 100% if use of a controlled substance or alcohol is "proximate cause of injury." Additionally, increase for each dependent child under age 18 is for injuries incurred prior to 7/1/91 only.

[19]Illinois — Minimum TT benefit is $100.90, if unmarried, ranges up to $124.30 if 4 or more dependents. In all cases claimant receives actual wage if less. Maximum weekly payment of $1,004.41 and PT minimum of $376.66 are effective as of 1/15/2003.

[20]Illinois — TT benefits may be increased $10 per day, up to $2,500, for unreasonable delay in payment; 14 days presumed unreasonable. Compensation may be increased 50% for unreasonable or vexatious delay in payment. Compensation may be increased 25% for employer's willful safety violation.

[21]Indiana — TT disability benefits subject to child support withholding.

[22]Indiana — Award is increased 5% if employer loses on court appeal; court may increase 10%.

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[23]Iowa — Elected or appointed officials may choose to have their compensation based on their weekly earnings or they may choose to receive compensation equal to 140% of the SAWW.

[24]Iowa — Effective July 1, 2001, maximum for PT disability is $1,014.

[25]Iowa — Minimum weekly benefit amount for PP disability, PT disability, or death equal to the weekly benefit amount of a person whose gross weekly earnings are 35% of SAWW.

[26]Kentucky — 80% of the AWW during rehabilitation.

[27]Louisiana — TT payable until claimant reaches MMI or for 6 months, whichever is less; claimant may, however, submit a claim for an extension.

[28]Louisiana — PT benefits reduced so that combined Social Security and PT benefits do not exceed 66⅔% of pre-injury wages. Lump sum payments allowed upon Administrative Law Judge's approval and may be discounted at no more than 8% per year. Monthly supplemental earnings benefits cannot exceed 66⅔% of average monthly wage.

[29]Louisiana — 12% interest if undue delay in payment.

[30]Maine — Dates of injury prior to 1993 receive cost of living adjustments each year. The SAWW is calculated each year around the end of June. The SAWW is the basis for calculating maximum benefits, annual cost of living adjustments, and impairment awards. A new multiplier is calculated each July 1, obtained by dividing the new SAWW by the preceding year's average weekly wage. For partial incapacity benefits, compensation paid to employee for duration of disability if work-related injury results in permanent impairment of 13.2% of body. Other cases, payment of partial compensation limited to 364 weeks.

[31]Maine — Carrier may be assessed up to $200 per day for failure to pay award within 10 days. Some dates of injury prior to 1993 receive cost of living adjustments each year. Effective January 1, 1998, for dates of injury from and including 1/1/93 to and including 12/31/99, the permanent impairment threshold was reduced from in excess of 15% to 11.8% or greater. For dates of injury on or after 1/1/03, the threshold is 13.2%

[32]Massachusetts — Maximum limited by weeks of eligibility rather than dollar amounts.

[33]Massachusetts — Double compensation if injury due to employer's serious and willful misconduct. If no benefits are paid prior to final decision of claim, award is based on benefits in effect at time of decision instead of date of injury. Eligible for supplementary benefits after 24 months, calculated on October 1, equal to base benefit times percent increase in the SAWW over the SAWW at time of injury.

[34]Michigan — Conclusive presumption of PT disability does not exceed beyond 800 weeks from injury; thereafter determined in accordance with facts.

[35]Michigan — Benefits reduced if eligible for Social Security and benefits are not being coordinated.

[36]Michigan — Additional $50 per day penalty if uncontested benefits are unpaid after 30 days; $1500 maximum.

[37]Minnesota — Or employee's AWW, whichever is less.

[38]Minnesota — Different provisions apply to injuries prior to October 1, 1995.

[39]Minnesota — Offset for government disability benefits from same injury.

[40]Mississippi — Lump sum awarded in special cases, equal to present value of future payments.

[41]Mississippi — Except in cases of partial dependency or partial disability.

[42]Mississippi — If award is not paid within 14 days, 20% interest added (10% if no award).

[43]Missouri — Compensation increased 15% if injury caused by failure to comply with statute or order; decreased 15% if caused by worker's failure to use safety device.

[44]Missouri — If employer has a drug-free workplace program and the injury was primarily caused by intoxication, employee forfeits right to benefits.

[45]Montana — Compensation terminates upon receipt of or eligibility for Social Security Retirement benefits, when claimant is receiving PT disability benefits.

[46]Nebraska — Injuries caused by employee's intoxication or willful negligence are not compensable. Exception to employee's exclusive remedy is the willful and unprovoked physical aggression by a co-employee, officer or director. Lump sum settlements may be discounted to PV upon the basis of interest calculated at 5% per annum with annual rests.

[47]Nevada — Maximum compensation is $88.10/day for an injured employee whose date of injury occurred between 7/01/2002–6/30/03. The date of injury establishes the compensation rate.

[48]New Hampshire — Any claimant who holds 2 jobs concurrently shall have their AWW computed from their two salaries, but not to exceed 100% of their after tax earnings.

[49]New Hampshire — If AWW is 30% or less of the SAWW, employee is then compensated at rate equal to their AWW but not to exceed 90% of employee's after tax earnings.

[50]New Hampshire — Employer not liable for injury if worker was intoxicated by a non-prescription controlled substance unless employer was aware of intoxication.

[51]New Mexico — Except for total disability resulting from primary mental impairment in which case the maximum period is 100 weeks.

[52]New Mexico — If determined award is not paid timely, a workers' compensation judge may order the entire balance of the award due.

[53]New York — No compensation paid if injury caused solely by intoxication from alcohol or controlled substance; additionally, no compensation is paid if injury is caused by willful intention to injure oneself or another.

[54]North Dakota — Offset for retirement may not exceed 40% of weekly Social Security benefit. Offset for disability may not exceed 50% of weekly Social Security benefit. If eligible to receive supplemental benefits, claimant may receive minimum of $271 per week.

[55]Ohio — Maximum PT rate is 66⅔ of the SAWW unless claimant receives Social Security, which combined with PT, brings maximum up to 100% of the SAWW.

[56]Ohio — After 200 weeks, claimant examined to determine if disability is permanent. Claimant who receives an initial award of 90 days TT compensation will be required to be examined by bureau to determine continued eligibility for compensation, rehabilitation and medical treatment.

[57]Oklahoma — 10% penalty if not paid within 10 days after becoming due.

[58]Puerto Rico — May be paid in monthly installments of $65 to $200 for life; if converted to lump sum payment, total sum not to exceed $24,300.

[59]Rhode Island — Total award (TT and payments to dependents) may not exceed 80% of the AWW.

[60]Rhode Island — No compensation for PT disability if worker is earning pre-injury wages. Lump sum benefits available after benefits have been received for 6 months. Dependency allowance may be increased if the number of dependents increases during the time when an employee is receiving weekly benefits. Medical review required 26 weeks from date of compensable injury.

[61]South Carolina — Person who is paraplegic or quadriplegic or has suffered brain damage shall receive PT benefits for life. Commission may not order lump sum payment in such cases.

[62]Tennessee — Weekly rate applies to Temporary Total Disability and Permanent, Partial or Total Disability. Permanent Disability is paid from date injury is determined to be permanent.

[63]Texas — 75% if earning less than $8.50 per hour.

[64]Texas — For life in cases of amputation or paralysis of two limbs, loss of vision in both eyes, third degree burns over 40% of body and requiring skin grafts, or permanent insanity at rate of 75% of the AWW. Annual increase not granted for benefits for life.

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[65]Utah — Compensation provided by the Utah Workers' Compensation Act shall be reduced 15% when injury is caused by the willful failure of the employee to use safety devices when provided by the employer; or to obey any order or reasonable rule adopted by the employer for the safety of the employee. Disability compensation may not be awarded under the Utah occupational Disease Act when the major contributing cause of the employee's injury is the use of illegal substances, intentional abuse of prescribed drugs and intoxication from alcohol with a blood or breath alcohol concentration of .08 gram or greater. For purposes of Subsection 2 of the Occupational Disease Act, it is presumed that the major contributing cause of the employee's injury is the employee's conduct described in subsection 2-b-i through iii if at the time of injury, as shown by a chemical test.

The presumption created under Subsection 3-a may be rebutted by evidence. PT Disability beyond 312 weeks payable from Employers' Reinsurance Fund, minimum 36% of the SAWW. Employers and carriers have lifetime responsibility for injuries occurring after 7/1/94.

[66]Vermont — Employer must notify employee, who has not successfully returned to work (unless employee successfully returns to suitable employment) and the Commissioner, prior to terminating TT disability payments. Notice of payment discontinuation must include date, documented reason for discontinuation, and supporting evidence.

[67]Vermont — PT benefits payable at least 330 weeks, after temporary disability benefits cease. After 330 weeks, PT benefits continue while there is lost earning capacity.

[68]Vermont — Benefits may be disallowed if injury results from worker's failure to use safety device.

[69]Virgin Islands — During vocational rehabilitation, income benefits are 75% of the AWW, maximum SAWW, minimum $75 or actual wage if less.

[70]Virginia — Lifetime for permanent total disability.

[71]Virginia — Recipient of Social Security may be eligible for cost of living increases.

[72]Washington — Maximum monthly benefits are $3,722.90 effective 7/1/02 to 6/30/03.

[73]West Virginia — Employees of the state or any of its subdivisions may not simultaneously receive temporary workers' compensation benefits and sick/vacation pay.

[74]West Virginia — Until claimant attains the age necessary to receive federal old age retirement benefits. Rate adjustment not applicable to Permanent Total Awards with injuries after 5/10/95.

[75]Wisconsin — Compensation may be adjusted up or down by 15% (up to $15,000) for failure to use safety device or obey code or order. 10% interest payable on late payments. Employer, insurer or both may be assessed penalty up to double the amount of compensation (not to exceed $15,000) for bad faith failure to make payments.

[76]Wyoming — Benefits paid monthly, maximum is SAMW.

[77]Wyoming — SAMW changes quarterly. Worker's benefits are capped by the SAMW at the time of injury. PT benefits are based on a percentage of the worker's actual monthly earnings not to exceed the SAMW.

[78]Wyoming — PT benefits are awarded for 80 months. Extensions must be filed yearly and are approved by the division.

[79]F.E.C.A — Election required if benefits from Civil Service Retirement and Disability Fund (CSRA) or Federal Employees' Retirement System (FERS) are payable. In addition, individuals who receive social security benefits, due to Federal Service, are subject to offset.

[80]Longshore Act — Effective 9/29/84. Non-appointed Fund Instrumentalities Act employees subject to same maximum/minimum weekly rates as employees covered under Longshore Act.

[81]British Columbia — Additional amount equal to 5% of pension payment deposited in fund. Returned with interest at retirement.

[82]Manitoba — Maximum payment for worker earning maximum with dependent spouse and 2 children.

[83]Manitoba — Maximum payment for worker earning minimum wage with dependent spouse and 2 children. Minimum weekly payment will be $228.37, as of 4/1/2003.

[84]Manitoba — If worker is 63 or older at time of accident, maximum time for receiving wage loss benefits is 24 months.

[85]New Brunswick — Annual review of maximum. $559.21 for single worker; $586.86 figure for married equivalent.

[86]New Brunswick — If 63 or older at time of loss, 2 years of benefits.

[87]New Brunswick — CPI calculated based on Statistics Canada information from July to June of each year.

[89]Newfoundland — If worker is 63 or older at time of injury, maximum time for benefits is 2 years.

[90]Nova Scotia — TD Code 1.

[91]Nova Scotia — Earnings-loss: until loss of earnings ends, no longer results from injury, worker reaches ages 65. Permanent Impairment Benefits: Life.

[92]Ontario — Net average earnings are gross wages minus probable income taxes, Canadian pension plan premiums and Unemployment Insurance. Lower figure for single, higher figure for married claimant with 1 child.

[93]Ontario — Minimum weekly amount payable is $298.02 or actual net average earnings (if the net average earnings are less than $15,343.12), whichever is less.

[94]Ontario — CPI paid on full permanent disability, Future Economic Loss benefits and Full Loss of Earnings. All other income benefits are indexed according to the following: (50% of CPI) — 1%, not less than 0, not more than 4%.

[95]Prince Edward Island — Permanent partial and total disability income benefits are indexed by following 75% of the CPI, to a maximum of 4%.

[96]Québec — Gross income less federal and provincial income tax net of credits established in relation to the family situation of the worker; unemployment insurance premiums; and contributions to the Québec Pension Plan.

[97]Québec — Income replacement indemnity is reduced by 25% at age 65, 50% at age 66, and by 75% at age 67.

[98]Saskatchewan — Maximum earning ceiling increased by $1,000 if 10% workers injured in preceding year earn in excess of maximum. For injuries occurring on and after 9/1/85, the maximum assessable wage rate is $48,000. For injuries occurring before 9/1/85, the maximum assessable wage rate is $47,000. For injuries occurring on and after January 1, 2003, the maximum assessable wage rate is $51,900.

[99]Saskatchewan — Actual wages if less for first 2 years' disability.

[100]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

[101]Manitoba — Net average earnings are average earnings minus probable deductions for income tax, Canada Pension Plan contributions and Employment Insurance premiums.

[102]Minnesota — With an exception for approved retraining.

Chart VII — Income Benefits ($) for Scheduled Injuries

Jurisdiction	Arm at shoulder	Hand	Thumb	First finger	Second finger	Third finger	Fourth finger	Leg at hip	Foot	Great toe	Other toes	One eye	Hearing: One Ear	Hearing: Both Ears
In this group of jurisdictions, compensation for temporary disability is allowed in addition to allowance for scheduled injury.														
Alabama[2]	48,840	37,400	13,640	9,460	6,820	4,840	3,520	44,000	30,580	7,040	2,420	27,280	11,660	35,860
Alaska	No Schedule. Benefits are $177,000 multiplied by the percent of whole person rating according to AMA Guide to the Evaluation of Permanent Impairment.[3]													
Arizona[4]	79,200	66,000	19,800	11,800	9,240	6,600	5,280	66,000	52,800	9,240	3,300	39,600	26,400	79,200
Arkansas[5]	77,836	58,377	23,287	13,717	11,803	7,656	6,061	58,696	41,789	10,208	3,509	33,495	13,398	50,402
California[6]	108,445[7]	64,056[8]	10,036	4,440	4,440	3,330[9]	3,330[10]	118,795[11]	49,256[12]	5,596	5,596	17,714	9,296	64,056
Colorado[13]	43,149.60	21,574.80	7,260.75	3,734.10	2,696.85	1,452.15	1,867.05	43,149.60	21,574.80	3,734.10	829.80	28,835.55	7,260.75	28,835.55
Conn.[14]	142,896	115,416	43,281	24,732	19,923	14,427	11,679	106,485	85,875	19,236	6,183	107,859	24,045	71,448
Delaware	122,892.50	108,145.40	36,867.75	24,578.50	19,662.80	14,747.10	9,831.40	12,289.25	78,651.20	19,662.80	7,373.55	98,314.00	36,867.75	86,024.75
District of Columbia[62]	239,148	187,026	58,254	35,770	23,506	19,418	12,264	220,752	157,388	29,638	12,264	122,640	39,858	153,300
Florida	No schedule. Benefits paid according to degree of impairment.[15]													
Georgia	90,000	64,000	24,000	16,000	14,000	12,000	10,000	90,000	54,000	12,000	8,000	60,000	30,000	60,000
Guam[63]	70,000	53,000	12,750	7,000	4,500	4,250	1,750	62,000	43,250	6,500	2,000	35,000	13,000	50,000
Hawaii[16]	180,960	141,520	43,500	26,800	17,400	14,500	8,700	167,040	118,900	22,040	9,280	81,200[64]	30,160	116,000
Idaho[17]	87,780.63	83,160.60	33,880.24	21,560.16	15,400.11	7,700.06	4,619.74	61,600.44	43,120.31	1,622.88	2,156.02	88,088.64	0.00	53,900.39
Illinois[18, 19]	301,323	190,837.90	70,308.70	40,176.40	35,154.35	25,110.25	20,088.20	276,212.75	155,683.55	35,154.35	12,052.92	160,705.60	27,108.50[65]	108,434
Iowa	253,500	192,660	60,840	35,490	30,420	25,350	20,280	223,080	152,100	40,560	15,210	141,960	50,700	177,450
Kentucky[54]	No Schedule. PP benefits are paid at 66⅔% of wages according to degree of disability, for 425 weeks if disability is 50% or less or 520 weeks if disability is greater than 50%.													
Maine	"Specific loss" law provides set number of weeks at the employee's total compensation rate for loss of body parts whether worker actually loses that much time from work or not.[20] Employers may offset specific loss by amount of incapacity benefits previously paid.													
Maryland[21]	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mass.[22, 69]	Benefits paid according to degree of impairment, in Section 36 of published guidelines.													
Minnesota[61]	Benefits paid according to degree of impairment, mostly set out in PPD schedule rules.[23]													
Mississippi	66,212	49,659	19,863.60	11,587.10	9,931.80	6,621.20	4965.90	57,935.50	41,382.50	9,931.80	3,310.60	33,106	13,242.40	49,659
Missouri[24]	78,908	59,521	20,407	15,305	11,904	11,904	7,482	70,405	52,719	13,605	4,762	47,617	16,666	61,222
Montana	No schedule. Benefits paid according to degree of impairment, age, education, wage loss and lifting restriction.[25]													
Nebraska[26]	121,950	94,850	32,520	18,970	16,260	10,840	8,130	116,530	81,300	16,260	5,420	67,750	27,100	54,200[27]
Nevada[28]	No Schedule for Injuries after 1973.													
New Hampshire[29]	213,885	192,496	77,406	47,869	38,703	19,351	9,166	142,590	99,813	18,333	3,055	85,554	30,555	125,275
New Jersey[30]	154,440	92,365	12,750	8,500	6,800	5,100	3,400	147,420	78,200	6,800	2,550	59,600	10,200	59,600
New Mexico	Schedule is based on a percentage of Total Disability for a number of weeks.[31]													
North Carolina[72]	161,760	134,800	50,550	30,330	26,960	16,850	13,480	134,800	97,056	23,590	6,740	80,880	47,180	101,100
North Dakota[33]	Benefits paid according to degree of impairment, mostly set out in PPI schedule rules.													

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Chart VII — Income Benefits ($) for Scheduled Injuries, Cont.

Jurisdiction	Arm at shoulder	Hand	Thumb	First finger	Second finger	Third finger	Fourth finger	Leg at hip	Foot	Great toe	Other toes	One eye	Hearing: One Ear	Hearing: Both Ears
Ohio[35]	144,900[66]	112,700	38,640	22,540	19,320	12,880	9,660	128,800	96,600	19,320	6,440	80,500	16,100	80,500
Oklahoma[59]	72,600	58,080	17,424	10,290	8,712	5,808	4,488	72,600	58,080	8,712	2,904	72,000	29,040	87,120
Oregon[36]	107,238	83,850	26,832	13,416	12,298	5,590	3,354	83,850	75,465	10,062	2,236	55,900	33,540	107,328
Puerto Rico[37,61]	12,000	12,000	—	—	—	—	—	12,000	11,375	—	—	[38]	3,250	12,000
Rhode Island[39]													6,750	21,960
South Carolina	123,981	104,256.75	36,630.75	22,542	19,724.25	14,088.75	11,271	109,892.25	78,897	19,724.25	5,635.50	78,897	45,084	169,065
South Dakota	96,400	72,300	24,100	16,870	14,460	9,640	7,230	77,120	60,250	14,460	4,820	72,300	24,100	72,300
Tenn.[40]	119,800	89,850	35,940	20,965	17,970	11,980	8,985	119,800	74,875	17,970	5,990	59,900	44,925	89,850
Utah[41]	81,750	63,000	25,125	15,750	12,750	6,375	3,000	58,500	33,000	9,750	1,500	45,000	20,438	40,875
Vermont	No schedule. Benefits paid according to degree of impairment, AMA Guide 5th edition.													
Virgin Islands[42]	Benefits for PPD shall be 66⅔% of AWW pursuant to statutory schedule in accordance with degree of impairment.													
Virginia[43]	136,200	102,150	40,860	23,835	20,430	13,620	10,215	119,175	85,125	20,430	6,810	68,100	34,150	68,100
Wash.[44]	89,469.71	80,522.71	32,209.09	20,130.68	16,104.52	8,052.28	4,026.10	89,469.71	62,628.81	18,788.66	6,859.34	35,787.86	11,929.28	71,575.79
West Virginia[45]	126,434	105,362	42,144	21,072	14,750	10,536	10,536	126,434	73,753	21,072	8,429	66,539	47,413	115,890
Wisconsin[46]	111,000	88,800	35,520	13,320	9,990	5,772	6,216	111,000	55,500	18,500	5,550[47]	61,050	12,210[48]	73,260[48]
Wyoming	No schedule. Benefits paid by formula based on AMA Guide to the Evaluation of Permanent Impairment.													
F.E.C.A[49]	466,302	364,672	112,092	68,749	44,836	37,364	22,184	430,433	306,384	56,793	23,912	239,129	77,717	298,912
Longshore Act	271,989	212,709	65,382	40,101	26,153	21,794	13,076	251,067	178,711	33,127	13,948	139,482	45,332	174,352
British Columbia[63]	70%	50%	20%	4%	4%	2.5%	2.5%	65%	25%	2.5%	.5% each	16%	3%	15%
Manitoba[67]	74,420	50,020–62,220	13,420	1,220	610	610	610	68,320	1,220–19,520	610	610	8,540	1,220	25,620
Yukon Territory	No Schedule. Benefits paid by formula based on AMA Guide, 4th Edition. Rate adjusted by flat salary and age.													
In this group of jurisdictions, compensation for temporary disability is allowed in addition to scheduled injury with certain limitations as to period.														
Indiana[50]	86,500	62,500	16,000	10,400	9,100	7,800	5,200	74,500	50,500	16,000	2,600–7,800[64]	50,500	22,000	62,500
Kansas[51]	97,200	64,800	25,920	15,984	12,960	8,640	6,480	86,400	54,000	12,960	4,320	51,840	12,960	47,520
New York[52]	124,800	97,600	30,000	18,400	12,000	10,000	6,000	115,200	82,000	15,200	6,400	64,000	24,000	60,000
Pennsylvania	Figures not available.													
In this group of jurisdictions, compensation for temporary disability is deducted from the allowance for scheduled injury.														
Kentucky[54]	No schedule. PP benefits paid at 66⅔% of wages according to degree of disability, for 425 weeks if disability is 50% or less or 520 weeks if disability is greater than 50%.													
Louisiana[55]	Schedule is based on 66⅔% of wages for a number of weeks.[56]													
Michigan[57]	175,657	140,395	42,445	24,814	21,549	14,366	10,448	140,395	105,786	21,549	7,183	105,786	[58]	[58]
Texas[60]	No schedule. Benefits paid according to degree of impairment.													

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Chart VII — Income Benefits ($) for Scheduled Injuries, Cont.

Notes

[1]Amounts in chart reflect maximum potential entitlement. In Canada, permanent physical impairments generally are compensated by degree of disability using medical rating schedules as guidelines.

[2]Alabama — Maximum weekly PP benefit is lesser of $220.00 or 100% SAWW. Additionally, compensation is allowed for both temporary disabilities and permanent partial scheduled injuries but not at the same time.

[3]Alaska — Compensation is $177,000 multiplied by the employee's percentage of permanent impairment based on the AMA Guide to the Evaluation of Permanent Impairment.

[4]Arizona — Benefits based on $2,400.00 wage. Total loss payable at 55% of $2,400 (monthly payment of $1,320).

[5]Arkansas — Maximum PP rate is 75% of maximum total disability rate ($330.00 effective 1/1/2003).

[6]California — For injuries after 1/1/03, maximum PP disability benefit is as follows: 1–69% @ $185 per week, 70–99% @ 230 per week (See Labor Code sections 4453(b)(6–7).

[7]California — This assumes injury to the major arm and that reasonably satisfactory use of a prosthesis is not possible. Amount excludes life pension benefits.

[8]California — This assumes injury to the major hand and that reasonably satisfactory use of a prosthesis is possible.

[9]California — Loss of leg at or above knee, reasonably satisfactory use of prosthesis possible.

[10]California — Assuming satisfactory stump.

[11]California — Assuming loss of all except great toe.

[12]California — Assuming ability to wear artificial eye.

[13]Colorado — Effective July 1, 2002 the compensation rate is $207.45 per week. Each succeeding July 1, the compensation rate is modified for injuries arising on and after such date by the same percentage increase or decrease as the state AWW. When an injury results in the total loss or total loss of use of an arm at the shoulder, a forearm at the elbow, a hand at the wrist, a leg at the hip or so near as to preclude the use of an artificial limb, the loss of a leg at or above the knee where the stump remains sufficient to permit the use of an artificial limb, a foot at the ankle, an eye, or a combination of any such losses, the benefits shall be calculated as medical (or whole person) impairment. Medical impairment benefits are calculated by multiplying the medical impairment rating by an age factor set forth in statute, times 400 weeks and multiplied by the temporary total disability rate.

[14]Connecticut — Commission may award additional benefits based on loss of earnings.

[15]Florida — 3 weeks at 50% of the Average Weekly TT rate for each percent of impairment.

[16]Hawaii — In cases in which the disability is determined as a percentage of total loss or impairment of physical or mental function of the whole person, the maximum compensation is the corresponding percentage of 312 times 100% of the SAWW.

[17]Idaho — Maximum weekly PP benefit is 55% of the SAWW for year in which injury occurred.

[18]Illinois — For PP benefits, wage replacement is 60%. Figures reflect benefits for amputation of a member and enucleation of an eye — maximum is 133⅓% of the SAWW ($1,004.41 effective 1/15/03). For other PP benefits, maximum is $542.17 effective 7/1/02–6/30/03.

[19]Illinois — Hearing loss under Workers' Compensation is $27,180.50.

[20]Maine — Set number of weeks.

[21]Maryland — Maximum weekly PP benefit is $114 where benefits are payable for less than 75 weeks; 66⅔% of the AWW, not to exceed ⅓ of the SAWW, where benefits are payable for 75 weeks but less than 250 weeks; and 66⅔% of the AWW not to exceed 75% of the SAWW where benefits are payable for 250 weeks or more. Maximum benefit for second and third tiers.

[22]Massachusetts — Proportional benefits for partial loss of limbs (fingers, toes).

[23]Minnesota — PP disability equals scheduled dollar amount ($75,000 to $515,000) times percent whole body disability. Concurrent payment of PP disability and temporary benefits allowed in certain situations.

[24]Missouri — Totals rounded, totals given for hearing loss due to Transmatic incident loss (explosion, blast, or blow to head) 49 weeks (1 ear) or 180 weeks (both ears). Occupational hearing loss provides for loss up to 49 weeks (1 ear) or 180 weeks (both ears). Maximum weekly PP benefit is 55% of the SAWW; minimum is $40.00. If amputation or 100% loss of use, there is an additional 10% compensation. Benefit set at rate on date of injury.

[25]Montana — The maximum partial disability benefit is 50% SAWW.

[26]Nebraska — Terms run consecutively for loss of, or loss of use of, more than 1 member but less than total disability.

[27]Nebraska — PT loss of hearing is compensated as PT disability.

[28]Nevada — Some PT loss receives 100% of the Temporary Total Disability benefit until death. There is a schedule for the loss or permanent damage of teeth NAC616C.508.

[29]New Hampshire — If any injury results in more than one specified body part or is to the spinal column or spinal cord, or to the brain or involves scarring, disfigurement, or other skin impairment resulting from a burn or burns, an award shall be made to the whole person using 350 weeks as the maximum. Maximum weekly payment is $1,018.50 times the number of weeks specified.

[30]New Jersey — There is an an additional payment of 30% of the award where there has been an amputation of a major member (arm, hand, leg, foot). Compensation is payable weekly at 70% of pre-injury weekly wages, up to a maximum of 55% of the SAWW for arm or leg, 45% of the SAWW for hand, 40% of the SAWW for foot or one eye, 35% of the SAWW for hearing — both ears, 20% of the SAWW for other scheduled injuries in chart.

[31]New Mexico — Benefits are a percentage of the compensation rate times the number of weeks specified for each injury in the statute schedule § 52–1–43. Effective 1/1/2003, the maximum weekly payment is $540.07

[32]North Carolina — For unscheduled injuries, maximum compensation is $20,000.00.

[33]North Dakota — PP impairment benefit is 331/3% of the SAWW for a scheduled number of weeks. Impairments are paid as a lump sum and are not based on any disability of injured worker.

[35]Ohio — Maximum weekly PP benefit is 331/3% of the SAWW, payable for a maximum of 200 weeks at a rate of 2 weeks for each percentage of the PP percentage.

[36]Oregon — For injuries occurring on or after 1/1/2002, calculated at $559 per degree for scheduled injuries; for unscheduled injuries awards of 0–64 degrees, $184 per degree, awards greater than 64 degrees but equal to or less than 160 degrees, $184 times 64 ($11,776) plus $321 times the number of degrees in excess of 64, awards greater than 160 degrees $184 times 64 plus $321 times 96 ($42,592) plus $748 times degrees in excess of 160.

[37]Puerto Rico — Maximum PP benefit is $65.00 weekly. Maximum amount for PP disability is $12,000.

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[38]Puerto Rico — Permanent visual disability is compensated according to percentage of total disability; in addition, loss of eye by enucleation, evisceration or extreme atrophy is compensated at an additional 10% of PT disability.

[39]Rhode Island — Maximum scheduled PP benefit is 50% or AWW — $90.00 weekly; minimum is $45.

[40]Tennessee — Injury Schedule is based on a set number of weeks. Maximum weekly benefit is 66⅔% of the employee's AWW.

[41]Utah — Maximum per week, including allowance for dependents is 66⅔% of the SAWW. Entry presumes total loss of hearing in one ear and no loss of hearing in the other (54½ weeks).

[42]Virgin Islands — PP benefit is 66⅔% of the SAWW. For loss of two or more digits or one or more phalanges of two or more digits on a hand or foot, benefits may be proportioned to the loss of use of the hand or foot.

[43]Virginia — Benefits for scheduled injuries are payable in addition to compensation for temporary disability. County of Spotsylvania v. Hart, 218 Va. 565,238 S.E.2d 813 (1977). TT disability payments continue until claimant is released to return to work at which time award for specific disability may be entered and paid simultaneously with payment for TP benefits.

[44]Washington — Amounts are adjusted each July 1 to reflect percentage changes in CPI. All scheduled injury benefits reported are the amputation or total loss values for scheduled injuries.

[45]West Virginia — Maximum weekly benefit is 100% SAWW for injuries after 5/10/95.

[46]Wisconsin — Maximum weekly PP benefit is $222.00 effective 1/1/03.

[47]Wisconsin — Third, fourth and fifth toes $4,440.

[48]Wisconsin — Under occupational hearing loss law, maximum is $7,992 for one ear and $47,952 for both ears as of 1/1/03.

[49]F.E.C.A — Includes allowances for dependents. Maximum weekly benefit is $1,548.42.

[50]Indiana — Payable if injury occurred after 7/1/97. Amounts provided are for loss of use; loss by separation results in a doubled award. Indiana can conduct an assessment of up to 1.5% any time the fund drops below $1,000,000 on or before 10/1. Effective after 6/30/01, PPI based on degree of injury: 1–10 degrees $1,300; 11–35 degrees $1,500; 36–50 degrees $2,400; 51–100 degrees $3,000. Impairment awards are subject to child support withholding.

[51]Kansas — Additional healing period up to 15 weeks may be allowed, for amputations only. Maximum weekly PP benefit is 75% of the SAWW.

[52]New York — $400 maximum does not relate to protracted healing period. Additional compensation due to loss of 50% or more of member applies only to loss of arm, leg, hand or foot and only if impairment of earning capacity is due solely to such loss.

[54]Kentucky — For injuries occurring on or after 12/12/96 the degree of disability is determined by the AMA Guide. Benefits for PP disability benefits are calculated by multiplying 66⅔% of the employee's pre-injury AWW (not to exceed 75% of the SAWW) times the permanent disability rating (AMA impairment times factor). The multiplying factors are specifically set out by statute and the factor used is based on the AMA functional impairment rating. The benefit may not exceed 99% of 66⅔% of the employee's AWW or 75% of the SAWW, whichever is lower. When an employee lacks the physical capacity to return to the type of work performed at the time of the injury the maximum benefit may increase to 100% of the SAWW. For injuries from 12/12/96–7/13/2000, if the employee does not retain the physical capacity to return to the type of work performed at the time of injury, the employee is entitled to 1.5 times the benefit to which he would otherwise be entitled. In addition, when an employee returns to work at the same or greater wage, their workers' compensation benefits are reduced by one-half for each week such work continues. If employment ceases for any reason, benefits will be restored to the regular benefit level during unemployment or work at lesser wages than earned at time of injury. For injuries occurring on or after 7/14/2000, multipliers are three times the benefit if lacking the physical capacity to return to previous type of work or a multiplier of two if worker ceases to earn the same wage. Hearing loss for dates on or after 12/12/96 require at least a finding of 8% functional impairment (AMA Guide) in order to be found to be compensable.

[55]Louisiana — Schedule applies to amputation or disability greater than 25%. Supplemental earnings benefits equal 66⅔% of the difference between AWW (4 weeks prior to injury) and post-injury earnings subject to the maximum earned while disabled. Supplemental earnings benefits are available to those who earn less than 90% of pre-injury wages; maximum 520 weeks; cease 2 years after termination of TT disability (unless paid for 13 consecutive weeks during that time) or upon retirement or receipt of Social Security retirement benefits.

[56]Louisiana — Arm-200 weeks; hand -150 weeks; thumb — 50 weeks; first finger — 30 weeks; second finger — 20 weeks; third finger — 20 weeks; fourth finger — 20 weeks; leg — 175 weeks; one eye — 100 weeks; one ear — 0 weeks; two ears — 100 weeks.

[57]Michigan — Wage-loss benefits payable for life.

[58]Michigan — Hearing loss compensable based on lost earnings.

[59]Oklahoma — For injuries occurring on or after 1/1/03, if the shoulder or hip is involved, the disability is considered to be to the body as a whole, $132,000. Maximum PPD benefit is $264.00, 50% of the SAWW effective 11/1/02–10/31/05 and shall be paid to the employee for the period in the schedule.

[60]Texas — For injuries occurring on or after 1/1/91, there is no schedule of benefits. Partial permanent benefits are paid according to the degree of impairment and the loss of earnings.

[61]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

[62]District of Columbia — Figures represent a 25% reduction of the stated period of weeks listed in the Act for injuries occurring on or after 4/16/99.

[63]British Columbia — Percentages are applied to 90% of net average monthly earnings with the resulting amount payable monthly until retirement age and adjusted January 1 each year by the Consumer Price Index. Additional percentages may apply for bilateral impairment and age adaptability.

[64]Hawaii — Figure represents benefit for the loss of vision. For the loss of an eye by enucleation, benefit is $92,800.

[65]Illinois — Figure reflects amount under the Workers' Compensation Act, 50 weeks maximum. Under the Workers' Occupational Diseases Act; $54,217, 100 weeks maximum.

[66]Ohio — If shoulder or hip is involved, $224,800.

[67]Manitoba — A dual award system of compensating injured workers was adopted in 1992. Under this system, separate awards or benefits are paid to workers for permanent impairment and loss of earnings. The level of the impairment award is shown and is based on a 2003 accident date and a 45 year-old worker.

[68]Indiana — Figures reflect range from 5th to 2nd toe based on degree calculations.

[69]Massachusetts — figures for Massachusetts could not be verified.

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Chart VIII — Fatalities: Income Benefits for Spouse and Children

Jurisdiction	Percent of Wages: Spouse Plus Children	Percent of Wages: Spouse Only ($)	Percent of Wages: One Child Only	Maximum Per Week: Spouse Plus Children ($)	Maximum Per Week: Spouse Only ($)	Minimum Per Week: Spouse Only ($)	Amount Limit: Time Limit	Amount Limit: Spouse Plus Children ($)	Amount Limit: Spouse Only ($)	Maximum Burial Allowance ($)
Alabama	66⅔	50	50	569.00[14]	569.00[14]	156.00[14]	500 weeks			3,000[15]
Alaska	100	80[16]	100	814.00[17]	814.00[17]	179.00[17]	[35]			5,000
Arizona	66⅔	66⅔	25	369.25	369.25		[3,5]			5,000
Arkansas	66⅔	35	50	440.00	440.00	20.00	[3,5]	[19]	[19]	6,000
California	66⅔	66⅔	66⅔	602.00	602.00	224.00	[3]	160,000[20]	125,000	5,000
Colorado	66⅔	66⅔	66⅔	659.12	659.12	164.78	[3,5,22]			7,000[21]
Connecticut	75 of after-tax income	75 of after-tax income	75 of after-tax income	909.00[23]	909.00[23]	20.00[24]	[3,4]			4,000
Delaware	80	66⅔	66⅔	589.88[25]	491.57	163.86	[26]			3,500[26]
District of Columbia	66⅔	50	50	1,022.00[27]	1,022.00[27]	255.50[27]	[3,5]			5,000
Florida	66⅔	50	33⅓	608.00[28]	608.00[28]	20.00	[3,4]	100,000	100,000[28]	5,000
Georgia	66⅔	66⅔	66⅔	400.00[30]	400.00[30]	40.00[9]	400 weeks[3,4]	[31]	125,000[2]	7,500
Guam[29]	66⅔[32]	35	35	250.00	131.25	131.25[33]	[35]	100,000	100,000[2]	3,600
Hawaii	66⅔	50	40	580.00[34]	434.98[34]	145.00[34]	[3,5]	[35]	[35]	8,700[36]
Idaho[37]	60	45	5	353.09[37]	236.70[37]	236.70[37]	500 weeks			6,000[9]
Illinois	66⅔	66⅔	66⅔	1,004.41[38]	1,004.41[38]	376.66[38]	20 years[3,5,39]	[39]	[39]	4,200
Indiana	66⅔	66⅔	66⅔	882.00	882.00	50.00[9]	500 weeks[3,5]	294,000[2]	294,000[2]	6,000
Iowa	80% of spendable earnings	80% of spendable earnings	80% of spendable earnings	1,103.00[40]	1,103.00[40]	[40]	[3,5]			7,500
Kansas	66⅔	66⅔	66⅔	432.00[41]	432.00[41]	288.00	[3]	250,000	200,000	5,000
Kentucky	75[42]	50	50	428.57[43]	285.71[43]	114.28[43]	[3,5]			[44]
Louisiana	65	32½	32½	388.00[45]	388.00[5]	104.00[45]	[3,5]			7,500
Maine[10]	80	80	80	491.35[46]	458.83[46]		500 weeks[3,5]			4,000[46]
Maryland	66⅔	66⅔	66⅔	722.00[47]	722.00[47]	25.00[9]	[3,5]	[125]	[125]	5,000[48]
Mass.	66⅔	66⅔	66⅔	882.57[49]	882.57[49]	176.51[49]	250 weeks[3,49]	[50]	[50]	4,000
Michigan	80% of spendable earnings	80% of spendable earnings	80% of spendable earnings	653.00[51]	653.00[51]	362.48[51]	500 weeks[7,9,52]	322,000[2]	322,000[2]	6,000
Minnesota[53, 122]	66⅔	50	60	750.00	750.00		[3]			15,000
Mississippi[10]	66⅔	35	25	322.90	322.90		450 weeks[3]	145,305	145,305	2,000
Missouri	66⅔	66⅔	66⅔	649.32[54]	649.32[54]	40.00	[3,5,55]			5,000
Montana	66⅔	66⅔	66⅔	473.00[56]	473.00[56]	236.50[56]	500 weeks[3,4]			4,000
Nebraska	75	66⅔[5]	66⅔	542.00	528.00	49.00[9]	[3,5]			6,000
Nevada	66⅔	66⅔	66⅔	616.70[57]	616.70[57]		[23,7]			5,000[8]

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Chart VIII — Fatalities: Income Benefits for Spouse and Children, Cont.

Jurisdiction	Percent of Wages: Spouse Plus Children	Percent of Wages: Spouse Only ($)	Percent of Wages: One Child Only	Maximum Per Week: Spouse Plus Children ($)	Maximum Per Week: Spouse Only ($)	Minimum Per Week: Spouse Only ($)	Amount Limit: Time Limit	Amount Limit: Spouse Plus Children ($)	Amount Limit: Spouse Only ($)	Maximum Burial Allowance ($)
New Hampshire	60	60	60	1,018.50[58]	1,018.50[58]	203.20[58]	[3,59]			5,000
New Jersey	[60]	50	50	638.00[61]	638.00[61]	170.00[61]	[3,60]			3,500
New Mexico	66⅔	66⅔	66⅔	516.89[63]	516.89[3,63]	36.00	700 weeks[3,5,64]	361,823[2]	274,435[2]	7,500
New York[8]	66⅔	66⅔	66⅔	400.00	400.00	30.00	[3,5,65]			5,000 up-state; 6,000 down-state
North Carolina	66⅔	66⅔	66⅔	674.00[67]	674.00[67]	30.00	[3,68]			3,500
North Dakota[10]	66⅔[69]	[69]	[69]	[69]	537.00	293.00[3]	[3,5]	250,000	250,000	6,500
Ohio	66⅔	66⅔	66⅔	644.00[70]	644.00[70]	322.00[70]	[3,5]			3,200
Oklahoma[10]	70	70	50	528.00[124]	369.60[124]	30.00[9]	[3,5]			5,000[121]
Oregon	Spouse 66⅔ plus 10% each child	66⅔	25% each child	867.92[72]	434.00[72]	434.00[72]	[3,7]			6,509.60
Pennsylvania	60–66⅔	51	32	662.00[73]	662.00[73]	168.81[73]	[3,5]			3,000
Puerto Rico[10,122]	85	50	60	46.15[74]	36.92[74]	9.23[74]	[3,6,75]			1,000
Rhode Island	75% of spendable income plus $40 per dependent	75% of spendable income	75% of spendable income	[76]	702[76]		[3,5]			5,000
South Carolina	66⅔	66⅔	66⅔	563.55[77]	563.55[77]	75.00[9]	500 weeks[3]	281,775	281,775	2,500
South Dakota[78]	66⅔	66⅔	66⅔	[79]	482.00[79]	241.00[79]	[3,5]			5,000[80]
Tennessee	66⅔	50 AWW	50 AWW	599.00	599.00	89.85	[3,4]	239,600	239,600	7,500
Texas	75	75	75	537.00[80]	537.00[80]	81.00	[3,5]			6,000[9]
Utah	66⅔[81]	66⅔	66⅔	478.00[82]	478.00[82]	45.00[9]	[3,82]			8,000[83]
Vermont	76⅔	66⅔	71⅔	827.00[84]	827.00[84]	276.00[84]	[3,85]			5,500
Virgin Islands				[86]	[86]	[86]		50,000 with 40% to spouse and 60% to children	50,000[86]	4,000
Virginia	66⅔	66⅔	66⅔	681.00[87]	681.00[87]	170.25[88]	500 weeks[3]			10,000[9,87]
Wash.[10]	62	60	35	537.95[89]	537.95[89]	43.17	[3,7]			6,204.82
West Virginia	66.67%	66.67%	66.67%	490.55[90]	490.55[90]	144.20	[3,4]			5,000
Wisconsin[91]	66⅔	66⅔	66⅔	669.00[92]	669.00[92]	20.00	[93]	200,700[94]	200,700[94]	6,000
Wyoming		80% SAMW[95]		[95]	[95]		[95]		[95]	5,000[96]
F.E.C.A	75[97]	50	40	1,548.42	996.38[98]	153.99[9,98]	[3,5,99]			800[100]
Longshore Act	66⅔	50	50	966.08[101]	966.08[101]	241.52[101]	[3,5]			3,000
Alberta[10]	90% of net income	90% of net income	90% of net income	745.26	745.26	256.46	5 years[124]	58,800[102]		8,150[8]

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Chart VIII — Fatalities: Income Benefits for Spouse and Children, Cont.

Jurisdiction	Percent of Wages			Maximum Per Week		Minimum Per Week	Amount Limit			
	Spouse Plus Children	Spouse Only ($)	One Child Only	Spouse Plus Children ($)	Spouse Only ($)	Spouse Only ($)	Time Limit	Spouse Plus Children ($)	Spouse Only ($)	Maximum Burial Allowance ($)
British Columbia[10,126]	[103]	[104]	40[105]	[103]	478.18	[104]	[3]			7,088.23[8]
Manitoba[10]	90% of net average earnings	90% of net average earnings		[106]	[106]	[106]	3			6,110[8]
New Brunswick	80% of net average earnings for first year[107]	80% of net average earnings for first year[107]	N/A	[107]	[107]	[107]	Age 65			6,454
Newfoundland[10]	80% of average net earnings[108,109]	80% of average net earnings[108,109]	[109]	80% net of $45,500 per year[108]	80% net of $45,500 per year[108]	[108]	Age 65			
Northwest Territories[10]			403.12 monthly allowance	1,773.75 monthly[110]	[110]	[110]	[3,130]			2,400[8]
Nova Scotia[10]	[111]	[111]					Age 65[3]			4,000[8]
Nunavut[10]			403.12 monthly allowance	1,773.75 monthly[112]	[112]	[112]	[3,126]			2,400[8]
Ontario[10,113]	85% of net average income	20%-60% of net average income depending on age on age of surviving spouse	30% of net average income	[114]			[3,13]			11,657.64
Prince Edward Island[10]	[115]	70% of net earnings loss[115]	10% of net earnings loss[115]	[115]	[115]	[115]	Age 65[3,7]			4,000[8]
Québec[10]	[116]	[116]	[116]	[116]	[116]	[116]	[3,4]			2,475
Saskatchewan	90% of net income	90% of net income	$324.44 monthly allowance	706.73[117]	656.72[117]	303.33[123]	5 years[3,12]			10,420 plus transportation of body within Canada.
Yukon Territory[10]		3.125% of maximum wage rate per month	1.25% of maximum wage rate per month	[118]	[118]	[118]	Life	827.00/ child	2,069.00	4,000[8,119]
Canadian Merchant Seaman's Act[10]				[119,120]	[120]	[120]	[3,5]	[121]		3,500[8]

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Chart VIII — Fatalities: Income Benefits for Spouse and Children, Cont.

Notes

[2]Amount limits have been computed where not stipulated by law and are shown in italics. Disability payment deducted in all laws, except those of Arizona, Arkansas, California, Delaware, District of Columbia, Florida, Michigan, Minnesota, Mississippi, Missouri, Nevada, New York, North Dakota, Oregon, Washington, West Virginia, Wisconsin, Wyoming, F.E.C.A. and Longshore Act.

[3]—To child age 16 in: Northwest Territories and Nunavut (unless attending school, when child receives compensation until completion/ graduation).

—To child age 18 in: Arkansas (or upon marriage; or to age 25 if full-time student or continuing if physically or mentally disabled), California, Colorado (age 21 if in school or until capable of earning their own living if physically or mentally incapacitated), Florida (22 if full-time student or upon marriage), Guam, Illinois (25 if in school), Indiana, Kentucky, Louisiana (death or marriage), Maine (23 if in school, or if physically or mentally incapacitated from earning), Michigan, Minnesota (25 if regularly attending, as a full time student, a high school, college or university, or vocational or technical training. Children over 18 when physically or mentally incapacitated from earning), Mississippi (unless child is full-time student and dependent in which case to 23, or unless child is wholly dependent and incapable of self-support by reason of mental or physical disability), Nevada (up to 22 if enrolled as a full time student in an accredited vocational or educational institution, if child is incompetent, he is entitled to benefit until such time as he becomes capable of supporting himself), New Hampshire (children continue if disabled or until 25 if full-time student), New Jersey, New York (to age 23 if enrolled as a full-time student at an accredited school; to any age if child is dependent blind or physically disabled child), North Carolina, North Dakota (22 if in school), Oklahoma (23 if in school), Oregon (up to 23 while full-time student), Pennsylvania (except in the case of a dependent child dependent due to disability; up to 23 while a full-time student), Rhode Island (except in the case of a dependent child physically or mentally incapacitated from earning; up to 23 while full-time student), Utah (unless mentally handicapped), Virginia (23 if enrolled as a full-time student in an accredited school) Washington (23 if permanently enrolled full-time in an accredited school; over 18 if dependent as a result of a physical, mental or sensory handicap), West Virginia (25 if in school; over 18 if incapable of self-support by reason of mental or physical disability), F.E.C.A (23 if in school; over 18 if incapable of self-support by reason of mental or physical disability), Manitoba (or child who is in a course of study and does not have a degree or vocational training, or if child is invalid, until ceases to be invalid or eligible for old age security, whichever first occurs), Nova Scotia (to 25 if attending approved educational facility), Prince Edward Island (22 if in school) and Saskatchewan (21 if student).

—To child age 19 in: Alaska (or to child any age while in first 4 years or vocational school, trade school or college), Nebraska (unless child is full-time student in which case to age 25, or child is actually dependent or physically or mentally incapable of self-support), and Wyoming.

—To age 21, if student, in: British Columbia (while attending school. Spouse receives for life), C.M.S.C.A. (or else to 18), Indiana, New Brunswick, and Yukon.

—To age 22 in: Arizona, Connecticut, Georgia (If only partially dependent, weekly compensation shall be in same proportion as the average amount contributed weekly by the deceased to his AWW at time of injury), Hawaii, Missouri, Montana, South Dakota, Tennessee (if full-time student and subject to statutory maximum total benefit).

—To age 23 in: D.C. (or completion of college, whichever is first), Kansas (if in college), Maryland (if full-time student at accredited institution), New Mexico, South Carolina and Longshore Act.

—To age 25 in: Delaware, Iowa, Ohio, Puerto Rico (if full-time student), Texas (if fulltime student), Ontario (or first degree or diploma, whichever occurs first, or
if child is permanently mentally or physically unable to earn a living, benefits are continued for life) and Québec.

—No age limit in: Massachusetts.

—If invalid: for 15 years in Wisconsin, for period decedent would have supported child in Prince Edward Island and Yukon, and no age limit in Northwest Territories, Nova Scotia and Nunavut.

[4]To spouse for life; compensation on remarriage (Georgia-to spouse until age 65 or 400 weeks, whichever is greater, also ceases upon cohabitation in a meretricious relationship; if only partially dependent, weekly compensation shall be in same proportion as the average amount contributed weekly by the deceased to his AWW at the time of injury; Maine-if dependency on new spouse is proven; Montana — benefits cease to spouse upon remarriage, but continue to any remaining beneficiaries; Rhode Island — without dependent children, cease upon remarriage).

[5]To spouse for life; 2 years' lump sum upon remarriage (but only if no children in Colorado, Illinois, Indiana and Iowa) or balance of compensation if less (Indiana, New Mexico, and South Dakota). In Alaska, spousal benefit ceases after 10 years or remarriage — any further reductions cease at age 52 or PT disability. In Illinois, lump sum is paid upon remarriage only if there were no children at time of death. In Puerto Rico, upon remarriage or the start of a consensual union, the surviving spouse will loose all benefits and these will accrue to the dependent minors or will be redistributed among the other beneficiaries. In Guam, unless paid in lump sum, benefits cease upon death or remarriage and redistribution of remaining amount to qualified dependents (if any). In Louisiana, to spouse for life or remarriage. In Kentucky, benefits for claims arising after 12/12/96 terminate on the date the claimant would have qualified for normal old-age Social Security retirement benefits with a two year minimum.

[6]To spouse for life; 1 years' lump sum upon remarriage.

[7]To spouse for life; cash lump sum on remarriage: Michigan — $500 or balance if less; Nevada — 2 years lump sum payment upon remarriage with additional awards if there are surviving children; Oregon — 36 times monthly benefit; Washington — 24 times monthly benefit or 50% of remaining annuity value of pension, whichever is less; Northwest Territories — $8,712; Prince Edward Island — $6,600.

[8]Additional allowance for transportation of body; no maximum except: Texas — not to exceed usual cost of otherwise transporting body from place of death back to place of work; Virginia — $1,000; Alberta — $550 within Alberta, $1,000 outside Alberta; British Columbia — $1,119.89; Northwest Territories — $3,000; Nova Scotia — $500 within province, "actual cost" if death occurs outside province; Nunavut — $3,000; Prince Edward Island — $300; C.M.S.C.A. — $300; Yukon — "actual cost" of transporting body.

[9]Actual wage if less.

[10]Spouse receives cash lump sum in addition to other benefits: Maine— $3,000; Mississippi — $250; North Dakota — $1,200 plus $400 per child; Oklahoma — $20,000 plus $5,000 per dependent (maximum $10,000); Puerto Rico — $500; Washington — $3,120.41; Alberta — $1,300; British Columbia — $2,093.52 in addition to other benefits; Manitoba — $33,610 to $55,620 depending on age of worker at time of death; Newfoundland — the greater of $15,000 or 26 times the weekly net earnings; Northwest Territories — $2,400; Nova Scotia — $15,000; Nunavut — $2,400; Ontario — $30,516.00 to $91,548.01; Prince Edward Island —$500; Québec — $1,650; C.M.S.C.A — $16,868.50.

[11]If no dependents.

[12]To spouse for 5 years or until youngest child reaches the age of 16. Benefits not interrupted upon remarriage.

[13]To spouse for life, regardless of remarriage.

[14]Alabama — Maximum is 100% of SAWW; minimum is 27–1/2 of SAWW, actual wage if less. In cases of remarriage by widow, any unpaid compensation is distributed to dependents, or any suitable person, based on court approval. Payment discharges employer from any further liability.

[15]Alabama — $7,500 payment made to an estate of a deceased worker who had no dependents.

[16]Alaska — 80% of spendable income.

[17]Alaska — Maximum is set by statute. For minimum, higher figure reflects amount with wage documents; lower figure reflects amount without wage documents. 80% allocated between spouse and children.

[19]Arkansas — Benefits in excess of $75,000 payable from Death and Permanent Total Disability Trust Fund.

[20]California — When there are 3 or more total dependents, benefits increase to $160,000. For peace officers, including fire fighters, who develop cancer, the presumption of compensabilty may only be controverted by evidence that the primary site of the cancer has been established and that the carcinogen is not reasonably linked to the disabling cancer. Claims for benefits filed or pending on or after 1/1/1997 define cancer to include leukemia. Under Labor Code section 3208.3, psychiatric injuries must have been predominately caused by employment to be compensable. However, an employee whose injuries resulted from a violent act must demonstrate that employment was a substantial cause of the injury. The amended section also imposes limitations on post-termination stress cases. Dependants of a worker whose HIV-related death occurs more than 240 weeks after the date of the initial injury will receive death benefits. The period within which proceedings may be commenced for the collection of benefits for cases stated above, is one year from the date of death, providing that; a report of the injury or exposure was made to the employer or the proper government agency authorized to administer industrial injury claims, within one year of the date of injury; the worker has complied with the State's notice provisions, and the claim has not been finally determined to be

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noncompensable; The employer was to provide worker's compensation benefits for the injury prior to the date of death. A Health care worker is one who has direct contact, in the course of employment, with blood or other bodily fluids contaminated with blood, or with other bodily fluids identified by the Division of Occupational Safety and health as capable of transmitting HIV, who is either (1) any person who is an employee of a provider of health care, as defined in subdivision (d) Section 56.05 of the Civil Code or (2) an employee who provides direct patient care.

[21]Colorado — For injuries occurring on or after February 1, 2000.

[22]Colorado — Social Security offset.

[23]Connecticut — Maximum is 100% of the SAWW and minimum is $20.00. Employer funded cost of living increase payable each October. Retroactive death benefits for dependents of deceased employee who was injured on or after 1/1/74 and died no later than 11/1/91.

[24]Connecticut — Spouse may not sue employer for loss of consortium if receiving or had been receiving workers' compensation benefits.

[25]Delaware — Maximum is 80% of the SAWW for spouse and children, 66-2/3% of the SAWW for spouse only. Minimum for spouse only is 1/3 of maximum.

[26]Delaware — Additional burial allowance payable on Board approval.

[27]District of Columbia — Maximum is 100% of the SAWW; minimum is 25% of the SAWW; Social Security and employer funded benefit plans offset if combined total exceeds 80% of employee's AWW.

[28]Florida — Maximum is 100% of the SAWW. Surviving spouse entitled to tuition benefits at vocational-technical center or community college.

[29]Florida — Spouse upon remarriage: lump-sum payment of 26 weeks at 50% of AWW, subject to $100,000 cap.

[30]Georgia — Weekly benefits increased 20%, not to exceed $20,000, if death of employee was direct result of injury caused by intentional act of employer.

[31]Georgia — Greater of 400 weeks or age 65.

[32]Guam — Spouse 35% and each child thereafter 15% of the AWW, total not to exceed 66⅔ of the AWW.

[33]Guam — Actual wage if less.

[34]Hawaii — Maximum is 100% of the SAWW for spouse and children, 75% of the SAWW for spouse only. Minimum is 25% of the SAWW or worker's average wage if less.

[35]Hawaii — Maximum amount for persons other than spouse and children is the maximum benefit times 312.

[36]Hawaii — Funeral expense is 10 times the SAWW, plus burial allowance to 5 times the SAWW.

[37]Idaho — Death benefit is fixed at 45% of the SAWW for spouse plus 5% of the SAWW per dependent child up to 3; 30% of the SAWW for 1 child if no dependent spouse.

[38]Illinois — Maximum is 133-⅓% of the SAWW; minimum is 50% of the SAWW.

[39]Illinois — Benefits are $250,000 or 20 years at TT rate, whichever is greater. Child under 18 is entitled to at least 6 years' benefits.

[40]Iowa — Maximum is 200% of the SAWW; minimum weekly benefit amount for PP disability, PT disability, or death equal to the weekly benefit amount of a person whose gross earnings are 35% of SAWW.

[41]Kansas — Maximum is 75% of the SAWW.

[42]Kentucky — If children live with spouse, 45% of claimant's benefits are paid to spouse plus 15% per child, up to 2 children. If children do not live with spouse, 40% of claimant's benefits are paid to spouse plus 15% per child, up to 2 children.

[43]Kentucky — SAWW two years prior is used to determine amounts. Maximum is 75% of the SAWW for spouse and children, 50% of the SAWW for spouse only. Minimum is 20% of the SAWW.

[44]Kentucky — In addition to other benefits, if the death occurs within four years of the date of injury as a direct result of a work-related injury, a lump-sum payment of $56,128.45 shall be made to the decendent's estate, from which the cost of burial and cost of transportation of the body to the employee's residence shall be paid. Benefit payment is adjusted annually in accordance with the adjustment to the SAWW. For 2002, the amount is 454,089.28.

[45]Louisiana — Maximum is 75% of the SAWW. Minimum is 20% of the SAWW, actual wage if less.

[46]Maine — Maximum is $491.35 as of 7/1/02. Dates of injury prior to 1993 receive cost of living adjustments each year. The SAWW is calculated each year around the end of June. The SAWW is the basis for calculating maximum benefits, annual cost of living adjustments, and impairment awards. A new multiplier is calculated each July 1, obtained by dividing the new SAWW by the preceding year's average weekly wage. In addition to burial expenses, $3,000 incidental compensation is also paid to the decedent's estate.

[47]Maryland — Maximum is 100% of the SAWW set annually. If dependent is only partially dependent, the maximum is 66⅔ of the State Average Weekly Wage set annually.

[48]Maryland — Additional burial allowance not exceeding $5,000, payable on Commission approval; burial allowance within 7 years of AI or an OD.

[49]Massachusetts — Maximum is 100% of the SAWW. Annual cost of living increase payable up to 5% for deaths after that date.

[50]Massachusetts — After receiving an amount equal to 250 times the SAWW, spouse must prove actual dependence; time and amount limits do not apply to children's benefits.

[51]Michigan — Maximum is 90% of the SAWW, minimum is 50% of the SAWW.

[52]Michigan — 500-week limit does not apply to children.

[53]Minnesota — To spouse for 10 years or, if children, during dependency of children and then 10 years' benefits; Offset for some government survivors' benefits. Minimum compensation for dependent is $60,000. If no dependents, payments paid to the deceased's estate.

[54]Missouri — Maximum is 105% of the SAWW. Two years payable to spouse following remarriage.

[55]Missouri — 4 years' benefits payable to child on active duty in armed forces at age 18 who enrolls in school prior to age 23.

[56]Montana — Maximum is 100% of the SAWW; minimum is 50% of the SAWW, actual wage if less.

[57]Nevada — Maximum depends on date of injury.

[58]New Hampshire — Maximum is 150% of the SAWW, minimum is gross SAWW, but not to exceed after-tax earnings.

[59]New Hampshire — On remarriage, the unpaid balance otherwise due is payable to parent or guardian for the children's benefit.

[60]New Jersey — For one dependent — 50% of wages; two dependents — 55% of wages; three dependents — 60% of wages; four dependents — 65% of wages; five or more dependents — 70% of wages.

[61]New Jersey — Maximum is 75% of the SAWW; minimum is 20% of the SAWW.

[62]New Jersey — No deductions for earnings after 450 weeks.

[63]New Mexico — Maximum is 100% of the SAWW.

[64]New Mexico — A child dependent is defined to be any child of the deceased who is under the age of 18 years or incapable of self-support and unmarried or under the age of 23 if enrolled as full-time student in any accredited educational institution.

[65]New York — If there is no spouse or dependent children, $50,000 is paid to deceased's parents and if there are no surviving parents, to the deceased's estate. Domestic partners as so defined in WCL § 4 are eligible for death benefits where the employee died as a result of September 11, 2001 terrorist attacks.

[66]New York — Social Security offset.

[67]North Carolina — Maximum is 110% of the SAWW.

[68]North Carolina — Payable for life until remarriage if spouse disabled at time of decedent's death.

[69]North Dakota — Maximum is 110% of SAWW plus $10 per dependent child under 18, or 22 if in school. Minimum benefit is 60% of SAWW, not to exceed net wage of descendent.

[70]Ohio — Maximum is 100% of the SAWW; minimum is 50% of the SAWW.

[71]Oklahoma — If no surviving dependents, estate receives $5,000.

[72]Oregon — Spousal benefit is fixed at 66⅔% of the AWW plus 10% of AWW per child up to monthly maximum; maximum is 133% of SAWW. Benefit when there is no surviving spouse is 25% of AWW for each child. Upon remarriage, surviving spouse receives 36 times the monthly benefit in lump sum final payment. Burial allowance is 10 times the SAWW.

[73]Pennsylvania — Maximum is 100% of the SAWW; minimum is 51% of 50% of the SAWW.

[74]Puerto Rico — Maximum for spouse and children is $200 monthly; this amount is divided amongst spouse and children based on ruling by the legal department; for spouse only, $160 monthly. Minimum is $40 monthly.

[75]Puerto Rico — 540-week limit inapplicable to spouse and children.

[76]Rhode Island — Maximum is 110% of the SAWW plus $40 per dependent child. Annual cost of living increase of 4% on anniversary.

[77]South Carolina — Maximum is 100% of the SAWW.

[78]South Dakota — Eligible dependents may qualify for a scholarship at a maximum of $2,000 per year, for not more than 5 years, paid to a post-secondary education.

[79]South Dakota — Maximum is 100% of the SAWW, minimum is 50% of the SAWW, actual wage if less. Additional $50 monthly is payable for each dependent child through age 18. $2,000 annually for 5 years is payable for dependent's schooling.

[80]Texas — Maximum is 100% of the SAWW, minimum is 15% of the SAWW.

[81]Utah — Additional allowance for dependents is $5 for spouse plus $5 for dependent child (up to 4). Maximum (including dependents' allowance) is 85% of the SAWW.

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[83]Utah — After 312 weeks, payments continue only after annual review. Receives same payment minus 50% Social Security payment. Upon remarriage, spouse receives 52 weeks compensation in lump sum or balance of award, whichever is less.

[83]Utah — $8,000 burial allowance applicable in normal cases; additional amounts may be requested.

[84]Vermont — Maximum is 150% of the SAWW; minimum is 50% of the SAWW, actual wage if less.

[85]Vermont — To spouse until age 62 or when entitled to Social Security; balance of 330 weeks, if any, is payable on remarriage. Child is dependent if under 18 years of age or incapable of self-support and unmarried.

[86]Virgin Islands — Death Benefits $25,000 minimum to $50,000 maximum at discretion of Administrator.

[87]Virginia — Maximum is 100% of the SAWW; minimum is 25% of the SAWW, actual wage if less.

[88]Virginia — Parents, in destitute circumstances, of killed employee entitled to receive benefits if deceased employee has no other dependents.

[89]Washington — Maximum monthly benefit is 120% of the SAMW. For injuries or fatalities occurring on or after 7/28/91 — 24 times the monthly compensation rate at the time of remarriage or 50% of the remaining annuity value of the pension, whichever is less. If the injury or fatality occurred prior to 7/28/91, the remarriage benefit lump sum is to be provided according to the remarriage benefit schedule then in effect. If a surviving spouse selects not to accept the lump sum payment at remarriage, payments can be resumed should the remarriage later be terminated by death or divorce.

[90]West Virginia — Maximum is 100% of SAWW; minimum is 33 1/3% of the SAWW. Not to exceed the Federal minimum WW.

[91]Wisconsin — Surviving parents receive benefit of $6,500.

[92]Wisconsin — Maximum is 110% of the SAWW. Benefits paid monthly. Commission may order that a partial lump sum be paid.

[93]Wisconsin — If death follows disability, total time limit for disability plus death is 1,000 weeks.

[94]Wisconsin — Amount limit is 200 times the SAWW. When primary benefit expires, a supplementary monthly benefit continues for children at 10% of the spouse's monthly benefit, payable from the Children's Fund to age 18 or for 15 years if invalid.

[95]Wyoming — Monthly benefit is either 80% of the SAMW or is capped at SAMW based on formula and actual monthly earnings of the worker. In addition, each child receives $150 monthly until age 19 (21 if physically or mentally incapacitated). After 54 months, the division may continue payments at 331/3% of the SAMW for 12 months. These additional benefits must be applied for yearly. COLA adjustment for dependent child(ren) each July 1.

[96]Wyoming — Up to $5,000 allowed for burial and related expenses unless other arrangements have been made by the employer.

[97]F.E.C.A. — 2 or more children.

[98]F.E.C.A. — Figures could not be verified at the time of publication; Information taken from the *2001 Analysis*.

[99]F.E.C.A. — Spouse who remarries after age 55 continues to receive monthly benefits.

[100]F.E.C.A. — Additional $200 lump sum payable for cost of terminating status as U.S. employee.

[101]Longshore Act — Benefits shall not exceed lesser of employee's weekly wage or $996.04 or 200% NAWW. Minimum is 50% of NAWW, actual weekly wage if less. Death benefits not payable if employee receiving PP benefits dies from causes other than compensable injury.

[102]Alberta — A dependent spouse with children receives the same as a worker would have received had he been 100% disabled until the youngest child reaches 18, at which time the dependent spouse receives a 5 year decreasing pension.

[103]British Columbia — Pension for spouse and one child is 85% of worker pension; pension for spouse and two children is 100% of worker pension; an additional $62.61 per week paid for each additional child. ("Worker pension" means: the monthly rate of compensation that would have been payable if the deceased worker had, at the date of death, sustained a permanent total disability (minimum is $398.94 per week). All pensions are reduced by the full amount of any federal pension (CPP) received).

[104]British Columbia — Varies with age of spouse and whether spouse disabled. Pension for invalid spouse of any age or spouse 50 years of age or over is 60% of worker pension. Pension for spouse 40 years of age is $202.32 per week increasing in annual increments to the pension payable at 50 years of age or over; compensation payable to spouse under 40 years of age is lump sum of $48,868.80.

[105]British Columbia — Pension is 40% of worker pension.

[106]Manitoba — In addition to the lump sum mentioned in note 10, the dependent spouse also receives monthly payments equal to 90% of the worker's net average earnings before the accident. These wage loss benefits will be provided for a period of up to 5 years or until the earlier of the youngest child turning 18 or the spouse turning 71. If the spouse is 60 years of age or older, these monthly payments stop at age 65. Where the spouse is 63 years of age or older, payments are made for 24 months. Under cases of hardship, monthly payments may be extended if the lump sum is not provided. The following monthly amounts are subtracted from the spouse's monthly payments: $310 for dependent child (monthly limit for children is $1,220); $310 for other dependent (monthly limit for dependent is $1,220). Each orphan receives $610 monthly. Total monthly payments to dependents other than a spouse cannot exceed $2,440.

[107]New Brunswick — Spouse with o r without children receives 80% of average net income for 1 year or to age 65. After 1 year, spouse must elect one of the following: 85% average net not to exceed 85% net family income, plus a 5% annuity for a pension at age 65 or 60% of average net income, plus a lump sum award, plus a specified amount for each dependent child, plus an 8% annuity for a pension at age 65. Figures represent maximum per week, less any Canada Pension Plan (CPP) Surviving Spousal Benefits that they receive.

[108]Newfoundland — Spouse receives lump sum equal to the greater of $15,000 or 26 times the weekly net earnings of worker. Monthly benefit is based on 80% of worker's net earnings.

[109]Newfoundland — Less CCP survivor benefits.

[110]Northwest Territories — Fixed monthly benefit is $1,742.03 plus $395.94 monthly per child.

[111]Nova Scotia — Benefits include a $15,000 lump sum payment. In addition, the spouse receives a Survivor Pension equivalent to 85% of the worker's net average earnings before the accident. Rehabilitation services such as educational grants; dependent children paid $196.00 per month through age 18, or age 25 if still in school.

[112]Nunavut — Fixed monthly benefit is $1,742.03 plus $395.94 monthly per child.

[113]Ontario — Lump sum payment is determined on a sliding scale depending on the age of the surviving spouse with a maximum of $91,548.01 and a minimum of $30,516.00 for 2002.

[114]Ontario — The weekly maximum is dependent on deceased worker's accident earnings and taxation code. CPP amount is offset in the calculation.

[115]Prince Edward Island — Spouse receives 70% of wage loss otherwise payable to worker. Dependent child receives 10% of wage loss otherwise payable to worker until 18 years of age (22 if in school). Total payment for all children may not exceed 30% of workers' compensation benefits.

[116]Québec — Spouse entitled to lump sum from $82,513 to $160,500. In addition, spouse entitled to monthly income replacement indemnity equal to 55% of employee's pre-injury wages (myears according to age of surviving spouse, plus $414 monthly for each minor child. Lump sum between $14,885 and $82,513 to child under 25, who is full time student, or a disabled child. Parents of a deceased worker with non-dependents receive a lump sum of $4,951 to each parent.

[117]Saskatchewan — No additional benefit for dependent children until age 18. If child is enrolled in post secondary education age 18–25 child benefits include: Monthly allowance $293.48 per child + tuition + books (payable for a maximum of 3 years) Monthly allowance is adjusted annually according to CPI. This net amount is based upon 90% of the maximum assessable earnings of $48,000 minus income tax, CPP/QPP, and UIC.

[118]Yukon — Benefits paid monthly. Surviving spouses receive 3.125% of the maximum rate for the year of payment. Dependent children receive a pension at 1.25% of the maximum wage rate for the year of payment.

[119]Yukon — Additional burial expenses to maximum of $2,000.

[120]C.M.S.C.A. — Benefits paid monthly.

[121]C.M.S.C.A. — Plus $161.18 per month per child.

[122]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

[123]Saskatchewan — Minimum compensation is to be not less than this amount or the actual amount of the fatally injured spouse's average earnings if they are less.

[124]Alberta — Benefits payable to a dependent spouse 5 years after youngest child reaches 18 years, or beyond certain circumstances.

[125]Maryland — $45,000 and thereafter so long as they remain wholly independent; or if spouse remarries, ceases at date of marriage.

[126]British Columbia — Amounts adjusted January 1 and July 1 by Consuemr Price Index.

[127]Idaho — If prior to 7/1/91.

[128]Oklahoma — If the deceased's AWW is equal to or greater than the SAWW; or 100% of the deceased's AWW, if the deceased's AWW is less than the SAWW.

[130]To spouse for life.

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Chart IX — Waiting Period for Income/Medical Benefits

Jurisdiction	Waiting Period[1]	Retroactive Period	Medical Benefits: Choice of Physician[2] Unlimited[3]	Employer	Employee	Artificial Appliances Furnished	Special Provisions
Alabama	3 days[4]	21 days	Yes	Initial choice	[5]	Yes	Employer must replace appliances damaged in work-related accident and provide physical and vocational rehabilitation.
Alaska	3 days	4 weeks	Subject to frequency standard	Yes	Yes	Yes	Injury includes damages to eyeglasses, dentures, hearing aids or any prosthetic devices.
Arizona	7 days	2 weeks	Yes	[6]	Yes[6]	Yes	Prayer or spiritual treatment by agreement.
Arkansas	7 days[7]	2 weeks	No[8]	Initial, from among those associated with managed care entities certified by the Commission.		Yes	Spiritual treatment by agreement. Glasses, contact lenses, hearing aids. Reasonable travel expenses to obtain treatment.
California	3 days[9]	14 days[10]	Yes		If employee has not predesignated a physician before time of injury, they may change to treating physician of their choice 30 days after injury. If employer offers managed care options, employer control of care may extend up to 365 days	Yes	Includes x-ray reports, medical reports, and testimony and laboratory fees reasonably required to prove a claim.[9] If requested, an employee may change physicians at any time, one time only.
Colorado	3 days	2 weeks	Yes	Initial choice		Yes	
Connecticut	3 days	1 week	Yes		From state list	Yes[11]	Worker compensated for time lost due to medical attention. Employer must repair/replace appliances damaged in employment, including eyeglasses, contact lenses, hearing aids, or dentures where injury to face or head. Prayer or spiritual treatment with Commissioner's approval.
Delaware	3 days[12]	7 days[12]	Yes		Yes	Yes	Employer must replace prosthesis and furnish hearing aids as needed.
District of Columbia	3 days	2 weeks	Yes		Yes	Yes	Spiritual treatment by agreement. Medical care furnished or scheduled to be furnished is subject to utilization review for determinations of necessity, character or sufficiency of care or service.
Florida	7 days[66]	21 days	Yes[13]		Yes, from list supplied by employer	Yes	Injury includes damage to dentures, eyeglasses, and prosthetic devices in conjunction with accident. Employer must provide custodial care.
Georgia	7 days	21 days	Yes	Agency may change	From employer list	Yes[14]	Employee may be examined (at employer's expense) by physician of choice within 60 days of receiving any income benefits.
Guam[62]	3 days	14 days	Yes		After application to Commissioner for change	Yes	

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Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Waiting Period[1]	Retroactive Period	Medical Benefits: Choice of Physician[2] Unlimited[3]	Choice of Physician[2] Employer	Choice of Physician[2] Employee	Artificial Appliances Furnished	Special Provisions
Hawaii	3 days—TTD only		Yes		Yes	Yes	Maximum monthly attendant's allowance-4 times the SAWW.
Idaho	5 days[15]	2 weeks[15]	Yes	Yes	May apply to Commission	Yes	Christian Science treatment permitted.
Illinois	3 days[16]	2 weeks	Yes		Yes, with limitations	Yes	Spiritual treatment by agreement. Employer must repair/replace appliances damaged in compensable accident.
Indiana	7 days	3 weeks	Yes	Yes		Yes	Employer must reimburse employees based on their average daily wage for lost work due to medical treatments or travel to or from the place of treatment. Spiritual treatment by agreement. Artificial members replaced by Second Injury Fund.
Iowa	3 days[17]	14 days	Yes	Yes		Yes	Employer must repair/replace appliances.
Kansas	7 days[18]	3 weeks	Yes	Yes	[19]	Yes	Prayer or spiritual treatment permitted by agreement.[19]
Kentucky	7 days	2 weeks	Yes[3]	May provide managed health care system	Yes[20]	Yes	Managed care system is subject to utilization review. Employee may choose provider in system; may obtain second opinion if surgery recommended; and may obtain treatment outside the system if it is unavailable in the system.
Louisiana	7 days	6 weeks	Yes	Yes[21]	Yes[22]	Yes	Employer must repair/replace appliances.
Maine	7 days[23]	2 weeks	Yes[24]	Yes[25]	Yes, after 10 days	Yes	Chiropractic services authorized. Prayer or spiritual means of treatment by an accredited practitioner.
Maryland	3 days for temporary total disability	14 days	Yes		Yes	Yes	Employer must repair/replace appliances. If employer or insurer fails to pay for treatment or services within 45 days, Commission may assess a fine of more than 20% of approved charges. Also, subject to interest.
Massachusetts	5 days	21 days	Yes		Yes	Yes	
Michigan	7 days	2 weeks	Yes	Initial choice[26]		Yes	
Minnesota[62]	3 days	10 days	Yes—Treatment parameters describe reasonable treatment	Agency may change	Yes[27]	Yes	Christian Science treatment by agreement. Injury is reportable to the Division. Employer is to repair/replace appliances.
Mississippi	5 days	2 weeks	Yes		Yes	Yes	Employee's choice limited to one (1) provider.
Missouri	3 days	14 days	Yes[28]	Agency may change		Yes	Prayer or spiritual treatment by agreement. Chiropractic care authorized.
Montana	5 days or 40 hours, whichever is less[29]		Employers and self-insurers		Yes	Yes	Reasonable lifetime medical and travel benefits provided. Determinations of disability must be supported by a preponderance of objective medical findings. Limitations apply once claimant reaches maximum stability. Certain co-payments may apply. Other limitations include secondary medical services, drug reimbursement, palliative or maintenance care and unscientific treatment. Medical benefits terminated if not used for 60 consecutive months.
Nebraska	7 days[63]	6 weeks	Yes	Yes[30]	Yes[31]	Yes	Employer must replace appliances damaged due to compensable injury. Employer must provide plastic surgery for disfigurement.

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Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Waiting Period[1]	Retroactive Period	Medical Benefits: Choice of Physician[2] Unlimited[3]	Medical Benefits: Choice of Physician[2] Employer	Medical Benefits: Choice of Physician[2] Employee	Medical Benefits: Artificial Appliances Furnished	Special Provisions
Nevada	5 days[32]	5 days[32]	Yes	[33]	Yes[34]	Yes	Spiritual treatment permitted.
New Hampshire	3 days	14 days or more	Yes[35]		Initial choice (within a network if managed care)	Yes	If appliances are damaged or destroyed at the time of injury, the employer shall pay the cost of repair or replacement.
New Jersey	7 days	8 days	Yes[36]	Yes		Yes	Hospital care must be semi-private, if available.
New Mexico	7 days	4 weeks	Yes	Yes	Yes		The party not making the initial choice has the right to change health care provider after sixty days or when treatment is unreasonable.
New York	7 days/ income only	2 weeks	Yes	Managed Care Pilot Program PPOs	From state list of authorized physicians	Yes[37]	Employer liable for medical care, nursing/hospital services, prosthetic devices, podiatry and chiropractic care. Employer liable for psychological care upon referral from authorized physician. Surgery, specialist consultations, therapy, x-rays, special diagnostic tests more than $500 require pre-authorization from employer except in emergency. 30 day opt out PPOs; collective bargaining for MCO or PPO to be enforceable in unionized setting.
North Carolina	7 days	3 weeks	Yes	Yes	Agency may change	Yes	Employer must repair/replace appliances damaged in compensable accident. Medical care includes rehabilitation services.
North Dakota	5 days	5 days	Yes	Yes	Yes, NDWC may change	Yes	Employee has first choice of treating doctor. Employers in risk management program may designate a medical provider for workers' compensation injuries.
Ohio	7 days	2 weeks	Yes		Yes	Yes	Included hospitalization and damages to eyeglasses, dentures, hearing aids or prostheses.
Oklahoma	3 days		Yes	Yes, within 3 days of actual knowledge of the injury or per a Certified Workplace Medical Plan (CWMP) (Managed Care)	Yes, emergency medical care and if the employer fails or neglects to provide treatment within 3 days after actual knowledge of the injury	Yes	Employer must repair/replace appliances. Special provisions for hernias.
Oregon	3 days	2 weeks	Yes[38]		Yes[39]	Yes	Spiritual treatment by agreement. Insurer/employer may provide medical treatment through an approved Managed Care Organization.
Pennsylvania	7 days	2 weeks	Yes	Initial choice[40]		Yes	
Puerto Rico[62]	3 days[41]	10 days	Yes[42]		Yes, State Agency will examine too.	Yes[43]	When permanently and totally disabled, Administrator will provide orthopedic girdle, crutches, cane, wheelchair, hospital bed, and other equipment necessary.
Rhode Island	3 days		Yes[44]	Yes[45]	Yes[45]	Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids and prosthetic devices.
South Carolina	7 days	2 weeks	Yes	Yes		Yes	Injury includes damage to and cost of replacement of eye glasses, hearing aids and prosthetic devices.
South Dakota	7 days[46]	7 days	Yes		Yes	Yes	Employer must repair/replace appliances damaged in compensable accident.
Tennessee	7 days	14 days	Yes		From employer list	Yes	Provides for nursing services and treatment by chiropractors and psychologists.

USCC 56120

Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Waiting Period[1]	Retroactive Period	Choice of Physician[2] Unlimited[3]	Employer	Employee	Medical Benefits: Artificial Appliances Furnished	Special Provisions
Texas	7 days	4 weeks	Yes[47]		Yes[48]	Yes	
Utah	3 days	14 days	Yes	Agency may change[49]	Yes, one change	Yes	Reasonable amounts awarded for repair/replacement of artificial appliances.
Vermont	3 days	10 days	Yes	Agency may change; Employer may choose	Employee may change	Yes	Injury includes damage to and cost of replacement of eye glasses, hearing aids and prosthetic devices. Employer must not withhold any wages from an employee if the employee's absence is for an examination or treatment of a work injury.
Virgin Islands	0 days	None	No[68]	Initial choice		Yes	$75,000 limit for specialized treatment not available in the Virgin Islands.[50]
Virginia[7]	7 days	3 weeks	Yes		From employer list	Yes	Employer must repair/replace appliances damaged in compensable accident. Employer may be ordered to make alternations to home, maximum $25,000.
Washington	3 days	2 weeks	Yes		Yes	Yes	Employees of State Fund employers may pay half of medical aid premiums. Self-insured premiums/costs are fully covered by the employer.
West Virginia	3 days	1 week	Yes[51]	May have a preferred list	Unrestricted choice	Yes	Payment for prosthetic/orthotic appliances if medically necessary. Repair or replacement of glasses damaged in an accident not reimburseable unless there is a compensable injury.
Wisconsin	3 days	1 week	Yes		Yes	Yes	Repair/replacement of appliance is limited to normal wear and tear. Dental care, eyeglasses and hearing aids are also covered. Repair/replacement of eyeglasses and hearing aids not paid for unless damaged in compensable accident. Employer or insurer may request that a physician examine injured employee to determine reasonableness of claim.
Wyoming	3 days	9 days	Yes	Second opinion	Yes	Yes	All medical bills audited according to promulgated fee schedule.
F.E.C.A	3 days[52]	2 weeks	Yes		Yes	Yes	Additional amount (up to $1,500) monthly for medical attendant.
Longshore Act	3 days	2 weeks	Yes		Labor Secretary may change	Yes	Consent for specialist, if needed. Spiritual treatment permitted.
Alberta	1 day	1 day	Yes		Yes	Yes	Appliances repaired/replaced by Board. Board may repair/replace garment damaged in compensable accident. Clothing allowance for wear due to prosthetic or wheelchair-up to $200 per year for upper body and $300 per year for lower body. Attendance allowance-determined by the degree of personal care required and will reflect actual and reasonable costs or competitive rates.
British Columbia	1 day[64]		Yes		Yes	Yes	Appliances repaired/replaced at Board's discretion where damaged or broken as the result of compensable accident. Eyeglasses, dentures, and hearing aids replaced/repaired even where no injury as long as accident corroborated and worker not at fault. Board may provide protective eyeglasses where serious visual impairment caused by work injury. Additional allowances available: Personal care allowance; annual Clothing Allowance (for wear due to prosthesis); Independence and Home Maintenance Allowance; Subsistence Allowance (when traveling for medical care).
Manitoba[65]	1 day		Yes		Yes	Yes	Medical aid includes repair/replacement of damaged or lost clothing or personal appliance if personal injury. Personal appliances include eyeglasses, contact lenses, and prosthetic

USCC 56121

Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Waiting Period[1]	Retroactive Period	Medical Benefits: Choice of Physician[2] Unlimited[3]	Medical Benefits: Choice of Physician[2] Employer	Medical Benefits: Choice of Physician[2] Employee	Medical Benefits: Artificial Appliances Furnished	Special Provisions
Manitoba, cont.							devices. Clothing allowance for additional wear — $250 for upper body, $501 for lower body, $751 for upper and lower body, $715 for wheelchair users.[67] Level of attendance services depends on the reasonable level of care required. Emergency expenditures — $5,000 maximum.
New Brunswick	3 days — waived when hospitalization is required	20 working days	Yes	No	Yes	Yes	Medical aid includes repair/replacement of appliances. Clothing allowance for wear and tear due to prosthesis is $214 yearly per extremity. Care Allowances from $246.62 to $822.03 monthly.
Newfoundland	1 day	[53]	Yes		Initially yes; should consult Commission before changing	Yes	Commission may repair/replace appliances and may pay daily allowance for treatment away from home. Clothing allowance for wear due to prosthetic device-$300 annually. Personal care allowance — $100 to $1,250 monthly.
Northwest Territories	1 day		Yes		Initial choice	Yes	Clothing allowance for wears due to prosthetic device — $100. Board may repair/replace appliances damaged in a compensable accident.
Nova Scotia	2 days[54,55]	[55] Waiting period paid if off five weeks.	Yes	Yes[56]	Yes	Yes	Attendant's allowance may be paid. Annual clothing allowance up to $750. Boards may repair/replace appliances, and renew eyeglasses (replaced if damaged in work-related accident).
Nunavut	1 day		Yes		Yes	Yes	Clothing allowances for wear due to prosthetic device — $100. Board may repair/replace appliances damaged in a compensable accident.
Ontario	1 day	[57]	Yes	[58]	Initial choice	Yes	Not more than 24 hours personal care allowance for attendants. Clothing allowance for wear due to prosthetic device — $255.56 for upper extremity and $511.12 for lower extremity.[59]
Prince Edward Island	3/5 or 60% of weekly benefit payable	Waiting period paid if off more than 4 weeks	Yes	No	Initial choice	Yes	Appliances repaired/replaced at Board's discretion. Clothing allowance for wear due to prosthetic device for para- and quadriplegics is $450 annually.
Québec	Day of injury[60]		Yes		Yes	Yes	Commission may repair/replace prosthesis damaged in course of employment. Additional clothing allowance for wear due to prosthetic device — $495.
Saskatchewan	[61]	[61]	Yes		Yes	Yes	Clothing allowance due to prosthetic device — maximum monthly amounts $18.25 for upper clothing, $40.30 for lower clothing, and $58.57 for combination upper and lower. Personal care allowance $327 to $1,645 per month.
Yukon Territory	Earnings loss benefits not paid for the day of injury	Earnings loss benefits not paid for the day of injury	Yes		Yes	Yes	Clothing allowance — $203 for upper limb and $415 lower limb (no personal care or independence allowance).
Canadian Merchant Seaman's Act	3 days	3 days	Yes		Yes	Yes	Employer must keep appliances in repair or replace, at Board's discretion.

USCC 56122

Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Notes

[1]If disability continues for longer than stated retroactive periods, compensation is paid for the waiting period. Waiting periods do not apply to medical care, which is furnished from the first day of injury.

[2]Information supplied by Division of State Workers' Compensation Programs, U.S. Department of Labor.

[3]Many states have introduced medical fee schedules to control payments made to providers for medical care under the workers' compensation programs. Medical benefits remain "unlimited" in those states indicated, but employers and insurers are only liable for the amounts set forth in the medical fee schedule. Employees cannot be held accountable for any amount charged above and beyond the medical fee schedule.

[4]Alabama — Temporary disability only.

[5]Alabama — Employee may select a second physician from a panel of four selected by the employer, if the employee is dissatisfied with the initial treating physician and further treatment is required.

[6]Arizona — Employee has freedom of choice after one visit as directed by employer. Self- insured employers may elect to direct all medical.

[7]Arkansas — Waiting period does not apply to medical benefits.

[8]Arkansas — May cease 6 months after injury when no time from work is lost (or 6 months after claimant returns to work), or maximum $10,000 has been paid, unless the employer may waive rights and Commission may extend limits.

[9]California — Waiting period also terminated by hospitalization.

[10]California — Psychologists and acupuncturists included within definition of physician and treatment permitted. Personal chiropractor allowed if employee has previously notified employer that chiropractic treatments were being rendered.

[11]Connecticut — By court decision, Olmstead v. Lamphier, 93 Conn. 20, 104 A. 488 (1918).

[12]Delaware — No waiting period for medical treatment or period if incapacity results in hospitalization or is caused by amputation of member.

[13]Florida — Expenses subject to managed care arrangement or insurance carrier. Carrier or employee is allowed to select an independent medical examiner in disputes concerning overutilization, medical benefits, compensability, or disability.

[14]Georgia — Included in total amount allowed for medical care.

[15]Idaho — Waiting period also terminated by hospitalization.

[16]Illinois — TTD only.

[17]Iowa — No waiting period for PP disability.

[18]Kansas — Waiting period retroactive after 3 weeks. Employee may consult a physician of his own choice at any time but employer is only liable for fees and charges up to $500 for treatment . This unauthorized medical treatment cannot be used to obtain functional impairment ratings.

[19]Kansas — Director must adopt rules which establish a maximum medical fee schedule, subject to approval of an advisory panel. Fee schedule to be revised every two years.

[20]Kentucky — "Gatekeeper" physician may be required to file a treatment plan, not necessary in every case. In addition, bills subjected to medical bill audit and may be required to go through utilization review.

[21]Louisiana — Choice of examining physician.

[22]Louisiana — Choice of treating physician.

[23]Maine — Fire fighters are exempt from waiting period and receive compensation from date of disability.

[24]Maine — Subject to a medical fee schedule.

[25]Maine — Employer has initial choice of physician. After 10 days, employee may select different health care provider. Employee may not change health care provider more than once without employer or Board approval. This does not apply if referred to specialist.

[26]Michigan — Employer may choose physician for first 10 days of treatment, thereafter, the employee may choose own physician by giving notice to employer.

[27]Minnesota — If the employer has a managed care plan, the employee must choose among the physicians within the plan, with certain exceptions.

[28]Missouri — Employer retains the right to choose the physician. Medical Fee Dispute procedure established.

[29]Montana — Waiting period refers to number of days (hours) on which a worker has lost wages and is totally disabled and unable to work.

[30]Nebraska — Only if employee is informed of right to choose treating physician and does not have a physician with a record of previous treatment of employee or family member.

[31]Nebraska — Only if employee has a treating physician with a record of previous treatment with employee or family member. If employer does not inform employee of right to choose, employee may choose any doctor. If employer has informed employee of right to choose, employee cannot change treating physician unless employer agrees, or Court orders change. Employee may choose the doctor for major surgery or if injury involves dismemberment.

[32]Nevada — Waiting and retroactive period is at least 5 consecutive or cumulative days within a 20–day period.

[33]Nevada — If the employer's insurer has selected a managed care organization, an employee is required to choose a treating physician or chiropractor from MCO, list.

[34]Nevada — If an employer's insurer does not have a contract with an MCO or providers of health care, the employee may select a physician or chiropractor from a panel established by the Division of Industrial Relations. If the employer's insurer has a contract with an MCO or providers of health care services, the employee must choose his treating physician pursuant to the terms of the contract. If dissatisfied, the employee may change his selection, within 90 days, to another physician or chiropractor from the panel or contract group.

[35]New Hampshire — Unlimited for those not under a managed care program.

[36]New Jersey — Employer responsible for all necessary and reasonable costs of medical care, including chiropractor authorized and selected by employer. Employee has no freedom of choice.

[37]New York — Managed care available to employees of employers participating in pilot project for cost containment.

[38]Oregon — Costs subject to medical fee schedule, as determined by Director. Treatment may be restricted to MCO plan. Limitations on palliative care.

[39]Oregon — May choose physician within state (or outside state if insurer approves). Allowed initial choice plus 2 changes; insurer may object to additional changes and require Director's approval. If governed by MCO, treatment and choice may be restricted to plan.

[40]Pennsylvania — Only if a list of at least 6 designated health care providers. At least 3 of the providers must be physicians; no more than 4 of the providers may be coordinated care organizations or combinations thereof if posted and for the first 90 days after the first visit. The employee covered by such list may choose any suitable provider on the list.

[41]Puerto Rico — TTD only. PTD compensation paid from day of first medical treatment.

[42]Puerto Rico — Limitations on palliative treatments. Sergio Torres Garcia v. State Insurance Fund, June 30, 1981, P.R. Supreme Court.

[43]Puerto Rico — Only in cases of PT disability.

[44]Rhode Island — Rhode Island updates fee schedule as necessary not annually.

[45]Rhode Island — If employer has a Preferred Provider Network (PPN) in place, employee has choice of initial physician, but subsequent choices must be made from the PPN, or with permission of the employer if outside PPN.

[46]South Dakota — Consecutive days, temporary disability only.

[47]Texas — Medical charges subject to medical fee guidelines.

[48]Texas — Effective 1/1/93, employee will choose physician from a commission-approved list and will be allowed one change of physician with commission approval.

[49]Utah — Employee is allowed one change of physician.

[50]Virgin Islands — Total amount of $200,000 includes travel and accommodations.

[51]West Virginia — Costs subject to medical fee schedule, updated yearly.

[52]F.E.C.A. — Waiting period for income benefits begins running after 45 days continuation of pay.

[53]Newfoundland — Employer payment for day on which accident occurs.

[54]Nova Scotia — Waiting period does not apply to medical benefits.

[55]Nova Scotia — 2 days if worker works 5 day weeks.

[56]Nova Scotia — If so required by employer.

[57]Ontario — Employer must pay wages and benefits for day of injury.

[58]Ontario — May request worker receiving benefits to submit to exam by health professional selected and paid by employer.

[59]Ontario — Compensation payable during disability caused by damage to prosthetic device.

[60]Québec — Employer must pay wages and benefits for day of injury.

[61]Saskatchewan — Compensation not paid for the day on which the accident occurs.

[62]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

[63]Nebraska — The first day of disability is included in the 7–day waiting period; a partial day of disability is considered a full calendar day for purposes of the waiting period.

[64]British Columbia — Wage loss begins on first working day after injury. Medical treatment paid by Board on day of injury. Employer has responsibility to transport worker to medical treatment.

[65]Manitoba — With the exception of medical aid, compensation is not paid for the day on which the accident occurs.

[66]Florida — No waiting period for medical benefits.

[67]Manitoba — Clothing allowances are effective October 1, 2002. These allowances are indexed annually.

[68]Virgin Islands — Maximum of $75,000 in Medical Benefits.

USCC 56123

Chart X — Rehabilitation of Disabled Workers

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Alabama	No fund established	Board, lodging and travel, if away from home.	Vocational rehabilitation to restore employee to gainful employment at furnished employer's expense. Employee's refusal results in loss of compensation for the period of refusal.
Alaska	No fund established	When temporary disability benefits and permanent partial impairment benefits are exhausted, a stipend is paid at a reduced rate. Costs for travel and temporary lodging may included in the plan costs.	Employer pays full cost, on an expense-incurred basis, not to exceed $10,000 or $13,300, depending on the date of injury. Reemployment benefits may be suspended for non-cooperation which is defined by the law.
Arizona	Special Fund tax up to 1.5% on premiums written	Commission may authorize additional necessary awards to persons undergoing vocational rehabilitation.	The Industrial Commission's Special fund provides vocational rehabilitation for both scheduled and unscheduled injuries. The insurance carrier or self-insured employer may also make available vocational rehabilitation to claimants.
Arkansas	No fund established	Reasonable expenses for maintenance, travel and other necessary costs, 72 weeks maximum.	Must apply to Commission. Commission may authorize vocational rehabilitation if reasonable in relation to disability, but worker may refuse.
California	No fund established	During rehabilitation, necessary living expenses plus either a maintenance allowance not exceeding $246 per week (which may be supplemented up to temporary disability maximum if medical condition has become permanent and stationary) or temporary disability indemnity.	Rehabilitation program is compulsory on part of employer or carrier. Rehabilitation trainee is considered employee of training employer for insurance purposes. Employees restricted to 1 rehabilitation plan, which must be completed within 18 months. A $16,000 expenditure cap is established on all vocational rehabilitation plans. The cap applies to all expenses, counseling fees, training, maintenance allowance, and costs associated with or arising out of vocational rehabilitation services. Costs of counselor fees are capped at $4,500. Rehabilitation counselors and insurers are prohibited from referring injured worker to evaluation, training, or other rehabilitation entities in which they have a financial interest.[1] For injuries on or after 1/1/03, settlement of vocational rehabilitation benefit is allowed for represented workers. The settlement can be up to $10,000 for use in a self-directed vocational rehabilitation plan. Under the law, the settlement must be submitted to and approved by the Rehabilitation Unit of the DWC.
Colorado	No fund established for vocational rehabilitation	TTD and plan expenses paid during plan by carrier or employer if offered and accepted.	Voluntary benefit offered by carrier. If employee refuses offer of vocational rehabilitation, PT benefits will not be awarded.
Connecticut	Funded out of unified 5% assessment	Weekly subsistence allowance during vocational rehabilitation.	Employer pays full cost of medical rehabilitation, which continues until employee reaches maximum improvement. Vocational rehabilitation is furnished by Rehabilitation Services in the Workers' Compensation Commission.
Delaware	No fund established	Reasonable board, lodging and travel.	Physical and vocational rehabilitation furnished at employer's expense. Employee's refusal results in loss of compensation.
District of Columbia	No fund established	Not exceeding $50 per week.	Employer must provide vocational rehabilitation. Benefits forfeited if worker fails to cooperate.
Florida	Payments from Workers' Compensation Administration Trust Fund and assessments upon insurers and self-insurers	Reasonable board, lodging and travel, if away from home.	Insurance carrier is required to provide reemployment services for dates of accident 9/30/89 or before and may voluntarily provide services for dates of accidents after 10/1/89. The Division of Workers' Compensation shall pay for reemployment services for dates of accident 10/1/89 and after if such services are necessary for the injured employee to return to work. Carriers shall pay at least 26 weeks of the 52 weeks of rehabilitation TT benefits that an injured employee may be entitled.[2]
Georgia	No fund established	Reasonable board, lodging and travel, if away from home.	Rehabilitation benefits are compulsory only in catastrophic cases. Employee's unreasonable refusal may result in suspension of compensation.
Idaho	State fund (appropriation)	$50 per week in addition to other compensation.	Commission directs the vocational rehabilitation of permanently disabled employees and arranges with the appropriate public or private agencies for such education.
Hawaii	No fund established	Board, lodging, travel, tuition, books and basic materials in addition to compensation.	Rehabilitation unit within the Department of Labor and Industrial Relations makes recommendation for vocational rehabilitation. Director approves services and reviews progress.

USCC 56124

Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Idaho	Part of 1.5% Premium Tax Industrial Administration Fund	Reasonable expenses for maintenance and travel.	Rehabilitation Division administers. TT or TP benefits may be payable where re-training is authorized. Period of re-training not to exceed 52 weeks unless the Commission, following application and hearing, extends the period.
Illinois	No fund established	Maintenance costs and incidental expenses.	Physical, mental and vocational rehabilitation as necessary. Institutional care, if required.
Indiana	No fund established		Vocational rehabilitation available to any employee unable to attain gainful employment, due to an occupational disease or injury.[1]
Iowa	No fund established	$20 weekly in addition to other compensation for 13 weeks.	May be extended additional 13 weeks. Medical care includes physical rehabilitation.
Kansas	No fund established	Only by agreement of all parties.	The employer or carrier may voluntarily provide vocational rehabilitation services under the workers' compensation act.
Kentucky	No fund established	Board, lodging, and travel, if away from home.	Unlimited medical rehabilitation; vocational rehabilitation up to 52 weeks (may be extended). Employee's refusal results in loss of 50% of compensation.
Louisiana	No fund established	Board, lodging and travel paid by employer or carrier.	Employer or carrier provides up to 26 weeks of vocational rehabilitation, extendable another 26 weeks. Benefits reduced 50% for refusal of necessary rehabilitation.
Maine	Employment Rehabilitation Fund[4]	Transportation or any extra and necessary expenses, upon board order.	Employee entitled to rehabilitation services when unable to perform work for which the employee has previous training or experience. Training, treatment or service is only 52 weeks unless board extends.[5]
Maryland	Paid for by Insurers & Self-insurers	Up to $40 weekly paid by employer for a maximum of 24 months if employee is required to live away from home while in Vocational Rehabilitation.	Workers Compensation Commission investigates claims and reports of disabilities for referral to State Department of Vocation Rehabilitation or to a private vendor. Employee is entitled to rehabilitation services with benefits paid at the same rate as TT. Employee's unreasonable refusal results in loss of compensation. Employer pays compensation for TT disability plus expenses of vocational assessment, rehabilitation, and maintenance allowance.
Massachusetts	Paid the same as compensation by employer or insurer[6]	Office of Education and Vocational Rehabilitation may approve room, board and travel expenses for 52 weeks.	Necessary cost of rehabilitation subject to approval by Office of Education and Vocational Rehabilitation. Benefits suspended for refusal to participate.
Michigan	No fund established	Transportation and other necessary expenses during 52 weeks training.	Medical and vocational rehabilitation services under Workers' Compensation Bureau approved facility. Bureau may extend training period additional 52 weeks, maximum total 104 weeks.
Minnesota[13]	No fund established	During a rehabilitation plan-necessary expenses, including tuition, books, travel, board, lodging and custodial daycare. Employee receives temporary total during retraining up to 156 weeks.	Qualified injured worker entitled to rehabilitation under a rehabilitation plan. If approved as plan, employer to provide retraining up to 156 weeks.[7] Participant may request 25% benefit increase and is eligible for one-time relocation allowance. Employer may seek termination or suspension of benefits if worker fails to cooperate with plan. Rehabilitation may be requested and consultation provided at given times.[8]
Mississippi	No fund established	Up to $10 per week up to 52 weeks.	Commission cooperates with federal and state agencies.
Missouri	$40 per week supplement paid from second injury fund to the employee, not to exceed 20 weeks, using approved physical rehabilitation with cost of treatment paid by employer or insurer.	Reasonable board, lodging and travel if away from home, paid by employer or insurer. TT or TP benefits paid throughout duration of rehabilitation program.	Administered by Director of the Division Workers' Compensation. Employer is to pay TT up to 20 weeks during physical rehabilitation. Initial vocational plan not to exceed 26 weeks; employers may extend plan up to 26 weeks.[9]
Montana	For dates of injury prior to 7/1/97 Rehabilitation Fund by up to 1% tax upon compensation paid by insurers, self-insured, and state fund.	Disabled workers, or whole person impairment rating of 15% or greater, entitled to rehabilitation benefits at the TT rate paid throughout the duration of rehabilitation plan (subject to 104 week maximum). Auxiliary benefits up to $4,000 available for travel and relocation expenses, as well as, implementing rehabilitation plan.	Rehabilitation provider provides certification that the injured worker has vocational goals or re-employment opportunity which will have a reasonable reduction in the worker's actual wage loss, and a rehabilitation plan agreed upon by the injured worker and the insurer. The rehabilitation plan must be completed within 26 weeks of the completion date specified in the plan. The rehabilitation plan must begin within 78 weeks or reaching maximum medical healing.

USCC 56125

Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Nebraska	Workers' Compensation Trust Fund by 2% of benefits paid by carriers and self-insurers in the state in prior year.	Board, lodging, travel, tuition, fees, and books paid by fund. Temporary indemnity paid by self-insurer or carrier.	Payments into fund suspended when fund reaches $2,300,000. Assessment (2%) when fund reduced to $1,200,000.
Nevada	Private carriers, self-insured employers, and associations of self-insured employers.	Under NRS 616C.580 vocational rehabilitation services must not be provided outside Nevada except in limited circumstances where the employee lives within 50 miles of Nevada's borders or was an out-of-state resident temporarily employed in Nevada at the time of his injury. Such employees may be eligible for a lump sum rehabilitation "buyout" not to exceed $20,000. Out-of-state employees who do not qualify for vocational rehabilitation services may relocate to within 50 miles of Nevada's borders at his own expense and receive the services if available at that location. Injured employees who are incarcerated and their dependents are not entitled to vocational rehabilitation benefits during the period of incarceration. At an insurer's discretion, it may offer an employee with permanent limitations lump sum in lieu of vocational rehabilitation services; acceptance of the lump sum extinguishes his right to receive services.	Rehabilitation program is limited by the percentage of PP award. Insurer is authorized to provide necessary rehabilitation services. Employee's refusal may result in loss of benefits. Nevada allows payment of compensation in a lump sum in lieu of vocational rehabilitation services, at the insurer's discretion.
New Hampshire	No fund established	Board, lodging, travel, books, and basic materials in addition to compensation.	Insurer must furnish rehabilitation services voluntarily, or may be ordered to do so by Commissioner. Limited to a period of 1 year, unless unusual circumstances. Vocational Rehabilitation Coordinator can assist in development of program. Benefits can be suspended for non-cooperation with vocational rehabilitation.
New Jersey	No fund established	—	PT disability benefits may be stopped after 450 weeks unless the worker has submitted to physical or educational retraining.
New Mexico	No fund established		Only in cases of occupational disease; employer must furnish.
New York	$2,000 no-dependency death cases	Up to $30 per week for rehabilitation maintenance.	The statute provides for direction by the State Education Department of the rehabilitation process. It does not provide a role for the Worker's Compensation Board.
North Carolina	No fund established		Insurer must furnish rehabilitation services required to lessen disability. Employee's unreasonable refusal of services ordered by Commission results in loss of compensation for period of refusal.
North Dakota	Benefit fund	Rehabilitation allowance (plus supplies, tuition, fees and books) in lieu of and equal to compensation for up to 2 years, plus 25% if maintaining 2 domiciles.	NDWC through its Vocational Rehabilitation Program provides retraining. Employee's unreasonable refusal to cooperate shall forfeit compensation. If refusal continues for 60 days, eligibility for wage-loss benefits ends.
Ohio	State Insurance Fund	Same as for TT disability, minimum 50% of the SAWW, for 6 months (renewable).[10]	Rehabilitation Division is within the Bureau of Workers' Compensation and may make all necessary expenditures, medically including treatment of non-occupational conditions inhibiting return to work.
Oklahoma	No fund established	Board, lodging, travel, tuition and books.	Court may order necessary rehabilitation up to 52 weeks; may also order additional 52 weeks.
Oregon	No fund established	TT during training. Necessary expenses including tuition, books, some travel costs and tools.	Insurer must provide vocational assistance to permanently disabled workers who cannot return to work at a wage at least 80% of wage at injury.
Pennsylvania	No fund established[11]	State Office of Vocational Rehabilitation or private rehabilitation may provide cash payments for living expenses.	State Office of Vocational Rehabilitation or private rehabilitation may provide physical restoration, training, support and job placement services.
Puerto Rico[13]	Exclusive State Fund	Administrator may grant $65 weekly up to 26 weeks.	Rehabilitation center provides physical, medical and rehabilitation services.

Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Rhode Island	Workers' Compensation Administrative Fund, private carriers and self-insured employers	Board, lodging and/or travel.	The Department operates the Dr. John E. Donley Rehabilitation Center. Compensation suspended for willful refusal of suitable employment or rehabilitation.
South Carolina	No fund established		No specific statutory provision.
South Dakota		Compensation paid up to 60 days, if pursuing rehabilitation.	TT during period of approved vocational rehabilitation.
Tennessee	No fund established	Physical rehab covered under medical services; employee must accept or compensation suspended	Division of Workers' Compensation refers feasible cases to Department of Education pursuant to plan providing full or partial recovery of expenses from employer or insurer.
Texas	No fund established		Insurer furnishes necessary medical care and services for physical rehabilitation. Commission may notify employees of vocational rehabilitation services through the Texas Rehabilitation Commission and private providers. Commission keeps registry of private providers of rehabilitation services.
Utah	Voluntary by insurance carrier		If worker cannot be rehabilitated, worker receives benefits for life from employer or insurance carrier, minimum is 36% of the current SAWW.
Vermont	No fund established	Board, lodging, travel, books and tools.	Insurer furnishes reasonable and necessary rehabilitation services to an employee unable to return to suitable employment due to their work injury. Commissioner may order vocational rehabilitation services. Employee may decline services.
Virgin Islands	Government Insurance Fund	Board, lodging and travel.	Department of Labor cooperates with Department of Human Services. Income benefits increased to 75% SAWW. Income benefits during rehabilitation suspended for employee's refusal to accept vocational rehabilitation. See Chart V — Total Disability Benefits.
Virginia	No fund established		Commission may award compensation, medical care and vocational rehabilitation. Employer may be required to furnish and maintain wheelchairs, bedside lifts, adjustable beds and make alterations to home, maximum $25,000 (wheelchairs exempt from maximum). Employee's unreasonable refusal may suspend compensation.
Washington	Medical Aid Fund	Compensation; Training Costs, books, equipment and child care allowance, up to 52 weeks (maximum $4,000). Travel or board and lodging mayh be paid in addition to the $4,000.	Supervisor may extend period for another 52 weeks. Department pays employer's cost of job modification, or accommodations medically necessary for the worker to participate in a retraining plan, to a total maximum of $5,000.
West Virginia	State fund	Up to $10,000 (includes books, supplies, travel, lodging and tools for training purposes). No limit on physical rehabilitation cost. Eligible for TTD benefits for approved physical/vocational programs.	Division claim managers review for appropriateness of rehab services. Early intervention and return to original employer emphasized utilizing transferable skills. Temporary Partial may be paid as wage differential for up to two years.
Wisconsin	No fund established	TT disability, travel and necessary maintenance if away from home.	80–week period may be extended with Division's permission if necessary. Division refers feasible cases to Department of Vocational Rehabilitation. If Department of Rehabilitation cannot serve the employee, employee is eligible to select a private specialist to provide vocational rehabilitation services.
Wyoming	Workers' Compensation Fund	As required to achieve vocational goal.	Work with State Division of Vocational Rehabilitation after eligibility determination with individualized rehabilitation plan.
F.E.C.A	Employees' Compensation Fund	Up to $200 per month.	If person fails to undergo Vocational Rehabilitation, administrator may reduce benefit if rehabilitation would have increased earnings.
Longshore Act	Special Fund	Up to $25 per week.	Surplus in Fund in any 1 year may be carried over. Appropriations authorized.
Alberta	Accident Fund	Discretion of Board.	Board operates physical rehabilitation center. Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.

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Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
British Columbia	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation and, if a fatality, may provide vocational rehabilitation to surviving dependent spouse.
Manitoba	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation. Spouse of deceased worker entitled to rehabilitation under certain circumstances.
New Brunswick	Accident Fund	Discretion of Commission.	Commission operates physical rehabilitation center. Commission may make necessary expenditures to aid rehabilitation.
Newfoundland	Injury Fund	Discretion of Commission.	Commission may make expenditures as are necessary or expedient to aid a worker's rehabilitation and Labour market re-entry.
Northwest Territories	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
Nova Scotia	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
Nunavut	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
Ontario	Schedule 1– Insurance Fund Schedule 2– Employer's individually	Discretion of Board.	No limit on amount in any 1 case or in any 1 year for labor market re-entry plans. Surviving spouses entitled to same level of labor market re-entry services as injured workers.
Prince Edward Island	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
Quebec	Accident Fund. Individual liability for employers held personally responsible for the payment of benefits.	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
Saskatchewan	Injury Fund	As legislated.[14]	Board provides on-the-job training, employer assistance, and physical and occupational therapy. Vocational training available for spouse; educational allowance for dependent children of fatally injured workers.
Yukon Territory	Compensation Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
Canadian Merchant Seaman's Act	No fund established	No specific statutory provision.	No specific statutory provision.

Notes

[1]California — For injuries occurring on or after 1/1/03.

[2]Florida — Refusal to accept reemployment services deemed necessary by the judge of compensation claims or the Division may result in a 50% reduction in weekly compensation benefits for each week of refusal.

[3]Indiana — State Rehabilitation Services Board administers vocational rehabilitation programs. Compensation suspended for refusal of suitable employment by partially disabled claimant.

[4]Maine — Board may levy assessment on each insurer based on paid losses for previous year when amount in Fund is less than $500,000. Fund also receives sum equal to 100 times the AWW when work-related injury causes employee death and there are no dependents.

[5]Maine — Office of Rehabilitation may implement and pay for out of the Rehabilitation Fund a plan previously rejected by the employer. If the plan proves successful, the Fund may assess the employer up to 180% of the plan implementation costs.

[6]Massachusetts — If insurer refuses payment, rehabilitation may be paid by Trust Fund. If rehabilitation is successful, insurer assessed no less than twice the cost of rehabilitation.

[7]Minnesota — Surviving spouse may request rehabilitation.

[8]Minnesota — Expenses of rehabilitation are borne by employer/insurer. Vocational rehabilitation is provided in most rehabilitation plans. Physical rehabilitation is a medical expense.

[9]Missouri — Refusal of employee to undergo vocational rehabilitation results in 50% reduction in TT or TP benefits. Refusal to attend approved physical rehabilitation may result in disqualification for TT or TP benefits.

[10]Ohio — If claimant returns to lesser-paying job while in rehabilitation, wage loss compensation of difference between wage at time of injury and wage at job while in rehabilitation program can be paid.

[11]Pennsylvania — Funded by federal and state sources.

[12]West Virginia — Work conditions and work hardening programs are subject to West Virginia's fee schedule.

[13]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

[14]Saskatchewan — *The Workers' Compensation Act, 1979* requires that the Saskatchewan WCB maintain a funded status although the extent of the reserves to be held by the Board is left to the discretion of the Board.

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PART 3 — ADMINISTRATION OF LAWS

Because workers' compensation grew out of a public dissatisfaction with the manner in which job-related disabilities were handled, it is not surprising that the system was designed with an eye toward prompt and effective disposition of disability cases. Without an effective delivery system, many of the problems associated with the common law and employer liability statutes would remain.

This requirement for an effective delivery system remains valid today. The National Commission on State Workmen's Compensation Laws, in listing this as a major objective for a modern workers' compensation system, made special note that the achievement of the system's objectives for protecting against workplace disabilities was dependent upon an effective system for delivery of benefits and services. This observation was reaffirmed by a second federal report on workers' compensation delivery in 1977, which emphasized the importance of efficient program administration.

As originally envisioned, the system would be self-administering. However, over time the complexities of the system proved too much for a laissez-faire approach, and states moved to take a more affirmative role in the administration of their laws.

Generally, the states moved either to administer their laws through their court system, a special commission or board, or a combination of both. In Canada, administrative activities are carried out by a board. The principal areas of administration include:

- ✓ Supervision of compliance with statutory requirements for employers, employees, carriers, and medical and legal personnel.
- ✓ Investigation and decision on disputed claims and the supervision of medical and vocational rehabilitation.
- ✓ Management of second-injury funds, and special assessment requirements.
- ✓ Collection of data and evaluation of program performance.

Administration — Notice to Employer's and Claims (Chart XI)

Workers' compensation laws generally are administered by commissions or boards created by law. A few states provide for court administration.

Chart XI shows statutory provisions relating to administration. These include:

- ✓ Time limits in which employers must be advised of injury;
- ✓ Time in which claims must be filed;
- ✓ Claim settlement conditions; and
- ✓ Regulation of attorney's fees.

Employer's Report of Accidents (Chart XII)

All employers are interested in requirements legally imposed on them to report injuries and the penalty, if any, imposed for failure to report. In many jurisdictions, except for preliminary reports, the insurer relieves an employer of this burden. Provisions for employer reporting of accidents are summarized in Chart XII.

Second-Injury Funds (Chart XIII)

Second-injury funds (or like arrangements) were developed to meet problems arising when a preexisting injury combines with a second to produce a disability greater than that caused by the latter alone. The funds encourage hiring of the physically handicapped and allocate costs of providing benefits to such employees more equitably.

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Second-injury employers pay compensation related to the disability caused by the second injury alone — even though the employee receives a benefit relating to the combined disability; the difference is made up from a second-injury fund.

Where no special second-injury fund is provided by law, an employer in whose employment a second injury is sustained usually is liable for compensation due for the total resulting disability. Because of the potential increased cost of compensation benefits, an employer may be influenced to refuse employment to handicapped persons. It is for this reason that second-injury funds are advocated.

Most compensation laws now limit employer liability in second-injury cases to payment for the disability resulting from the second injury considered by itself — as shown in Chart XIII. The chart indicates the nature of the injury covered, portion payable by the employer and by the fund, and the sources for the fund.

Administration Expenses (Chart XIV)

Chart XIV refers to:

- ✓ How the costs of administration are met;
- ✓ Nature of assessments, if any; and
- ✓ Types of insurance provided for — whether private, state, or both.

Appeal Provisions (Chart XV)

Appeal provisions, including designation of the court of appeal and nature of the procedures, are summarized in Chart XV. Most Canadian jurisdictions use the inquiry system and do not provide for judicial appeals.

Directory of Administrators (Chart XVI)

The names and addresses of the administrators, boards, and commissioners for all jurisdictions reported upon by the Analysis are provided in Chart XVI. The Internet addresses are listed for those administrators with web pages.

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Chart XI — Administration: Notice to Employer and Claims

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Alabama	Courts	In writing within 5 days; excusable up to 90 days.	Within 2 years after accident, last payment or removal or incapacity.	By agreement, which must conform substantially to terms of act unless court approves lesser sum. Disputed cases settled by courts.	Lien when registered with probate judge.		Award for more than 6 months at any time by agreement of parties with court approval.	Fixed by Circuit Court judge up to 15% award. All litigation expenses, attorney's fees must be reported to the Director.
Alaska	Workers' Compensation Board	In writing to Board and employer within 30 days, excusable.[1]	Within 2 years after knowledge of disability. Within 1 year after death or 2 years after last payment.	By agreement, on approval of Board.	Lien; recording required in 1 year of injury. Interest and penalties accrue.	By Board.	Within 1 year after last payment of compensation or after rejection of claim.	25% of first $1,000; 10% of award balance by statute; negotiable. Board approval required if employee pays.
Arizona	Industrial Commission	Forthwith; excusable.	Within 1 year after injury or accrual of right; excusable.[2] Claim not barred if compensation has commenced.	By Commission.	Decision of Award is effective upon finality. Lien upon filing.	By ALJ within 30 days.	By ALJ on application.	Commission may regulate; maximum 25% of award.
Arkansas	Workers' Compensation Commission	Forthwith; excusable.	Within 2 years after injury or death or 1 year after last payment of compensation, whichever is later. Note that the statute of limitation is different for Occupational Disease. See Chart IV.	Compensation without award except if contested claim. Disputed claims heard by Commission member, or ALJ upon application. Settlements may be approved by joint petition. Disputes may be resolved through mediation.[3]	Preference rights of unpaid wage claims.	By Commission within 30 days of ALJ decision. Thirty days from Commission to Court of Appeals.	By Commission within 6 months of end of compensation period except in "joint settlements."[4]	25% of disability benefits awarded.
California	Division of Workers' Compensation handles administration. Appeals Board handles judicial functions.	In writing within 30 days; excusable. Within 1 day of receiving notice or having knowledge of injury, employer must provide injured worker with claim form.	Disability — within 1 year from date of injury or last payment. Death — within 1 year after death to 240 weeks after injury.	By agreement on approval of Appeals Board which may order hearing. Disputed cases settled by Appeals Board on application.	Judgment of filing in Superior Court.	By Appeals Board from workers' compensation judge's finding.	Reconsideration within 20 days; no modification after 5 years.	Reasonable fee fixed by Appeals Board. If Court finds no reasonable basis for appeal, Appeals Board may award fees as supplementary award.[5]
Colorado	Division of Workers' Compensation handles administration. Division of Administrative Hearings handles hearings.	In writing within 4 days; excusable (claimant may lose up to 1 day's compensation for each day's delay).	Within 2 years after injury or death.[6] Does not apply if compensation paid or if reasonable excuse in 3 years.	By agreement approved by Director or ALJ. Disputes may be resolved through mediation, prehearing conference and formal hearings.	Judgment on filing copy of award against uninsured employer in District Court. Decision of award is effective upon finality.	By Director or ALJ within 20 days, then by Industrial Claims Appeals Office within 20 days.	Reopening by Director within 6 years from date of accident or 2 years after last payment, whichever is later.[7]	On unappealed and contested cases, a contingent attorney fee not exceeding 20% of the amount of the contested benefit shall be presumed to be reasonable. Director determines reasonableness of fee on request of claimant or attorney.
Connecticut	Workers' Compensation Commissioners. 1 chair and 15 members.	Forthwith; excusable.[8]	Within year after accident.[9] If death results, within 2 years after accident or disease, within 2 years from accident or disease, or within 1 year from death, whichever is later.	By agreement, on approval of Commission. Disputed cases settled by Commission.	Judgment on filing in Superior Court. Award has preference rights on unpaid wages.	By Compensation Review Board[10] within 20 days.	By Commissioner during compensation period.	Subject to approval by Commissioner.

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Delaware	Office of Workers' Compensation	If notice not given in 90 days, no compensation due until notice or knowledge of injury.	Within 2 years after injury, death, or 5 years from last payment.	By agreement, on approval of Board. Disputed cases settled by Board and/or hearing officer after hearing.	Preference rights of unpaid claims.		By Board and/or hearing officer at any time, but no more than once each 6 months.	Attorney/client agreement.
District of Columbia	D.C. Office of Workers' Compensation	In writing within 30 days; excusable.	Within 1 year after accident or last payment.	By agreement, subject to approval of the Office of Workers' Compensation, approval automatic if both parties represented by legal counsel.	Award is effective upon filing.	By Director, Department of Employment Services on application or own motion.	By the office issuing the award within 1 year after last payment or denial of claim on own motion or application of interested party.	By the Office or court before which the work was performed.
District of Columbia Government Workers	Office of Benefits Administration	48 hours; extended for cause.	Within 60 days after injury or 1 year after death; extended for cause.	By the Office of Disability Compensation.	Fund pays award.	By administrator upon own motion or application at any time.	By administrator.	Subject to approval by administrator, Office, or court before which the work was performed.
Florida	Division of Workers' Compensation	Within 30 days after injury, death or employee's first knowledge of injury/illness.	Within 2 years after injury or death, or 1 year from last payment, or authorized medical treatment.	By lump sum, payment to the injured workers allows total closure of claim at any time after employee has attained MMI. By lump sum, payment to the injured workers allows total closure of claim in which carrier filed a denial within 120 days after date of injury and judge finds a justifiable controversy of legal or medical compensability.	May be filed in proper court; execution or other process in Circuit Court.		Joint Petitions or Stipulations so ordered by Judges are not subject to modification.	Sliding scale subject to approval of judge of compensation claims or court.
Georgia	Board of Workers' Compensation	Within 30 days; excusable.	Within 1 year after injury, death or medical care; or within 2 years after last payment.	Compensation without award except in contested claims. Disputed claims settled by Board, Director, ALJ or through mediation.[11]	Judgment in Superior Court on certified copy of award.[11]	By Board on application within 20 days.	By Board on application or own motion within 2 years after final payment (4 years for PP). Final settlement may not be modified.	Fees in excess of $100 subject to Board approval. Board may assess attorney's fees against any party who proceeds without reasonable grounds or fails to provide income benefits as required. Maximum recovery fee is 25% of income benefit received.
Guam[16]	Workers' Compensation Commission	In writing 30 days; excusable.	Within 1 year after injury, death, last payment or awareness of relationship between the injury or death and the employment.	Compensation without award within 14 days after knowledge of injury or death. Controverted claims are settled by the Commission.	Lien against assets of carrier or employer. Enforcement of final order by Supreme Court.		By Commissioner within 1 year after last payment or rejection of claim on own motion or application.	Subject to approval of Commission or Court on review. Legal fees shall be a lien on compensation.
Hawaii	Director of Labor and Industrial Relations	Forthwith; excusable.	2 years after date on which effects of injury become manifest, but within 5 years after date of accident causing injury.	By agreement or by decision which must be prepared by Director within 60 days after conclusion of hearing[11] in accord with law. If not agreed, Director makes award.	Judgment on filing in Circuit Court.	By Appellate Board within 20 days.	By Director on own motion or any party on own application within 20 days but no later than 8 years after decision.	Subject to approval of Director.

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Idaho	Industrial Commission	In writing 60 days after accident; excusable.	Within 1 year after accident or death.[14]	By agreement, subject to approval of Commission. Disputes settled by Commission or Member after hearing.	Judgment in District Court on filing certified copy of award. Judgment in Circuit Court on filing certified copy of award.	By Commission within 20 days.	By Commission within 5 years of accident, but not more than once in 6 months.	Subject to approval of Commission. 25% without hearing; 30% with hearing. Disclosure required.
Illinois	Industrial Commission	Within 45 days.[15] For radiological injury, within 90 days after employee knows or suspects that he has received an excessive dose of radiation.	Barred after 3 years from injury or death, or 2 years after last payment, whichever is later. Radiation and asbestos — within 25 years after last exposure for injury; within 3 years after death.	By agreement, subject to approval of Commission, after 7 days from injury. Disputed cases settled by arbitrator.	Judgment in Circuit Court on certified copy of agreement or award. Preference rights of unpaid wages.	By Commission from decision of arbitrator within 30 days.	By Commission within 30 months of agreement or award.	Maximum 20% of compensation paid, up to 364 weeks of P.T. disability. Unreasonable or vexatious delay by employer or carrier in payment of compensation may be penalized by cost of attorney's fees.
Indiana	Workers' Compensation Board	In writing as soon as practicable, excusable. Compensation may accrue from date of notice if given after 30 days.	Within 2 years after injury or death. Radiation —2 years after worker knows/ should know relation to employment.	By agreement, after 7 days from injury or at any time after death, subject to approval of Board. Disputed cases settled by Board member on application.	Judgment in District Court on filing certified copy of agreement or decision.	By full Board within 30 days after award.	By Board on application or own motion, within 2 years after last day for which compensation is paid.	Subject to approval of Board. Limits on fees in recoverability in 3rd party suits, basing those fees on the amounts actually repaid to the insurer/employer. Fees paid out of award unless bad faith by employer or lack of diligence, in which case paid by employer. Minimum fee is $100.
Iowa	Division of Workers' Compensation	Within 90 days after injury unless employer has actual knowledge.	Within 2 years after injury or 3 years after last weekly payment.	Compensation without award except in contested cases, but claim may be settled by agreement, subject to approval of Workers' Compensation Commissioner.		By Commissioner from decision of Deputy Commissioner within 20 days.	By Commissioner within 3 years from last payment, award or noncommuted settlement.	Subject to Commissioner's approval.
Kansas	Division of Workers' Compensation	Within 10 days and up to 75 days with "just cause."	Claim must be served on employer within 200 days after accident or last payment, or within 1 year after death for death within 5 years after accident. Application for hearing must be filed with Division within 3 years after accident or within 2 years after last payment, whichever is later.[17]	By agreement, disputed cases settled by ALJ after hearing, subject to appeal to Workers' Compensation Board.		Appeal to Workers' Compensation Board must be filed within 10 days of decision by ALJ.	By ALJ, before final payment and within 1 year of prior approval on application.	Fixed by written contract. Maximum of 25% of compensation recovered as a result of attorney's involvement.
Kentucky	Department of Workers' Claims	In writing as soon as practicable; excusable.	Within 2 years after accident, death, or last voluntary income benefit payment. Limits toll during minority or incapacity.	By agreement, subject to approval by ALJ. Disputed cases settled by an ALJ in a de novo proceeding.	Judgment in Circuit Court on filing certified copy of award or approved agreement.	Initial appeal from ALJ is to the Workers' Compensation Board within 30 days. Petition for reconsideration of any patent error required within 14 days of ALJ's decision and necessary prior to appeal to Workers' Compensation Board.	By ALJ any time, on application or own motion.[18]	For contracts entered into on or after 7–14, 2000, plaintiff's attorney fee is 20% of the first $25,000, 15% of the next $10,000 and 5% of the remainder of the award not to exceed a maximum fee of $12,000. Maximum fee for employer's attorney is $12,000.

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Louisiana	Office of Workers' Compensation Administration	Within 30 days (12 months if employer fails to post requirements); excusable.	Within 1 year after accident, death or last payment; if injury has a delayed development, then 1 year from time injury develops, but in no cases more than 2 years from date of accident.	By agreement, subject to approval of Administrative Law Judges.[19]	Approved settlement entered as judgment.	No review by agency or District Court; appeals go to Court of Appeals.	By Workers' Compensation Judge or any time by agreement.	Subject to Workers' Compensation Judge's approval; maximum 20% of award on first $20,000 and 10% of any additional amount.
Maine	Workers' Compensation Board	Within 90 days after injury; within 3 months after death; excusable for mistake of fact.	Within 2 years after accident or last payment[20]; or within 1 year after death. If mistake of fact or fraud, within a reasonable time, but no more than 6 years after last payment, in any case.	Compensation without award except in contested cases. Disputed cases settled by Board.	Decision enforceable in Superior Court by suitable process.	By single hearing officer.	On application, approved lump sum is final except employer is not released from liability for future medical expenses unless lump sum agreement is contingent on release from such liability.	Each party responsible for payment of own cost and attorney's fees. Fees subject to Board approval. Non-lawyers authorized to represent any party unless such representation "prevents the efficient processing of any proceeding." Workers' Compensation Board provides a worker advocate to qualified employees at boards expense.
Maryland	Workers' Compensation Commission	Within 10 days after injury (30 days for hernia); within 30 days after death; excusable.	Within 60 days after disability begins; excusable to 2 years. Within 18 months after death.[21]	By agreement, subject to approval of Commission. Disputed cases are tried by the Commission; hearing required on application.		By Commission De Novo Appeal to Circuit Court (WCC decision presumed correct). Additional appeals on questions of law to appellate courts.	From final award on application or own motion within 5 years after the date of the last payment of compensation.	Subject to approval of Commission.
Mass.	Department of Industrial Accidents	In writing as soon as practicable; excusable.	Within 4 years after injury, death or onset of disability; excusable.	By agreement, subject to approval of Department. Disputed cases settled by a member of the Industrial Accidents Board after preliminary conference prior to hearing.	Decree in Superior Court on certified copy of agreement or decision.	By 6-member reviewing board from decision of member.	On application at any time; limited in death cases.	Subject to Board approval. Amount fixed, subject to cost of living adjustments, according to state of proceedings.[22]
Michigan	Bureau of Workers' Disability Compensation	Within 90 days after injury; excusable.	Within 2 years after injury, death, recovery from incapacity, or after worker knows/should know relation of disease to employment.[23]	Compensation without award except in contested cases. Disputed cases settled by magistrate (by Bureau if "small dispute").	Judgment in Circuit Court on filing certified copy of award.	By Appellate Commission within 30 days from decision of magistrate.		Subject to approval of Bureau based on administrative rules and contingency fee schedules.
Minnesota[24]	Commissioner, Department of Labor and Industry as head of Workers' Compensation Division and Administration.[24]	Within 30 days unless employer has actual knowledge; excusable up to 180 days unless prejudice shown.	Within 3 years after employer's report; no more than 6 years from date of injury. Occupational disease-within 3 years after employee knows cause of disability.[25]	Compensation without award except in contested cases. Claims settled by agreement subject to judicial approval. Presumed fair if both sides represented by attorney and medical and rehabilitation left open. Hearing determination subject to appeal.	Award is binding and may be enforced by penalty or entering judgment in District Court.	Appeals must be filed with Workers' Compensation Court of Appeals within 30 days from decision of compensation judge.	By petition to W.C. Court of Appeals to vacate.	Approval by Division or compensation judge of 25% of first $4,000 compensation, 20% of the next $60,000 subject to a maximum amount determined by a 7 factor analysis.

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Mississippi	Workers' Compensation Commission	Within 30 days; excusable.	Within 2 years after injury or death.	Compensation paid without award except in contested claims. Disputed claims heard by Commission member or referee on application. Claims are settled on compromise basis by agreement, subject to Commission approval.	Lien against assets and has preference rights of unpaid wages.	By Commission if appealed within 20 days from decision of ALJ.	By Commission on application or own motion within 1 year from last payment or claim rejection.	Subject to approval of Commission or court. Maximum is 25% of award in matters before the Commission.
Missouri	Division of Workers' Compensation	In writing within 30 days unless employer has actual knowledge; Division notifies worker of rights.	Within 2 years after injury or death, or last payment (3 years if no report filed).	After 7 days from injury or death; through mediation or by compromise settlement, upon approval by the ALJ, legal advisor or Commission. Disputed cases closed on award by ALJ.	Judgment in Circuit Court on certified copy of memorandum of agreement, order, decision or award of Division or Commission.	By Industrial Commission within 20 days.	By Commission on application or own motion, after notice and hearing.	Commission or Division may allow reasonable fees.
Montana	Department of Labor and Industry	For injuries not resulting in death, within 30 days unless employer has actual knowledge.	Verified claim within 12 months after accident; Insurer may grant additional 24 months.	By agreement and subject to approval of Department. Any dispute over conversion of benefits to a lump sum or dispute over the amount of benefits is submitted to a mediator and then to the Workers' Compensation Court, if necessary.	Insurer will pay award after order received.	By Department of Labor and Industry. 14 days to approve or disapprove settlement. If date of injury is prior to 7/1/87, order is reviewed by Workers' Compensation Court Judge, who has 10 days to disapprove settlement.	May not be reopened by Department.	May be fixed by Department or Workers' Compensation Judge. Added to successful claimant's award on appeals. Not awardable by the court unless the insurer's actions in denying liability or terminating benefits was unreasonable.
Nebraska	Workers' Compensation Court	In writing as soon as practicable; excusable.	Within 2 years after injury, death, removal of incapacity or last payment.	By agreement, in accordance with Act. Disputed claims submitted to Compensation Court for hearing or informal dispute resolution. Lump sums approved by Compensation Court.	Award is final unless timely appealed.	By Compensation Court.	By agreement, subject to approval of Compensation Court; or on application after 6 months by Compensation Court.	Subject to approval of Judge of Compensation Court (for lien purposes).
Nevada	Division of Industrial Relations	Within 7 days of injury.	Within 90 days after accident, 1 year after death.[26]	By agreement, in conformity with Act, subject to approval of insured.[27]	Insurers are required to comply within 30 days after award is issued, unless a stay is entered. If a party applies for a stay which is denied, in specified circumstance, installment payments may be made.[27]	Department of Administration holds hearings and appeals for contested claims.	Medical investigation may be conducted at any time based on changed circumstance.	District Court may assess costs and fees if appeal is frivolous. At appeal level and above, claimant may utilize the free services of the Nevada Attorney for Injured Workers for representation.
New Hampshire	Division of Workers' Compensation	As soon as practicable but no later than 2 years after date of injury.	Within 2 years after injury or death and claimant knows/should know of injury and relation to employment.	If compensability of claim is contested, the aggrieved party may request a hearing at the Division. Disputes may also be settled by lump sum with Division approval.	Payment within 5 working days. Employer's failure to comply with an award may result in a penalty of no more than $100 per	By Commissioner.	Commissioner of Labor may modify no later than 4 years after last indemnity payment, except lump sums.	Established by operating policy: 20–25%; no provision regarding lien against award; statutory provision added in some cases to award. Attorney's fees and interest to successful claimant on appeal

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
New Jersey	Division of Workers' Compensation	Within 14 days; excusable up to 90 days. Separate provision for occupational diseases.	Within 2 years after accident, death, last payment or default. Separate provisions for occupational diseases.	By agreement, subject to approval of Judge of Compensation. Disputed cases litigated before Compensation Judge.	Final unless appealed to Superior Court.	Appeals are to the Appellate Division of the Superior Court.	Application to review or modify prior award to Judge of Compensation within 2 years of last payment of compensation.	Not over 20% before Division. Court may fix reasonable fee on appeal.
New Mexico	Workers' Compensation Administration	In writing within 15 days; excusable up to 60 days.[28]	Within 1 year after notice, death, or failure to pay.[29] Time tolled up to an additional year if still in same employment.	By agreement, through a mandatory mediation conducted by agency staff attorneys. Disputed cases are resolved through hearings presided by an agency Judge. Restricted lump sum settlements must be approved by a Judge.[30]	Award is judgment.	Reviewed by Court of Appeals.	By Workers' Compensation Judge, hearing for modifications may be held at not less than 6 month intervals.	Determined by Workers' Compensation Judge, maximum amount of $12,500 for both parties' attorneys, including all levels of appeal. Cost of attorney is split 50/50 by employer and employee.
New York	Workers' Compensation Board	In writing within 30 days; excusable.	Within 2 years after accident or death or 2 years after disablement from occupational disease and within 2 years after the claimant knew or should have known that the disease is or was due to the nature of the employment.	Compensation without award within 18 days after disability or within 10 days after employer had knowledge, except in contested claims. Disputed claims settled by referee or Board. Hearing is mandatory upon application. Employer may make temporary payments of compensation for up to 1 year without prejudice or admitting liability if unsure of the extent of liability for claim. Written stipulated settlements upon approval by Board.	Payment within 10 days after decision except when a review application has been filed by the carrier or self-insured employer.	Review of Workers' Compensation Law Judge decision is by 3 member panel of the Board. A split decision is reviewable by full Board; review of other decisions is discretionary.	By Board at any time. Subject to special conditions.	All attorney fees must be approved by the Board. Fee award amounts set by Worker's Compensation Law Judge or Commissioner.
North Carolina	Industrial Commission	In writing within 30 days; excusable.	Within 2 years of final determination of disability or within 6 years after death from occupational disease or accident.	By agreement, after 7 days from injury or at any time in case of death, subject to approval of Commission. Disputed cases settled by Commission or member or through mediation.	Judgment in Superior Court of filing certified copy of agreement or decision.	By Commission upon application within 15 days after award.	By Commission on application or own motion, within 2 years.	Subject to approval of Commission, which may impose court costs and fees against party who proceeds without reasonable ground.
North Dakota	Workers' Compensation	Within 7 days.	Within 1 year after injury or 2 years after death.	By NDWC.			By NDWC at any time on application or own motion.	If prevailing — effective 5/1/2002 $100 per hour, subject to a cap of 20% of award amount.
Ohio	Bureau of Workers' Compensation and Industrial Commission	None required except to self-insurers.	Within 2 years after accident, injury, occupational disease, or death.[31]	By agreement, subject to 30 day waiting period and review by Bureau; Industrial Commission may reject settlement which is a gross miscarriage of justice or clearly unfair.	Fund or self-insurer pays award after judgment.	By district hearing officer, then staff hearing officer, then Commission, within 14 days of decision.	By Commission or Bureau within 6 years after injury (no lost time) or 10 years from last payment or death (lost time).	Attorney's fees are fixed by judge based on effort expended, but shall not exceed $2,500.

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Oklahoma	Workers' Compensation Court and an Administrator	Injury — within 30 days of the date an injury occurs. Occupational disease or cumulative trauma — within 90 days of the employee's separation from employment.	Within 2 years after injury or last payment. Death claims — within 2 years after death or last payment.	By agreement, after 3-day disability, subject to approval of Workers' Compensation Court. If both parties agree, they may enter into non-binding mediation. Disputed cases resolved by Court.	Payment within 20 days except in event of appeal. Enforcement of judgment in District Court upon motion to certify.	By Workers' Compensation Court en banc on appeal within 10 days or by Supreme Court on appeal within 20 days.	By Workers' Compensation Court on application or own motion. May reopen case within maximum number of weeks for which award is possible, or 208 weeks for non-scheduled injuries.	Workers' Compensation Court must approve and direct payment; 10% maximum for temporary disability; 20% maximum for PT or death.
Oregon	Department of Consumer and Business Services, Workers' Compensation Division	In writing within 90 days.	Injury: within 90 days, but up to one year after accident if employer had knowledge of the injury or the worker dies within 180 days of the accident. Occupational disease: within one year of the worker's discovery, diagnosis by physician, onset of disability, or beneficiaries' discovery death was due to occupational disease.	Accepted claims: closed by insurer or by Claims Disposition Agreement. Disputes: settled by agreement, Administrative Law Judge, Board, Court of Appeals, or Supreme Court (matters of law only).	Payment by insurer within 30 days or after order except where appeal stays payment. Appeal must be made to the Department within 60 days of insurer Notice of Closure.	Reconsideration of disability awards by Department appellate unit within 18 days of request (60 additional days if a medical arbiter exam or additional information is required). The order on reconsideration may be appealed within 30 days to Workers' Compensation Board (WCB) Hearings Division (denied claims may be appealed directly to the WCB); further appeal to Board within 30 days.	By Workers' Compensation Division or Board on application or by stipulation of the parties.	Subject to approval of ALJ, Board, or Court. Board established fee schedule. Attorney fees are 10% of any increased disability awarded by an Order or Reconsideration or WCD. WCB awards 25% of increased compensation, subject to maximums of $4,600 for PPD, $12,500 for PTD, and $1,500 for TD.
Pennsylvania	Bureau of Workers' Compensation[32]	If notice is not given within 21 days, no compensation due until given. If not given within 120 days, compensation disallowed.	Within 3 years after injury, death or last payment.[33]	By agreement, after 7 days from injury, subject to Department approval. Disputed cases heard by Workers' Compensation Judge; appeals to Board.	Judgment in court of common pleas on filing certified copy of award or agreement.	By Appeal Board from Workers' Compensation Judge's decision within 20 days.	By Department on application within statutory limits.	Subject to approval of Workers' Compensation Judge, Appeal Board or Court.
Puerto Rico[46]	Board of Directors, Corporation of State Insurance Fund of Puerto Rico, which operates under manager so designated.	None required.	As soon as possible within 5 days from accident.	There is no settlement procedure.	Fund pays award.	Decision of Fund's Manager is final in the agency. Only review by appeal to Industrial Commission within 30 days of decision.	Only through review by the Industrial Commission.	No attorneys required in hearings, but if requested by employee, fees are fixed by Industrial Commission as percentage of award. Fees are fully paid by Fund.
Rhode Island	Department of Labor and Training, Division of Injured Workers' Services	In writing within 30 days; excusable.	Injuries prior to 5/18/92, within 3 years; 5/18/92 and after, within 2 years after injury, manifestation, knowledge of injury, death or removal of incapacity.	By voluntary agreement of both parties; or by Judge by decree.	Award enforceable by Court or Director.	By Court within 7 days.	By Court during compensation period, within 10 years after compensation period has ceased, on own motion or on petition of either party.	Subject to approval of Court. Maximum 15% of lump sum or structured settlements.

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
South Carolina	Workers' Compensation Commission Claims Department	In writing as soon as practicable or within 90 days; Excusable.	Within 2 years after accident or 2 years after death.	By agreement, after 7 days from date of injury or any time in case of death, subject to approval of Commission or member, after hearing, upon application.	Judgment in Common Pleas Court on certified copy of agreement or award.[34]	By 3 or 6 member panel, apply within 14 days after award.	To Commission on application or own motion within 12 months from last payment.	Subject to approval of Commission.
South Dakota	Division of Labor and Management	In writing as soon as practicable within 3 working days; excusable.	Within 2 years after notice of intention to deny coverage. Within 3 years of last benefit payment.	By agreement, if not disapproved by Director, within 20 days. Disputed cases settled by Commissioner after hearing, upon application.	Judgment on certified copy of agreement or decision.	By Labor Secretary within 10 days.	By Labor Secretary by application.	Subject to approval of Director of Division of Labor and Management.
Tennessee	Courts and Workers' Compensation Division[35]	Notice must be within 30 days; must be written if employer does not have actual knowledge. Excusable up to 1 year.	Within 1 year after accident. Dependents within 1 year after employer's notice accepting liability.	By agreement, subject to approval by County Court. Disputed cases determined by Circuit Court. Commissioner or designee may approve settlements.	Judgment on approved agreement.		By court on application after 6 months. Award payable for more than 6 months may be modified by agreement approved by court.	Maximum 20% by statute; fees greater than $10,000 need court approval else unlawful per statute; threshold adjusted each July. Lien against award.
Texas	Workers' Compensation Commission	Within 30 days; excusable.	Within 1 year after injury, death or removal of incapacity; excusable.[36]	By award of the Commission, by judgment of a District Court or by agreement approved by Commission or District Court. Contested cases settled by hearing officers or through arbitration.	Collectible by suit for full amount of unpaid compensation; 12% penalty and Attorney's fees. Failure or refusal to comply with a Commission order/decision within 20 days may result in a fine up to $10,000.	By 3 member appeals panel within 60 days after award.	By Board or Commission at any time during compensation period, on application or own motion.	In actions before the Board or Commission, fees are limited to 25% of the recovery unless special circumstances prevail. Subject to approval by Board, Commission or Court but not to exceed 25% of recovery.
Utah	Labor Commission	Within 180 days.	Within 1 year after death; within 6 years after date of injury. Medical expenses within 3 years of last treatment.[37]	By Labor Commission.	Lien from time of docketing in District Court. Payments must begin within 30 days of determination of award.	By Commission within 30 days.	By agency upon application.	Subject to approval by the Commission or the court. Maximum of 20% or 312 weeks of award, with a $10,532 cap.
Vermont	Commissioner of Labor and Industry	In writing as soon as practicable; excusable.	Within 6 months after injury, death, loss of damage suit or removal of incapacity; excusable.	By agreement, in conformity to Act, subject to approval of Commissioner (compromise agreements may be approved). Disputed cases settled by Commissioner.	Judgment in County Court on certified copy of agreement or award.	By Commissioner on application within 6 months.	By Commissioner on own motion or application at any time.	Commissioner may award to successful claimant, and on appeal, 12% interest on contested part of award.

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Virgin Islands	Workers' Compensation Administration	In writing within 48 hours; extendable up to 30 days. Occupational disease within 30 days from first manifestation; extendable to 90 days for cause.	Within 60 days after injury.	By Workers' Compensation Administration using Direct Payment Systems. Disputed cases decided by the Dispute Resolution by Hearing Officers (by mediation) ALJ (formal hearing).	Fund pays award with first priority lien on employers assets.	By reconsideration Commissioner of Labor.[36]	By Agency.	Subject to approval of Commissioner.
Virginia	Workers' Compensation Commission	In writing within 30 days.	Within 2 years after accident or 2 years after death. Failure to file Employer's Accident Report may toll time for claim filing. Payment of benefits does not toll.	By agreement, after 10 days from injury, or at any time after death, subject to approval of Commission. Disputed cases settled by Commission or member after hearing upon application.	Judgment in Circuit Court on certified copy of agreement or award.	By full Commission within 20 days after opinion.	By Commission on own motion or application within 2 years of last payment, or 3 years for scheduled injures.[38]	Fixed by Commission.
Washington	Department of Labor and Industries	Immediately.	Within 1 year from date of injury or date rights of beneficiaries accrued (2 years for occupational diseases).	By Department of Labor and Industries.[39]	Fund or self-insurer pays award.	By Board of Industrial Insurance Appeals within 60 days of affected party(ies) receipt of decision. Agency may reassume jurisdiction from the Board for reconsideration and further appealable decision.	For full benefits, limited benefits on application after 7 years (10 years for vision).	Maximum fees established by statute — 30% of increased award.
West Virginia	Bureau of Employment Programs, Workers' Compensation Division	Immediately.	Injury claims within 6 months of injury; disease claims within 3 years of last exposure; fatal claim within 1 year of death.	By Workers' Compensation Division. Compromise settlements subject to approval by the Office of Judges.	Fund begins payment 30 days following the granting of an award.	By the Office of Judges. Decisions subject to appeal to the West Virginia Workers' Compensation Appeal Board.	By the West Virginia Workers' Compensation Division within 5 years of written application or within 2 years of date of death.	Maximum fees established by statute; limited to 20% of claimant's or dependent's award (up to 208 weeks).
Wisconsin	Workers' Compensation Division	Within 30 days; excusable.	Within 2 years after injury or death. Excusable if employer knew of disability. All rights barred after 12 years from injury, death or last payment.	By payment of amount due. Compromise subject to review by Department within 1 year. Disputed cases settled by Department.	Judgment in Circuit Court on certified copy of award.	By Commission within 21 days of decision.	By Commission on its own motion within 21 days; compromises may be modified within 1 year. If occupational disease, subject to review within 12 years.	Limited to 20% of amount in dispute. If admitted liability, not to exceed 10% or $100.
Wyoming	Division of Workers' Compensation	Within 72 hours (also within 10 days to the division); excusable.	Within 1 year after injury or discovery of injury not readily apparent.	By Division of Workers' Compensation, hearing examiners or Medical Commission. Appeals to District Court.	Fund pays award.		Within 4 years or during time payments are made on application.	Reasonable fees as allowed by court. Limited to $60 per documented hour.
F.E.C.A.	Division of Federal Employees' Compensation O.W.C.P. U.S. Dept. of Labor	30 days; extended for cause.	Within 3 years after injury or death; extended for cause.	By Division.	Fund pays award.	By Secretary of Labor on own motion or application anytime within 1 year.	By Secretary of Labor or Employees' Compensation Appeals Board on review.	Subject to approval by Division or Appeals Board.

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Longshore Act	Division of Longshore and Harbor Workers' Compensation O.W.C.P., U.S. Dept. of Labor	Within 30 days.	Within 1 year after injury or death, or date of last payment. Within 2 years after aware of occupational disease.	By District Director (by agreement) or ALJ (formal hearing).	Award is effective on filing.	By District Director upon own motion or application and by Benefits Review Board of Appeal.	By District Director or Court on review.	Approval by District Director, Court, or Review Board where service given.
Alberta	Workers' Compensation Board	As soon as practical.	Within 2 years after injury or death; excusable.	By Case Manager.	Fund pays award.	By review committee on request, then by Appeals Commission within one year; excusable.	By Review Committee and Appeals Commission at any time on application or own motion.	
British Columbia	Workers' Compensation Board	As soon as practical.	Within 1 year after injury, death or disablement by disease. Within 3 years if special circumstances precluded application within 1 year.[40]	By Adjudicator.	Fund pays award.	At any time if not appealed. Reconsiderations by Board unless specific matter already concluded by Review Board or Appellate Tribunal.	By Board at any time.	Fees for lawyers or advocates. may not be paid by the Board. Government appointed advisors may provide free assistance to injured workers and employers to resolve WCB claims issues.
Manitoba	Workers' Compensation Board	In writing as soon as practicable but no later than 30 days; Excusable.	Within 12 months after injury or death; Excusable.	By Claims Adjudicator, Case Manager.	Fund pays award.	At any time.	By Board.	[42]
New Brunswick	Workplace Health, Safety & Compensation Commission	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which he was injured.	Within 1 year after injury or 6 months after death; excusable.	By Claims Adjudicator.	Fund pays award.	At any time.	At any time by the Commission based on evidence or by decision of Appeals Tribunal.	None at Appeals Tribunal; determined by the court at Court of Appeal.
Newfoundland	Workplace Health, Safety & Compensation Commission	As soon as practicable.	Within 3 months after injury; within 6 months of death.	By Case Manager.	Fund pays award.	At any time.	Appeal of Commission's final decision goes to the Workplace Health Safety & Compensation review Division.	
Northwest Territories	Workers' Compensation Board	As soon as practicable.	Within 1 year after injury or death; excusable if as soon as practicable; maximum 3 years after death.	By Adjudicator or Case Manager.	Fund pays award.	At any time.	By Board.	Free assistance of worker advisor. Do not pay attorney fees.
Nova Scotia	Workers' Compensation Board	As soon as practicable.	Within 12 months. Failure to give notice may be waived, but only within 5 years from date of accident.	By Case Worker.	Fund pays award for regularly classified employers.	Appeals to internal Hearing Officers, external appeals to Appeals Tribunal.	By Board.	Free assistance of government appointed Workers' Advisors available to clients. Fees paid by Accident Fund.
Nunavut	Workers' Compensation Board	As soon as practicable.	Within 1 year after injury or death; excusable if as soon as practicable; maximum 3 years after death.	By Adjudicator or Case Manager.	Fund pays award.	At any time.	By Board.	Free assistance of worker advisor. Do not pay attorney fees.

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Ontario	Workplace Safety & Insurance Board	As soon as practicable.	Employer files notice within 3 days; worker files claim within 6 months.	By Board.	Fund pays benefit. Schedule 1 — Employers; Schedule 2 — Individuality.	At any time.	By Board.	
Prince Edward Island	Workers' Compensation Board	As soon as practicable.	Within 6 months after injury or death.	By Case Manager.	Fund pays award.	At any time.	By Board.[43]	
Québec	Commission de la santé et de la sécurité du travail du Québec	As soon as practicable after injury or knowledge of occupational disease.	Within 6 months after injury, death, or from first knowledge of the manifestation of an occupational disease.	By Commission.	Fund pays award. Individual liability for employers held personally responsible for the payment of benefits.	A medical finding or medical decision within 30 days to the Medical Review Panel. Reconsideration by Board within 90 days of decision.	By Commission.	
Saskatchewan	Workers' Compensation Board	As soon as practicable; excusable.	Within 6 months after injury or death; excusable.[45]	By Board.	Fund pays award.	At any time.	By Board.	
Yukon Territory	Workers' Compensation Health and Safety Board	As soon as practicable.	Within 1 year of injury or death.	By Claims Adjudicator.	Fund pays award.	At any time.	By Board.	
Canadian Merchant Seaman's Act	Merchant Seaman Compensation Board	As soon as practicable.	Within 6 months after injury or death; excusable.	By Board.	Judgment in county, district of Québec Superior Court on certified copy of award.	At any time.	By Board.	Board may award "expenses of proceeding" to successful party.

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Chart XI — Administration: Notice to Employer and Claims, Cont.

Notes

[1]Alaska — Burden of proof shifted to claimant if late notice excused.

[2]Arizona — Limit on filing runs from when injury is manifest or when claimant knows/should know relation to employment; tolled during incapacity.

[3]Arkansas — If no hearing is requested within 6 months of claim filing, the claim may be dismissed.

[4]Arkansas — A "joint settlement" is authorized where all parties petition an immediate final settlement by the Commission. In such cases, an order of the Commission is final except as to appeals to the courts, but an order of the Commission allowing or denying such petition is not appealable.

[5]California — Typically 9–12% of contested benefits, which are usually permanent disability awards. Attorney's fee in rehabilitation cases is lesser of approximately 12% of rehabilitation benefit or reasonable hourly fee for services to attain these benefits.

[6]Colorado — Statute excepts certain occupational diseases.

[7]Colorado — If claimant has previously agreed to settlement, case will not be reopened except on grounds of fraud or mutual mistake of material fact.

[8]Connecticut — Lack of notice excused if voluntary agreement or medical treatment within 1 year after accident.

[9]Connecticut — Within 3 years after first manifestation of disease (see Chart IV).

[10]Connecticut — The Commissioners comprise the Review Board.

[11]Georgia — Automatic dismissal of claims for which no hearing has been held for 5 years.

[12]Georgia — 12% interest on all accrued amounts of awards. Interest runs on Superior Court judgment in event of appeal.

[13]Hawaii — Director may extend due date for good cause if parties agree.

[14]Idaho — When compensation is discontinued, claimant has 5 years from date of injury or showing of occupational disease to file request for a hearing of further review. If compensation is discontinued more than 4 years after injury, claimant has 1 year from date of last payment to file request for a hearing of further review.

[15]Illinois — Under Occupational Disease Act, as soon as practicable.

[17]Kansas — If employer fails to report accident within 28 days, claim must be served on employer within 1 year after accident, and application must be filed with Division within 3 years after employer reports accident. Childress v. Childress Painting Co., 1979.

[18]Kentucky — There is a 4 year statute of limitiation for all parties — except for reopenings for medical issues, fraud, employee returning to work at equal or greater wages thereby resulting in a 50% reduction, or an employee holding a total award returning to work; a motion to reopen cannot be made within one year of a previous motion to reopen. For coal workers pneumoconiosis, an additional 2 years of employment with continuous injurious exposure is required prior to motion reopen.

[19]Louisiana — For injuries occurring after 7/1/83. Claims filed before 1/1/90 for injuries occurring after 7/1/83, approved by Director.

[20]Maine — Claimant gets additional year in cases of death of employee. Two year period does not run until employer files first report of injury in cases which report is due. No petition after 6 years of latest payment.

[21]Maryland — Claim filed by employee direct with Commission. Employer or insurer who receives completed claim form must send it to Commission immediately and may not advise claimant that claim is denied.

[22]Massachusetts — For injuries after 12/24/91, employee will contribute portion of award to attorney's fees.

[23]Michigan — No claim valid unless made within 2 years after injury, manifestation of disability or last employment, whichever is later. Deadline suspended if worker receives any disability benefits.

[24]Minnesota — Now includes small claims court. Disputes of less than $5,000, by agreement of parties; no appeal.

[25]Minnesota — Employer who threatens to discharge claimant for filing claim is subject to civil suit for treble damages, costs and attorney's fees.

[26]Nevada — Late filing may be excused in some circumstances.

[27]Nevada — Insurer's delay or refusal to pay a claim within 30 days after notification, subjects them to an order for an additional amount equal to three times the amount specified as a benefit to the injured employee.

[28]New Mexico — If employer has actual knowledge of the accident then no notice is necessary.

[29]New Mexico — The statutory time for filing a claim is also dependent on the employer's filing the First Report of Injury or Illness with the Administration.

[30]New Mexico — A mediation hearing must be completed, and a resolution issued, within 60 days of the filing of the complaint.

[31]Ohio — Claimant's statute of limitations extended for every day the employer fails to make required notice to the Commission, up to 4 years from date of injury, disease or death.

[32]Pennsylvania — Workers' Compensation Advisory Council recommends changes in administration of law.

[33]Pennsylvania — Late discovery may extend the time for filing a claim involving an occupational disease.

[34]South Carolina — Payment must begin within 14 days after employer has knowledge of injury or death.

[35]Tennessee — Tennessee Claims Commission administers claims by State employers.

[36]Texas — Employer who discriminates against claimant is liable for damages.

[37]Utah — Claim for TT or PT disability hearing must be filed within 6 years of injury.

[38]Virginia — In cases where no compensation has been paid, commission may make award within 3 years from the date of accident.

[39]Washington — Provision is made for recoupment of benefits paid through mistake or fraud.

[40]British Columbia — In circumstances where an application is accepted after 3 years, compensation is payable only from the date of filing.

[42]Manitoba — Government appointed adviser handles workers' claims. As well, an internal body, the Fair Practices Office, addresses concerns brought forth by employers, injured workers, and their dependents. The office is not involved in the appeal process.

[43]Prince Edward Island — Modification of award due to aggravation or recurrence of injury may be based on earnings and benefits in effect at that time in accordance with legislation.

[44]Québec — By administrative review if appealed within 30 days; from review to appeal division if appealed within 45 days.

[45]Saskatchewan — The Office of the Worker's Advocate and the Provincial Ombudsman (Government appointed advisors) offers assistance to workers with their workers' compensation claims. Every worker and his or her dependents have the right to review and to appeal WCB decisions about their claims.

[46]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

[47]Nevada — Insurers are required to submit a written report to DIR within 30 days after acceptance or denial of claims regarding diseases of heart or lungs, infectious diseases or cancer.

[48]Virgin Islands — Commissioners' decision may be appealed in court of competent Jurisdictions.

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Chart XII — Employer's Report of Accident

Jurisdiction	Keeping of Accident Records by Employer[1]	Reporting Requirements[1]		Penalties for Failure to Report		
		Injuries	Time Limit	Fines		
				Maximum	Minimum	Imprisonment
Alabama	Required	Death or disability exceeding 3 days	Within 15 days			
Alaska	Required	Death, injury, or disease or infection	Within 10 days	[5]		
Arizona	Required	All injuries	Within 10 days			Petty offense
Arkansas	Required	Indemnity, injuries or death[6]. Controverted, medical only.	10 days from notice of injury	10,000		Class D Felony
California	Required	Death cases or serious injuries 1 day or more than first aid Occupational diseases or pesticide poisoning	Immediately[7] As prescribed Within 5 days	200	50	
Colorado	Required	Death cases Injuries causing lost time of greater than 3 days or three shifts[8] Any accident in which 3 or more employees are injured Occupational disease cases Cases of permanent physical impairment	Immediately[8] Within 10 days[8] Immediately 10 days[8] 10 days[8]			
Connecticut	Required	Disability of 1 day or more	7 days, or as directed	250		
Delaware	Required	Death cases or injuries requiring hospitalization Other injuries	Within 48 hours[9] Within 10 days[9]	250	100	
District of Columbia	Required	All injuries	Within 10 days	1,000		
Florida	Required	Death cases All injuries	Within 24 hours[10] Within 7 days to carrier [10]	500		
Georgia	Required	All injuries requiring medical or surgical treatment or causing over 7 days absence	Within 21 days[11]	1,000[12]	100[12]	
Guam[43]	Required	Injury, illness, or death	Within 10 days[13]	500[14]		
Hawaii	Required	Death cases All injuries	Within 48 hours Within 7 working days	5,000		
Idaho	Required	All injuries requiring medical treatment or using 1 day's absence	As soon as practicable, but not later than 10 days after the accident[2]	300		Up to 6 months
Illinois	Required	Death case or serious injuries Disability of over 3 days Permanent disability	Within 2 working days Between the 15th and 25th of the month Soon as determinable	500		Petty offense
Indiana	Required	Disability of more than 1 day	Within 7 working days[15]	500		
Iowa	Required	Disability of more than 3 days, PP disability, death	Within 4 days	100	100	
Kansas	Not required	Death cases Disability of more than remainder of day or shift	Within 28 days of knowledge Within 28 days of knowledge	250[16]		
Kentucky	Required	Disability of more than 1 day	Within 7 days[2]	1,000	100	
Louisiana	Required[17]	Lost time over 1 week or death	Within 10 days of employer's actual knowledge of injury.	500		
Maine	Required	Only injuries causing 1 day or more of lost time[18]	Within 7 days	100[19]		
Maryland	Not required	Disability of more than 3 days	Within 10 days	50 and defacto loss of defense of statue of limitations		
Mass.	Required	Disability of 5 or more calendar days	Within 7 days—except Sundays and Holidays	100[20]		

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Chart XII — Employer's Report of Accident, Cont.

Jurisdiction	Keeping of Accident Records by Employer[1]	Reporting Requirements[1]		Penalties for Failure to Report		
		Injuries	Time Limit	Fines		
				Maximum	Minimum	Imprisonment
Michigan	Required	Death cases, disabilities of 7 days or more, and specific losses	Immediately			
Minnesota[19]	Required	Death or serious injury Disability of 3 days or more	Within 48 hours Within 14 days	500		
Mississippi	Required	Death, disability more than 5 days[21]	Within 10 days	100[21]		
Missouri	Not required	Death or injury	Within 10 days[22]	500	50	1 week to 1 year
Montana	Required	All injuries	Within 6 days	500	200	
Nebraska	Required	Death cases[23] All injuries	Within 48 hours[23] Within 7 days	1,000[23]		Up to 6 months
Nevada	Required[24]	All injuries requiring medical treatment	Within 6 working days after report from physician	1,000	100	
New Hampshire	Required	All injuries involving lost time or medical expenses	Within 5 calendar days	2,500		
New Jersey	Required	All injuries[25]	Immediately	50	10	
New Mexico	Required[26]	Any injury or illness resulting in more than seven days of lost time	Within 10 days of employer notification	1,000		
New York	Required[27]	Disability of 1 day beyond working day or shift on which accident occurred or requiring medical care beyond two first aid treatments	Within 10 days	2,500		Up to 1 year
North Carolina	Required	Disability of more than 1 day or charges for medical compensation exceeding the amount set by the Commission	Within 5 days[2]	25	5	
North Dakota	Not required	All injuries	Within 7 days			
Ohio	Required	Injuries causing 7 days total disability or more	Within 1 week	250		Up to 30 days
Oklahoma	Required	All injuries causing lost time or requiring treatment away from worksite	Within 10 days or a reasonable time	1,000		
Oregon	Required	All claims or injuries that may result in compensable injury claims	Within 5 days after employer knowledge[28]	[29]		
Pennsylvania	Required	Death cases Disability of 1 day or more	Within 48 hours After 7 days but not later than 10 days	[30]		
Puerto Rico[31]	Required	All injuries	Within 5 days	100		
Rhode Island	No provision	Death cases Disability of 3 days or more and all injuries requiring medical treatment Any claim resulting in medical expense to be reported within 10 days	Within 48 hours Within 10 days Within 3 years-injuries prior to 5/18/92; 2 years-5/18/92 and after	250 per offense		
South Carolina	Required	All injuries requiring medical attention more than $500, more than 1 day disability or permanency	Within 10 days[2]	100	10	
South Dakota	Required	[31]	Within 7 days	200[32]		And/or 30 days
Tennessee	Not required	All injuries requiring medical attention	Within 14 days	$25 per each 15 days	25	
Texas	Required	Disability of more than 1 day, or occupational disease	Within 8 days[2]	500		
Utah	Required	All injuries requiring medical attention	Within 7 days	500		
Vermont	Required	Disability of 1 day or more or requiring medical care	Within 72 hours.[2] Sundays and legal holidays excluded.	5,000		

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Chart XII — Employer's Report of Accident, Cont.

Jurisdiction	Keeping of Accident Records by Employer[1]	Reporting Requirements[1]		Penalties for Failure to Report		
		Injuries	Time Limit	Fines		
				Maximum	Minimum	Imprisonment
Virgin Islands	Required	Injury or disease	Within 8 days	500		Up to 6 months
Virginia	Required	All injuries	Within 10 days[2]	5,000	500	
Washington	Required	Deaths and accidents resulting in workers' hospitalizations or inability to work	Immediately	250		
West Virginia	Not required	All injuries	Within 5 days			
Wisconsin	Required	Disability beyond 3 day waiting period	Within 14 days	[31]		
Wyoming	Required	Compensable injuries	Within 10 days	750		Up to 6 months
FECA	No provision	[33]	Immediately			
Longshore Act	Required	[35]	10 days	11,000		
Alberta	Required	All injuries that disable or require medical aid	72 hours[34]	$25,000 plus $10,000 per day for con-tinuing offences		Up to 6 months
British Columbia	Required	Death cases All injuries not specifically excepted	Immediately 3 days	[36]		
Manitoba	No provision	All accidents that disable or require medical aid	5 business days	[37]		
New Brunswick	No provision	All injuries that disable or require medical aid In addition, incide nts involving accidental explosions or accidental exposure to a biological chemical or physical agent at a place of employment, whether or not a perso n is injured, within 24 hours following the incident.	Under WC Act 3 days, under OH&S Act immediately for accidents involving fatalities, loss of limb, occupational diseases, or accidents that require hospitalization.	$100 under WC Act, if charged under OH&S Act, maxi-mum of $50,000 deter-mined by Court.		Under OH&S Act, 6 months in prison deter-mined by the Court.
Newfound-land	No provision	All accidents that disable or require medical aid	3 days	500[38]		Up to 3 months, or both
Northwest Territories	No provision	All accidents and deaths	3 days[3]	250	125	
Nova Scotia	No provision	All accidents resulting in time loss of visit to doctor	5 business days of becoming aware of accident	500	100 initial penalty, 25 for each addi-tional day	
Nunavut	No provision	All accidents and deaths	3 days[3]	250	125	
Ontario	Required	All accidents that require health care or restrict worker being unable to earn full wages or require modified duties for more than 7 days	3 calendar days	250[41]		Up to 6 months
Prince Edward Island	No provision	All accidents that disable or require medical aid	3 days	1,000	100/ day	
Quebec	Required including no loss-time injuries	All accidents that caused the worker to be unable to carry out employment beyond the day on which the employ-ment injury appeared and those that require medical aid	2 days after day of return to work within first 14 days; if more than 14 days, 2 days after the 14th day	2,000	500	

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Chart XII — Employer's Report of Accident, Cont.

Jurisdiction	Keeping of Accident Records by Employer[1]	Reporting Requirements[1] Injuries	Time Limit	Penalties for Failure to Report: Fines Maximum	Fines Minimum	Imprisonment
Saskatchewan	No provision	All injuries All accidents in which worker is injured	5 days[3] 3 days	1,000[42] 500		
Yukon Territory	No provision					100 initial penalty; 25 for each additional day
Canadian Merchant Seaman's Act	No provision	All accidents that disable or require medical aid	60 days	500		Up to 12 months

Notes

[1]Federal Occupational Safety and Health Act of 1970 established uniform requirements and forms to meet its criteria for all businesses affecting interstate commerce to be used for statistical purposes and compliance with the Act. 12 U.S.C. §651.

[2]Supplemental report required after 60 days (for Rhode Island and South Carolina every 6 months), or upon termination of disability.

[3]Attending physician also required to make periodic reports to Commission/Board.

[4]Supplemental report within 24 hours after returning to work or knowledge that worker is able to return.

[5]Alaska — 20% of unpaid amounts due.

[6]Arkansas — Medical only claims reported monthly.

[7]California — To division of Occupational Safety and Health. Within 5 days of employer's notice or knowledge of employee death, employer must report death to the Department of Industrial Relations. Effective January 1, 2003 the minimum civil penalty has been increased to $5,000 for failure to report a fatality or serious injury or illness to the Division as required by section 342 of Title 8 of the California Code of Regulations. Only the amount of the penalty has been changed, not the reporting requirements.

[8]Colorado — Failure to report tolls time for claims. Disability 3 days or less must be reported to insurer.

[9]Delaware — Supplemental report due on termination of disability.

[10]Florida — Death cases — by phone to division within 24 hours. All injuries — Carrier to send first report form to division, if injury involved lost-time.

[11]Georgia — Supplemental report on first payment and suspension of payment, and within 30 days after final payment.

[12]Georgia — For each violation.

[13]Guam — Failure to report tolls limits for claims.

[14]Guam — For each refusal or willful neglect to report.

[15]Indiana — Supplemental report within 10 days after termination of compensation period.

[16]Kansas — Failure to report tolls time limit for claims. Childress v. Childress Painting Co., 1979. $250 for each repeated failure to report.

[17]Louisiana — Employers with more than 10 employees must also report within 90 days after death, any nonfatal occupational illness or injury causing loss of consciousness, restriction of work or motion, job transfer, or medical treatment other than first aid. Violation of confidentiality of any record, subject to $500 fine.

[18]Maine — Must report asbestosis, mesothelioma, silicosis and exposure to heavy metals no later than 30 days from date of diagnosis.

[19]Maine — For each violation. Up to $1,000 for individual and $10,000 for corporation for any willful violation of Act, fraud or intentional misrepresentation.

[20]Massachusetts — After third violation.

[21]Mississippi — Permanent disability, serious head or facial disfigurement also covered. $100 may be added to any award and $100 may be ordered payable to the Commission.

[22]Missouri — Supplemental report within 1 month after original notice to Division.

[23]Nebraska — Report may be made by insurance carrier or employer. Failure to report tolls time limit.

[24]Nevada — For minor injuries not requiring medical treatment, the employee files a "Notice of Injury," which must be retained by the employer for 3 years. A claim for compensation is filed with the insurer for lost time and claims requiring medical care.

[25]New Jersey — Uninsured employers are required to report compensable injuries only. If insured, carrier is also required to make report.

[26]New Mexico — For EDI filings all injuries having more than $300 of expenses must be reported to the Administration. A subsequent report from the claims administrator is required upon payment of any claim.

[27]New York — The carrier or employer, if self-insured, is required to provide a written statement of rights under the Law to injured employee or dependent, if deceased.

[28]Oregon — Insurers to send disabling claims to WC Division within 21 days of employer knowledge.

[29]Oregon — Quarterly penalty for insurers when late reporting exceeds 20% of claims reported. Employers liable for civil penalty if employer induced worker not to report accidents.

[30]Pennsylvania — Late filing of an accident report may be penalized by a sum not exceeding 10% of the compensation awarded and interest accrued and payable; however, in cases of excessive delay, penalty can be increased to 50%.

[31]South Dakota — Any injury requiring treatment other than first aid or which incapacitates employee for at least 7 calendar days.

[32]South Dakota — Additional Administrative Fine of $100.00.

[33]Wisconsin — 10% of first payment to injured employee. $10 to $100 penalty to state.

[34]F.E.C.A. — All injuries involving medical expenses, disability, or death.

[35]Longshore Act — Injuries which cause loss of 1 or more shifts of work, or death.

[36]British Columbia — Employer may be liable for additional assessment until 3 days after receipt by the Board of the report.

[37]Manitoba — If found guilty, employer may be liable for a fine up to $5,000. A penalty of $150 may be imposed on the employer. The penalty may be relieved in whole or in part.

[38]Newfoundland — The cost of the compensation paid for the injury is charged against the employer's experience plus $50 assessment. On summary conviction, the fine is $500 or imprisonment up to 3 months, or both. Claim may be charged against employer's experience for failure to notify.

[41]Ontario — If employer is an individual, may also be liable for additional fine up to $25,000 on conviction, or imprisonment up to 6 months, or both. If employer is not an individual, may also be liable for additional fine up to $100,000 on conviction.

[42]Saskatchewan — Plus percentage of assessment and where the Board orders, pay to the Board any part of the amount of the compensation and medical aid that the Board awards for that injury.

[43]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

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Chart XIII — Second Injury Funds

Jursidiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Alabama[1]			Second Injury Fund eliminated.		
Alaska	Second injury which added to pre-existing permanent physical impairment results in substantially greater disability than from second injury alone.	Disability caused by second injury up to 104 weeks.	Compensation in excess of 104 weeks.	Up to 6% of compensation payable to fund; percentage varies from 0% to 6% depending on fund balance. $10,000 in no-dependence death cases; civil penalties.	"Physical impairment" as listed or would support an award of 200 weeks or more.
Arizona	Second injury which added to a pre-existing work-related disability or a pre-existing physical impairment not industrially related (25 types of handicaps as listed by statute) results in disability of work.	Disability caused by second injury.	Employer and special fund are equally liable for remaining difference between compensation payable for second injury and compensation for combined disability.	1.5% of all premiums and costs of self-insurance. Commission may allocate up to 0.5% of yearly premiums to special fund to keep fund actuarially sound.	Employer must have knowledge of non-industrial physical impairment. Payments are also made from the fund for vocational rehabilitation, claims against non-insured employers, insolvent carriers, and supportive medical care.
Arkansas	Second injury, which added to previous PP disability or impairment results in additional disability or impairment greater than from second injury alone.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	$500 in no-dependency death case to be paid to the Permanent Total Disability and Death Fund. A portion of premium tax allocated to the Second Injury Fund and Death and Permanent Total Disability Trust Fund.	
California	Second permanent partial injury which added to pre-existing PP disability results in 70% or more permanent disability. Second injury must account for 35%.[2]	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Legislative appropriations and $125,000 in each no-dependency death case or unpaid balance.	Payments are made by State Compensation Insurance Fund.
Colorado	Second injury which added to pre-existing PP disability results in PT disability. Includes specified occupational diseases with multiple exposure-asbestosis, silicosis, anthracosis and disease from radiation exposure.[3]	Disability caused by most recent injury. In addition, in occupational disease cases, fund pays all medical and all compensation above $10,000.	Difference between compensation payable for most recent injury and PT disability.	2.318% (in combination with Major Medical Ins. Fund) premium surcharge and equivalent charge on self-insurers. $15,000 in non-dependency fatal cases or the remainder of $15,000 in partial dependency claims. If deceased is minor with no dependents, $15,000 is paid to parents, or the remainder of $15,000 in partial dependency claims.	If employee obtains employment while receiving compensation from second injury fund, fund may reduce its contribution by one half of employee's AWW loss, subject to maximum and minimum.
Connecticut	Second injury or disease which added to pre-existing injury, disease or congenital, causes results in permanent disability greater than from second injury alone. Applies only to injuries occurring on or before 6/29/95.[4]	Benefits for first 104 weeks, less compensation payable for prior disability.	Benefits beyond first 104 weeks, less compensation payable for prior disability.	Tax equal to 5% of compensation paid by carriers and self-insurers during preceding calendar year plus fines.	Tax imposed each time fund balance is reduced to $1,000,000.
Delaware	Second injury or disease which added to existing permanent injury from any cause results in PT disability, for insureds only.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Tax of 2% of premiums received by insurance carriers.	
District of Columbia	For injuries occurring prior to 4/16/92 second injury or disease which added to pre-existing injury, disease or congenital causes results in permanent disability greater than from second injury alone. Second injury fund repealed for injuries occurring on or after 4/16/92.[5]	Benefits for first 104 weeks and medical benefits beyond 104 weeks for injuries occurring on or after 3/16/91.	Benefits beyond 104 weeks for injuries occurring prior to 3/16/91; lost wages only for injuries on or after 3/16/91.	$5,000 in no-dependency death cases or unpaid awards. Pro rata assessments upon self-insurers based on paid losses and premium surcharge on insured employers.	Special Fund pays default cases

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Florida	Second Injury Fund eliminated. No claims after 12/30/97.				
Georgia	Second injury or disease which merges with prior permanent physical impairment and results in greater disability than from second injury alone.	Disability caused by second injury for first 104 weeks.	Employer reimbursed for 50% of medical and rehabilitation expenses in excess of $5,000 up to $10,000 and 100% of medical and rehabilitation expenses in excess of $10,000, plus income benefits beyond 104 weeks.	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid, less net assets in fund.	Employer must have prior knowledge of impairment. Assessments may be reduced or suspended when no funds are needed.
Guam[20]	Second injury which combined with a previous disability causes PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and compensable disability.	State fund (appropriation).	
Hawaii	Second injury which added to pre-existing disabilities results in greater permanent disability, PT disability or death.	Disability benefits for first 104 weeks.	Compensation beyond first 104 weeks.	25% of 312 x effective maximum weekly benefit rate in no-dependency death cases; unpaid balance of compensation due in PT and PP disability cases if no dependents; special assessment on insurers and self-insurers.	
Idaho	Second injury which combined with prior permanent physical impairment results in PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Proportionate assessment based on semi-annual reporting of indemnity payments paid but not less than $200.	Assessment calculated as two times previous year's payments by fund less existing cash balance.
Illinois	Second injury involving loss or loss of use of major members or eye which added to pre-existing loss of member results in PT disability.	Disability caused by second injury.[1]	Difference between compensation payable for second injury and PT disability.	Semi-yearly employer payment of 125% of compensation payments.	When fund reaches $500,000 amount payable into fund reduced by 1/3, payments cease when fund reaches $600,000. When fund reduced to $400,000, payment of 1/3 amount required. When fund reaches $300,000, payment of full amount resumed.
Indiana	Second injury involving loss or loss of use of hand, arm, foot, leg or eye or damage to prosthetic device, which added to pre-existing loss or loss of use of member results in PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and PT disability.		Assessment of up to 2.5% any time the fund drops below $1,000,000 on or before 10/1.
Iowa	Second injury involving loss or loss of use of member or eye which added to pre-existing loss of use of member results in permanent disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability less value of previous loss of member or organ.	$12,000 in dependent death cases; $45,000 in no-dependent death cases; and payments due but not paid to non-resident alien dependents.	A surcharge on weekly benefits paid by insurers and self-insurers can be imposed if necessary through 7-1-2003.
Kansas	Second Injury Fund abolished for accidents after 7/1/94.				
Kentucky	Second Injury Fund eliminated.				
Louisiana	Second injury which merged with known prior PP disability results in disability substantially greater than from second injury alone, or in death.[5]	Total disability benefits for first 104 weeks; in death cases, first 175 weeks; 50% of medical benefits which exceed $5,000 but are less than $10,000, and 100% thereafter is how much employer is reimbursed.	Employer is reimbursed for all weekly compensation payments payable after first 104 weeks, or 175 weeks concerning a death.	Assessment on carriers and self-insurers, based on benefits paid.	No reimbursement without assessment payment. Total assessment cannot be more than 125% of disbursements made from the fund in prior fiscal year. Insurers or self-insured needs Board approval for settlements on or after 10/1/95 for reimbursement.
Maine	Second Injury Fund eliminated.				

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Chart XIII — Second Injury Funds, Cont.

Jursidiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Maryland	Second injury which combined with a pre-existing permanent impairment due to accident, disease or congenital condition results in a greater combined disability constituting a hindrance to employment; total payment disability must exceed 50% of body (or equivalent) as a whole with at least 25% due to accident and 25% pre-existing.	Disability caused by second injury.	If permanent disability exceeds 50% of the body as a whole, employee is entitled to additional compensation for the full disability from the "Subsequent Injury Fund." Prior and second injury must each be compensable for at least 125 weeks. Credit given to SIF for prior W/C awards & settlements.	6½% to the Subsequent Injury Fund and 1% to the Uninsured Employer's Fund of compensation on all awards and settlement agreements.	
Mass	Second injury which added to pre-existing physical impairment results in substantially greater disability or death.	Benefits for first 104 weeks.	Employer reimbursed for up to 75% of benefits after first 104 weeks.	Assessment on employers.	Pro rata assessment based on losses paid during proceeding year by carriers and self-insureds.
Michigan	Second injury involving loss of member or eye, which added to preexisting loss of member results in PT disability.	Disability caused by second injury.	Difference between compensation for second injury and PT disability. Benefits for employee with more than 1 job but for whom injury occurred on job which represented less than 80% AWW.[6]	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid.	Fund is credited with any balance in excess of $200,000.
Minnesota	Second Injury Fund eliminated for injuries after 6/30/92.				
Mississippi	Second injury involving loss or loss of use of member or eye, which added to pre-existing loss or loss of use of member or eye results in PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	$500 in no-dependency death cases; $300 in dependency cases. Commission may transfer up to $200,000 from Administrative Expense Fund.	Payments suspended when fund reaches $350,000 and resumed when fund reduced to $150,000.
Missouri	Second Injury Fund cases where previous PP industrial disability of at least 12½% BAW or 15% of major extremity exists and where presents additional disability of at least 12½% BAW or 15% of major extremity exists.	Disability caused by second injury.	Difference between compensation payable for second injury and compounded disability.	Surcharge set annually on basis of statutory as a percentage of premiums paid by all insured and self-insured premium equivalent.	Surcharge suspended when balance of fund exceeds 110% of the monies projected paid from Second Injury Fund in the ensuing calendar year and resumed when balance of fund is less than 110% of monies projected to be paid from the Second Injury Fund.
Montana	Any new compensable injury following certification.	Insurer liable for payment of medical benefits for 104 weeks following the injury and liable for the first 104 weeks of indemnity benefits.	Employer reimbursed after first 104 weeks.	Surcharge on employers set annually as a percentage of premium sufficient to recoup expenses from the fund in the prior year.	Department must certify worker as vocationally handicapped.
Nebraska	For injuries occurring before 12/1/97, second injury which combined with preexisting disability causes substantially greater disability. Preexisting disability must support 25% earnings loss or 90 weeks of benefits.[8]	Disability caused by second injury.	Difference between compensation payable for second injury and the total resulting disability.	2% assessment of benefits paid by carriers or self-insurers in the state in the prior year.	Payments suspended when fund reaches $2,300,000. Assessment (2%) when fund reduced to $1,200,000. Employer must have knowledge of preexisting permanent disability.
Nevada	If employee of member of second injury fund has a preexisting permanent physical impairment of at least 6%, as determined by the *AMA Guides to Permanent Impairment*, from any cuase and incurs a subsequent injury in the course of his employment entitling him to disability compensation substantially greater because of combined effects, the compensation due is charged to the second injury account of which the member belongs.[9]				
New Hampshire	Second injury which combined with any pre-existing disability results in greater disability.	Benefits for first 104 weeks.	Employer reimbursed after first 104 weeks and for 50% of anything over $10,000 during first 104 weeks.	Assessment against carriers and self-insurers proportional to total benefits paid by all carriers.	Employer who undertakes job modifications to retain injured worker is reimbursed 50% of

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
New Hampshire[20]					cost of modification from the fund, not to exceed $5,000 per employee per year. An employer who reinstates a previously injured employee shall not be eligible for reimbursement from the fund, should the employee become injured a second time.
New Jersey	Second injury which in combination with pre-existing partial disability, compensable or not, totally disabled employee.	Disability caused by compensable injury.	Difference between compensation payable for second injury and preexisting disability.	Annual surcharge on policyholders and assessment on self-insured employers of pro rata percentage of 125% of payments estimated to be paid from fund during current year, less the year end balance over $5 million. Annual surcharge paid quarterly.	The Commissioner of Labor may transfer up to $12,500 annually from the Second Injury Fund, for administrative expenses incurred by the Fund.
New Mexico	Second Injury Fund eliminated.				
New York	Second injury where employee has a pre-existing permanent physical impairment resulting in a permanent disability caused by both conditions that is materially and substantially greater than that which would have resulted from the second injury alone.	Benefits for first 104 weeks. For death or disability on or after August 1, 1994, 260 weeks.	Employer reimbursed after first 104 or 260 weeks.	Assessment against carriers and self-insurers proportional to compensation payments made by all carriers and self-insurers. The amount of the assessment against each carrier, except the State Insurance Fund (SIF), is then calculated proportional to premiums written by all carriers. The amount of the assessment against the SIF and each self-insurer is calculated proportional to compensation payments made by the SIF and self-insurers.	Employer or insurer pays award and medical expenses, but is reimbursed from special disability fund for benefits after the first 104 weeks. For death or disability on or after August 1, 1994, 260 weeks.
North Carolina	Second injury involving loss of member or eye which added to pre-existing injury results in PT disability, provided the original and increased disability were each 20% of the entire member.[9]	Disability caused by second injury.	Difference between compensation payable for second injury and PT disability.	Assessments against employer or insurer for each PP disability up to $250 for a minor member or $750 for 50% or more loss or loss of use of each major member — back, foot, leg, hand, arm, eye, or hearing.	
North Dakota			Monopolistic state fund.[11]		
Ohio[12]	Second injury which aggravates pre-existing disease or condition (25 types of handicaps listed by statute), resulting in death, permanent or PT disability, and disability compensable under a special schedule.[13]	Disability caused by latest injury.	Amount of disability or proportion of cost of death award determined by Bureau to be attributable to employee's pre-existing disability. The Bureau's decision may be appealed to the Industrial Commission.	Reserve set aside out of statutory surplus funds.	Self-insuring employers make excess payments from surplus fund; self-insuring employers may opt not to participate in the handicap reimbursement fund. By rule of Commission in the case of State Fund employer, compensation excess of amount chargeable to second injury is charged to surplus fund.
Oklahoma[23]	Second injury to "physically impaired person"[13] which results in additional permanent disability so that the degree of disability caused by the combination of disabilities is materially greater than that which would have resulted from the subsequent injury alone.	Disability caused by latest injury. Additional liability for combined disabilities constituting PTD if the last compensable injury occurs on or after 6/1/00. No	Liability for combined disabilities constituting PPD only if the claim against the Fund and the last compensable injury occurred before 11/1/99. Liability for combined disabilities constituting PTD only if the last compensable injury occurred before 6/1/00.	Dividends to state agency policy holders insured by the State Insurance Fund (now known as CompSource Oklahoma) that are diverted to the Second Injury Fund (now known as the Multiple Injury Trust Fund), and a temporary assessment against workers' compensation payers. Carriers pay the assessment based on	PTD awards against the MITF are payable for 5 years or until 65, whichever is longer. PTD awards against the employer are payable for 15 years or until 65, whichever is longer.

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Oklahoma, cont..		liability for combined disabilities constituting PPD.		gross direct written premiums, self-insured employers pay against actual paid losses, uninsured employers pay a 5% assessment on permanent disability and death awards per calendar quarter. The assessment rate applicable to carriers and self-insured employers is determined by the Workers' Compensation Court Administrator by May 1 of each year. The rate cannot exceed 6%.	
Oregon	Any new compensable injury sustained by an injured worker within 3 years from the hire date as a Preferred Worker through the Workers' Benefit Fund.	None.	Employer-at-Injury Program: Provides assistance to employers to encourage the early return-to-work of their injured workers before claim closure. Benefits offered are a three-month wage subsidy, early return-to-work purchases, and worksite modification up to $2,500. Preferred Worker Program: Employers hiring Preferred Worker are exempt from paying premiums and premium assessments on the worker for 3 years from hire date. Fund reimburses all claim costs incurred by the worker for any new compensable injury within the 3-year period. Other return-to-work incentives include work-site modification up to $25,000, wage subsidy of 50% up to 183 calendar days and necessary purchase for obtained employment up to a maximum reimbursement of $1,000.	Worker and employer each pay 1.8 cents per hour into Workers' Benefit Fund, which also funds three other programs.	Reimbursement from fund subject to funds available. Settlement of reimbursable claim requires department approval if Workers' Benefit Fund reimbursement involved.[13]
Pennsylvania	Second injury involving loss or loss of use which added to pre-existing loss or loss of use of a hand, arm, foot, leg or eye which results in total disability.[14]	Scheduled benefits as a result of second injury.	Remaining compensation due for total disability.	Assessment against carriers and self-insurers proportional to compensation payments.	Payments made directly by the Department.
Puerto Rico*	Second injury which aggravates or augments any former disability.		Job injury not caused by work accident is compensated in addition to second injury. Compensation for prior job injury is deducted from compensation payable for total disability, except where combined injury results in PT disability, which is compensated as such.	Insurance premiums defray work-related injuries; however, previous impairments are covered from the Fund for catastrophes which does not affect employers accident experience ratings or premiums.	The difference between expenditures by the Industrial Commission and the Manager of the State Insurance Fund and their maximum budget allotment are placed in the Reserve Fund for catastrophes except for medical expense surpluses; maximum $1 million.
Rhode Island	"Old Fund" claims with injuries prior to 9/1/74.		Payment by Pretrial Order; later reversed by Trial Decree. Qualifying COLA reimbursements.	Assessment payable by insurers (and group self-insurers) is 6.75% of net premiums written for workers' compensation without application of deductible premium credit; self-insurers pay 6.75%[15] of premium they would have paid to be insured; $7,500 in no-dependency death cases; also certain penalties.	
South Carolina	Second injury, which added to any previous permanent	Disability caused by	Employer reimbursed for all benefits after 78 weeks, plus	Pro rata assessments on carriers and self-insurers	Employer must prove prior knowledge of

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
South Carolina	Physical impairment results in substantially greater disability or death.	Second injury for first 78 weeks compensation and medical care.	50% of medical payments over $3,000 during first 78 weeks.	based on normalized premium. In no-dependency deaths, unpaid benefits to fund.	impairment[16] or that worker was unaware of impairment. Any claim against the Fund must be filed with the Fund prior to payment of 78 weeks of benefits.
South Dakota	Second Injury Fund eliminated.				
Tennessee	Second injury which added to pre-existing impairment/ disability results in PT disability.	Disability caused by second injury.	Benefits in excess of 100% total disability to body as a whole.	50% of revenues from the 4% premium tax on insurers and self-insurers.	
Texas	Subsequent compensable injury combined with the effects of a previous injury entitles employee to lifetime income benefits.	Benefits which would accrue if only the subsequent and not previous injury occurred.	Balance of lifetime income benefits due.	Maximum $150,424[17] payable into fund in each no-dependency death case.	Workers' Compensation Commission had right of subrogation to recover claims and attorney's fees paid from Second Injury Funds.
Utah	Second injury which combined with a previous permanent incapacity due to accident, disease or congenital condition results in PT disability.	Employer pays first 6 years of PT unless a 10% pre-existing condition, then employer pays first $20,000 of medical benefits and first 3 years of PT.	50% of medical expenses in excess of $20,000 and PT disability compensation after initial 3-year period. Balance of lifetime benefits after initial 3 or 6 years. No new injuries after July 1, 1994.	Up to 9.25% tax on insurers and self-insurers.	If employee is permanently and totally disabled, employer or insurance carrier credited for all prior payments of TT, TP, and PP disability compensation.
Vermont	Second Injury Fund eliminated 7/1/99.				
Virgin Islands	No statutory provision.[24]				
Virginia	Second injury involving 20% loss or loss of use of member or eye which added to pre-existing disability of 20% or more results in total or partial disability.	Disability caused by second injury.	Employer reimbursed for compensation has expired plus up to $7,500 each for medical and vocational rehabilitation expenses.	¼% premium tax on carriers and self-insurers.	Payments suspended at $250,000 and resumed at $125,000.
Washington	Second injury or disease which added to pre-existing injury or disease results in PT disability or death.	Disability caused by second injury.	Difference between charge assessed against employer at time of second injury and total pension reserve.	Transfer of not more than cost from accident fund to second injury account. Self-insurers pay proportional to claims against self-insurers, including $10,000 in no-beneficiary deaths.	Preferred Workers[18] have all benefits for claims arising within 3 years of new employment paid by Second Injury Fund. The Second Injury Fund also covers job modification costs resulting from on-the-job-injuries.
West Virginia	Second injury which in combination with physical impairment caused by prior injuries can result in Permanent Total disability.	Disability caused by second injury.	Remainder of the compensation that would be due for the PT disability.	Self-insured employers pay administrative costs and second injury fund insurance.	Self-insured employer must subscribe to the second injury fund.
Wisconsin	Second injury with permanent disability for 200 weeks or more with a pre-existing disability of an equal degree or greater.	Disability caused by second injury.	Disability caused by lesser of 2 injuries. If the combined disabilities result in PT disability, fund pays the difference between compensation payable for second injury and PT disability.	$5,000 in death cases; $7,000 for loss of hand, arm, foot, leg or eye. 100% of death benefit in no-dependency cases.	
Wyoming	No statutory provision.				
Longshore	Second injury resulting in PP disability which added to pre-existing injury results in PT disability or greater PP disability.	Disability caused by second injury for first 104 weeks.	Balance of compensation after 104 weeks.	$5,000 in no-dependency death cases or unpaid awards. Pro rata assessments based on losses paid. Fines and penalties.	
Alberta	All enhanced disabilities due to the aggravation of pre-existing condition.	No.	Yes.	Accident Fund.	

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
British Columbia	All disabilities enhanced by reason of pre-existing disease, condition or disability.	No.	Yes.	Accident Fund.	Where the pre-existing condition prolongs the recovery or enhances the disability the employer may be entitled to relief of claims after 13 weeks of benefits.
Manitoba	Pre-existing or underlying conditions; occupational diseases with exposure outside Manitoba; loss of earnings from an employment other than worker's employer; prolonged recovery as a result of a second accident; costs of preventive rehabilitation measures; costs associated with an injury while a worker is on a vocational rehabilitation placement; increase in benefits due to recurrence, age or apprenticeship; or other circumstances which the WCB determines would unfairly burden a particular class, sub-class, group, or subgroup.	No.	Yes.	Cost Apportionment Fund	
New Brunswick	Recurrence, injuries, aggravation of pre-existing conditions which impact disability, industrial diseases with exposure outside New Brunswick, other prior injuries or disabilities.	No.	Yes.	Accident Fund.	No cost relief available for selfinsured employers. (Government)
Newfoundland	All injuries or recurrences that occur during Labour Market Reentry Program; injuries that are extended due to a pre-existing work-related injury with a different employer.	No.	Yes, for that portion of the disability attributable to the second injury.	Second Injury Relief Account.	
Northwest Territories	All disabilities enhanced due to pre-existing disease, condition or disability.	No.	Cost relief applied on a sliding scale on severity of injury and pre-existing condition.	Accident Fund.	
Nova Scotia	No Second Injury Fund.				
Nunavut	All disabilities enhanced due to pre-existing disease, condition or disability.	No.	Cost relief applied on a sliding scale on severity of injury and pre-existing condition.	Accident Fund.	
Ontario	All disabilities caused or enhanced due to pre-existing disease, condition or disability.	No.[19]	Determined by WCB- apportionment usually 50% but may range from 25% — 100% of cost, subject to approval.	Accident Fund.	Not restricted to permanent disability cases.
Prince Edward Island	No specific policy provision.				
Québec	Disabilities caused or enhanced due to pre-existing condition or disability.	No; charges spread among all employers if it is demonstrated that the worker was previously disabled.	No specific fund designated.	Accident Fund.	
Saskatchewan	All disabilities attributed to an earlier injury or a pre-existing disease, condition or disability.	No.	Difference between second injury and total cost.	Second Injury and Re-employment Reserve.	Established to provide employers with cost relief on claims which were attributed to an earlier injury and to assist in facilitating return to work.

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Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Yukon Territory	All enhanced disabilities because of similar or other disabilities.	No.	Yes.	Compensation Reserve Fund for enhanced disabilities. Assessment on employer's annual payroll.	

[redacted] No statutory provision

Notes

[1]Alabama — Second Injury Trust Fund repealed on 5/19/92. An amount is included in the annual workers' compensation budget which shall be allocated for the specific and exclusive purpose of paying only benefits to the claimants who have qualified to receive benefits from the Second Injury Trust Fund on 5/19/92.

[2]California — Second injury must account for 35% unless prior disability involved a major member and second injury was to opposite and corresponding member and accounts for at least 5%. No benefits payable for subsequent unrelated noncompensable injury.

[3]Colorado — Fund is closed to injuries occurring on or after 7/1/93 and for occupational diseases occurring on or after 4/1/94.

[4]Illinois — Employer is liable in full if second injury is permanent and total without relation to prior injury.

[5]Louisiana — PP disability means any permanent condition due to injury, disease or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions presumed to be PP disabilities if employer had prior knowledge.

[6]Michigan — Compensation to certified vocationally handicapped persons payable from fund after 52 weeks.

[7]Minnesota — For a registered condition if subsequent injury causes substantially greater disability or if injury, disability or death would not have occurred but for the preexisting impairment, the fund pays benefits. Second-Injury Fund reimbursement for second injuries has been abolished after 6/30/92.

[8]Nebraska — Effective July 1, 2000, the SIF was merged with the Vocational Rehabilitation Fund and is now referred to as the Workers' Compensation Court Trust Fund. In death cases it must be established that either the injury or the death would not have occurred except for such pre-existing permanent physical impairment. "Permanent physical impairment" means any permanent condition due to previous accident, disease, or congenital condition, which is likely to be a hindrance to employment.

[9]Nevada — Nevada currently has three subsequent injury accounts: self-insured employers whose board has a two-tier hearing process subject to a petition for judicial review by the district court; associations of self-insured employers in public or private employment have a board that hears the matter subject to a petition for judicial review by the district court; and private carriers with an administrative hearing before an administrative law judge, which is subject to a petition for judicial review by the district court. The state insurance company privatized as of 1/1/00; its successor organization administers any of its SIF claims that were incurred prior to 1/1/00.

[10]North Carolina — Epilepsy is considered a prior permanent disability.

[11]North Dakota — Compensation in excess of amount chargeable to second injury is charged to general fund.

[12]Ohio — Does not apply to compensation for TP or percentage of PP disability.

[13]Oklahoma — A "physically impaired person" means one "who as a result of accident, disease, birth, military action, or any other cause, has suffered the loss of sight of one eye, the loss by amputation of the whole or a part of a member of his body, or the loss of the use or partial loss of the use of a member such as is obvious and apparent from observation or examination by an ordinary layman, that is, a person who is not skilled in the medical profession, or any pre-existing disability adjudged and determined by the Workers' Compensation Court or any disability resulting from separately adjudicated injuries and adjudicated occupational diseases even though arising at the same time.

[14]Pennsylvania — Benefits under the Subsequent Injury provision are only payable with respect to subsequent loss, or loss of use of, 1 hand, 1 arm, 1 foot, 1 leg or 1 eye.

[15]Rhode Island — The percentage of assessment is determined by the Director on or before each 7/15.

[16]South Carolina — Permanent physical impairment means any permanent condition due to injury, disease or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions are presumed to be permanent physical impairments if employer had prior knowledge.

[17]Texas — 360 times maximum weekly benefit.

[18]Washington — Preferred Workers defined as workers who must change jobs due to effect of an industrial injury or illness. Basic premiums are waived for first 3 years on new job.

[19]Ontario — Only applies to Schedule 1 employers; Schedule 2 employers are not eligible for Second Injury Fund relief.

[20]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

[21]Nebraska — Effective July 1, 2000, the Second Injury Fund was merged with the Vocational Rehabilitation Fund and is now referred to as the Workers' Compensation Court Trust Fund.

[22]New Brunswick — Personal injuries by accident that aggravates a pre-existing disease or condition.

[23]Oklahoma — The SIF has been renamed "Multiple Injury Trust Fund."

[24]Virgin Islands — Employer liable for compensation due for total resulting disability.

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Chart XIV — Administration Expenses: Workers' Compensation Departments

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Alabama	Private insurance, Self-Insurance	Administrative Fund	Insurance carriers, self-insured employers, and group self-insurance funds.	$250 plus amount based on proportion that the total gross claims for compensation and medical payments paid by the carrier, self -insured employer, or group fund during preceding calendar year bore to the total gross claims for compensation and medical payments paid by all carriers, self-insured employers and group funds during that period.	
Alaska	Private insurance or approved self-insurance	General appropriations/SIF from assessment			
Arizona	Competitive fund	Administrative Fund	Carriers, self-insurers, and state fund.	Not to exceed 3% of premiums.	
Arkansas	Private insurance	Special Fund	Carriers and self-insurers.	3% of manual premiums maximum[1]	$500 first year for carriers, $100 first year for self-insurance.
California[2]	Competitive fund	Appropriation and assessment[3]	Insurers and self-insured employers.		
Colorado	Competitive fund	Special funds, Major Medical and SIF, WC Cash fund, and Premium Cost Containment fund	Carriers and self-insurers.	3.818% premium surcharge.	Fines and penalties.
Connecticut	Private insurance	Special funds	Carriers and self-insurers.	Pro rata assessment necessary to cover expenses.	
Delaware	Private insurance	General appropriation	Carriers.	Prorated.	
District of Columbia	Private insurance[4]	Administrative fund[4]	Carriers and self-insurers.	Prorated on basis of total compensation and medical payments.	Fines and penalties, and $5,000 in no-dependency death cases.
Florida	Private insurance	Administration fund	Carriers, self-insurers, self-insurance funds, and Assessable Mutual Companies.	1.75% of net collected premiums.	Penalties, fees, investment income and fines.
Georgia	Private insurance/ Self insurance	Assessment against insurance carriers and self-insured companies precedes general appropriation.	Carriers and self-insurers.	Prorated.	
Guam[5]	Private insurance	General appropriation			
Hawaii	Private insurance	General appropriation			
Idaho	Competitive fund	Industrial Administration Fund	Carriers, self-insurers, and state fund.	2.5% of premiums.	Fines, penalties, fees for copies and publications.
Illinois	Private insurance/ approved self-insurance	General appropriation			
Indiana	Private insurance	General appropriation			
Iowa	Private insurance	General appropriation			
Kansas	Private insurance, Self insurance, Group pools	Special fund			
Kentucky	Private insurance/ self-insurance	Maintenance fund	Carriers and self-insurers.	11.5% on all policies on premiums for policies issued to employers, both coal and non-coal, CWP Fund on companies severing coal — 1% of premium plus .25 cents per ton on coal severed.	$19 million severance tax from Revenue Cabinet currently suspended with date of reinstatement unknown.
Louisiana	Private insurance/ approved self-insurance	Assessment against insurance carriers and self-insureds	Carriers and self-insured.	Percentage fixed annually.	Fines, penalties, fees for copies and publications.

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Chart XIV — Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Maine	Private insurance	Workers' Compensation Board Administrative Fund	Carriers and self-insured.[7]	Percentage fixed annually.	Penalties against insurers for failure to pay compensation in timely manner.
Maryland	Competitive fund	General appropriation	Carriers, self-insurers, and state fund.	Prorated.	Commission may assess up to $500 annually against self-insurers and self-insured groups for actuarial studies and audits.
Mass.	Private insurance Self-insurance	Special fund	Employers.	Prorated assessment necessary to cover expenses.	Referral fees, fines, and penalties.
Michigan	Private/self-insurance	General appropriation	[8]	[8]	$200 fee on redemption settlements.
Minnesota[15]	Competitive fund, private insurance, approved self-insurance, including group.	Special compensation fund	Carriers and self-insurers.	30% of indemnity paid.	30% compensation for current indemnity payments, which finances all.
Mississippi	Private insurance	Special fund	Carriers and self-insurers.	Assessment of $250 against each carrier and self-insurer, then remaining expenses prorated.	Civil penalties.
Missouri	Private insurance Self-insurance	Administrative fund	Carriers and self-insurers.	Up to 2% of premiums.	Fees for records, etc.
Montana	Competitive fund	Workers' Compensation Administration Fund, assessments, appropriations, and fees	Employers and self-insurers.	Surcharge on premium based on 3% of indemnity and medical benefits paid in the prior calendar year.	Graduated inspection fee, fees for records, etc. and fines.
Nebraska	Private insurance	Special Fund, Self-Insurance Fund, Trust Fund	Carriers and self-insurers.	1% of written premiums for carriers; 1¼% of prospective-loss costs for self-insurers. Special assessment, as required.[9]	Fees for copies and publications, etc.
Nevada	Self insured employers; group self-insured, private insurance	State Insurance Fund	Carriers and self-insured.	Assess as needed.	Administrative fines, premium penalties, collections on behalf of the uninsured employers claim account, interest.
New Hampshire	Private insurance	Administration Fund-appropriation	Carriers and self-insurers.	Prorated on basis of total compensation paid, $100 minimum.[10]	Civil penalties.
New Jersey	Private insurance/approved self-insurance	Assessment against insurance carriers and self-insureds	Carriers and self-insured.	Percentage fixed annually.	
New Mexico	Private insurance	Special fund	Employers and employees.	$2.00 collected quarterly and assessed against all employers and employees covered under the Workers' Compensation Act.	Civil penalty of up to $5,000 for finding of retaliation by employer against employee filing claim.
New York	Competitive Fund	Assessment	Carriers, self-insurers and state fund.	Total amount prorated on basis of compensation payments.	Fines and penalties.
North Carolina	Private insurance	General appropriation	Carriers and self-insurers.	On gross premiums at rate in revenue act.[11]	
North Dakota	Exclusive state fund	Appropriation from Workers' Compensation Fund	Employers.	Budget submitted biennially to legislature.	Investments, fees, penalties, third-party recoveries, and 250.00 assessment.
Ohio	Exclusive fund and self-insurance	State fund	All employers, including self-insurers, counties and taxing district, and state instrumentalities.	19.50%, 21.91%, and 16.65% of premium for the respective employers, private State Fund employers, state agencies, and public employer taxing district.[12]	

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Chart XIV — Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Oklahoma	Competitive fund, private insurance, and self-insurance	Administrative fund and general appropriations	Carriers and self-insurers.	1% premium tax, and 2% tax on self-insurers based on compensation paid for permanent disability or death.	Fees, fines, and penalties.
Oregon	Competitive fund, Private Insurance And self-insurance	Administrative fund	Carriers, self-insured, and self-insured groups.	8% of earned premium. Additional 0.2% for self-insured groups.	Fines, penalties and interest.
Pennsylvania	Competitive Fund	Administration Fund	Employer (through carrier)	Prorated among insurers by premiums earned. Self-insurers assessed based upon compensation paid.	
Puerto Rico[15]	Exclusive fund	State fund and appropriations	Employer.	Maximum 22% of total premium receipts.	Income from investments.
Rhode Island	Private insurance	Workers' Compensation Administrative Fund	Carriers, self-insurers, group self-insurers, the State and municipalities.	Carriers/group self-insurers-6.75% of net premiums written; self-insurers-6.75% of premium they would have paid to be insured.[17]	Fines and fees.
South Carolina	Private insurance	General appropriation	Carriers and self-insurers.	2½% of premiums.	Fines and fees.
South Dakota	Private insurance	General appropriation	Carriers.	$14 per policy.	
Tennessee	Private insurance	General appropriation; court administration	Carriers and self-insurers.	4% of premiums.	
Texas	Private insurance	General appropriation	Carriers and self-insurers.	1.51% of gross workers' compensation premiums paid to General Revenue Fund for administration of Commission.	Fees for records, checks, copies, publications, audits, and safety inspections.
Utah	Competitive fund, Private insurance, Self insurance	General appropriation			
Vermont	Private insurance	Special fund	Employers and self-insurers.	Employers—0.85% of W.C. premiums; self-insurers-1% of W.C. losses, during the preceding calendar year.	
Virgin Islands	Exclusive fund	Government Insurance Fund	Employers.	Premium percentage fixed annually.	Fines, penalties, interest, and investments.
Virginia	Private insurance	Special fund	Carriers and self-insurers.	Maximum of 2.50% of premiums.	
Washington	Exclusive fund and self-insurance	State fund	Employers and self-insurers.	Determined by Director.	Investment income, penalties, and third party actions.
West Virginia	Exclusive state fund and self-insured employers	State fund	All regular subscribers and self-insured.	Self-insured pay 12.6% of manual rates; remainder allocated to funding from premium taxes paid by regular subscribers.	
Wisconsin	Private insurance	General fund (based on assessment)	Carriers and self-insurers.	Pro rata on all indemnity paid on cases first closed in prior year.	
Wyoming	Exclusive fund and Private Insurance[17]	Workers' Compensation Fund	Employers.	Expended budget.	Interest from investments, penalties, interest and third party lawsuits.
F.E.C.A	Exclusive fund	Appropriation authorized from U.S. Treasury	Employing agencies.	Cost of compensation and medical expenses.	
Longshore Act	Private insurance	Appropriation authorized from US Treasury			
Alberta	Exclusive fund	Accident Fund	All employers under the act.	Determined by Board.	Investment income, interest and penalties.

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Chart XIV — Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions		
			Against Whom	Amount	Other Income
British Columbia	Exclusive fund	Accident Fund	All employers.	Determined by Board based on injury rate experience in industry class.	Investment income and penalties.
Manitoba	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Such sum out of consolidated fund as Lt. Gov.-in-Council may direct, investment income, interest, and penalties.
New Brunswick	Exclusive fund	Accident Fund	All assessed employers.	Included in the industry rates set by the Commission; self-insured pay costs plus administrative fee.	Interest, penalties, investment income, service fees.
Newfoundland	Exclusive fund	Injury Fund	All enumerated employers.	Determined by Commission.	Interest and penalties.
Northwest Territories	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Investment income, interest and penalties.
Nova Scotia	Exclusive fund	Accident Fund	All enumerated employers; administrative costs for self-insured employers.	Determined by Board.	Investment income and penalties.
Nunavut	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Investment income, interest and penalties.
Ontario	Exclusive fund for Schedule I employers; individual liability for Schedule II employers	Insurance Fund for Schedule I employers. Deposit or collateral with Board for Schedule II employers	All employers in Schedule I; administrative costs only for Schedule II employers.	Determined by Board.	Investment income and penalties.
Prince Edward Island	Exclusive fund for Part I; individual liability Part II. No limitation	Accident Fund	All enumerated employers.	Determined by Board.	Investment income and penalties.
Québec	Exclusive fund; individual liability for employers held personally responsible for the payment of benefits	Accident Fund and deposit with Commission for employers held personally responsible	All employers.	Determined by Commission.	Investment income, interest and penalties.
Saskatchewan	Exclusive fund	Injury Fund	All employers.	Determined by Board.	Investment income, interest, and penalties.
Yukon Territory	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Investment income and penalties.
Canadian Merchant Seaman's Acc.	Private insurance	Cost of administration apportioned among employers	All employers of merchant seamen.		

Notes

[1]Arkansas — May be increased or reduced by Commission up to 3% maximum.

[2]California — The Workers' Compensation Administration Revolving Fund pays for administrative expenses and is funded by employers and insurers.

[3]California — Assessments are of two parts: User Funding Assessment to fund a portion of the operating costs of the Division of Workers' Compensation and a Fraud Surcharge Assessment. Combined assessment rates in 2002 for self-insured employees are .007758 times total indemnity paid by the employer. For insured employers, combined assessments are .002151 times expected assessable premium for insured employers.

[4]District of Columbia — Exclusive fund for D.C. government workers, financed from D.C. and/or federal appropriation.

[5]Kansas — System of assessments up to a maximum of 3% of paid losses against private insurance, self-insured employers and approved group funded pools.

[7]Maine — Assessment against every insurance company or association authorized to write workers' compensation insurance. Assessments may not produce more than $6,860,000. Assessment on carriers is passed through to employers.

[8]Michigan — Annual assessment of 3/4% of compensation levied on insurers and self-insurers of compensation paid to be used for the safety education and training fund.

[9]Nebraska — Not especially for workers' compensation administration.

[10]New Hampshire — Total assessment may not exceed amount appropriated for the budget of Workers' Compensation Division.

[11]North Carolina — Stock and mutual carriers pay 22% of net written premiums for the period covered by the return. All self-insurers also pay 22%.

[12]Ohio — Effective 7/1/90, self-insured employers assessed on a prorated portion of paid compensation in self-insured claim.

[13]Rhode Island — The percentage of assessment is determined by the Director on or before each July 15.

[14]Wyoming — Private insurers allowed to write coverage for industries and occupations not considered extra hazardous, however, only state fund allowed to provide immunity to lawsuit by injured workers.

[15]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

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Chart XV — Appeal Provisions

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Alabama	Courts[4]	42 days	Alabama Court of Civil Appeal/Supreme Court	Certiorari		Yes	Record	
Alaska	Workers' Compensation Board	30 days	Superior Court /Supreme Court	Notice of Appeal		Yes	Record	No
Arizona	Industrial Commission	30 days	Court of Appeals/ Supreme Court	Certiorari		Yes	Record	No
Arkansas	Workers' Compensation Commission	30 days	Court of Appeals	As in civil actions, with precedence over all other civil cases	Yes		Record	No
		No Provision	Supreme Court	As in civil actions	Yes			No
California	Workers' Compensation Appeals Board	45 days	Supreme Court or District Court of Appeals	Writ of Review	Yes		Record	No
Colorado	Industrial Claims Appeals Office	20 days	Court of Appeals	Court of Appeals' review any decision of the Industrial Claims Appeals Office		Yes	Record	No
		15 days	Supreme Court	Writ of certiorari; courts will not alter factual findings which are supported by substantial evidence		Yes	Record	No
Connecticut	Chairman	20 days	Compensation Review Board	Notice of Appeal[5]		Yes		No
		20 days	Appellate Court, Supreme Court	Notice of Appeal[5]	Yes	Yes	Record	No
Delaware	Office of Workers' Compensation	30 days	Superior Court	As prescribed by the court		Yes	Record	No
District of Columbia	Department of Employment Services		Office of Hearings and Adjudication	Application		Yes	Hearing de novo	No
		30 days	Director's Review	Application	Yes		Record	No
		30 days	D.C. Court of Appeals	Petition	Yes		Record	No
District of Columbia Government Workers	Office of Benefits Administration	30 days	Hearings and Adjudication	Application		Yes	Hearing de novo	No
		30 days	Employees' Compensation Appeals Board	Application	Yes		Record	No
		30 days	D.C. Superior Court	Application		Yes	Trial de novo	No
Florida	Division of Administrative Hearings	30 days	District Court of Appeal, First District	Notice of Appeal		Yes	Record	No
Georgia	State Board of Workers' Compensation	20 days	Superior Court Court of Appeals	Notice of Appeal Discretionary authority	Yes		Record	No
Guam[30]	Workers' Compensation Commission	30 days	Superior Court	Injunction Proceedings	Yes		Record	No
Hawaii	Disability Compensation Division	20 days	Appellate Board	Notice of Appeal[6]	Yes	Yes	Trial de novo	No
		30 days	Supreme Court				Record	
Idaho	Industrial Commissioner	42 days	Supreme Court	Notice of Appeal	Yes		Record and transcript of evidence	No

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Illinois	Industrial Commission	20 days	Circuit Court	Proceeding for review		Yes	Record; no additional evidence	No
		30 days	Appellate Court Supreme Court[7]	As prescribed by court		Yes		
Indiana	Workers' Compensation Board	30 days	Court of Appeals	As in civil action[8]	Yes		Assignment of errors	No
Iowa	Workers' Compensation Commissioner	30 days	District Court	Petition for judicial review	Yes		Certified transcript of documents and evidence	No
		20 days	Supreme Court	As in civil cases	Yes			
Kansas	Workers' Compensation Board	10 days	Court of Appeals	Notice of Appeal		Yes	Transcript of evidence and proceedings	No
Kentucky	Department of Workers' Claims	30 days	Workers' Compensation Board Court of Appeals Supreme Court	Notice of Appeal Petition for Appeal as in civil actions	Yes		Certified Record	No
Louisiana[9]	Office of Workers' Compensation	60 days[10]	Appellate Court	Petition		Yes	Transcript of proceedings	No
		30 days	Appellate Court	As in civil actions		Yes	Transcript of proceedings	No
			Supreme Court	As in civil cases		Yes	Certified Records	No
Maine	Workers' Compensation Board	20 days	Law Court	Certiorari[11]	Yes		Record	No
Maryland	Workers' Compensation Commission	30 days	Circuit Court	Notice, followed by informal and Summary trial—De-novo Jury trial allowed	Law only at Appellate level	Yes	Trial de novo	Yes, on demand
Mass.	Department of Industrial Accidents	30 days No Provision	Appeals Court Supreme Judicial Court	As in civil cases As in civil cases	Yes Yes	Agreed statement of facts and findings and decision	Certified record	No
Michigan	Workers' Compensation Appellate Commission	30 days 30 days	Court of Appeals Supreme Court	Certiorari, mandamus, or other permissible method	Yes			No
Minnesota[12]	Office of Administrative Hearings[13]	30 days	Workers' Compensation Court of Appeals Supreme Court	Notice of Appeal Certiorari		Yes	Certified record; oral arguments on issues of law	No

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Mississippi	Workers' Compensation Commission	30 days	Circuit Court Court of Appeals Supreme Court	Notice of Appeal As in civil cases		Yes Yes	Record Record	No
Missouri	Division of Workers' Compensation[14]	20 days 30 days	Labor and Industrial Relations Commission Appellate Court		Yes	Yes	Certified record	No
Montana	Department of Labor and Industry	[15]	Workers' Compensation Court Supreme Court	Notice of Appeal		Yes	Certified record	No
Nebraska	Workers' Compensation Court[16]	14 days 30 days	WCC Review Panel Court of Appeal & Supreme Court	Notice of appeal and bill of exceptions Notice of appeal and bill of exceptions (general laws)	Yes		Certified record	No
Nevada	Department of Administration Hearings Division	70 days 30 days 30 days	Department of Administration Hearing Officer ALJ — Department of Administration Appeals Officer District Court	Appeal insurer determination to hearing officer Aggrieved party appeals HO decision to appeals officer Aggrieved party may file petition for judicial review to District Court	Conclusions of law reviewed de novo	Findings of fact are sustained if not arbitrary and capricious	Record on appeal	No
New Hampshire	Department of Labor	30 days	Compensation Appeals Board Supreme Court	Notice of Appeal		Yes	Trial de novo	No
New Jersey	Division of Workers' Compensation	45 days	Appellate Division of Superior Court	Notice of Appeal		Yes	Record	No
New Mexico	Court of Appeals	30 days	Court of Appeals	As in civil actions		Yes	Certified record	No
New York	Workers' Compensation Board	30 days after decision is filed / served.	Board panel of 3 commissioners. Appellate Division, Third Department. Court of Appeals. Court of Appeals[17]	Review application (Panel of commissioners) Notice of Appeal (Appellate) Notice of Appeal or motion for permission to appeal (Court of Appeals)	Appellate Court of Appeals Yes	Panel of Commissioners	Record	No
North Carolina	Industrial Commission	30 days	Court of Appeals	As in civil actions[18]	Yes		Record	No
North Dakota	Workers' Compensation	30 days 60 days	District Court Supreme Court	Appeal Appeal		Yes Yes	Record Record	No
Ohio	Industrial Commission	60 days No provision	Court of Common Pleas Supreme Court	Notice of appeal and petition by claimant or employer		Yes	Trial de novo	Yes, on demand
Oklahoma	Workers' Compensation Court	20 days[19]	Supreme Court[19]	Petition		Yes	Certified record and specifications of error	No
Oregon	Workers' Compensation Board (WCB)[20]	30 days 30 days 35 days	WCB Court of Appeals Supreme Court	Notice of Appeal Notice of Appeal Petition for review		Yes Yes Yes	Record Record Record	No No No
	Workers' Compensation Division (WCD)[20]	60 days 35 days	Court of Appeals Supreme Court	Appeal Petition for review	Yes	Yes	Record Record	No No

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Pennsylvania	Bureau of Workers' Compensation[21]	20 days	Workers' Compensation Appeal Board	Appeal	Yes		Certified record	No
			Commonwealth Court	Petition for review				
		30 days	Supreme Court	Petition for allowance of appeal	Yes			
Puerto Rico[22]	Industrial Commission	30 days	Industrial Commission[23]	Appeal	Yes	Yes	Record	No
		20 days	Industrial Commission	Reconsideration	Yes		Record	No
		30 days	Circuit Court of Appeals	Petition for review	Yes		Certified record	No
		30 days	Supreme Court of Puerto Rico	Certiorari	Yes	"	Certified record	No
Rhode Island	Workers' Compensation Court		Workers' Compensation Court					
		5 days	Appellate Division of Workers' Compensation Court	Claim of Appeal	Yes	Yes	Certified documents and testimony	No
		20 days	Supreme Court	Writ of certiorari				
South Carolina	Workers' Compensation Commission — Judicial Division	30 days[24]	Court of Common Pleas	As in civil actions	Yes		Record	No
South Dakota	Division of Labor and Management	30 days[25]	Circuit Court	Notice of Appeals		Yes	Certified record	No
		60 days	Supreme Court	As in civil actions				
Tennessee	Courts	10 days	Circuit Court	As in civil actions		Yes	Trial de novo	No
			Workers' Compensation Appeals Panel				Certified Record	
		No Provision	Supreme Court	Writ of error				
Texas	Workers' Compensation Commission	40 days	Court of county where employee resided at time of injury or death and court of county where employee resided on the date disability began or any county agreed to by the parties for an occupational disease	Appeal decision		Yes	Limited to issues decided by the Commission appeals panel on which judicial review is sought	Yes
Utah	Labor Commissioner or Appeals Board	30 days	Court of Appeals	Petition for review		Yes	Certified record	No
Vermont	Workers' Compensation Commissioner	30 days	Superior Court[26]	As prescribed by Court		Yes	Certified record	No
		After 30 Days	Supreme Court	As prescribed by Court	Yes			
Virgin Islands	Dispute Resolution Unit	30 days	Hearing Office	Mediation		Yes	Record	No
		30 days	Administrative Law Judge	Formal		Yes		
		30 days	Department of Labor	Reconsideration	Yes			
		30 days	Court	Civil Actions	Yes			
Virginia	Workers' Compensation Commission	30 days	Court of Appeals	As in equity		Yes	Certified record	No
Washington	Board of Industrial Insurance Appeals	60 days	Board of Industrial Insurance Appeals	Notice of Appeal		Yes	Trial de novo, but on testimony before the Board	Yes, on demand
		30 days	Further Appeal, Superior Court	As in civil actions				
West Virginia	Workers' Compensation Division	30 days[27]	Protest are filed with the Office of Judges. Judge's decisions may be appealed to the Workers' Compensation Appeal Board. Appeal Baord decisions may be appealed to the WV Supreme Court of Appeals.	Petition		Yes	Record of proceedings	No

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Wisconsin	Labor and Industry Review Commission	21 days	Circuit Court, Appellate Court, Supreme Court	Action against Commission As from orders	Yes		Record	No
Wyoming	Hearing Examiners or Medical Commission	30 days	District Court	Petition and bill of exceptions		Yes	Record	No
FE.C.A[1]	Division of Federal Employees' Compensation, O.W.C.P.	1 year 30 days 90 days to 1 year	Reconsideration Hearing[2] Appeals Board[3]	In writing In writing In writing		Yes	Record	No
Longshore Act	Division of Longshore and HarborWorkers' Compensation, O.W.C.P.	30 days 60 days	Benefits Review Board[29] U.S Court of Appeals	Petition Petition		Yes	Record Record	No
Alberta	Workers' Compensation Board	One year	Decision Review Bodies	Request for Review		Yes	Record and written or oral testimony	No
			Appeals Commission	Notice of appeal in writing		Yes	Record and written or oral testimony	No
British Columbia	Workers' Compensation Board	90 days	Workers' Compensation Review Board	Appeal		Yes, de novo	Record and written or oral testimony	No
	Workers' Compensation Board	30 days	Appeal Division	Appeal or referral		Yes, de novo	Record and written or oral testimony	No
Manitoba	Workers Compensation Board	No Limit	Review Office or Assessment Committee Appeal Commission	Reconsideration by written request Appeal by written request		Yes	Record and written or oral testimony	No
New Brunswick	Workplace Health, Safety and Compensation Commission;	One year	WHSCC Appeals Tribunal	Appeal By-laws[2]			Claim file, written and/or oral testimony	No
	Provincial Court	30 days	Court of Appeal	Rules of Court	Yes[3]		Appeal Record	
Newfoundland	Workplace Health, Safety and Compensation Commission	30 days	Workplace Health, Safety and Compensation Review Division	Written request		Yes	Record and oral testimony	No
Northwest Territories	Workers' Compensation Board	No Limit	Review Committee, Appeals Tribunal	Appeal in writing		Yes	Record and written or oral testimony	No
Nova Scotia	Workers' Compensation Board	30 days	Hearing Officer	Deliver, mail, or fax form		Yes	Oral or Paper	No
	Workers' Compensation Appeals Tribunal	30 days	Appeals Tribunal	Deliver, mail, or fax form		Yes	Oral or Paper	No
	NS Court of Appeals	30 days	Court of Appeals	Leave to Appeal		Yes	Jurisdiction	No

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed: Law Only	Questions Reviewed: Law & Fact	Basis for Review	Jury Trial
Nunavut	Workers' Compensation Board	No Limit	Review Committee, Appeals Tribunal	Appeal in writing		Yes	Record and written or oral testimony	No
Ontario	Workplace Safety and Insurance Board	6 months	Independent Appeal Tribunal	Request to Appeals Tribunal	Yes[2]	Yes	De novo	No
Prince Edward	Workers' Compensation Board		Independent Appeal Tribunal	Request to Appeals Tribunal	[3]	Yes	Record	No
Québec	Ministère du Travail	30 days	The Bureau d'evaluation medicale	Notice (Medical facts only)	Yes	Yes	Medical file and examination	No
	CSST	30 days	Review	Appeal		Yes	File only	No
	Ministère du Travail	45 days	Commission des lésions professionnelles	Appeal, recourse joint board			Conciliation offered	No
Saskatchewan	Workers' Compensation Board	No Limit	Board	In writing		Yes	Record and written or oral testimony	No
Yukon Territory	Workers' Compensation Health and Safety Board	No Limit	Hearing Officer Independent Appeal Tribunal	Appeal in writing		Yes	Record, written and oral testimony	No
Canadian Merchant Seaman's Act	Merchant Seamen Compensation Board	No Limit	Board	Appeal in writing	Yes		Record and written or oral testimony	No

Notes

[1]Courts may set aside an award on one of the following grounds: 1–the Commission acted in excess of its powers; 2-the award was procured by fraud; 3-the facts found by the Commission did not support the award; 4–there was not sufficient competent evidence in the record to warrant the finding.

[2]Board may request opinion on question of law or jurisdiction of its own motion.

[3]Court has power to pass only upon question of law or jurisdiction.

[4]Alabama — Ombudsman program, effective for injuries after 1/1/93, to mediate disputes. Settlements reached under this process do not require court approval but may be taken to court for final judgment.

[5]Connecticut — Board may certify question of law on its own motion.

[6]Hawaii — Appellate Board may certify questions of law to Supreme Court.

[7]Illinois — Supreme Court jurisdiction discretionary.

[8]Indiana — Board may also certify questions of law on its own motion.

[9]Louisiana — If any compensation under a final, non-appealable judgment is not paid within 30 days, a 24% penalty, or $100 per day, whichever is greater, will be added to the compensation.

[10]Louisiana — 60 days for devolutive appeal, 30 days for suspensive appeal.

[11]Maine — Appeal to court may be stayed by hearing officer obtaining review of decision by Board. Appeals to law court then taken from decision issued by Board.

[13]Minnesota — Disputed WCD conference determination is heard de novo at OAH.

[14]Missouri — ALJ's award may be appealed to Industrial Commission.

[15]Montana — Varies depending upon reason for appeal.

[16]Nebraska — The Court is constituted the same as the boards and commissions in other states.

[17]New York — Workers' Compensation Law Judge decisions can be appealed to a 3-member Board panel within 30 days. Split panel decisions appealed to the full Board within 30 days. All panel decisions can be appealed to the Appellate Division, Third Department of the Supreme Court within 30 days. Appellate Division decisions can be reviewed as of right in the Court of Appeals if there is a dissent by two judges. Otherwise, appeals to the Court of Appeals are by permission only. 30 day limit applies.

[18]North Carolina — Commission may certify questions of law to Court of Appeals. Commission may order payment of portion of award not in dispute.

[19]Oklahoma — Appeal to Workers' Compensation Court en banc within 10 days may be filed in lieu of appeal to the Supreme Court. En banc order may be appealed to Supreme Court within 20 days.

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[20]Oregon — Oregon has two forums which hear contested cases: the Workers' Compensation Board's Hearings Division hears a variety of cases including, but not limited to, compensability, responsibility, compensation (extent of disability), safety/health, and other issues; A hearing Officer Panel was created by House Bill 2525, 1999 Legislative Session. This panel hears cases on behalf of the Workers' Compensation Division regarding a variety of matters, including, but not limited to, medical treatment and fees, palliative care, managed care organizations (MCOs), and vocational assistance.

[21]Pennsylvania — Decisions of Workers' Compensation Judges are subject to appeal to the Workers' Compensation Appeal Board.

[22]Puerto Rico — Also can petition Industrial Commission to reconsider its decision, within 20 days.

[23]Puerto Rico — On weight of expert testimony.

[24]South Carolina — Notice of appeal must state the grounds for appeal or the alleged errors of law.

[25]South Dakota — Commission may order payment of portion of award not in dispute.

[26]Vermont — Then to Supreme Court on exception.

[27]West Virginia — May be extended for cause.

[28]F.E.C.A — There is no court appeal; Board has authority to make final decision on appeals.

[29]Longshore Act — First level of appeal is to Benefits Review Board within the U.S. Department of Labor. Board may sit in 3-person panels. Panel decision may be reviewed, upon petition, by full Board.

[30]Figures could not be confirmed at the time of publication; information taken from the *2002 Analysis*.

[31]Employee may request only one appeal method at a time. A hearing may be requested before consideration. If reconsideration is requested first, the employee loses the right to a hearing.

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Chart XVI — Directory of Administrators

ALABAMA

Workers' Compensation Division
Department of Industrial Relations
Industrial Relations Building
649 Monroe Street
Montgomery, Alabama 36131
(334) 242-2868
www.dir.state.al.us/wc/
Scottie Spates, Administrator

ALASKA

Division of Workers' Compensation
Department of Labor & Workforce Development
P.O. Box 25512
Juneau, Alaska 99802-5512
(907) 465–2790
www.state.ak.us/local/akpages/LABOR/
Paul Grossi, Director
www.labor.state.ak.us

Workers' Compensation Board
(Same address as Division)

ARIZONA

Industrial Commission of Arizona
800 West Washington Street
Phoenix, Arizona 85007–2922
(602) 542-4411
Jean Pierre Angelchik, M.D., Chairman

ARKANSAS

Workers' Compensation Commission
324 Spring Street
P.O. Box 950
Little Rock, Arkansas 72203-0950
(501) 682-3930
www.awcc.state.ar.us
Olan W. Reeves, Chairman

CALIFORNIA

Department of Industrial Relations
Division of Workers' Compensation
455 Golden Gate Avenue, 9th Floor
P.O. Box 420603
San Francisco, California 94142-0603
(415) 703-4600
www.dir.ca.gov
Richard Gannon, Administrative Director

Workers' Compensation Appeals Board
455 Golden Gate Avenue, 9th Floor
P.O. Box 429459
San Francisco, California 94102
(415) 703-4580
Merle Rabine, Chairman

COLORADO

Division of Workers' Compensation
1515 Arapahoe Street
Tower 2, Suite 500
Denver, Colorado 80202
(303) 318–8700
Mary Ann Whiteside, Director

Industrial Claims Appeals Office
1515 Arapahoe Street
Denver, Colorado 80202
(303) 318–8131
David Cain, Member
Kathy Dean, Member
Dona Halsey, Member
Robert Socolossky, Member
William Whitacre, Member

CONNECTICUT

Workers' Compensation Commission
21 Oak Street
Hartford, Connecticut 06106
(860) 493-1500
wcc.state.ct.us
John Mastropietro, Chairman

DELAWARE

Department of Labor
Office of Workers' Compensation
Fox Valley
P.O. Box 8902
Wilmington, Delaware 19899–8902
(302) 761–8200
www.delawareworks.com
John Polk, Chief Hearing Officer
John F. Kirk, Administrator

DISTRICT OF COLUMBIA

Office of Workers' Compensation
64 New York Avenue, N.E.
2nd Floor
Washington, D.C. 20002
(202) 671–1000
Charles L. Green, Associate Director
http://does.dc.gov

FLORIDA

Division of Workers' Compensation
Department of Financial Services
200 East Gaines Street
Tallahassee, Florida 32399–4220
(850) 488–2514
www.fldfs.com/wc
Tanner Holloman, Director

GEORGIA

State Board of Workers' Compensation
270 Peachtree Street, NW
Atlanta, GA 30303-1299
(404) 656–3875
Carolyn Hall, Chairman
Viola Drew, Director
Larry Smith, Director

GUAM

Workers' Compensation Commission
Department of Labor
Government of Guam
108 E Street
Tiyan, Guam 96913
(671) 475–0150–2
David G. Dell-isola, Director of Labor
Ex-Officio Commissioner
Rolando P. Zabala, Deputy Director, Acting
Employment Program Administrator

HAWAII

Disability Compensation Division
Department of Labor and Industrial Relations
P.O. Box 3769
Honolulu, Hawaii 96812
(808) 586–9151
Nelson B. Befitel, Director
Gary Hamada, Administrator

Labor and Industrial Relations Appeals Board
830 Punchbowl Street, Room 404
Honolulu, Hawaii 96813
Randall Iwase, Chairman

IDAHO

Industrial Commission
317 Main Street
Boise, Idaho 83720
(208) 334–6000
www2.state.id.us/iic/
Thomas Limbaugh, Commissioner
R.D. Maynard, Commissioner
James Kile, Commissioner

ILLINOIS

Industrial Commission
100 West Randolph Street, Suite 8–200
Chicago, Illinois 60601
(312) 814–6555
www.state.il.us/agency/iic
John W. Hallock, Jr., Chairman

INDIANA

Workers' Compensation Board
402 West Washington Street, Room W196
Indianapolis, Indiana 46204
(317) 232-3808
http://www.in.gov/workcomp/
G. Terrence Coriden, Chairman

IOWA

Division of Workers' Compensation
Iowa Workforce Development
1000 E. Grand Avenue
Des Moines, Iowa 50319
(515) 281–5387
www.iowaworkforce.org/wc
Michael Trier, Interim Commissioner

KANSAS

Division of Workers' Compensation
Department of Human Resources
800 SW Jackson Street, Suite 600
Topeka, Kansas 66612-1227
(785) 296–4000
www.hr.state.ks.us/wc/html/wc.htm
Philip S. Harness, Director

KENTUCKY

Department of Workers' Claims
Perimeter Park West
657 To Be Announced Avenue
Frankfort, Kentucky 40601
(502) 564–5550
http://labor.ky.gov/dwc
Larry Greathouse, Commissioner

LOUISIANA

Department of Labor
Office of Workers' Compensation Administration
P.O. Box 94040
Baton Rouge, Louisiana 70804–9040
(225) 342-7555
www.LAWORKS.net
Dan Boudreaux, Assistant Secretary of Labor/
Director of Office of Workers' Compensation
Administration

MAINE

Workers' Compensation Board
27 State House Station
Augusta, Maine 04333
(207) 287–3751
www.state.me.us/wcb/wcbhome.htm
Paul R. Dionne, Executive Director

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Chart XVI — Directory of Administrators, Cont.

MARYLAND

Workers' Compensation Commission
10 East Baltimore Street
Baltimore, Maryland 21202–1641
(410) 864–5308
Thomas Patrick O'Reilly, Chairman
Joan Y. Case, Director of Administration

MASSACHUSETTS

Department of Industrial Accidents
600 Washington Street, 7th Floor
Boston, Massachusetts 02111
(617) 727–4900
www.mass.gov/dia
Angela Buonopane, Commissioner

MICHIGAN

Bureau of Workers' and Unemployment Compensation
Department of Consumer & Industry Services
P.O. Box 30016
Lansing, Michigan 48909
(888) 396-5041
www.michigan.gov/bwuc
David A. Plawecki, Acting Director

Board of Magistrates
Department of Consumer & Industry Services
P.O. Box 30016
Lansing, Michigan 48909
(517) 241–9380
Crary Grattan, Chief Magistrate

Workers' Compensation Appellate Commission
Department of Consumer & Industry Services
P.O. Box 30468
Lansing, Michigan 48909
(517) 334–9719
Jurgen Skoppek, Chairperson

MINNESOTA

Workers' Compensation Division
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155
(651) 284–5000
www.doli.state.mn.us
Shirley Chase, Commissioner

Office of Administrative Hearings —
Workers' Compensation Section
1700 100 Washington Square
Minneapolis, MN 55401
Bruce Johnson, Asst. Chief Administrative Law Judge

Workers' Compensation Court of Appeals
25 Constitution Avenue, Suite 405
St. Paul, Minnesota 55155
(651) 296–6526
Hon. Steven D. Wheeler, Chief Judge

MISSISSIPPI

Workers' Compensation Commission
1428 Lakeland Drive
P.O. Box 5300
Jackson, Mississippi 39296–5300
(601) 987–4200
www.mwcc.state.ms.us

MISSOURI

Division of Workers' Compensation
Department of Labor and Industrial Relations
3315 West Truman Boulevard
P.O. Box 58
Jefferson City, Missouri 65102
(573) 751–4231
www.dolir.state.mo.us/wc
Renee T. Slusher, Director

Labor and Industrial Relations
3315 West Truman Boulevard
P.O. Box 599
Jefferson City, Missouri 65102
(573) 751–2461
John P. Madigan, Acting Chair

MONTANA

State Fund Insurance Company
P.O. Box 4759
Helena, Montana 59604–4759
(406) 444–6501
Carl Swanson, President

Workers' Compensation Court
P.O. Box 537
Helena, Montana 59624–0537
(406) 444–7794
Honorable Mike McCarter, Judge

Employment Relations Division
P.O. Box 8011
Helena, Montana 59604–8011
(406) 444–1555
Jerry Keck, Administrator
Jkeck@state.mt.us

NEBRASKA

Workers' Compensation Court
State Capitol Building
P.O. Box 98908
Lincoln, Nebraska 68509–8908
(402) 471–6468
www.nol.org/workcomp
Honorable Michael K. High, Presiding Judge
Glenn W. Morton, Administrator

NEVADA

The Division of Industrial Relations
400 West King Street, Suite 400
Carson City, Nevada 89703
(775) 684–7260
Roger Bremner, Administrator

Insurance Division
1665 Hot Springs Road, Suite 152
Carson City, Nevada 89710
(775) 687–4270
Alice Molasky-Arman, Commissioner

NEW HAMPSHIRE

Department of Labor
Division of Workers' Compensation
State Office Park South
95 Pleasant Court
Concord, New Hampshire 03301
(603) 271–3176
James D. Casey, Commissioner of Labor
Kathryn J. Barger, Division Director

NEW JERSEY

Department of Labor
Division of Workers' Compensation
P.O. Box 381
Trenton, New Jersey 08625–0381
(609) 292-2414
www.dwc.dol.state.nj.us
Honorable Peter J. Calderone, Director & Chief Judge

NEW MEXICO

Workers' Compensation Administration
2410 Centre Street, SE
P.O. Box 27198
Albuquerque, New Mexico 87125–7198
(505) 841–6000
www.state.nm.us/wca
Paul D. Barber, Director

NEW YORK

Workers' Compensation Board
20 Park Street
Albany, New York 12207
(518) 474–6670
www.wcb.state.ny.us
Robert Snashall, Chairman

NORTH CAROLINA

Industrial Commission
4319 Mail Service Center
Raleigh, North Carolina 27699–4319
(919) 807-2500
www.comp.state.nc.us
Buck Lattimore, Chairman

NORTH DAKOTA

North Dakota Workers' Compensation (NDWC)
500 East Front Avenue
Bismarck, North Dakota 58504–5685
(701) 328–3800
Brent J. Edison, Executive Director & CEO

OHIO

Bureau of Workers' Compensation
30 West Spring Street
Columbus, Ohio 43266–0581
(614) 466–2950
www.ohiobwc.com
James Conrad, Administrator

Industrial Commission
(614) 466–3010
(Same address as Bureau)
William E. Thompson, Chairman
Donna Owens, Member
Patrick J. Gannon, Member

OKLAHOMA

Oklahoma Workers' Compensation Court
1915 N. Stiles
Oklahoma City, Oklahoma 74105–4918
(405) 522-8600
Honorable Richard L. Blanchard, Presiding Judge
Marcia Davis, Administrator

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Chart XVI — Directory of Administrators, Cont.

OREGON

Department of Consumer and Business Services
Workers' Compensation Division
350 Winter Street, N.E., Room 27
Salem, Oregon 97301–3879
(503) 947–7810 or toll free 1–800–452–0288
www.cbs.state.or.us
Cory Streisinger, Director
John Shilts, Administrator

Workers' Compensation Board
2601 25th St. S.E., Suite 150
Salem, Oregon 97302–1282
(503) 378–3308
Maureen Bock, Chair
Liz Browder, Administrative Services Manager

PENNSYLVANIA

Bureau of Workers' Compensation
Department of Labor and Industry
1171 South Cameron Street, Room 103
Harrisburg, Pennsylvania 17104–2501
(717) 783–5421
www.dli.state.pa.us\bwc
Richard Thompson, Director

Workers' Compensation Appeal Board
901 North 7th Street, 3rd Floor South
Harrisburg, Pennsylvania 17102-0034
(717) 783-7838
Susan M. McDermott, Chairman

PUERTO RICO

Industrial Commissioner's Office
G.P.O. Box 4466
San Juan, Puerto Rico 00936
(809) 781–0545
Basilio Torres Rivera, Esquire, President

State Insurance Fund Corporation
P.O. Box 365028
San Juan, Puerto Rico 00936–5028
Nicolás López Peña, Administrator

RHODE ISLAND

Department of Labor and Training
Workers' Compensation Unit
P.O. Box 20190
Cranston, Rhode Island 02920–0942
(401) 462–8100
www.dlt.state.ri.us/wc
Marvin Perry, Acting Director

Workers' Compensation Court
One Dorrance Plaza
Providence, Rhode Island 02903
(401) 458–5000
Robert F. Arrigan, Chief Judge

SOUTH CAROLINA

Workers' Compensation Commission
1612 Marion Street
P.O. Box 1715
Columbia, South Carolina 29202
(803) 737–5700
www.wcc.state.sc.us
J. Alan Bass, Chairman
Alicia K. Clawson, Executive Director

SOUTH DAKOTA

Division of Labor and Management
Department of Labor
Kneip Building, Third Floor
700 Governors Drive
Pierre, South Dakota 57501–2277
(605) 773-3681
www.sdjobs.org/dlm/dlm-home.htm
James E. Marsh, Director

TENNESSEE

Workers' Compensation Division
Department of Labor & Workforce Development
710 James Robertson Parkway
Gateway Plaza, Second Floor
Nashville, Tennessee 37243-0661
(615) 741–2395
www.state.tn.us/labor-wfd
Sue Ann Head, Administrator

TEXAS

Workers' Compensation Commission
Southfield Building
4000 South IH 35
Austin, Texas 78704
(512) 804–4000
www.twcc.state.tx.us
Richard A. Smith, Chairman

UTAH

Labor Commission
P.O. Box 146600
Salt Lake City, Utah 84114–6600
(801) 530–6800
www.laborcomm@utah.gov
R. Lee Ellertson, Chairman
Joyce A. Sewell, Director

VERMONT

Department of Labor and Industry
National Life Building, Drawer 20
Montpelier, Vermont 05620–3401
(802) 828–2286
www.state.vt.us/labind
Laura Collins, Director

VIRGIN ISLANDS

Department of Labor
Workers' Compensation Administration
302 Kings Street
F'sted, St. Croix, Virgin Islands 00840
(340) 692-9390

54 A&B Kronprindsens Gade
St. Thomas, Virgin Islands 00802
(340) 776-3700
www.vidol.gov
Adelbert Anduze, Director

VIRGINIA

Workers' Compensation Commission
1000 DMV Drive
Richmond, Virginia 23220
(804) 367–8633
Virginia R. Diamond, Commissioner
Lawrence D. Tarr, Commissioner
William L. Dudley, Jr., Chairman
www.vwc.state.va.us

WASHINGTON

Department of Labor and Industries
7273 Linderson Way, SW
P.O. Box 44001
Olympia, Washington 98504–4001
(360) 902-4200
www.wa.gov/lni
Paul Trause, Director

Board of Industrial Insurance Appeals
2430 Chandler Court, SW
P.O. Box 42401
Olympia, Washington 98504–2401
Thomas E. Egan, Chairperson

WEST VIRGINIA

Bureau of Employment Programs
Workers' Compensation Division
4700 Mac Corkle Avenue, SE
Executive Offices
Charleston, West Virginia 25304
(304) 926–5048
www.state.wv.us/BEP/wc.
Robert J. Smith, Commissioner

Workers' Compensation Appeal Board
104 Dee Drive
P.O. Box 2668
Charleston, West Virginia 25329
(304) 558–5230
Charles S. Donnelly, Chairman

WISCONSIN

Worker's Compensation Division
Department of Workforce Development
201 East Washington Avenue, Room C100
P.O. Box 7901
Madison, Wisconsin 53707–7901
(608) 266–1340
www.dwd.state.wi.us/wc
Vacant, Administrator

Labor and Industry Review
Commission
P.O. Box 8126
Madison, Wisconsin 53708
(608) 266–9820
David Falstad, Chairperson

WYOMING

Department of Employment
Workers' Safety and Compensation
Cheyenne Business Center
1510 E. Pershing Blvd.
Cheyenne, Wyoming 82002
(307) 777–7159
http://wydoe.state.wy.us/wscd
Gay Child, Administrator

UNITED STATES

Department of Labor
Employment Standards Administration
200 Constitution Avenue, Suite S. 2321
Washington, DC 20210
(202) 693-0200
www.dol.gov
Bernard Anderson, Assistant Secretary

Office of Workers' Compensation Programs
200 Constitution Ave. S 3524
Washington, DC 20210
(202) 693-0031
www.dol.gov/dol/esa/public/owcp_org.htm
Shelby Hallmark, Acting Director

USCC 56168

ABBREVIATIONS AND COMPUTATIONS

Abbreviations

AAOO	American Academy of Opthamology and Otolaryngology
ALJ	Administrative Law Judge
AMA	American Medical Association
ANSI	American National Standards Institute
AWW	Worker's Average Weekly Wage
C.M.S.C.A.	Canadian Merchant Seamen's Compensation Act
COLA	Cost of Living Adjustment
CPI	Consumer Price Index
F.E.C.A.	Federal Employees' Compensation Act
IME	Independent Medical Exam
ISO	International Organization for Standardization
MMI	Maximum Medical Improvement
MCO	Managed Care Organization
NAWW	National Average Weekly Wage
O.W.C.P.	Office of Workers' Compensation Programs, U.S. Department of Labor
OP	Occupational Pneumoconiosis
PMI	Permanent Medical Impairment
PP	Permanent Partial Disability
PT	Permanent Total Disability
SAMW	State Average Monthly Wage
SAWW	State Average Weekly Wage
TP	Temporary Partial Disability
TPR	Temporary Partial Rehabilitation
TT	Temporary Total Disability

Computations — Monthly to Weekly

All benefits payable other than on a weekly basis have been converted to an equivalent weekly rate. There are several methods of conversion in use, which may cause slight differences in results. The Analysis attempts to follow the practice of the jurisdiction wherever possible.

1. A method widely used in Canada is to multiply the monthly benefit by 12, divide by 365, and multiply the result by 7. Example for a monthly benefit of $750:

$$\frac{\$750 \times 12}{365} \times 7 = \$172.60$$

2. A second method is to multiply the monthly benefit by 12 and divide by 52. Example:

$$\frac{\$750 \times 12}{52} = \$173.08$$

3. The third method is to divide the monthly benefit by 4.3 or a similar figure, because the average month contains 4.33 weeks. Example:

$$\frac{\$750}{4.3} = \$174.42$$

Next Edition of the Analysis

A complete revision of this publication is printed annually. The 2004 edition will be available in May 2004. It will reflect changes made in workers' compensation laws effective January 1, 2004.

USCC 56171

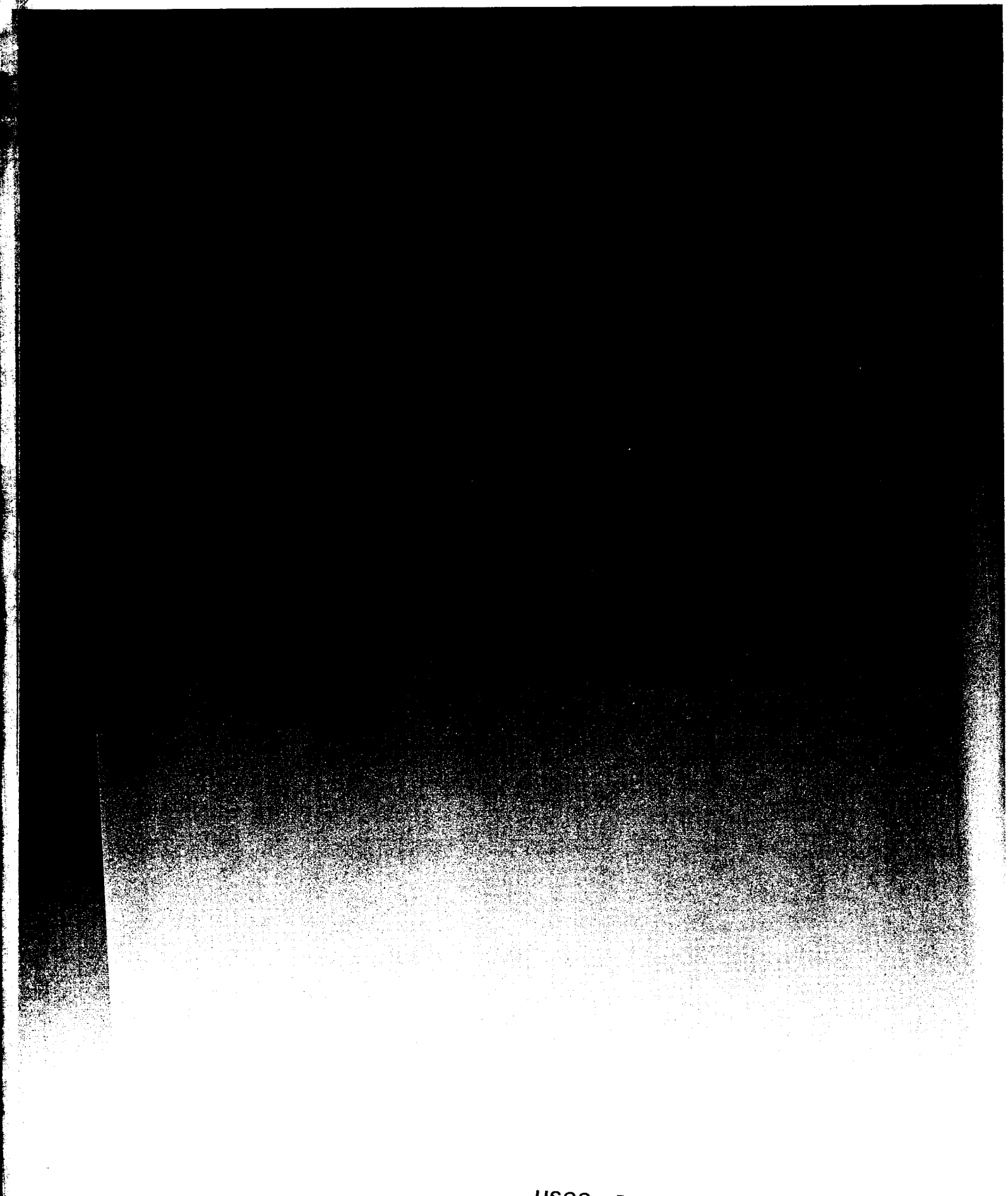

EXHIBIT 11

ANALYSIS OF WORKERS' COMPENSATION LAWS

2004

PECK EXHIBIT 11
Offered by Opposer, The Chamber of Commerce of the United States of America
The Chamber of Commerce of the United States of America v. United States Hispanic Chamber of Commerce Foundation
Opposition Number 91/156,321

USCC 56173

U.S. CHAMBER OF COMMERCE
Statistics and Research Center

ANALYSIS OF WORKERS' COMPENSATION LAWS
2004

ANALYSIS OF WORKERS' COMPENSATION LAWS 2004

2004 Analysis of Workers' Compensation Laws

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For updates to the *Analysis*, please visit www.analysisupdates.com

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Foreword

The 2004 edition of the *Analysis of Workers' Compensation Laws* offers an overview of workers' compensation statutes and is intended to provide both a comparison and an improved understanding of the various laws. Sixteen detailed charts are presented to aid employers, employees, insurance firms, agents, brokers, attorneys, physicians, and others in locating specific provisions of workers' compensation laws.

The *Analysis* tracks the laws of the 50 U.S. states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. Statutory provisions are also provided for the provinces and territories of Canada as well as the Canadian Merchant Seaman's Act.

Although the *Analysis* provides essential information needed daily throughout the business community, it should not be considered as an extraction of exact provisions found in statutory texts.

The information required to bring together this publication was supplied by government officials in the states and jurisdictions represented, legislative reporting services, insurance companies, and the U.S. Department of Labor. For further information about the *Analysis*, please contact the U.S. Chamber of Commerce, 1615 H Street, NW, Washington, D.C. 20062–2000 or phone (202) 463–5381.

All contributions to this publication are gratefully appreciated.

Updates to the *Analysis*

A complete revision of the *Analysis* is printed annually. The 2005 edition will be available in May 2005. It will reflect changes made in workers' compensation laws effective January 1, 2005. Mid-year revisions to the 2004 *Analysis*, including updates for those jurisdictions with benefit level changes between publication and January 1, 2005, will be made available free of charge on the world wide web. For more information and the most recent updates to the *Analysis*, please visit www.analysisupdates.com.

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Introduction

Highlights of the 2004 *Analysis*

From 2003 to 2004, maximum income benefits for total disability increased an average of 3.2% in the United States, excluding the Federal Employees' Compensation Act (FECA). The average maximum weekly benefit in the U.S. for 2004 is $630.51. Iowa makes the highest benefit payment (excluding FECA), with a weekly maximum of $1,133. From 2003 to 2004, maximum income benefits for total disability increased an average of 5.6% in Canada. Canada's average maximum weekly benefit is $749.25 (Canadian dollars). Ontario is the province with the highest weekly payment at $1,007.31 (Canadian dollars).

Overview of the *Analysis*

The charts on the following pages present the statutory provisions of workers' compensation laws as of January 1, 2004 unless otherwise noted. The charts detail the provisions of the laws of the federal, state and territorial jurisdictions of the United States (including the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, the Federal Employees' Compensation Act (FECA), and the Longshore and Harbor Workers' Compensation Act) as well as the federal, provincial and territorial laws of Canada (including the Federal Merchant Seamen's Compensation Act).

The charts do not cover the Federal Black Lung Act, the disability provisions of the Social Security program, the Federal Employers' Liability Act (Jones Act), or veterans' benefits. Also, please note that D.C. government employees are covered by a separate D.C. enactment that replaces the FECA. The law for D.C. government workers is not charted except where it differs materially from the FECA. Employees of the Canadian federal government are compensated under the Government Employees' Compensation Act, administered by Human Resources Development. Compensation is paid by the workers' compensation board for the province where the worker is usually employed. Government employees residing in the Northwest Territories, Nunavut, or the Yukon Territory may receive compensation in accordance with the Alberta Act. In view of this arrangement, the charts do not include the Government Employees' Compensation Act except where it differs materially from the provincial acts.

The charts are grouped in three categories:

- Coverage of Laws, listing the various requirements pertaining to employment, injuries and diseases (Part 1);
- Benefits Provided, detailing the required income replacement benefits and medical benefits (Part 2); and
- Administration of Laws, grouping the many administrative requirements and safeguards (Part 3).

All provisions presented by the charts in the *Analysis* have required study and interpretation to reduce them to the brief statement found in the charts. In some instances space does not permit sufficient explanation to clarify all points. In such cases, it may be helpful to examine the text of the law.

History of Workers' Compensation and Employers' Liability

Workers' compensation laws are designed to provide satisfactory means of handling occupational disabilities. A 20th century development in North America, the laws evolved as the economy became more industrial and less agricultural. Before these laws were enacted, a well-established common-law principle held that a master or employer was responsible for injury or death of employees resulting from a negligent act. Thus, disabled workers who sued employers for damages had to prove their injuries were due to employer negligence — a slow, costly, uncertain legal process. As business enterprise and machine production expanded, the number of industrial accidents and personal-injury suits increased. At the close of the 19th century it was apparent that the accepted common-law defenses — contributory negligence, assumption of risk, negligent acts of fellow servants — operated too harshly on claims of disabled workers. The situation led to demands for legal provisions.

As a result, between 1900 and 1910 so-called employers' liability laws were adopted by many states. Although they tended to modify common-law defenses, they did not prove completely satisfactory; employees still had to prove employer responsibility and negligence. Other legal remedies were urged.

A new answer was forthcoming. In 1911 the first workers' compensation laws were enacted in the United States on an enduring basis. The first comprehensive Canadian laws were enacted in 1915.

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Today, each of the 50 states, as well as American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands, has a workers' compensation law. Federal workers' compensation laws have also been enacted, i.e., the District of Columbia Workers' Compensation Act, the Federal Employees' Compensation Act and the Longshore and Harbor Workers' Compensation Act — the latter providing for private and public employees in nationwide maritime work. Each of the Canadian provinces and territories has a compensation act or ordinance as well.

In essence, workers' compensation laws hold that industrial employers should assume costs of occupational disabilities without regard to any fault involved. Resulting economic losses are considered costs of production — chargeable, to the extent possible, as a price factor. The laws serve to relieve employers of liability from common-law suits involving negligence.

Six basic objectives underlie workers' compensation laws:

1. Provide sure, prompt, and reasonable income and medical benefits to work-accident victims or income benefits to their dependents, regardless of fault;
2. Provide a single remedy and reduce court delays, costs and workloads arising out of personal injury litigation;
3. Relieve public and private charities of financially draining incidents associated with uncompensated industrial accidents;
4. Eliminate payment of fees to lawyers and witnesses as well as time-consuming trials and appeals;
5. Encourage maximum employer interest in safety and rehabilitation through appropriate experience-rating mechanisms; and
6. Promote frank study of causes of accidents (rather than concealment of fault), thereby reducing the number of preventable accidents and consequent human suffering.

To what extent have the laws achieved their desired objectives? Answers to this question vary from state to state and depend on many factors, including the viewpoint of the appraiser.

However, a 1972 evaluation by the National Commission on State Workmen's Compensation Laws concluded that state laws were not living up to their potential, and the commission made 84 recommendations for the improvement of the system. Nineteen of these were labeled "essential." Despite this negative assessment, the Commission was convinced that workers' compensation is a fundamentally sound system and a valued institution in our industrial economy.

In January 1976, the policy group of the Inter-Agency Workers' Compensation Task Force, with members from several U.S. government departments and agencies, reported its findings on the need for reform of state workers' compensation programs. Essentially, the Task Force found existing programs must be reformed to bring about more effective management at the state level, with the federal government monitoring progress and providing technical assistance. The group felt that, without a reordering of priorities and a new mode of operation, workers' compensation would become more expensive, less equitable, and less effective. After completing its mission, the Task Force was merged with the Division of State Workers' Compensation Standards in the Office of Workers' Compensation Programs, U.S. Department of Labor.

The constructive criticism rendered by the Commission and the Task Force gave new impetus to the development and growth of workers' compensation laws, and these laws now enjoy a more prominent role within the social insurance system of the United States. The National Commission and the Task Force both rejected proposals to replace the various state programs with one federal program. Nevertheless, legislation has been introduced in the U.S. Congress for the past several years to give the federal government a direct role in the state systems by federally mandated "minimum standards." There has never been sufficient support for these bills to move them beyond the committee level.

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Part 1 — Coverage of Laws

A basic and oft-repeated objective of workers' compensation, where there is broad agreement, is that coverage under the acts should be virtually, if not completely, universal. For various historical, political, economic or administrative reasons, no state law covers all forms of employment.

To aid employers in delineating the employment coverage requirements, Charts I, II, and III outline the stipulations of the various jurisdictions.

Another basic objective for workers' compensation is to provide compensation for all work-related injuries and diseases. Note that workers' compensation does not seek to cover all worker health problems. To make this distinction, fairly uniform statutory definitions and tests have been adopted in each state. Typically the statute limits compensation benefits to 'personal injury caused by accidents arising out of and in the course of employment.'

Although the test is fairly uniform, its interpretation has not resulted in completely uniform coverage of injuries and diseases. Initially, this problem was remedied by providing coverage for specific occupational diseases. With advances in medical technology and increased exposures to a growing number of substances with a variety of physical stresses, it became impractical to define work-related diseases by specific enumeration. States have therefore amended their statutes to provide coverage of all occupational diseases. Chart IV portrays this shift in the laws, with every state and nearly every provincial law recognizing all occupational diseases.

Type of Law and Insurance Requirements (Chart I)

Compensation laws are *compulsory* or *elective*. Under an elective law, the employer may accept or reject the act, but if rejected the employer loses the three common-law defenses — contributory negligence, assumption of risk, and negligence of fellow employees. Practically, this means that all laws, in effect, are 'compulsory.' A compulsory law requires each employer within its scope to accept its provisions and provide for benefits specified.

Suits for Damages — Under workers' compensation acts, employers generally are exempted from damage suits. Where an employee rejects the act, and sues an employer who has accepted it, the employer usually retains the three common-law defenses. Conditions for rejection of the act often are so severe as to make the privilege virtually inoperative. In a few states, however, courts have created exceptions to the exclusive remedy rule under certain circumstances.

Security for Payment of Benefits — Most jurisdictions require employers to obtain insurance and prove financial ability to carry their own risk.

Chart I notes provisions relating to:

- Insurance requirements;
- Penalties for failure to insure; and
- Whether self-insurance or group self-insurance is permitted.

The U.S. Chamber of Commerce advocates that employers be permitted to buy private insurance if they so desire and that employers who qualify are allowed to be self-insurers. Chamber policy states:

> *'Insurance is an integral part of private enterprise. Insurance should not be regarded as a function to be carried on by the government, and insurance monopolies carried on by governmentally created entities should not be permitted.'*

Self-Insurers — Some large corporations prefer to assume liability for workers' compensation and avoid administrative costs associated with insurance policies.

Self-insurance operates best when an employer has a spread of risk so large that the employer may benefit from the law of numbers. It is necessary and desirable that self-insurers establish their own protective services. Also, the self-insurer may have to retain attorneys and doctors to handle problems incident to claims and medical and legal services.

Self-insurance is permitted in most U.S. states but none of the 3 U.S. territories covered, as shown in Chart I. Chart I also reflects those states that specifically authorize group self-insurance.

Employers may set up a reserve fund for self-insurance to pay compensation and other benefits under the workers' compensation acts of the states. Contrary to the treatment accorded in insurance premiums, amounts paid into this reserve fund are not always deductible from gross income as a business expense for income tax purposes. However, amounts paid out — as cash or medical benefits — are deductible. In many cases, insurance is purchased because such purchase can dispose of the item of expense and future cost in the current year.

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Coverage of Laws (Chart II)

Virtually all industrial employment is covered by workers' compensation. Chart II shows this in detail; it also indicates the extent of coverage for public employment.

Some jurisdictions cover all private employment; others exempt those with less than a stipulated number of employees. Most jurisdictions specifically exclude certain employments. Due to the nature of the work, farm labor, domestic servants and casual employees are usually exempted. Most jurisdictions permit employees in an exempted class to be brought in voluntarily by the employer or the administrative agency order.

Many jurisdictions provide workers' compensation for all or certain classes of public employees.

Merchant marine and railroad workers in interstate commerce generally are not covered by workers' compensation acts and may seek damages under the Federal Employers' Liability Act.

Coverage of Minors (Chart III)

Minors are covered by workers' compensation. Some jurisdictions provide double compensation or added penalties — as shown in Chart III. In many states, minors also enjoy special legal protections. These are specifically noted for each state.

Coverage of Occupational Diseases (Chart IV)

Although workers' compensation laws initially had no specific provisions for occupational diseases, now all states recognize responsibility for them. Coverage extends to all diseases arising out of and in the course of employment. Most states do not provide compensation for a disease that is an 'ordinary disease of life' or which is not 'peculiar to or characteristic of' the employee's occupation.

Chart IV outlines provisions governing occupational disease in each jurisdiction. Generally, compensation is the same as for traumatic injuries (see Part 2). Medical care is unlimited. A few states that do not provide permanent partial disability benefits for certain diseases are charted under the heading 'Compensation.'

Occupational diseases usually become evident during employment or soon after exposure. However, as with radiation disabilities, certain diseases may be latent for a considerable time. As Chart IV notes, most states have extended periods in which claims may be filed concerning latent, slowly developing occupational diseases.

Some states impose special restrictions regarding disability resulting from exposure to coal, dust, asbestos, silica or radiation. A number of states have established presumptions for police and fire fighters who have heart attacks or respiratory conditions, but no attempt is made to chart them.

Occupational Hearing Loss (Chart V)

The difficulty of distinguishing between work-related permanent hearing loss and loss of hearing caused by nonoccupational factors has resulted in enactment of special provisions in certain states, as shown in Chart V. Entries include the threshold for compensable loss of hearing, minimum exposure requirements and deductions for loss caused by aging (presbycusis).

Other Considerations

A. Accident Prevention — The encouragement of safety is another basic objective of workers' compensation. The effort to reduce the frequency and severity of work-related injuries is accomplished in at least two ways.

First, the workers' compensation program provides employers with preventive services, including safety engineering. This role is assumed by casualty insurance carriers, employers, state funds, and safety agencies. A second general role is to provide a monetary incentive to employers to improve their safety records. The insurance premium structure is a primary incentive for an improved safety record.

Costs of accident-prevention services are included in workers' compensation insurance premiums. Casualty insurance engineers help in setting up accident-prevention programs. Such programs contribute to lower insurance rates, increased production efficiency, and better use of manpower. Of course, the greatest benefit is the strong decrease in industrial accidents by the effective loss-prevention engineering methods.

B. Ratemaking Service Organizations — Premium rates for workers' compensation insurance are compiled scientifically. Accident experience throughout the U.S. business community is collected by data service organizations. Member companies of these organizations report expenses incurred under workers' compensation policies.

In states that follow the traditional process for establishing rates, the data organization prepares a statistical analysis that includes a manual rate. The manual rate incorporates factors that cover claims costs ('loss costs'), taxes and assessments, expenses, and profit. In other states, the statistical analysis prepared by the data organization typically includes only the portion of the rate that covers loss costs and taxes, and each insurer is individually responsible for preparing its own final rates. In these states, the statistical organization prepares a manual rate only for employers insured through

an assigned risk pool or similar residual market mechanism. Whether a state uses a final rate or loss costs system, the statistical analysis based on collective activity is subject to review by each state's insurance regulatory authority to assure that rates are not excessive, inadequate, or unfairly discriminatory.

Once overall rates are established, they are applied under a uniform classification system that groups employers by the level of hazard associated with their type of employment. In addition, the uniform experience rating plan provides a price adjustment for each employer based on the actuarially predictive value of its own claims history. All but the smallest employers are subject to experience rating, which furnishes direct monetary incentive for safety and prompt re-employment. Most states also permit other forms of pricing adjustments, such as retrospective rating, deductible plans, discounts, and loss sensitive dividend plans.

Manuals prepared by data organizations are standard with all insurance companies writing business in each state where such organizations are licensed. These manuals set forth rules, procedures, and rates of loss costs applicable to workers' compensation insurance. Revised compensation rates and supporting data are filed annually with it; often, public hearings are held before rates are revised. All states now provide for rate regulation by state authority. In Canada, rates are in the form of an assessment — established by each provincial compensation board annually by class of risk. As set forth in these manuals, compensation rates are based on payroll. Usually only an estimated premium is collected when the policy is written. After the policy expires, a payroll audit is required. The actual premium is then figured and adjustments made.

C. Injuries Outside the Jurisdiction — Frequently, when a worker's occupation takes the worker into another jurisdiction, questions arise as to which law determines compensation payable. In effect, most compensation laws are extraterritorial — either by specific provisions or court decision. Answers depend on the provisions of the particular laws involved and require consideration of several circumstances — such as the place and nature of employment, place where the contract was made, employee's residence and employer's place of business.

D. Civil Defense and Other Volunteers — Many states have laws to compensate civil defense and other volunteer workers, such as fire fighters, injured in the line of duty. Attention is called to these laws, but no attempt is made to chart their provisions.

E. Black Lung Act — The Federal Black Lung Act (Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended in 1972, 1977, 1978 and 1981) provides benefits for total disability or death caused by respiratory illness attributable to coal mining (black lung disease). The Act is administered by the Division of Coal Mine Workers' Compensation in the U.S. Department of Labor's Office of Workers' Compensation Programs and by the Social Security Administration.

Monthly benefit rates range from $534.00 to $1,069.00 in addition to annual cost-of-living adjustments (as of calendar year 2003).

A Black Lung Disability Trust Fund, financed by an excise tax on coal production, was set up by the 1978 amendments to pay claims when the last employment was prior to 1970 or where no responsible coal mine operator has been identified.

F. Social Security Disability — The Federal Social Security Disability program pays benefits on behalf of disabled workers under age 65 whose disability is expected to last 12 months or result in death. A worker becomes eligible after a minimum period of employment covered by Social Security, measured in calendar quarters. There is a five-month waiting period.

Cash benefits are payable monthly based on wages in covered employment, plus allowances for spouse and children. In January 2004, the average monthly benefit was $862 for disabled workers, which includes a 2.1% cost-of-living increase based on the Consumer Price Index.

Benefits are paid out of the Disability Trust Fund, financed from the Federal Social Security tax.

On October 25, 1999 the Social Security Administration revised the medical criteria for determination of disability according to 64FR 46122.

Combined Social Security disability and workers' compensation benefits may not exceed 80 percent of 'average current earnings' prior to disability. The Omnibus Budget Reconciliation Act of 1991 requires that Social Security disability benefits supplement workers' compensation unless state law provided for a reverse offset on or before February 18, 1981.

USCC 56182

Chart I — Type of Law and Insurance Requirements

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Alabama	Compulsory	Required	Individual and group	Fine of not less than $100 nor more than $1,000. Employer may be enjoined from doing business and liable to suit with defenses abrogated and double amount of compensation.
Alaska	Compulsory	Required	Permitted	Class B or C felony (up to 1 year imprisonment, $10,000 fine, or both). Board may enjoin use of labor. Employer liable to suit with defenses abrogated, and employer negligence presumed proximate cause of injury. Individuals in charge of corporation personally liable for compensation.
Arizona	Compulsory	Required	Individual and group	Employer liable to suit with defenses abrogated. $1,000 civil penalty plus a 10% penalty on all claim expenses. Award paid by Special Fund. Injunction against doing business in state.
Arkansas	Compulsory	Required	Individual and group[1]	Fine up to $10,000 or Class D Felony; employer liable to suit with defenses abrogated; Possibly enjoined from engaging in further employment.
California	Compulsory	Required	Individual and group	The failure to secure the payment of compensation, as required by one who knew, or because of his or her knowledge or experience should be reasonably expected to have known, of the obligation to secure the payment of compensation, is a misdemeanor punishable by imprisonment in the county jail for up to one year, or by a fine of up to ten thousand dollars ($10,000), or by both imprisonment and fine. Employer may be enjoined from doing business. Mandatory penalty upon issuance of stop order is $1,000 per employee. Failure to obey a stop order is a misdemeanor; penalty is up to $10,000, imprisonment up to 60 days, or both. $500 penalty for failure to respond to Director's inquiry. Upon final adjudication of a claim, the uninsured employer shall be assessed: (a) in noncompensable cases, $2,000 per employee employed at the time of injury, or (b) in compensable cases, $10,000 per employee employed. The maximum shall be $100,000. Payments are credited to the Uninsured Employer Fund of the State Treasury. New law (amendment to Labor Code 3722) on penalties for uninsured employers provides that: At any time that the director determines that an employer has been uninsured for a period in excess of one week during the calendar year preceding the determi-nation, the director may issue and serve a penalty assessment order requiring the uninsured employer to pay to the director, for deposit in the State Treasury to the credit of the Uninsured Employers Fund, the greater of (1) twice the amount the employer would have paid in workers' compensation premiums during the period the employer was uninsured, determined according to sub-division (c), or (2) the sum of one thousand dollars ($1,000) per employee employed during the period the employer was uninsured. A penalty assess-ment issued and served by the director pursuant to this subdivision shall be in lieu of, and not in addition to, any other penalty issued and served by the director pursuant to subdivision (a). (c) If the employer is currently insured, or becomes insured during the period during which the penalty under subdivision (b) is being determined, the amount an employer would have paid in workers' compensation premiums shall be calculated by prorating the current premium for the number of weeks the employer was uninsured. If the employer is uninsured at the time the penalty under subdivision (b) is being determined, the amount an employer would have paid in workers' compensation premiums shall be calculated by applying the weekly premium per employee calculated according to subdivision (d) of Section 11734 of the Insurance Code to the number of weeks the employer was uninsured. Each employee of the uninsured employer shall be assumed to be assigned to the governing classification for that employer as determined by the director after consultation with the Insurance Commissioner. If the employer contends that the assignment of the governing classification is incorrect, or that any employee should be assigned to a different classification, the employer has the burden to prove that the different classification should be utilized.
Colorado	Compulsory	Required	Individual company and group	Compensation increased 50% or employer liable to suit with defenses abrogated (at option of employee). Employer may also be enjoined from doing business or fined up to $500 per day for failing to insure, not to exceed the annual premium.
Connecticut	Compulsory	Required	Permitted	Fine of not more than $50,000 for failure to insure. Employer may be enjoined from entering into any contracts of employment.
Delaware	Compulsory	Required	Individual and group	Fine of $1 per day per employee (minimum $25 per day); if default continues for 30 days employer may be enjoined from doing business. Employer liable to suit with defenses abrogated.
District of Columbia	Compulsory	Required	Permitted	Civil fine of not less than $1,000 and not more than $10,000.
Florida	Compulsory	Required	Individual and group[2]	Fine of $1,000 or twice the amount the employer would have paid during periods it illegally failed to secure coverage in the preceding 3-year period, whichever is greater. Failure to provide coverage is deemed an immediate and serious danger to public health, safety, or welfare sufficient to justify stop-work order issuance and $100 daily penalty until compliance is achieved. Subject to prosecution for third degree felony for knowingly failing to secure coverage if required.
Georgia	Compulsory	Required	Individual and group	Misdemeanor. Compensation may be increased 10% plus attorney's fees. Penalty up to $5,000 per violation.

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Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Guam[21]	Compulsory	Required	Not permitted	Uninsured employers may be sued at law or in admiralty. Insured employer liability is exclusive for contribution among joint tort feasors against the employer.
Hawaii	Compulsory	Required	Individual and group	$250 or $10 per employee per day during default, whichever is greater. Employer may be enjoined from doing business.
Idaho	Compulsory	Required	Permitted	Misdemeanor. Employer may be liable for penalty of $2 per day peremployee or $25 per day, whichever is greater, for each day failure continues. May be enjoined from doing business. Additional penalties include $500 for the second violation and $1,000 for subsequent violations.
Illinois	Compulsory	Required	Individual and group	Fine up to $500 for each day's default. Minimum penalty $10,000. Employer liable to suit, also corporate officers, directors, partners, members of limited liability company upon finding of knowing and willful refusal or failure to comply, if employer does not pay penalty.
Indiana	Compulsory	Required	Permitted[3]	Class A infraction — maximum fine $10,000. Uninsured employer may be liable for medical and legal expenses, plus double compensation and may be enjoined from doing business.
Iowa	Compulsory	Required	Individual and group	Employer liable to suit with defenses abrogated and presumption of negligence of employer. Employer is liable to penalty of up to $1,000 per day and may be enjoined for further noncompliance. A temporary or permanent writ of injunction may be ordered enjoining an employer from operating without insurance or self-insurance coverage.
Kansas	Compulsory	Required	Individual and group	Employer liable to suit. Penalty may be double the amount the premium would have been or $25,000, whichever is greater.
Kentucky	Compulsory	Required	Individual and group	Failure to secure payment of compensation — claimant may claim compensation and bring action at law or in admiralty with employer's common law defenses abrogated. Employer may be enjoined from doing business. With respect to employers who fail to maintain workers' compensation insurance coverage on their employees, each employee of the employer and each day of noncompliance shall constitute a separate offense for purposes of determining the fine/penalty. Employer is subject to criminal penalty including a fine of $100 to $1,000 or imprisonment for 30 to 180 days or both.
Louisiana	Compulsory	Required	Individual and group	Compensation increased 50% and civil fine up to $10,000 ($250 for first offense and $500 for each additional employee). Employer may be enjoined from doing business. Willful failure to insure is a felony, and is subject to a criminal fine up to $10,000 and one year at hard labor. Willful misrepresentation is a felony subject to a criminal fine up to $10,000 and 10 years at hard labor.
Maine	Compulsory	Required	Individual and group	Employer liable for civil penalty of up to $10,000, or an amount equal to 108% of the premium, calculated using Maine Employers' Mutual Insurance Company's Standard Discounted Standard Premium, that should have been paid during the period the employer failed to secure coverage, whichever is larger, payable to Employment Rehabilitation Fund. Corporate employers subject to revocation or suspension of authority to do business. Class D crime. Employer liable to suit with defenses abrogated.
aryland	Compulsory	Required	Individual and group[4]	Assessment against uninsured employers of at least $150 but not exceeding $500 and 15% of any award made in the claim not to exceed $2,500. Non-Insured Employer guilty of misdemeanor and upon conviction subject to fine not to exceed $5,000 or one year imprisonment or both. Employer loses exclusivity of remedy protection and if sued in tort the defenses of contributory negligence and assumption of risks are abrogated.
ssachusetts	Compulsory	Required	Individual and group	Fine of not more than $1,500 or imprisonment for not more than 1 year, or both; employer liable to suit with defenses abrogated. Civil penalties for failure to insure include: stop-work orders, debarred from state and municipal contracts, and a $100 per day fine for each day employer operates after stop-work order.
higan	Compulsory	Required	Individual and group	Fine of not more than $1,000 per day or imprisonment for not more than 6 months, or both; employer liable for damages.
nesota[23]	Compulsory	Required	Individual and group	Penalty of up to $1,000 per employee per week during which the employer was not in compliance. Employer may be enjoined from further employment. Intentional noncompliance is a gross misdemeanor. Employer liable to suit with some defenses abrogated. Additional penalty of $2,000 is assessed if information reported to obtain business license or permit is false.
issippi	Compulsory	Required	Individual and group[5]	Fine up to $1,000 or 1 year imprisonment or both, civil penalty up to $10,000. Employer also liable to suit with defenses abrogated.
oura	Compulsory	Required[6]	Individual and group	Employer liable to suit with defenses abrogated. Worker may receive medical and/or death benefits out of Second Injury Fund and employer is liable for an amount equal to twice the annual estimated premium of employer or $25,000, whichever is greater. Failure to insure is a Class A misdemeanor, prosecution by the Attorney General. Policy is required to obtain a business license.

Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Montana	Compulsory	Required	Individual and group[7]	Employer enjoined from doing business. Double amount of unpaid premiums assessed as penalty (minimum $200). Employer liable for all benefits paid, or to be paid to injured worker. Employer automatically negligent if no coverage obtained. Penalties payable to Uninsured Employers' Fund.
Nebraska	Compulsory	Required	Permitted[8]	Employer liable to suit with defenses abrogated and may be subject to any one or more of the following: enjoinder from doing business in NE until compliance is secured; imprisonment for not one more than 1 year; penalty of not more than $1,000 for each violation. Each day of continued failure to secure payment of compensation constitutes a separate violation.
Nevada	Compulsory	Required	Individual and group	An employer who fails to obtain or maintain coverage is liable to suit by the injured employee or his dependents; if the injured employee elects to be covered by the Uninsured Employers' Claim Fund, the employer is liable for claim costs, administrative fees, interest, attorney's fees and costs, and an 'administrative fine of not more than $10,000.' The employers business may be closed; employer is liable for a penalty equal to the premiums that would have been owed for the period of non-insurance but not to exceed 6 years and interest. A first offense is generally a misdemeanor; however, if an employee in the course and scope of employment suffers 'substantial bodily harm' or is killed during the period of non-coverage, it is a category C felony, punishable by imprisonment between 1 and 5 years and a fine between $1,000 and $50,000. A second failure to provide or maintain insurance coverage is a category C felony.
New Hampshire	Compulsory	Required	Individual and group	Penalty of $2,500 plus $100 per employee per day. Employer may be enjoined from doing business and injured worker may sue for damages. Employer shall be guilty of a misdemeanor.
New Jersey	Elective[9]	Required	Permitted	Uninsured employers are subject to a disorderly person's offense, an initial penalty of $1,000 as well as an assessment of 15% of any award, of which the amount of the assessment is not to exceed $5,000. Willful failure to provide insurance is a crime of the fourth-degree. An assessment of $1,000 may be imposed for every 10–day period that insurance is not provided.
New Mexico	Compulsory	Required	Individual, group, and pools[10]	Employer may be enjoined from doing business and fined up to $1,000 for each instance of non-compliance.
New York	Compulsory	Required	Individual and group	Fine of $500 to $2,500 or imprisonment for up to 1 year, or both, with fines to $7,500 for repeated offenses. Employer liable to suit with certain special defenses abrogated. Additional fine of $250 for each 10–day period of no coverage, or a sum not to exceed 2% of payroll for period of no coverage.[11]
North Carolina	Compulsory	Required	Individual and group[12]	Misdemeanor punishable by penalty of $1.00 per day per employee (maximum $100, minimum $50 per day), imprisonment, or both. Employer liable to suit with common law defenses abrogated.
North Dakota	Compulsory	Required in state fund	Not permitted	Class A Misdemeanor. If the difference is more than $500 it is a class C felony. $2,000 fine plus 3 times the difference between premium paid & amount that should have been paid. Uninsured employer liable for damages for injuries or death and cannot avail himself/herself of common law defense. Employer may be enjoined from employing uninsured workers.
Ohio	Compulsory	Required in state fund	Permitted	Minor misdemeanor — fine up to $100. If willful, second-degree misdemeanor — fine up to $750, imprisonment up to 90 days, or both. Employer may be enjoined from doing business. Employer is also liable to suit with defenses abrogated.
Oklahoma	Compulsory	Required	Individual and group	Civil penalties are a fine up to $250 per employee for first offense, up to $1,000 per employee for second offense or subsequent offense, with the maximum fine for all violations being $10,000. Criminal penalty is conviction of misdemeanor subject to a fine of not more than $1,000 or up to 6 months in jail, or both. The Commissioner of Labor can issue cease- and-desist order against an employer who is cited for 2 offenses of failing to obtain workers' compensation insurance.
Oregon	Compulsory	Required	Individual and group	Employer is liable to suit with defenses abrogated. Enjoined from hiring workers. Liable for payment of all claims plus administrative costs. Minimum fine of $1,000 for first violation or twice the amount of premium evaded, whichever is greater, to $250 per day for subsequent violations; additional fines to $5,000 based on extent of injury.
Pennsylvania	Compulsory	Required	Permitted	It is a third-degree misdemeanor offense for an employer not to carry workers' compensation insurance. Fines of up to $2,500 and/or one year in prison for each day of non-coverage can be imposed for noncompliance with the law. If the failure to insure is intentional, the offense is considered a third degree felony with fines of up to $15,000 and 7 years in prison per day of non coverages. Any party may file a criminal complaint against an uninsured party with the county district attorney's office.
Puerto Rico[23]	Compulsory	Required in territorial fund	Not permitted	Misdemeanor, fine of $1,000 maximum, or imprisonment for not more than 6 months, or both. Employer liable to suit with defenses abrogated. Penalty 30% of compensation (minimum $10.00). Detention of construction work.
Rhode Island	Compulsory	Required	Individual and group	Misdemeanor. Fine of $500 to $1,000 per day of noncompliance and/or imprisonment for one year. Corporate officers liable personally.

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Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
South Carolina	Compulsory	Required	Individual and group	If employer fails to insure, fine of 10 cents per day per employee (maximum $50, minimum $1 per day). Employer liable to suit with defenses abrogated. Willful failure to insure is misdemeanor punishable by fine of $100 to $1,000, or imprisonment of 30 days to 6 months, or both.
South Dakota	Compulsory	Required	Individual	Employer liable to suit for damages or double compensation and medical care as benefits.
Tennessee	Compulsory	Required	Individual and group	Administrative fine of up to two and one-half times the average yearly workers compensation insurance premium. Intentional failure to insure may be considered a fraudulent insurance act and punishable as a misdemeanor or as a felony.
Texas	Elective[13]	Required[14]	Permitted[15]	Employer liable to suit with defenses abrogated.
Utah	Compulsory	Required	Permitted	Minimum fine of $1,000 but not more than 3 times the premium, employer would have paid during period of noncompliance. Employer liable to suit with defenses abrogated. Costs and attorney's fees in civil suit. Employers and officers guilty of a misdemeanor. Employer liable for all compensation paid from Uninsured Employers' Fund plus interest, costs, and attorney's fees.
Vermont	Compulsory	Required	Permitted	Failure to secure compensation — fine up to $50 per day, up to a maximum of $5,000. Fine increases to $150 per day 5 days after notice by Commissioner.
Virgin Islands	Compulsory	Required in territorial fund	Not permitted	Employer liable for compensation and expenses plus penalty equal to 30% of compensation and expenses. Employer liable to suit with defenses abrogated. Fine up to $500 or imprisonment up to 6 months, or both. Interest on premiums in default. Employer may be enjoined from doing business.
Virginia	Compulsory	Required	Individual and group	Civil penalties of $500 to $5,000. Employer liable to suit with certain defenses abrogated and may be enjoined from doing business. Intentionally uninsured employer commits Class 2 misdemeanor.
Washington	Compulsory	Required in state fund	Permitted[16]	Claim cost penalty = 50% to 100% of the cost of the injury; unregistered penalty = $500 or twice the unpaid premium, whichever is greater.
West Virginia	Compulsory	Mandated state fund	Permitted through state fund approval	Employer liable to suit with defenses abrogated; all past premium taxes, interest and penalties may be enjoined from doing business in the state; Willing failure or false reporting is a felony with imprisonment up to 10 years and fine of $2,500 to $10,000.
Wisconsin	Compulsory	Required	Permitted	Fine of twice the amount of premium not paid during an uninsured time period or $750, whichever is greater. Under certain circumstances, an employer can be subject to a penalty of $100 for each day that he/she is uninsured up to 7 days. Employer may be restrained from doing business pending compliance. Employer is liable for all benefits awarded on uninsured claims.
Wyoming	Compulsory[17]	Required	Permitted if work is determined to not be extra-hazardous[17]	Fine of not more than $750 for first conviction; fine of not more than $10,000 for second conviction or subsequent convictions, plus .02% interest per month or $50 per month, whichever is greater, on unpaid balance. Employer may be enjoined from doing business and liable to suit with defenses abrogated.
FECA	Compulsory	Federal appropriation		
Longshore Act	Compulsory	Required	Permitted	Fine of not more than $10,000 or 1 year in prison, or both, for each Corporate Officer, for failure to secure payment of compensation.
Alberta	Compulsory	Required in provincial fund	Not permitted	Fine of up to $25,000 plus additional penalties in the discretion of the Board for failure to pay premium. Security may be required in cases of nonpayment. Where security is not furnished, the Board may order the employer to cease employment of workers.
British Columbia	Compulsory	Required in provincial fund	Not permitted	May be liable for retroactive assessment, plus a penalty of 8% of amount due, (or a minimum of $25), plus 1% per month thereafter if balance remains unpaid. Penalties can be relieved in whole or in part if default was excusable. May also be liable for total costs of any claims that occurred prior to registration.
Manitoba	Compulsory	Required in provincial fund	Permitted[18]	Penalty for late filing of payroll return is 5% of employer's assessment; penalty for failure to submit return is 10% of employer's assessment. Inaccurate reporting may result in a penalty of 15% of the difference between the amount reported by the employer and the amount determined by the Board. In all cases, maximum penalty is $5,000.
New Brunswick	Compulsory	Required in provincial fund[19]	Permitted for Federal and Provincial Crown	Failure to submit statement of wages: employer liable for assessment back-dated to mandatory coverage date plus maximum penalty of $500; Late filing penalty, 5% if received prior to April 15th and 10% afterwards, to a maximum of $500 in each industry; failure to pay assessment, employer liable for compensation payable plus interest and costs of collection.
Newfoundland	Compulsory	Required in provincial fund	Permitted with agreement of Commission	Maximum penalty $2,000 for failure to submit statement of wages. Failure to pay assessment results in assessment plus costs of collection and interest on the outstanding assessment. Employer may be held liable for costs of claims or injuries during period of default.
Northwest Territories	Compulsory	Required in territorial fund		Failure to submit statement of wages or to pay assessment — employer liable for compensation payable and assessment plus percentage of assessment as penalty established by Board or regulations.

Chart I — Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self Insurance	Penalties on Failure to Insure
Nova Scotia	Compulsory	Required in provincial fund	Permitted for Provincial Crown	Coverage backdated and penalty charged on outstanding assessment equal to 10% of assessment owed. If employer registers as a result of filing a claim, the cost of the claim will be charged.
Nunavut	Compulsory	Required in territorial fund		Failure to submit statement of wages or to pay assessment — employer liable for compensation payable and assessment plus percentage of assessment as penalty established by Board or regulations.
Ontario	Compulsory	Required in provincial fund	Permitted[20]	Failure to submit statement of wages upon commencing operations and at other required times — penalty plus liability for additional percentage of assessment and costs of claim at discretion of Board.
Prince Edward Island	Compulsory	Required in provincial fund	Permitted for Federal and Province Government	$100/week that the return payment or report is not made. Failure to pay assessment — employer may be prevented from operating.
Québec	Compulsory	Required in provincial fund	Not permitted[21]	Failure to submit statement of wages following the opening of the file with the Board or at other specified times will cause the interests to be calculated and charged to the concerned employer.
Saskatchewan	Compulsory	Required in provincial fund	Not permitted	Failure to submit statements of wages upon commencing operations or at other required times — maximum fine $1,000. Also liable to pay an additional percent of the assessment as penalty or interest on the amount of assessment as fixed by the Board.
Yukon Territory	Compulsory	Required in territorial fund	Not permitted	The maximum fine is $5,000 or six months imprisonment or both. The employer may also be prevented from operating.
Canadian Merchant Seaman's Act	Compulsory	Required	At discretion of Board	Failure to insure or cover by other means satisfactory to the Board may cause ship to be detained by Customs.

Notes

1. Arkansas — Municipalities with population of more than 70,000 may self-insure on individual or group basis.

2. Florida — Application for workers' compensation coverage under a group self-insurance fund must contain the following statement: 'This is a fully assessable policy. If the fund is unable to pay its obligations, policyholders must contribute on a pro rata earned premium basis the money necessary to meet any unfilled obligations.'

3. Indiana — Except as to state and political subdivisions, banks, trust companies, and savings and loan associations. These entities are self-insured by statute.

4. Maryland — Eligibility for group self-insurance is limited to counties, municipalities, Board of Education, Community Colleges, and certain private employers.

5. Mississippi — All self-insurers must be members of the Mississippi Workers' Compensation Self-Insurer Guaranty Association.

6. Missouri — Employers engaged in mining must insure only to the extent of maximum liability for 10 deaths in any one accident.

7. Montana — Private employers and public entities, other than state agencies, may establish individual or group self-insurance funds.

8. Nebraska — Group self-insurance permitted for any two or more public agencies.

9. New Jersey — Statutory presumption of compulsory inclusion in every contract of hire since July 4, 1911. Coverage may be terminated by either party upon notice in writing prior to any accident. Permits ten (10) or more employers licensed by the State as hospitals to group self-insure.

10. New Mexico — Group means a not-for-profit unincorporated association consisting of two or more public hospital employers or private employers, which are engaged in the same or similar type of business as defined by the NM Workers' Compensation Administration Rules. See NMSA 52-6-2B.

11. New York — President, secretary and treasurer of a corporation are criminally liable for their failure to obtain coverage and are personally liable for penalties. Corporate officer who failed to obtain insurance is ineligible for benefits out of Uninsured Employers' Fund for self, surviving spouse, or dependents.

12. North Carolina — All individual and group self-insurers must be members of North Carolina Self-Insurance Guaranty Association as a condition of authority to self-insure.

13. Texas — Coverage is mandatory for political subdivisions.

14. Texas — If employer accepts.

15. Texas — Except for state and political subdivisions. Self-insurance is permitted upon Commission's approval of each inquiry.

16. Washington — Group self-insurance permitted for school districts and hospitals.

17. Wyoming — Coverage is compulsory for 'extra-hazardous' industries and occupations only. Private insurers allowed to write coverage for industries and occupations not considered extra hazardous, however, only state fund allowed to provide immunity to lawsuit by injured workers.

18. Manitoba — Employers or industries included in Classes A, B, C, or D are permitted to self-insure. Self-insurers include employers or industries such as railways, provincial and federal governments, an airline and the largest municipality.

19. New Brunswick — Subject to approval of Lt. Gov.-in-Council, Board may make arrangement for insurance or reinsurance.

20. Ontario — Employers defined as Schedule 2 employers under the Ontario Workplace Safety and Insurance Act are self-insured.

21. Québec — Permitted only for employer operating an interprovincial or international railway transport or shipping firm, under the special provisions for employers held personally responsible for the payment of benefits.

23. Figures could not be confirmed at the time of publication; information taken from the *2003 Analysis*.

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Chart II — Coverage of Laws

Jurisdiction	Employment[1] Covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Alabama	Compulsory as to employers of 5 or more. Elective as to partners or sole proprietors. Corporate officers may reject.	Compulsory as to all public employments except municipalities with a population of less than 2,000. Certain school systems and institutions covered.[4]	Domestic servants and casual employees, owner/operator or leased operator of common carriers engaged in interstate commerce, farm laborers, U.S. and State government.	Voluntary for employers of less than 5, including farmers and volunteer fire departments.[5]
Alaska	Compulsory as to most employment. Officers of a for-profit corporation may elect to waive coverage. Sole proprietors, partners and executive officers of non-profit organizations are not covered but may choose to buy coverage.	Compulsory as to state and political subdivisions, members of state boards and commissions, members of state-organized militia, and volunteer medical technicians. Voluntary as to executive officers of municipal corporations.	Part-time baby sitters, cleaning persons, harvest help, or similar transient help; entertainers and certain sports officials employed on contractual basis; commercial fishers; and certain taxicab drivers.	Executive Officers of a charitable, religious, educational, or other nonprofit corporations may elect not to be covered.
Arizona	Compulsory as to all employments. Elective for working partners. Employee may reject.	Compulsory as to state, counties, cities, towns, municipal corporations, school districts, and volunteers enumerated by statute.	Domestic servants, casual employees and real estate licensees.	Voluntary as to sole proprietors and employers of domestic servants. Motion picture business employers and employees may be exempted from law provided equal benefits are provided by insurance in domicile state.
Arkansas	Compulsory as to employers of 3 or more. Partners or sole proprietors may opt out of coverage for themselves only.	Compulsory as to state agencies, departments, institutions, counties, and cities and towns. Excludes workfare recipients, and incarcerated prisoners doing work for cities, counties, or the state.	Farm laborers; domestic servants; casual workers; nonprofit religions, charitable or relief organizations; vendors or distributors of newspapers, other publications; qualified real estate agents; and individuals with certificate of non-coverage.	Voluntary as to excepted employments. Compulsory for employments in which 2 or more employees are engaged in building or building repair work; in which 1 or more employees of a contractor who subcontracts any part of a contract; and in which 1 or more employees are employed by a subcontractor.
California	Compulsory as to all employments. Elective for working members of a partnership and for working officers and directors of a private corporation who are sole shareholders.	Compulsory as to all public employments except clerks and deputies serving without remuneration, and to regional occupational centers, programs or school school districts offering training to pupils outside attendance area as to enrolled pupils.	Charity workers and volunteer member workers at camps, etc., operated by non- profit organizations; employer-sponsored bowling teams; domestics who work less than 52 hours during preceding 90 days or earn less than $100; students in sport events (excludes amateur athletic participants who are not employees).	Voluntary as to excepted employments and sponsoring agencies of Economic Opportunity Programs. Employer not liable for injury due to off-duty recreational, social, or athletic activity not part of work-related duties. Student apprenticeship programs registered by the Division of Apprenticeship Standards of the Department of Industrial Relations are considered employers of registered student apprentices. Volunteers for State agencies involved in disaster preparedness for the year 2000 are deemed disaster service workers for the purpose of the Workers' Compensation Act.
Colorado	Compulsory as to all employments. Corporate officer or member of a Limited Liability Company who is 10% shareholder may reject coverage. Elective as to working general partners or sole proprietor.	Volunteers in members of most localities are covered if locality adopts a resolution stating they are covered. Compulsory as to all salaried public employments. Job trainees deemed employees of training institution.	Part-time domestic workers;[6] casual farm and ranch employers expending less than $2,000 per year. Volunteer ski patrol and instructors; independent real estate salespersons and brokers, independent truckers, and person who performs services for more than one employer at a race, meet, or at a horse track.	All farm laborers covered. Officers of farm corporation may reject coverage.
Connecticut	Compulsory as to all employments. Corporate officer may reject. Elective as to sole proprietors or partners.[7]	Compulsory as to all state, public corporations, and members of General Assembly. Municipalities may elect coverage of elected and appointed officials, police, and fire fighters.	Casual employees, outworkers,[3] domestics employed less than 26 hours weekly, officers of fraternal organizations paid less than $100 per year.	Voluntary as to excluded employments.

Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] Covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Delaware	Compulsory as to all employments. Up to 8 Corporate officers/stockholders may reject. Sole proprietors, partners, or members of their immediate families may elect to be exempt from coverage.	Elective as to state and certain counties, cities, and towns.	Domestic servants; casual employees earning less than $750.00 in 3 months from 1 household; farm laborers.	Elective as to licensed real estate brokers.
District of Columbia	Compulsory as to all employments.	Separate act is compulsory for all public employments, except officers or employees of the United States, state, or foreign government, and uniformed D.C. police or fire fighters.	Farm laborers, casual employees master or crew of any vessel, and employees of common carrier by railroad in interstate commerce and commission real estate brokers and salespersons.[8]	Domestic workers covered if employer employs 1 or more for 240 hours or more in a calendar quarter. Act applies to injuries occurring outside of D.C. if the employment is principally localized in D.C.
Florida	Compulsory as to employers of 4 or more, 1 or more in construction or construction-related trades. Elective as to corporate officers, but officers of a construction-related corporation or limited liability company may elect exemption from coverage for up to 3 officers.	Compulsory as to state and political subdivisions (includes volunteers), except elected officials.	Domestic servants, casual employees, 12 or fewer casual or 5 or fewer regular farm laborers, professional athletes, owner/operator of a motor vehicle who is under written contract with a motor carrier and assumes all responsibility for carrying out that contract, and volunteers (except government entities but including volunteer fire fighters).	Voluntary as to excepted employments. Excludes real estate salespersons solely on commission. Numerical exemption is applicable to employees of subcontractors. When a contractor sublets part of his contract, the contractor is responsible for securing and paying coverage for subcontractor, unless the subcontractor has insurance or is exempt.
Georgia	Compulsory as to all employers of 3 or more. Elective as to active Partners, Sole proprietors or farm employers.	Compulsory as to state, county, municipal corporations, and political subdivisions including school districts. Voluntary as to planning commissions.	Farm laborers, domestic servants, employees of common carriers by railroad, casual laborers and licensed real estate salespersons and brokers.	Voluntary as to excepted employments.
Guam[45]	Compulsory as to all industrial employments.[9]	Compulsory as to paid and voluntary work done for Government of Guam or any political subdivision.	Casual laborers and members of Territorial Board of Education.	All contracts of hire in the Territory for work outside the Territory are presumed to allow remedies under the Guam Workers' Compensation Law.
Hawaii	Compulsory as to all industrial employments.[10] Compulsory as to all out-of-state employers who work in the state.	Compulsory as to all public officials elected or appointed. Covers public board members.	Volunteers of religious, charitable or nonprofit organizations. Domestics who earn less than $225 during each quarter in the preceding year. Unpaid corporate officers with with 25% plus shares of corporation with no employees. Individual with 50% or more shares of corporation. Real estate salesperson performed services for others and compensated solely by way of commission.	Voluntary as to employments not defined as industrial.
Idaho	Compulsory as to all employments unless specifically exempted.	Compulsory as to all public employments except officials at secondary school athletic contests. Members of Idaho National Guard are covered under state law if not covered under federal law.	Domestic and casual workers; Parents, children, or grandchildren of sole proprietor and spouse;[11] Sole proprietor and indwelling household members; Employment not for pecuniary gain, partners, members of limited liability company; Corporate officers;[12] Employment covered under federal law; Pilots of agricultural spraying planes; Real estate brokers paid entirely on commission; Volunteer ski patrollers and officials of athletic contests involving secondary schools.	Employees within state who work for employers domiciled in another state are covered. Credit is provided for benefits paid to employees under the law of other states.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] Covered: Private	Employment[1] Covered: Public	Exceptions[2]	Special Coverage Provisions
Illinois	Compulsory as to enumerated 'extra-hazardous' employments (including occupational diseases).	Compulsory as to all public employments except members of fire and police departments in cities over 200,000 population (such fire fighters covered to extent of burn-related disfigurement).[13]	Certain farm laborers, domestics, and persons not in usual course of employer's business; real estate brokers and salespersons paid by commission only.	Voluntary as to excluded employments.[14] Corporate officers of any domestic or foreign corporation may elect to withdraw from coverage. Partners and sole sole proprietors may opt out. A member of a limited liability company may elect to withdraw from the Act.
Indiana	Compulsory as to all employments including corporate officers. Elective as to sole proprietors, partners, and members/managers of limited liability companies.	Compulsory as to state, municicorporations, and political subdivisions; includes state legislators, and elected and appointed officials. Volunteers working as authorized emergency management workers, volunteers working for hazardous materials response teams and police reserves may be covered.	Farm laborers, domestic servants, casual workers, railroad workers, and licensed real estate professionals.[15]	Compulsory as to coal mining and for students in cooperative education.
Iowa	Compulsory as to all employments but up to 4 corporate officers may reject. Elective for proprietors and working partners.	Compulsory as to all public employments, except fire fighters and police officers entitled to pension fund. Covers highway safety patrol officers, conservation officers, criminal defendants while performing unpaid community service or other services and agricultural workers at state universities.	Domestic and casual workers earning less than $1,500 in the 12 consecutive months preceding an injury; farm laborers, if employer payroll under $2,500 per year.	Voluntary as to excepted employments. Persons receiving employment training or evaluations in an approved facility are covered for PP or PT disabilities. Under certain conditions, truck owner/operators and real estate agents are considered independent contractors and are required to maintain own coverage.
Kansas	Compulsory as to all employments, including corporate executive officers. Elective as to partners, individuals, or self-employed.	Compulsory as to all public employments. Members of fire fighter's relief associations may elect to accept or reject coverage. Public agencies or entities may elect coverage for persons sentenced to community service.	Farm labor or any employer whose gross annual payroll is not more than $20,000; real estate brokers and real estate salespersons on commission.	Compulsory as to charitable institutions. Voluntary as to excluded employments. Labor unions and associations may elect coverage for their members who perform services and are not full-time employees.
Kentucky	Compulsory as to all employments, including corporate executives. Elective as to owner of business or partner. Worker may reject voluntarily prior to injury.	Compulsory as to state and political subdivisions, including elected and appointed state officials, employees of the General Assembly, and volunteer ambulance, fire, and police personnel.	Domestic servants if employer employs fewer than 2, each regularly employed 40 hours a week; casual workers employed less than 20 consecutive work days; agricultural laborers; worker for charitable or religious organization in return for aid or sustenance; and participant in carpool to and from work. Exemption from Workers' Compensation Act for members of any religious group conscientiously opposed to acceptance of public or private death, retirement, disability, medical expense payments, including social security, and which group has for more than 10 years made provisions for its dependents members.	Specifically covers newspaper carriers and members of volunteer ambulance service, fire or police department. Voluntary as to excluded employments.
...isiana	Compulsory as to all employments, including corporate executives. Corporate officers who are 10% shareholders, partners, and sole proprietors may reject.	Compulsory as to all public employments, except sheriffs' deputies and officials. Subdivisions may cover elective and appointive officials.Coverage for volunteer firefighters is not mandatory, but elective.	Crews of crop spraying aircraft while acting as contractors, or employees of persons principally engaged in agriculture; real estate brokers and salespersons; domestic workers; and certain farm workers.	Excludes officers of nonprofit charitable, fraternal, cultural, or religious corporations or associations. Musicians pursuant to a service contract are exempt from coverage.

Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] Covered: Private	Employment[1] Covered: Public	Exceptions[2]	Special Coverage Provisions
Maine	Compulsory as to all employments, including corporate executive officers. Corporate officers who are 20% shareholders may reject. Elective as to self-employed persons or partners. Except for persons engaged in wood harvesting.	Compulsory as to state, counties, cities, towns, and quasi-municipal corporations. Includes fire fighters, police, volunteer fire fighters, emergency medical service personnel, and certified search and resuce workers.	Domestic workers, seasonal or casual agricultural or aquacultural employees.[16] Maritime employee in interstate or foreign commerce. Commission-paid real estate salesperson or broker.[17] Independent contractor. Employee harvesting 150 cords of wood from farm wood lot. Voluntary participant in employer sponsored athletic event. Elected or appointed executive officers of a charitable, religious, educational, or other non-profit corporation.[18]	Voluntary as to excluded employments. Parent, spouse, or child of sole proprietor; partner or corporate officer who is a 20% shareholder, or shareholders of a professional corporation may reject coverage. Except for persons engaged in wood harvesting.
Maryland	Compulsory as to all employments, including corporate officers. Elective as to partners or sole proprietors. Corporate officers with 75% of income from farm operations and who own at least 20% of the outstanding capital stock of the corporation may elect to be exempt. Officers owning 20% of the outstanding capital stock of a professional services corporation can elect to be exempt. Officers of a statutory close corporation and of a Limited Liability Company with 20% profit interest may be elect to be exempt.	Compulsory as to state, counties, cities, and their Agencies; paid fire fighters in certain counties; prisoners working for county roads boards; forest wardens; jockeys;[19] crewpersons and fire fighters for Department of Forest and Parks; jurors for non-federal courts; including the state militia during both training and active duty.	Domestic workers who earn less than $750 in cash in a calendar quarter from a household; certain maintenance workers not employed for 30 consecutive days around a private home; seasonal, migratory farm laborers within 25 miles of residence who work no more than 13 weeks a year and who do not operate machinery or equipment; farmers who employ fewer than 3, or have a full-time payroll less than $15,000; commission-paid real estate salesperson or broker. Also, independent contractors and owner/operators of Class F tractors who are under agreement with a motor carrier.	Voluntary as to excluded employments. Officers of close corporation may reject. Small employers of farm laborers may be insured under a group policy. Certain volunteer fire fighters and paramedics may be covered. A principal contractor is not liable to pay workers' compensation to an individual who is a sole proprietor subcontractor if the individual does not notify the principal contractor of the individual's status as a covered employee and does not elect to be a covered employee.
Massachusetts	Compulsory as to all employments.	Compulsory as to state; elective as to counties, cities, and districts having power of taxation. Municipalities required indemnifying police and fire fighters. Cities and towns may cover certain elected or appointed officials.	Masters and seamen in interstate commerce covered by federal law; athletes whose contracts provide wages during job disability; commission-paid salespersons; independent taxi drivers.	Elective for domestic servants working less than 16 hours per week.
Michigan	Compulsory as to all employers of 3 or more, or less than 3 if 1 is employed for 35 hours per week for 13 weeks by same employer.[20]	Compulsory as to all public employments. Trainees in federally funded training program deemed employees of sponsoring public entity.	Professional athletes whose AWW is more than 200% of the statewide AWW; domestic servants who work less than 35 hours a week for 13 weeks a year; licensed real estate salesperson.	Voluntary as to employer of 2 or less, and domestic service. Family members may be excluded by endorsement.
Minnesota[46]	Compulsory to most employments. Elective as to family farms. Elective as to the following (and their families), if there are not other employees: partners, some officers of some closely held corporations, and some managers of some limited liability companies.	Compulsory as to all public employments. Separate subdivision concerning elective and appointed officials of government.	Household workers who earn under $1,000 per 3 months from 1 private household; family farms with prior annual farm labor payroll under $8,000;[21] railroad workers covered by federal law; non-profit corporations with annual payroll under $1,000; certain casual labor not in the course of employer business.[22]	Specifically covers voluntary first responders and members of law enforcement assistance organizations, and voluntary civil air patrol members rendering service under supervision and authority of the state or its political subdivisions.
Mississippi	Compulsory as to all employers of 5 or more. Corporate officers may reject. Sole proprietor, partner or any employee owning 15% or more stock may reject.	Compulsory as to all public employments, including subdivisionsof the state. Specifically excludes handicapped in state sheltered workshop programs.	Domestic servants; farmers; farm laborers; newspaper distributors; nonprofit charitable fraternal, cultural, or religious corporations or associations; and independent contractors.	Voluntary as to exempted employers.

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Jurisdiction	Employment[1] Covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Missouri	Compulsory as to all employers of 5 or more. Elective for partners and sole proprietors. Compulsory as to construction industry employers of 1 or more employees.[23]	Compulsory as to all public employments, including elected and appointed state officials; contractors of a public corporation, state militia, sheriffs and deputy sheriffs. Compulsory for workers on state welfare projects under Federal Economic Opportunity Act.	Farm laborers, domestic servants,occasional labor for private household and qualified real estate agents; members of employer's family by marriage or consanguinity; inmates confined to a state prison, penitentiary, county or municipal jail; residents of mental health facilities; unpaid volunteers of a tax-exempt organization; interscholastic and other youth programs, sports officials and contest workers.	Voluntary as to exempt employments, employers of less than 5 employees, and salaried officers of Missouri farm corporations.
Montana	Compulsory as to all employments. Elective as to partners, sole proprietors or members of member managed limited liability companies. Elective for corporate officers who are 20% or more shareholders.	Compulsory as to all public employments, including public contractors and volunteer rescue workers.	Domestic and casual employment; employers covered by federal law; Person performing services for aid and sustenance only; Officials at amateur athletic events; Real estate brokers and salespersons; Direct sellers of consumer goods; Newspaper carriers and freelance correspondents; Cosmetologists, and barbers; Sole proprietors, working partners, or working members of a member-managed liability company; Employment with arailroad engaged in interstate commerce; tribal members; companionship services; respite care; racing jockeys; employer's spouse if exempted under 26 USC 7703; petroleum land professionals; Corporate officers; any clergy.	Coverage is mandatory for partner or sole proprietor who is independent contractor, but may apply for personal exemption. Voluntary as to exempt employments.
Nebraska	Compulsory as to all employments. Elective as to executive officers of Nebraska corporations who own 25% or more of the corporation's common stock, proprietors, partners, self-employed executive officer or limited liability company member of a Nebraska non- profit corporation who receives annual compensation of $1,000 or less.	Compulsory as to all employments, including officials — elected or appointed— for fixed terms.	Farm labor when performed for an employer who is engaged in an agricultural operation and employs only related employees. Also, farm labor is excluded if performed for an employer who is engaged in an agricultural operation and employs unrelated employees unless the employer, during any calendar year, employs 10 or more unrelated full-time employees, whether in one or more locations, on each working day for 13 calendar weeks, whether or not such weeks are consecutive. If an employer to whom the Act applies subsequently employs fewer than 10 or more unrelated full-time employees, the employer must continue to provide coverage for a full calendar year after becoming exempt. Domestic servants are also excepted.	Voluntary as to farm labor and domestic service.

Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] Covered: Private	Employment[1] Covered: Public	Exceptions[2]	Special Coverage Provisions
Nevada	Compulsory as to all employment. Elective as to sole proprietors and partners. Officer or manager of a corporation may elect to reject coverage. Elective coverage is available for non-paid family member and all statutorily excluded employment.	Compulsory as to all employment, including public contractors. Also includes unpaid members of state departments, boards, commissions, agencies, or bureaus appointed by a statutory authority; members of local bands and orchestras.	[24]Excluded coverage by statute: Farm labor; domestic servants; casual employees; employees engaged without pay in employer's social or athletic events; persons selling or soliciting products in person or by telephone; voluntary ski patrol; any clergy, rabbi or lay reader; stage entertainer; and real estate licensees.	[25]Voluntary as to exempt employments. Coverage is mandatory for certain statutorily identified paid or non-paid employees or volunteers. Injured employee may elect compensation if mandated employer is uninsured. Exemption for an employee temporarily in the state if that state has reciprocity with Nevada.
New Hampshire	Compulsory as to all employments. First 3 corporate officers not counted as employees[26] Elective as to partners and sole proprietors.	Compulsory as to all public employments.	Railroad workers covered under F.E.L.A. (Jones Act).	
New Jersey	Statutory presumption of election as to all employments.	Compulsory as to all public employments.	Casual workers, maritime workers, and railroad workers engaged in interstate commerce.	Elective as to sole proprietors/ self-employed persons and partners in a general partnership as well as certain volunteers specifically designated by statute.
New Mexico	Compulsory as to employers of 3 or more. Corporate officers who are 10% shareholders may reject, but are still considered employees for determination of coverage. Elective as to partner or self-employed. All employers licensed under the Construction Industries Licensing Act must secure coverage regardless of number of employees.	Compulsory as to state, counties, cities and towns; drainage, irrigation, conservancy, or school districts; public institution or administrative boards; includes elected or appointed officials.	Farm or ranch laborers, domestic servants, casual employees, and real estate sales persons.	Voluntary as to farm labor, domestic service, and where less than 3 are employed. Compulsoryfor charitable organizations employing more than 3 workers.
New York	Compulsory as to all employments. Elective as to partner or self-employed, sole shareholder/ officer and 2 sole shareholders/ officers.[27]	Compulsory as to state and subdivisions when worker is engaged in hazardous occupations enumerated. Covers school aides and public school teachers in districts outside New York City. Voluntary as to municipal corporations in non-hazardous employments.	Farm labor if payroll during prior year was less than $1,200; volunteer workers who are not considered employees under the law; domestic worker not employed by same employer at least 40 hours per week; teacher or non-manual laborer for religious, charitable, or educational institution; certain real estate salespersons, sole shareholder officer and 2 shareholders/officers who have no other employees; baby-sitters under 18; and casual employment or repairs in or about a one-family owner occupied residence; real estate broker and insurance agent or broker; and casual employment.	Voluntary as to exempt employments and for certain employment in fulfillment of probationary sentence. Jockeys covered by the NY Jockey Injury Compensation Fund. Special groups of volunteers who are injured in the line of duty are covered under a separate Volunteer Ambulance Workers' Benefit Law or Volunteer Firefighter Benefits Law. Black Car Operators are covered under the NY Black Car Operators Injury Compensation Fund.
North Carolina	Compulsory as to all employers of 3 or more and all employments with exposure to radiation. Corporate officers count toward total number of employees but may reject. Elective as to partner or sole proprietor.	Compulsory as to public employments, public and quasi-public corporations, and elective officials.	Farm laborers, domestic servants, casual workers, railroad workers, voluntary ski patrol persons, individual sawmill or logging operators with fewer than 10 employees who operate less than 60 days over a 6-month period.	Voluntary as to casual employees, domestic servants, and employers of fewer than 3 employees. Compulsory as to agricultural employer with 10 or more full-time non-seasonal workers. Contractor must certify that their subcontractor has secured compensation. If subcontractor has no employees, coverage may be waived.

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Jurisdiction	Employment[1] Covered: Private	Employment[1] Covered: Public	Exceptions[2]	Special Coverage Provisions
North Dakota	Compulsory as to all hazardous employments. Elective as to employers and resident family members.	Compulsory as to all public employments.	Farm labor, domestic servants members of board of directors of business corporation, casual workers, illegal enterprises or occupations, and clergy. Real estate brokers or salespersons and newspaper delivery personnel with written agreements defining them as independent contractors.	Voluntary as to non-hazardous and excluded employments.[28] Injuries caused by intoxicants are not compensable.
Ohio	Compulsory as to all employments. Elective as to partners and sole proprietors.	Compulsory as to state, counties, cities, townships, incorporated villages, and school districts.	Casual and domestic workers paid less than $160 by 1 employer in any 3–month period.	Elective as to officers of family farm corporations and for ordained or licensed ministers in the exercise of their ministry. Coverage provided for off-duty fire-fighters or peace officers, emergency medical technicians who responds to an inherently dangerous situation that calls for an immediate response, regardless of the jurisdiction of the person's regular employment.
Oklahoma	Compulsory as to all employments. Elective as to 10% shareholders, partners, sole proprietors and members of a limited liability company (LLC) who own at least 10% of the capital of the LLC.	Compulsory as to the state, counties, cities, or municipalities, and their instrumentalities, and public trusts of which there are beneficiaries.	Domestic and casual employees of home owner whose annual payroll is under $10,000; workers covered by federal law; agricultural/horticultural employees whose employer's annual payroll is under $100,000; real estate salespersons and brokers paid on a commission basis; and owner-operator truck drivers; an employer which is a youth sports league which qualifies for exemption from federal income taxation. Employer with 5 or less employees all related to the employers by blood or marriage. Providers of services in medical care or social service programs,or participants in work or trainning programs, of the Department of Human Services.	Excludes certain persons sentenced to public service, assigned to work release or private prison industry programs, and volunteers who receive no wages other than meals.
egon	Compulsory as to all employments. Elective as to sole proprietors, partners, limited liability company (LLC) members, and some corporate officers who are also directors with a substantial ownership interest. Prime Contractors[29] liable for providing coverage. Elective as to excepted employment.	Compulsory as to state, departments, cities, or towns and other political subdivisions. Covers volunteer trainees in state schools for deaf and blind. Excludes cities over 200,000 population with equivalent compensation.	Under specified circumstances, domestics, casual labor, interstate transportation, certain charitable or relief work, news paper carriers, certain amateur athletes and sports officials, volunteer ski patrols and volunteers in the ACTION Program, personnel under federal permits, owners and operators of certain motor vehicles, commission-paid real estate agents, foster care providers, and golf caddies in an established training program.	Prime Contractors liable for providing coverage for subcontractors and their employees unless subcontractor provides coverage.[30]

Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] Covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Pennsylvania	Compulsory as to all employments. Executive officer, defined as individual who has either ownership interest in a subchapter S corporation or at least 5% ownership interest in a subchapter chapter C corporation or who serves without pay in a nonprofit corporation, may elect not to be covered.	Compulsory as to all employments except elected officials.	Agricultural workers, unless the employer is otherwise covered or pays wages of $1,200 or more in one year to one employee or employs one worker in one year for 30 or more days. The spouse or children under 18 years of the agricultural employer are excluded from coverage, unless they work under a written contract which is filed with the Bureau. Licensed real estate salesperson or licensed insurance agent.[31]	Voluntary as to casual and domestic service.[32]
Puerto Rico[28]	Compulsory as to all employments.	Compulsory as to all salaried and voluntary public employments. People who do voluntary work for the Puerto Rico Government or one of its agencies or subdivisions, without pay, shall be considered employees within the meaning of the statute and will have a right to receive full benefits. Small-scale farmers, those whose gross income does not exceed 25,000, shall have a right to receive medical treatment, without compensation, for accidents occurring at their place of employment if they are registered with the fund.	Casual and domiciliary workers.	Voluntary for sole proprietors and their families when supervising or engaging in manual labor in their business or farm; industrial partners of a private society. Independent contractors who are not employers may be considered employees when performing services inherent or indispensable for the principal's line of business.
Rhode Island	Compulsory as to all employers of one or more employees. Corporate officers (as defined by the Department) are included. Sole proprietors and partners are excluded.	Compulsory as to the state and city of Providence;[33] elective as to cities or towns.	Certain agriculture and domestic service; professional hockey teams; certain real estate persons.	Voluntary as to certain agriculture and domestic service. Excludes employer-sponsored social or athletic events.
South Carolina	Compulsory as to all employers of 4 or more, full or part-time; partners and sole proprietors are excluded unless they make an election to be covered; corporate officers are included unless they reject.	Compulsory as to all public employments[34] except elective and appointive officials. Coverage extended to members of the State and National Guard.	Casual employees, persons engaged in selling agricultural products, farm labor, railroads, express companies, state and county fair associations, employers with annual payroll under $3,000, and licensed real estate agents who are independent contractors working on straight commission and working for a broker that does not control the agent.	Voluntary as to excluded employments. Corporate officers may reject.
South Dakota	Compulsory as to all employments. Elective as to employer performing labor incidental to job.	Compulsory as to all public employments, except elected or appointed officials. Fire fighters covered. Subdivisions of state may elect to cover elected and appointed officials. Students in vocational work program covered employees as of employer.	Farm laborers and domestic servants if employed less than 20 hours in any week and less than 6 weeks in any 13-week period; and work-fare participants. Truck drivers that are independent contractors certified by the Labor Department do not need coverage.	Voluntary as to farm labor and domestic service. Compulsory as to operators of farm machinery, e.g., threshers, combines, shellers, cornhuskers.
Tennessee	Compulsory as to all employers of 5 or more. Corporate officers may reject. Elective as to partners and sole proprietors.	Voluntary as to state and political subdivisions.	Farm laborers, domestic servants, casual employees, employees of interstate common carriers, and voluntary ski patrol persons.	Subcontractors and construction industry covered even if less than 5 employees. Voluntary as to employers of less than 5. Voluntary as to agricultural employers.

Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] Covered: Private	Employment[1] Covered: Public	Exceptions[2]	Special Coverage Provisions
Texas	Elective as to all employments. Farm/ranch operator may elect to cover self, partner, corporate officer or family member.	State provides self-insurance coverage for Highway Department, University of Texas, Texas A&M University and all state employees. Counties, municipalities and other political subdivisions may provide compensation for their employees.[35]	Domestic or casual workers engaged in employment incidental to a personal residence; persons covered by a method of compensation established under federal law; migrant workers; seasonal workers employed on a farm, orchard or vineyard, or employed by an employer with a payroll under $25,000; other farm or ranch employees working for an employer with a payroll under $25,000, or employing fewer than 3 workers.	
Utah	Compulsory as to all employments. Elective as to partners, sole proprietors, corporate officers and directors covered unless they opt out.	Compulsory as to all public employments, including community service workers and volunteers.[36]	Casual employees; farm employers with payroll of $50,000 and over per calendar year; or employer/owner's family. Domestics who work less than 40 hours per week for a single employer. Real estate salesperson or broker; insurance broker and agents who are independent.	Voluntary as to farm labor and domestic service.
Vermont	Compulsory as to all employments. Department of Labor may exclude corporate officers. Elective as to sole proprietors and partners by application.	Compulsory as to all public employees, including legislators while in session, teachers, police, fire fighters, town and school employees, other municipal employees entitled to pensions, and road commissioners or select persons engaged in highway maintenance or construction.[37] Excludes elected public officials, sheriffs and other identified officials or prisoners.	Casual or domestic employees; amateur athletes; farm laborers where employer's payroll is under $2,000 per year.	Exempted farmers and employers of domestics may elect coverage.
Virgin Islands	Compulsory as to all employments. Elective as to partners and sole proprietors.	Compulsory as to all public employments.	Casual and domestic employees, and volunteers for charitable organizations.	Voluntary as to exempt employers and employees.
Virginia	Compulsory as to employers of 3 or more and farm employers with more than 2 full-time employees. Elective for partners and sole proprietors. Corporate officers may reject for accidental injury only.	Compulsory as to all public employment, except administrative officers and employees elected or appointed for definite terms.[38] Includes judges of Supreme Court and Circuit Court and judges and clerks of juvenile, domestic relations, and district courts. May include volunteer hazardous materials emergency response teams.	Casual employees; horticultural and farm laborers; taxi drivers and domestic servants; employees of railroads; employment not in usual course of employer's trade, business, or occupation; and real estate salesperson/associated brokers on commission, under independent contract, or not treated as employees for federal income tax purposes.[39]	Voluntary as to employers of fewer than 3 employees, Farm laborers, and domestics. Employers may elect coverage for their independent contractors provided that independent agrees in writing. The independent contractor may have to pay for all or part of that coverage. Alien workers, whether lawfully or unlawfully employed are covered for temporary total benefits (except vocational rehabilitation services if not eligible for employment).
Washington	Compulsory as to all employments. Elective as to partners, sole proprietors, joint venturers, corporate officers who are shareholders/Directors and most workers listed as exceptions.	Compulsory as to all public employments.	Domestic servants; voluntary law enforcement officers; home repair and gardening workers; railroad workers; unpaid workers in charitable organizations; children under 18 on a family farm; jockeys; employments not in the usual course of employer's business; interstate truckers.	Covers apprentices registered with Apprenticeship Council. Excludes purchaser of contract musical or entertainment performance.

Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] Covered: Private	Public	Exceptions[2]	Special Coverage Provisions
West Virginia	Mandatory. Sole proprietors, partners and limited officers may opt out of coverage.	Compulsory for all public employment. Elected officials may elect out of coverage.	Elective to: domestic service; farm labor of 5 or fewer full-time employees or 3 or fewer temps; out of state work (except when temporarily exceeding 90 days); churches; professional athletes; volunteers of rescue squads, emergency medical service, police auxiliary and government volunteer organizations.	Extraterritorial coverage accepted for up to 90 days in state; extended out of state for temporary periods recognized by other states. Additional state coverage required for Longshoremen & Harbor Workers.
Wisconsin	Compulsory as to all employments (except farm labor) if payroll is $500 or more in any calendar quarter for services in the state. Compulsory as to farmers with 6 or more employees who work 20 or more days.	Compulsory as to all employees, including state legislators. Includes certain vocational education students.	Domestic servants and casual employees.	Voluntary as to excluded employments. Elective as to working sole proprietors, partners, and members of limited liability companies for up to 2 corporate officers in closely held corporation. Includes participants in community work experience program. Independent contractor is considered employee of any employer for whom they are working, except when the independent meets certain enumerated conditions.
Wyoming	Compulsory as to enumerated 'extra-hazardous' industries and occupations conducted for gain. Elective as to corporate officers.	Compulsory to all state employees counties, and municipal corporations when engaged in 'extra hazardous' work. Effective July 2, 2002," state employee" shall include the University of Wyoming.	Casual employees, independent contractors, private household workers, federal employees, interstate trucking without a fixed base in Wyoming, sole proprietors and partners.	Elective as to all non-required industries and occupations. Specific volunteers require coverage.
FECA		All civil employees of the U.S. government, including wholly owned instrumentalities.		
Longshore Act	Compulsory as to all maritime employment nationwide, including longshoring, harborworking, shipbuilding, or ship repair.	Officers and employees of the U.S. or any state or foreign governments are not covered.	Master or crew of any vessel and persons unloading or repairing vessels of less than 18 tons.[tc] Not applicable to maritime employment in Puerto Rico.[41]	Act also applies to workers at military bases and public works abroad; welfare and morale service workers for military abroad; and workers for nonappropriated funds (ship's services, PX's, etc.) in U.S. and abroad.
Alberta	Compulsory as to all non-exempt employment. Corporate Directors are not covered;[42] employer, partner and sole proprietor may apply to Board for personal coverage.	Compulsory as to provincial employees; most schoolteachers are exempt.	Employments listed in General Regulations (includes farm labor, domestics, outworkers,[3] financial institutions, religious and charitable institutions, legal services, medical and dental services, athletes, and employees of labor unions).	Voluntary as to excepted employment and Corporate Directors. Board may include any individual or class by order.
British Columbia	Compulsory to all employers and workers in BC, except those exempted by order of the Board. Employers, independent operators, the employed spouse of a proprietor, or an exempt non-resident may apply for optional coverage for self.	Compulsory as to all federal, provincial and municipal employees in BC, including members of fire brigade and ambulance staff working with or without remuneration.	Specific exemptions from coverage include: consulates and trade delegations from foreign countries, some air transportation firms from outside of BC, Armed Forces, RCMP, Coast Guard, elected officials, certain Order-In-Council appointments, professional athletes, personal financial holding companies, spouses involved in an unincorporated business, some non-resident employers and workers, and some domestic workers. A variance from exemption may be requested in certain circumstances.	Board may include as workers persons engaged as commercial fishers, persons engaged in an undertaking in the public interest, persons engaged in a vocational or training program, or persons engaged in a work study program or other program of self-improvement involving work.

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Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] Covered: Private	Public	Exceptions[2]	Special Coverage Provisions
Manitoba	Compulsory as to employers and industries set out in section 73 and the Schedule appended to the Act, respectively. Elective as to directors, employers, independent contractors, and certain family members.	Compulsory as to all provincial and municipal employment, except for educational institutions.	Farm laborers; outworkers;[43] a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business; and a person who (i) ordinarily resides outside Canada, (ii) is employed in the cartage trucking industry by an employer whose principal place of business is outside of Canada, and (iii) is temporarily working in or passing through the province.	Voluntary as to exempted employer's undertaking or individual plant. The WCB may include or exclude any industry by regulation. The Lt. Gov.-in-Council may only include by regulation.
New Brunswick	Compulsory to all employers having 3 or more workers, 25 or morefor the fishing industry. Elective for non-salaried Officers and Directors and for employers for whom coverage is not compulsory.	Compulsory to all municipal, provincial and federal public employment. Armed Forces and RCMP excluded.	Outworkers,[44] domestic servants and casual workers whose employment is for the purpose of the industry, and persons playing a professional sport.	Voluntary as to excepted employments, Lt. Gov.-in-Council may regulate exclusion of industry in which not more than stated number of workers fixed by regulation are usually employed.
Newfoundland	Compulsory as to all employments except as excluded by regulation.	All provincial and federal employees are covered.	Employment by a person in construction or renovation of a private residence that is or shall be used as a private residence of that person; employment by a person in a function in a private residence of that person; and professional sports competitors.	Commission may accept excluded employer or worker.
Northwest Territories	Compulsory as to all employments. Elective as to corporate officers, employers, independent contractors, and certain family members.	Compulsory as to all territorial and municipal employment.		Commissioner may exempt an industry, employer or worker. Voluntary as to excepted employment.
Nova Scotia	Compulsory as to employments listed in regulations. Board has exempted employers of 2 or fewer. Includes active corporate executives; employer may elect coverage for self.	Fire fighters and police are excluded from mandatory coverage but may apply for voluntary coverage.	Casual laborers (when they are employed other than for the purpose of the employer's trade or business), outworkers,[3] servants. By regulation Board has farm laborers, domestic excluded specific industries, including educational institutions, persons in medical work and dental surgery, veterinarians, athletes, barbers, taxicabs, florists, horticultural, employment and entertainers.	Voluntary as to excepted employments. Board may include or exclude any industry or set numerical exemption by regulation.
Nunavut	Compulsory as to all employments. Elective as to corporate officers, employers, independent contractors, and certain family members.	Compulsory as to all territorial and municipal employment.		Commissioner may exempt an industry, employer or worker. Voluntary as to excepted employment.
Ontario	Compulsory as to all employments listed in Schedules 1 and 2. Elective as to independent operators, sole proprietors, partners, and executive (corporate) officers.	Compulsory as to all provincial and municipal employments, as well as related agencies, boards and commissions.	Casual workers, outworkers, and most volunteer workers in industries listed in Schedules 1 and 2.	Voluntary as to unenumerated and excluded employments.
Prince Edward Island	Compulsory as to all employments with exclusions as listed in regulations. Elective as to corporate officers.	Compulsory except for elective officials of a city, town or municipality.	Outworkers,[3] farm laborers, domestic servants, taxi industry, fishing, clergy, certain salespersons, sports professionals, entertainers and volunteers.	Voluntary as to exempted employments. The Board may include any exempted industry.
Quebec	Compulsory as to all employments.	Compulsory as to all provincial and municipal employments.	Domestics[45] covered upon request. Also, sole proprietors and corporate officer. Persons who play sports as main source of income specifically excluded.	Voluntary as to unenumerated and excepted employments.

Chart II — Coverage of Laws, Cont.

Jurisdiction	Employment[1] Covered: Private	Employment[1] Covered: Public	Exceptions[2]	Special Coverage Provisions
Saskatchewan	Compulsory as to all employments.	Compulsory as to all provincial and municipal employments. Municipalities and corporations may elect coverage of mayor and members of governing body.	Over 30 specific industries and occupations excluded, including Farm and ranch laborers, domestic servants, outworkers[3] and school teachers.	Voluntary as to excepted employments. Lt. Gov.-in-Council may exclude any industry, employer or worker.
Yukon Territory	Compulsory for all employment.	Compulsory for territorial government.	A person acting in a religious function as a cleric, a member of a religious order or a lay reader, a person who works and resides outside the Yukon and is employed by an employer based outside the Yukon and has temporary business in the Yukon, an employer, a director, a worker of another employer, or a sole proprietor, casual employees or outworkers.[3]	Voluntary for excepted employments.
Canadian Merchant Seaman's Act	Compulsory as to all employees of Canadian registered ships, as defined.		Pilots, apprentice pilots, and fishermen.	No compensation payable, if entitled under Government Employees' Compensation Act or any Provincial act.

Notes

1. Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option of either accepting or rejecting (in general, companies included under compulsory act unless they opt out) but if an employer rejects the customary common law defense, risk is assumed by employee, negligence of fellow servants, and contributory negligence. In most states workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other states, the employees must agree such action of the employer. State courts vary in decisions whether minimum of persons must be in state.

2. Applying to private employments only. The exceptions for public employments are given under 'Employment Covered-Public.'

3. Outworker is a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted in his own home or on other premises not under the control or management of the person who gave out the articles or materials.

4. Alabama — Employees of all county and city boards of education, Alabama Institute for Deaf and Blind, and 2-year colleges under state Bd. of Educ. Control. Special act covers employees of U.S.S. Alabama Battleship Comm. and authorizes excess medical care benefits, not to exceed $10,000 per employee; also, for employees of Department of Agriculture and Industries. Special act covers employees of Tannehill Furnace and Foundry Commission.

5. Alabama — Employer electing not to accept coverage must notify each employee in writing. Regular employer of a volunteer fire fighter or rescue squad worker is in no way liable for compensable injury.

6. Colorado — Part-time is equal to less than 40 hours per week and less than 5 days per week.

7. Connecticut — Non-members of a civil preparedness force and volunteer fire fighters, who are requested by a municipality to aid in an emergency situation, are covered under the workers' compensation laws of the municipality where the injury occurs and under the laws where their company is located.

8. District of Columbia — Provided that broker or salesperson is an independent contractor and signs contract with agency indicating such.

9. Guam — Employment in trade, occupation or profession, carried on by employer for pecuniary gain.

10. Hawaii — Employment in trade, occupation, or profession, carried on by employer for pecuniary gain.

11. Idaho — Requires declaration to be filed with Commission.

12. Idaho — Must be board member (if board exists) and own not less than 10% of all issued voting stock.

13. Illinois — Townships may elect coverage to participants in job training or work program.

14. Illinois — The law is elective as to private employments of a non-hazardous nature, but it does not abrogate the employer's defenses if the employer does not accept the act, and thus is considered to be voluntary.

15. Indiana — Elective for officer of a charitable, religious, educational, or nonprofit corporation.

16. Maine — Employers of 6 or fewer full time equivalent agricultural or aquacultural employees for all 52 weeks immediately preceding the injury exempt if employer maintains liability insurance policy with limits of not less than $100,000 per employee and medical coverage of not less than $5,000.

17. Maine — Provided that broker or salesperson is independent contractor and signs contract with agency indicating such.

18. Maine — No compensation allowed if injury or death of employee is brought about by willful intention of self or another, or by intoxication while on duty.

19. Maryland — Jockeys or their dependents who are covered employees, while performing a service in connection with training, are eligible to apply for payment from the Maryland Jockey Injury Compensation Fund.

20. Michigan — Corporate officer who is 10% shareholder of corporation with up to 10 shareholders and owners of limited liability companies with 10 or less members and managers may reject.

21. Minnesota — Less than $8,000 or less than the annual SAWW when farm operation has total liability and medical payment coverage equal to $300,000 and $5,000 respectively under a farm liability insurance policy and the policy covers injuries to farm laborers.

22. Minnesota — Act does not apply to persons covered by Domestic Volunteer Service Act of 1973, as amended.

23. Missouri — Employers who do not elect coverage are liable to suit with defenses abrogated. Also corporations with 2 owners who are also the only 2 employees may elect to be exempt.

24. Nevada — Exemption for an employee temporarily in the state if that state has reciprocity with Nevada (NRS 616B.600).

25. Nevada — Consolidated Insurance Programs are allowed. (NRS 616B.710)

26. New Hampshire — Fourth corporate and any employees must be covered.

27. New York — Elective as to unsalaried executive officer of not-for-profit unincorporated association or corporation, and as to executive

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officer of religious, charitable or educational corporation or veterans' organization.

28. North Dakota — General contractor is responsible for securing coverage and paying premiums for its subcontractor until subcontractor has secured and paid for own coverage.

29. Oregon — Ownership interest not required for certain corporate officers & directors of corporations whose activities are on land that receives certain farm use tax assessments and officer/directors are members of the same family, whether related by blood, marriage or adoption. In the commercial timber harvest industry and construction industry, the number of exempt officers is limited unless all are members of the same family.

30. Oregon — Prime contractors can become liable for providing coverage for subcontractors and their employees. Liability in the construction industry is excepted if subcontractor is licensed with the Construction Contractor's Board.

31. Pennsylvania — If remunerated by written agreement on a commission only basis and also qualify as an independent contractor for state or federal tax purposes.

32. Pennsylvania — Employers may be exempted from covering an employee whose religious sect prohibits benefits from insurance provided that the sect makes provisions for its members.

33. Rhode Island — Members of the National Guard must be on active duty in order to be eligible for benefits.

34. South Carolina — Department of Parole and Community Corrections may elect coverage for convicted persons performing community service or participating in a work program.

35. Texas — Subdivisions may elect to cover officer deemed volunteer fire fighters, police, and emergency medical personnel.

36. Utah — Volunteers are eligible only for workers' compensation medical benefits, not indemnity benefits.

37. Vermont — Municipalities may elect coverage of other employees. Excludes other elected officials, certain judges, sheriffs, and county treasurers and clerks.

38. Virginia — Governing body of county, city, or town may elect coverage of its members.

39. Virginia — Does not apply to injuries received during emergency services activities, unless the injury results from gross negligence.

40. Longshore Act — Also excluded to extent covered by state law are: office, clerical, secretarial, security or data processing employees; club, camp, recreational operation, restaurant, museum or retail outlet employees; marina employees not engaged in construction, replacement or expansion; persons temporarily on premises not doing work normally performed by employer; aquaculture workers; builders, repairers or dismantlers of recreational vessels under 65 feet in length; and master or crew of any vessel.

41. Longshore Act — By decisional law, Garcia v. Friesecke, 597F.2d 284 (1st Cir.) cert. denied 444 U.S. 940 (1979).

42. Alberta — Corporate director may apply to Board for coverage.

43. Manitoba — An outworker is a person to whom articles are given for cleaning, repairing, etc., at home. Domestics and individuals who care for children, or aged, infirm or ill persons for more than 24 hours a week are provided compulsory coverage.

44. New Brunswick — An outworker is a natural person to whom articles are given for cleaning, repairing, etc., at home.

45. Quebec — Domestic is a natural person engaged by an individual for remuneration, whose main duty is, in the dwelling of the individual (1) to do housework, or (2) to care for a child or a sick, handicapped, or aged person and who lives in the dwelling.

46. Figures could not be confirmed at the time of publication; Information taken from the *2003 Analysis*.

Chart III — Coverage of Minors

Jurisdiction	Covered	Future Earning Capacity	Illegal Employment	Special Benefit Provisions
Alabama	Yes		Double compensation	Settlement valid.
Alaska	Yes	Considered		
Arizona	Yes		50% additional compensation[1]	Lump sum payable to guardian.
Arkansas	Yes	Considered	Double compensation[2]	
California	Yes	Considered	50% additional compensation[1]	Settlement valid until claimed by parent or guardian.
Colorado	Yes	Considered	[3]	
Connecticut	Yes	Considered		If under 18, 50% additional compensation for scheduled injury; under 16, 100% added. Guardian may be required.
Delaware	Yes			
District of Columbia	Yes	Considered		
Florida	Yes		[4]	Guardian may be required.
Georgia	Yes			In limited circumstances a guardian may be appointed by the Probate Court or Board of Workers' Compensation.
Guam[5]	Yes	Considered		Guardian may be required.
Hawaii	Yes	Considered[6]		When an exceptional child is employed as part of their education, the state is considered the child's employer.
Idaho	Yes	Considered[6]		Lump sum under probate jurisdiction.[7]
Illinois	Yes		If under 16, 50% additional compensation	Minor may elect suit for damages.
Indiana	Yes		If under 16, double compensation[1,8]	If over $100, payable to guardian.
Iowa	Yes	Considered if apprentice or trainee		Settlement valid.
Kansas	Yes			Payments to minor, guardian, or conservator.
Kentucky	Yes	Considered		Lump sum payable to guardian.
Louisiana	Yes			Prescription does not run against minor if he or she has a tutor. Payments made to curator or tutor who must file a bond.
Maine	Yes		[9]	
Maryland	Yes	Considered	Double compensation, discretionary[1]	Covers handicapped students who work without pay as part of their education and students in unpaid work-based learning experience positions.
Massachusetts	Yes	Considered	Double compensation[1]	If guardian required, insurer must pay expenses.
Michigan	Yes		If under 18, double compensation[10]	
Minnesota[10]	Yes			Entitled to maximum benefits if PT disability. Guardian may be required.
Mississippi	Yes		Double compensation[11]	Guardian may be required.
Missouri	Yes	Considered	50% additional compensation	Same as adults. Guardian may be required.
Montana	Yes			
Nebraska	Yes		Same as adults	
Nevada	Yes	Considered	Not less than $300, nor more than a $2,000 fine	
New Hampshire	Yes	Considered	Double compensation	Guardian required.
New Jersey	Yes		Under 14, or between 14–18 without permit, double compensation.[12] Minor may elect suit for damages.	
New Mexico	Yes	Considered	Illegally employed minor may elect tort suit for damages.	
New York	Yes	Considered	If illegally employed, double compensation[1]	All awards of compensation to minors must be paid to or for the benefit of the minor. Where awards exceed $250, The Board may appoint a guardian.
North Carolina	Yes	Considered[13]		Permanent disability payments over $500 payable to guardia
North Dakota	Yes			Lump sum payable to guardian.
Ohio	Yes	Considered	Double compensation	Lump sum payable to guardian.
Oklahoma	Yes	Considered		
Oregon	Yes		Penalty of 25% of claim cost (not less than $100 nor exceeding $500) to Consumer and Business Services Fund	Lump sum of permanent partial disability award payable to guardian.

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Chart III — Coverage of Minors, Cont.

Jurisdiction	Covered	Future Earning Capacity	Illegal Employment	Special Benefit Provisions
Pennsylvania	Yes		Violation of child labor law — 50% additional compensation[1]	
Puerto Rico[19]	Yes		If under 18 and without government permit, double compensation	Additional compensation will constitute a lien over employer's property.
Rhode Island	Yes		Triple compensation	
South Carolina	Yes			Not more than $10,000 payable to father, mother, or natural guardian; more than $10,000 payable to person or corporation appointed by probate court.
South Dakota	Yes			
Tennessee	Yes			If over $250, payable to guardian.
Texas	Yes	Considered[14]		Payable to guardian.
Utah	Yes			Lump sum payable to guardian.
Vermont	Yes			
Virgin Islands	Yes		30% additional compensation[1]	
Virginia	Yes			If over $15,000, payable to guardian.
Washington	Yes		Same as adults	Benefits payable to guardian or directly to minor with guardian's permission. $300 allowed for appointing a guardian, if needed.
West Virginia	Yes		Same as adults	
Wisconsin	Yes	Considered	Doubled or tripled[15]	Guardian may be required.[16]
Wyoming	Yes	Considered		
FECA	Yes	Considered		
Longshore Act	Yes	Considered		
Alberta	Yes	Considered if apprentice or learner or if past employment is insufficient to allow calculation of benefits		Paid as Board deems best.
British Columbia	Yes[20]	Considered in instances of permanent functional impairment		Paid as Board deems best.
Manitoba	Yes	Considered		Paid as Board deems best. Additional benefit costs charged to a Cost Apportionment Fund.
New Brunswick	Yes	Considered for injured workers under 21 years of age		Paid as Board deems best.
Newfoundland	Yes	Considered	Death benefit to parent may be withheld	Paid as Commission deems best.
Northwest Territories	Yes	Considered		Paid as Board deems best.
Nova Scotia	Yes	Considered if under 30		Costs associated with additional deemed wages apportioned.
Nunavut	Yes	Considered		Paid as Board deems best.
Ontario	Yes	Considered	[17]	Payments shall be made to spouse (who is not a minor), parent, guardian, or trustee.
Prince Edward Island	Yes	Considered	Death benefit to parent may be withheld[18]	Paid as Board deems best.
Quebec	Yes	Considered		Paid as required by law.
Saskatchewan	Yes	Considered		As required by law.
Yukon Territory	Yes	No		Paid to any person the Board deems appropriate.
Canadian Merchant Seaman's Act	Yes	Considered		Paid as Board deems best.

Chart III — Coverage of Minors, Cont.

Notes

1. Employer may not insure additional amount of compensation.

2. Arkansas — Unless minor misrepresents age in writing to employer.

3. Colorado — Medical impairment, permanent total disability and death benefits paid at maximum rate payable at time of death or determination of maximum medical improvement.

4. Florida — Violation of Child Labor Law subject to up to double compensation based on J.C.C.'s findings.

5. Hawaii — PT disability and death benefits based on the AWW employee would have received at age 25.

6. Idaho — Adult wages for all scheduled injuries.

7. Idaho — If any public school student is working as part of their instruction, they need not be earning any wages for workers' compensation purposes and are covered under the school district's policy.

8. Indiana — Student in vocational education program treated as worker age 17 and not entitled to double compensation.

9. Maine — Fanion v. Philip McNeal, 577 A.2d 2 (Me. 1990) held that an illegally employed minor is still within the statutory definition of an employee. An illegally employed minor is not deemed to have waived the minor's right of action at common law and may therefore seek compensation under Workers' Compensation Act as well as through civil action.

10. Michigan — Except in case of fraudulent use of permits or age certificates.

11. Mississippi — Employer may not insure additional amount of compensation. Students 14 and over employed between semesters or on-the-job-training are excepted.

12. New Jersey — Employer may not insure additional amount of compensation. Vocational students age 14 and over employed between semesters or on-the-job training, and junior auxiliary fire fighters are excepted from double compensation.

13. North Carolina — Compensation for permanent disability or death with surviving dependents is based on AWW paid an adult employee in a position to which a minor employee would likely be promoted; if no position exists, then the minor is entitled to the maximum benefit. In temporary disability and no-dependency death cases, compensation may be increased in proportion to expected earnings where total disability extends over 52 weeks.

14. Texas — Considered only if minors' wages are limited because of apprenticeship, continuing formal training, or education intended to enhance future wages and those wages would reasonably be expected to change. Future earnings more than 3 years after the date of injury cannot be considered.

15. Wisconsin — Doubles for minor of permit age employed without permit-maximum $7,500; triples if such minor was employed in prohibited work, or if a minor under permit age and illegally employed-maximum $15,000. Additional compensation payable by employer. Minors given contractual power under the Act. Employer misled by fraudulent written evidence of age by minor, extra compensation paid into special benefit fund.

16. Wisconsin — Maximum burial expenses for children who are eligible for additional benefits is $1,500.

17. Ontario — Employer may be held individually liable.

18. Prince Edward Island — Employer may be held individually liable.

19. Figures could not be confirmed at the time of publication; information taken from the *2003 Analysis*.

20. British Columbia — "Minors" in British Columbia are under 19. "Young Workers" are considered to be anyone under 25. "Students" are distinguishable by definition, but once eligibility is established, the same provisions apply to both categories of worker for determining benefits.

USCC 56203

Chart IV — Coverage of Occupational Diseases

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Alabama	All occupational diseases and some ordinary life diseases under evidentiary standards of proof		Death — within 3 years after last exposure or last payment. Radiation or occupational pneumoconiosis[3] exposure must occur in at least 12 months over 5 years prior to last exposure.	Disability — within 2 years after last exposure or last payment (radiation — within 2 years and claimant knows/should know relation to employment). Death — within 2 years after death or last payment. Coalminer's pneumoconiosis — within 3 years after total disability or death and claimant knows/should know relation to employment.	Death following disability — if death occurs during the period of disability, all compensation previously paid shall be deducted from compensation due as a result of death.	Unlimited	Same as for accidents.[4]
Alaska	All diseases			Two years after knowledge of relation to employment. Within 1 year after death.		Subject to frequency standard	Same as for accidents.
Arizona	All diseases[5]	Commission may appoint board of 3 medical consultants. Report is prima facie evidence of facts.	Silicosis or asbestosis-employer liable only if exposure during 2 years.	Within 1 year after disability or accrual of right; excusable.[6]	Disability payments. No deductions from death award.	Unlimited	Same as for accidents.
Arkansas	Any disease that results in disability or death and arises out of and in the course of the occupation or employment of the employee, or naturally flows or unavoidably results from an injury.		Disability or death — within 1 year after last exposure (3 years for silicosis or asbestosis), or 7 years for death following continuous disability. Does not apply to radiation. Silicosis or asbestosis presumed non-occupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state unless same employer).	Disability — within 2 years after last exposure (silicosis or asbestosis — within 1 year from disablement; radiation — within 2 years from diagnosis). Death — within 2 years.		Unlimited	If an occupational disease is aggravated by any disease or infirmity not itself compensable, or if disability or death from any cause not itself compensable, is aggravated, prolonged, accelerated or contributed to by an occupational disease, compensation payable shall be reduced and limited to the proportion of the compensation that would be payable if occupational disease were the sole cause of the disability or death as the occupational disease, as a causative fact or, bears to all causes of disability or death. A causal connection between the occupation or employment and the occupational disease must be established by a prepondance of the evidence.
California	All diseaes[7]			Disability — within 1 year of injury or last payment. Death — within 1 year after death (for death within 1 year after injury); 1 year after last medical payment; or 1 year after death if compensation paid; no proceedings 240 weeks after injury except for claims based on asbestos exposure.[8]		Unlimited	Same as for accidents.

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Colorado	All diseases[9]	Division IME must be overcome by clear and convincing evidence in disputes over MMI and whole person impairment.	Silicosis, anthracosis, or asbestosis — last employer liable where employee suffered substantial permanent aggravation.	Within 2 years after disability or death (5 years in case of ionizing radiation, asbestosis, silicosis, or anthracosis) or 3 years if reasonable excuse.		Unlimited	Same as for accidents.
Connecticut	All diseases	Panel of 3 physicians may be appointed by Commissioner to resolve medical issues involving lung disease.		Within 3 years after first manifestation of disease (within 2 years if death occurs within 2 years after first manifestation of disease, or 1 year after death, whichever is later).		Unlimited	AWW is calculated as of date of total or partial incapacity to work. If disease arises when claimant has not worked during past 52 weeks, AWW is equal to SAWW for past 52 weeks or to AWW during last 52 weeks worked, whichever is greater.
Delaware	All diseases			Disability or death — within 1 year after claimant knows relation to employment.		Unlimited	Same as for accidents.
District of Columbia	All diseases			Within 1 year after injury, death, last payment, or knowledge of relation to employment.		Unlimited	Same as for accidents.
Florida	All diseases	[60]	Death — following continuous disability and within 350 weeks after last exposure.	Within 2 years after disablement, death, or employee's first knowledge of exposure.		Unlimited	Same as for accidents.
Georgia	All diseases	IME by physician chosen by agreement of parties or appointment of Board.	Within 1 year of date when employee knew/should have known of existence of an occupational disease but in no event more than 7 years after last injurious exposure.	Within 1 year of date when employee knew/should have known of existence of an occupational disease but not more than 7 years after last injurious exposure.	Disability payments.	Unlimited	Same as for accidents.
Guam[58]	All diseases			Within 1 year after injury, illness or death, or from last payment of compensation, or reasonable knowledge of occupational causality.		Unlimited	Same as for accidents.
Hawaii	All diseases			Within 2 years after claimant knows relation to employment.		Unlimited	Same as for accidents.
Idaho	All diseases[11]		Within 1 year after last exposure (4 years for silicosis, 7 years for death following continuous disability). Employer liable for nonacute disease only if exposure lasts 60 days. Silicosis exposure must occur in 5 years during 10 years prior to disablement (last 2 in-state unless same employer).	Within 1 year after manifestation or death. Silicosis — within 4 years after last exposure. Radiation or unusual disease — within 1 year after incapacity, disability, or death and claimant knows/should know relation to employment.	Disability payments.	Unlimited	Same as for accidents. Silicosis-partial disability noncompensable.[12]

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Illinois	All diseases		Disability — within 2 years after last exposure (3 years for beryl-liosis, silicosis or asbestosis; 25 years for radiation).	Disability — within 3 years after disablement or 2 years after last payment. Death — within 3 years after death or last payment. Coalminer's pneumoconiosis — within 5 years after last exposure or payment. Radiation or asbesto-sis — within 25 years after last exposure.		Unlimited	Same as for accidents.
Indiana	All diseases		Disablement — within 2 years after last exposure (3 years if caused by coal or silica dust; 35 years if caused by asbestos);[13] radiation — within 2 years after claimant knows/should know relation to employment. Death — within 2 years after disablement or during pendency of disability claim filed within that period; within 2 years after fixed disability expires but no later than 300 weeks after disablement. Employer liable for silicosis or asbestosis only if exposure lasts 60 days.	Within 2 years after disablement or death.	Disability payments.	Unlimited	Same as for accidents.
Iowa	All diseases	Medical Board may decide con-trovert medical questions or provide medical examinations for certain employees.	Disability or death — within 1 year after last exposure (3 years for pneumoconiosis, 7 years for death following continuous disability). Pneumoconiosis presumed non-occupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state).	Within 2 years after death or disablement or 3 years after last payment.[14] Radiation — within 90 days after disablement or death and claimant knows/should know relation to employment.	Same as for accidents.	Unlimited	Same as for accidents. Pneumoconiosis — partial disability less than 33⅓ is noncom-pensable.
Kansas	All diseases		Disability or death — within 1 year after last exposure (3 years for death from silicosis, 7 years for death following continuous disabil-ity).[16] Silicosis presumed non-occu-pational absent exposure in 5 years over 10 years prior to disabil-ity (2 of 5 years in-state unless same employer); employer liable only if exposure lasts 60 days.	Within 1 year after disablement, death, or last payment (2 years after last payment in case of silicosis). Radiation — within 1 year after claimant knows/should know relation to employment.		Unlimited	Same as for accidents.

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Kentucky	All diseases			Disability — within 3 years after last exposure or first manifestation. Death — within 3 years, if it occurs within 3 years after last exposure or first manifestation. No claim more than 5 years after last exposure (20 years in case of radiation or asbestos related disease).[17]		Unlimited	Same as for accidents. Where disablement occurs after 5 years' exposure or results from silicosis or pneumoconiosis, apportioned between employer and Special Fund. Fund pays 75% of cost if not conclusively proven to result from last exposure, otherwise pays 40%. Employer pays balance.[18] Where last exposure occurs after 12/12/96, Special Fund has no liability.
Louisiana	All diseases		Presumed to be non-occupational if contracted within 1 year. Presumption is refutable by 'preponderance of evidence'.[19]	Disability — within 1 year after manifestation, occurrence of disability, or worker knows/should know relation to employment. Death — within 1 year which begins on the date of death, or within 1 year after worker knows/should know relation to employment.	Same as for accidents.	Unlimited	Same as for accidents.
Maine	All diseases		Incapacity — within 3 years after last exposure (does not apply to asbestos-related disease). Employer liable only if exposure lasts 60 days (except for radiation and asbestos-related disease). Silicosis presumed non-occupational absent in-state exposure in 2 years during 15 years preceding disability (part of exposure may be out of state if same employer).[20]	Within 2 years after incapacity or 1 year after death or last payment (40 years after last payment for asbestos-related disease). If mistake of fact, within reasonable time but no later than 6 years after last payment. Radiation — limit runs from date of incapacity and claimant knows/should know relation to employment.	Disability payments.	Unlimited	Same as for accidents.
Maryland	All diseases			Within 2 years (3 years for pulmonary dust disease) of date of disablement and when the employee has actual knowledge that the disablement was caused by the employment.		Unlimited	Same as for accidents.
Massachusetts	All diseases			Within 4 years of diagnosis, or knowledge of relation to employment.	Disability payments.	Unlimited	Same as for accidents.
Michigan	All diseases			Within 2 years after claimant knows/should know relation to employment.		Unlimited	Same as for accidents.[23]
Minnesota[58]	All diseases[24]			Within 3 years after (A) employee's knowledge of cause of injury and (B) disability.		Same as for injuries	Same as for injuries. Nondisabled claimants eligible for medical benefits.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Mississippi	All diseases		[25]	Within 2 years after injury or death.	Same as for accidents.	Unlimited	Same as for accidents.
Missouri	All diseases	Except repetitive motion where employment of less than 3 months and evidence that exposure for prior employer was the substantial contributing factor, prior employer is liable.	Last employer liable regardless of length of time of last exposure.	Within 2 years after injury, death, or last payment (3 years if no injury report filed); limitation runs from date injury is reasonably apparent.	Disability payments.	Unlimited	Same as for accidents.
Montana	All diseases	Examinations made by a department designated Occupational Disease Evaluator.	The employer liable shall be the employer whose employment the employee was last injuriously exposed to the hazard of such disease.	Within 1 year from the date the claimant knew/should have known the condition resulted from an occupational disease. Silicosis — resident of Montana for 10 or more years immediately prior to the date of application.		Same as for injuries	Same as for accidents, excluding partial disability. Worker who is affected but not disabled may leave job and receive compensation up to $10,000. Benefits for pneumoconiosis reduced by amount payable under federal law. Silicosis victims or beneficiaries not qualifying for occupational disease benefits may receive up to $200 monthly; supplement is resource indemnity trust financed.[26]
Nebraska	All diseases			Within 2 years after claimant knew of injury and relation to employment, or accumulated effects manifested themselves.		Unlimited	Same as for accidents.
Nevada	All diseases[29, 30]	N/A	Silicosis or diseases related to asbestos are noncompensable unless the injured employee has been exposed for not less than 1 year in employment in this state. For tenosynovitis, prepatellar bursitis, and infection or inflammation of skin, the employee must be a resident of Nevada for 90 days preceding the contraction of such disease or employed by self-insured employer or employer contributing to the occupational diseases fund of Nevada.[27]	Within 90 days after knowledge of disability and relation to employment or 1 year after death. Silicosis or respiratory dust disease — within 1 year after temporary or total disability or death.[28, 31]		Unlimited	Same as for accidents.

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
New Hampshire	All diseases			Within 2 years for notification to employer. Within 3 years for filing a claim for disability, rehabilitation, medical or death benefits.[32]		Unlimited	Same as for accidents.
New Jersey	All diseases			Within 2 years after injury or death and claimant knows/should know of injury and relation to employment.	Disability payments.	Unlimited	Same as for accidents.
New Mexico	All diseases[33]		The last employer where employee was exposed is liable for benefits. Death must occur within one year from date employee last worked for employer, or within three years if claim is filed or compensation paid. Death from silicosis or asbestosis must occur within 2 years from date of last exposure or 5 years, if claim is filed or compensation paid.[34]	Within 1 year of beginning disability or 1 year for death from illness. In case of radiation illness 1 year from date worker knew or should have known of relation to employment.		Unlimited	Same as for physical injuries.
New York	All diseases arising out of and in the course of the employment.[59]			Within 2 years after disablement or death, and 2 years after claimant knows/should know relation to employment.		Unlimited	Same as for accidents.[35]
North Carolina	All diseases	Commission appoints 3-member advisory board for silicosis or asbestosis cases although the Commission may designate a qualified physician to examine claimant.	Death within 2 years after injury if totally disabled 6 years after injury or 2 years after final determination. Asbestosis — disability or death within 10 years after last exposure;[36] death following continuous disability, disability must occur within 10 years after last exposure. Lead poisoning — disability or death within 2 years after last exposure; for death following continuous disability, disability must occur within 2 years after last exposure.	Within 2 years after final determination disability or within 6 years after death from occupational disease.		Unlimited	Same as for accidents.[37]
North Dakota[38]	All diseases[39]		Death — within 1 year after injury if no disability, or 1 year after cessation of disability, or 6 years after injury if disability is continuous.[40]	Within 1 year after injury; within 2 years after death.[41]		Unlimited	Same as for accidents.

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Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Ohio	All diseases	Medical specialist in specific cases; findings advisory.		Within 2 years after disability or death or within 6 months after diagnosis, whichever is later.		Unlimited	Same as for accidents. No partial disability for respiratory dust disease.[42]
Oklahoma	All diseases			Claims for occupational disease must be filed within 2 years of last exposure. However, in the case of silicosis, asbestosis, or exposure to nuclear radiation, a claim must be filed within 2 years of the date of last hazardous exposure or within 2 years from date the condition manifested.		Unlimited	Same as for accidents.
Oregon	All diseases[43]			Within 1 year of the later of worker's discovery, diagnosis by physician, onset of disability or beneficiaries' discovery death was due to occupational disease.		Unlimited curative care; limited palliative care	Same as for accidents.
Pennsylvania	All diseases	Examination by impartial physician may be ordered.	Within 300 weeks after last exposure (except death following disability that occurs within 300 weeks after last exposure). Silicosis, anthracosilicosis, or coalminer's pneumoconiosis — noncompensable absent in-state exposure in 2 years during 10 years preceding disability.[44]	Within 3 years after disablement, death or last payment. Radiation — within 3 years after the employee knows/should know relation to employment.		Unlimited	Same as for accidents.
Puerto Rico[58]	All diseases		Disability — within 1 year after last exposure, except diseases with longer latency periods. Death within 3 years from time disability emerged.	Within 3 years from time employee learns nature of disability and relation to work or could have learned through reasonable diligence.		Unlimited	Same as for accidents. If disability occurs after employer's violation of OSHA specifications, a triple compensation charged to employer.
Rhode Island	All diseases	Medical Advisory Board approves and promulgates rules and procedures for impartial medical examiners. Court appoints 1 or more impartial physicians to examine claimant.	Date of disablement — date of partial or total incapacity to work as a result of the disease.	Within 2 years after the date of disablement and per case law within 2 years of knowledge of condition attributable to employment.		Unlimited	Same as for accidents.

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
South Carolina	All diseases	Medical board determines controversial medical questions; pulmonary cases may be referred to pulmonary specialist of state medical universities.	Disease must be contracted within 1 year after last exposure (2 years for pulmonary dust disease), except radiation. Byssinosis is noncompensable absent exposure for 7 years.	Within 2 years after definitive diagnosis or 2 years after death. Radiation — limitation runs from date of disability and claimant knows/should know relation to employment.	Disability payments.	Unlimited	Same as for accidents. Worker who is affected but not disabled may waive compensation (except radiation).
South Dakota	All diseases	Division may contract with physicians for reports.	Silicosis — noncompensable absent in-state exposure in 2 years (in-state requirement waived if same employer), employer liable only if exposure lasts 60 days.	Within 2 years after disability or death. Radiation — within 1 year after disability and claimant knows relation to employment.	Permanent total disability payments.	Unlimited	Same as for accidents. No PP disability for silicosis.[45]
Tennessee	All diseases			Within 1 year after incapacity or death.	Same as for accidents.	Unlimited	Same as for accidents. Coalminer's pneumoconiosis — same as Federal Black Lung Act.
Texas	All diseases[46]	Provides for medical committee to pass on controvert questions and with power to order examinations. Commission appoints medical panel of 1 or more to report on extent of disability.		Within 1 year after the employee knew/should have known that the disease was related to employment.	Same as for accidents.	Same as for accidents	Same as for accidents.
Utah	All diseases[47]		Notification must be given to the employer or the Industrial Commission within 180 days after cause of action arises. Cause of action is considered to arise on the date the employee knew that the occupational disease was caused by employment.	Within 6 years after cause of action arose but not more than 1 year after death.		Unlimited	Same as for accidents.
Vermont	All diseases		Cause of action is considered to arise on the date of the initial diagnosis of the disease.	Within 6 years of the date the disease and its relationship to employment is reasonably discoverable and apparent.		Unlimited	Same as for accidents.

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Virgin Islands	All diseases	IME by impartial health care provider may be ordered.	Notice shall be given by person injured or someone on his behalf to employer or any of his agents within 30 days from district manifestation, or written notice not later than 90 days at discretion of the Director.	First claim filed within 60 days extensions may be considered for good or reasoned cause.	None	Same as for accidents	Same as for accidents.
Virginia[57]	All occupational diseases and some ordinary diseases of life under unusual evidentiary standards of proof.		Exposure in 90 workshifts conclusive as to injurious exposure only for pneumoconiosis.	Within 2 years after diagnosis or within 5 years after last injurious exposure, whichever is first.[48] Within 3 years after death occurring within periods for disability.	Disability payments.	Unlimited	Same as for accidents.[49] Worker who is affected but not disabled may waive compensation, subject to approval of the Commission.
Washington	Claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of an occupational disease.		Date of manifestation; the date the disease required treatment or became totally or partially disabling.	Within 2 years after employee receives written notice by physician of a diagnosed occupational condition and that a claim may be filed.		Unlimited	Same as for accidents.
West Virginia	All occupational diseases are compensable except mental claims.		Pneumoconiosis is compensable and requires 2 years of continuous exposure in the 10 years prior to last exposure or 5 years cumulative exposure within the 15 years prior to date of last exposure.	Within 3 years of last exposure or reasonable knowledge. Dependents within 1 year from date of death.	None.	Unlimited with exception of Pneumoconiosis claims where medical care is based on percentage of impairment.	Same as for accidents.[50]

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Wisconsin	All diseases	May appoint independent medical expert in disputed cases.	Disability date is last day of work for last employer whose employment caused disability.	Unlimited. After 12 years claim may be filed with state fund.		Unlimited	Same as for accidents.
Wyoming	All diseases	Medical commission issues final decision on disputed medical issues.	Date of diagnosis is considered to be date of injury.	Within 1 year after diagnosis or 3 years after exposure, whichever is last. Radiation — within 1 year after diagnosis or death.	Disability payments.	Unlimited	Same as for injuries.
FECA	All diseases			Within 3 years after injury, death, or disability and claimant knows/ should know relation to employment; excusable.		Unlimited, subject to fee schedule	Same as for accidents.
Longshore Act	All diseases			Within 2 years after knowledge of relation to employment or 1 year after last payment.		Unlimited	Same as for accidents.[51]
Alberta	All diseases	Appointed by discretion of WCB.		Within 2 years after injury or death; excusable.		Unlimited	Same as for accidents.
British Columbia	Any disease mentioned in Schedule B (which illnesses are presumed to be caused by work exposure), and any other disease the Board designates or recognizes by regulation of general application or by order dealing with a specific case. Includes disablement resulting from exposure to contamination.[52]		The occurrence of the injury will be considered as the date the worker first became disabled by the disease. "Disabled" means when the worker is no longer able to perform regular employment duties, which would ordinarily result in a loss of earnings. May or may not correspond with date of diagnosis.	In general, application must be filed within 1 year after date of injury, death or disablement from occupational disease. If filed after 3 years and special circumstances exist which precluded filing within 1 year, the Board may pay compensation from date of disablement. If filed after 3 years and special circumstances existed, Board may pay compensation from date Board received the application. If filed within 3 years after new scientific/medical evidence is made available to the Board, compensation may be paid from date of disablement. (RSCM 32.55–32.58 and 93.21–93.22)[53]	In certain situations, 50% of Canada Pension Plan benefits payable to a dependant may be deducted from survivor benefits paid by the Board.	100% if related to compensable condition. A worker need not be disabled by the disease to be entitled to health care benefits.	Generally the same as for injuries. No loss of earnings required for claims for pneumoconiosis, noise-induced hearing loss, or compensation for health care benefits resulting from an occupational disease.

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Manitoba	Occupational diseases, excluding ordinary diseases of life and stress, other than an acute reaction to a traumatic event; employment must be the dominant cause of the occupational disease.[61]	Medical review panel only involved where difference of medical opinion exists.	Date of loss of earnings or impairment is considered to be date of accident.	Within 1 year after injury or death, may be enlarged.	The lump sum payable to a dependent spouse in the case of a fatality is reduced by the amount of any impairment award the worker received in respect of the same claim.	Unlimited	Same as for injuries.
New Brunswick	All diseases listed in regulation and any disablement caused by an occupational disease or disablement arising out of and in the course of employment, excluding disablement of mental stress other than as an acute reaction to a traumatic event.		Date of accident is deemed to be date of disablement.	Within 1 year after injury or 6 months after death, but claim is payable by Commission in any event if the claim is just and ought to be allowed. [s. 16]	Canada Pension Plan Benefits.	Unlimited	Same as for accidents.
Newfoundland	All diseases	Committee of medical referees appointed by Commission.	Date of disability is considered to be date of injury.	Within 3 months after injury or disease and within 6 months after death.		Unlimited	Same as for accidents.
Northwest Territories	All diseases	Board may require examination by impartial physician.	Date of accident is deemed to be date of the disablement or date of application, whichever is later.	Disability — within 1 year after injury; excusable. Death — within 3 years after last employment and within 3 years after death.		Unlimited	Same as for accidents.

Chart IV — Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage[1]	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions from Death Awards	Medical Care	Compensation[2]
Nova Scotia	All diseases, excluding stress (aside from an acute reaction to a traumatic event)	Board may require examination by impartial physician.	Date of accident earliest of: date occupational disease results in loss of earnings; the date a PMI is determined or date of death.	Within 5 years after the worker ceased to be regularly employed in the industry exposed, and within one year after dependants learn injury resulted from silicoses or pneumoconiosis.		Unlimited	Same as for accidents.
Nunavut	All diseases	Board may require examination by impartial physician.	Date of accident is deemed to be date of the disablement or date of application, whichever is later.	Disability — within 1 year after injury; excusable. Death — within 3 years after last employment and within 3 years after death.		Unlimited	Same as for accidents.
Ontario	All occupational diseases, some restrictions regarding exposure	Board may require examination by impartial physician.	Date of diagnosis is considered to be date of accident, or date of first medical report, whichever is earlier.	Within 6 months of the worker learning of disease, or death; excusable.	Survivor benefits under the Canada or Quebec Pension Plan.	Medical care for work-related aspect of disease	Same as for accidents.
Prince Edward Island	All industrial diseases arising out of and in the course of employment.	The Board may appoint a medical panel to advise on disputed medical issues.		Within 6 months after injury or death.		Unlimited	Same as for accidents.
Québec[54]	All diseases[55]	All pulmonary diseases are submitted to Committee on Occupational Lung Diseases.[56]	The date of the medical visit recorded and diagnosed or the date of work stoppage due to the disability, whichever is earlier.	Within 6 months after worker, or beneficiary in case of death, is made aware of disease.		Unlimited	Same as for accidents.
Saskatchewan	All occupational diseases arising out of and in the course of employment.	All occupational diseases arising out of and in the course of employment.	The medical review panel, based on the majority decision, issues the final decision on disputed medical questions.	Within 6 months after injury or death. Excusable if the claim is considered valid.		Unlimited	Same as for other injuries.
Yukon Territory	All diseases	Disputes may be referred to independent examination.		Within 1 year of disability arising, Board may allow late application.		Unlimited	Same as for accidents.
Canadian Merchant Seaman's Act	All diseases	Disablement in the course of employment 'otherwise than a result of an accident' is compensated as for an accident.					

Notes

1. Employer and insurance carrier at time of last exposure are liable in: Arkansas, Colorado (the employer is liable where the employee was last injuriously exposed and suffered substantial permanent aggrevation), Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, New Hampshire, North Carolina, Oklahoma, Tennessee, Vermont, and Virginia. The employer at time of last exposure is liable in: Alabama, Arizona, Iowa, Michigan, Missouri, Montana, New Mexico, Pennsylvania, South Dakota, Texas, and Utah. Liability is apportioned among responsible employers in New York, Rhode Island, and Washington. California limits liability to employer during last year of exposure.

2. Benefits determined as of the date of last exposure or last injurious exposure in: Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Nevada, New Jersey, South Dakota, Texas, Washington, West Virginia, Wisconsin, and Wyoming. Benefits determined as of the date of disability, knowledge, or manifestation in: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Iowa, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, and Washington (date of injury after 07/1/88).

3. Alabama — Radiation illness caused by gradual exposure. Pneumoconiosis when dust is due to causes and conditions arising out of and in the course of employment.

4. Alabama — If compensation is payable for occupational disease other than pneumoconiosis or radiation, the only employer liable, if any, shall be the employer in whose employment the employee was last exposed.

5. Arizona — HIV infection is covered if employee handles body fluids, excluding tears, saliva and perspiration. Specifically excludes sexual activity and illegal drug use as a cause of infection. Establishes a presumption (if certain criteria are met) that a disease, infirmity or impairment caused by certain cancers or leukemia resulting in disability or death to a firefighter or peace officer is an occupational disease as defined in the law and is deemed to arise out of employment.

6. Arizona — Limit on filing runs from when injury is manifest or when claimant knows/should know relation to employment; tolled during incapacity.

7. California — For peace officers, including fire fighters, who develop hepatitis, meningitis, and/or cancer, the presumption of compensabilty is only rebuttable if not related to employment or if the carcinogen is not reasonably linked to cancer. Claims for benefits filed or pending on or after 1/1/1997 define cancer to include leukemia. Under Labor Code section 3208.3, psychiatric injuries must have been predominately caused by employment to be compensable. However, an employee whose injuries resulted from a violent act must demonstrate that employment was a substantial cause of the injury. The amended section also imposes limitations on post-termination stress cases. Dependants of a worker whose HIV-related death occurs more than 240 weeks after the date of the initial injury will receive death benefits. The period within which proceedings may be commenced for the collection of benefits for cases stated above, is one year from the date of death, providing that; a report of the injury or exposure was made to the employer or the proper government agency authorized to administer industrial injury claims, within one year of the date of injury; the worker has complied with the State's notice provisions, and the claim has not been finally determined to be noncompensable; The employer was to provide worker's compensation benefits for the injury prior to the date of death. A Health care worker is one who has direct contact, in the course of employment, with blood or other bodily fluids contaminated with blood, or with other bodily fluids identified by the Division of Occupational Safety and health as capable of transmitting HIV, who is either (1) any person who is an employee of a provider of health care, as defined in subdivision (d) Section 56.05 of the Civil Code or (2) an employee who provides direct patient care. Legislation in 2001 adds: presumptions of work-relatedness for lower back impairment of certain law enforcement personnel (labor code section 3213.2); meningitis and other presumptions for peace officers of Dept. of Correction, Dept. of the Youth Authority and others (3212.10); skin cancer for certain active lifeguards (3212.11); blood-borne infections diseases of certain peace officers and firefighters (3212.8). In 2002 presumptions of work-relatedness were added in a few more areas, including injuries to public safety employees from exposure to a biochemical substance (AB 1857) and injuries to specified peace officers and members of the California Conservation Corps who contract Lyme Disease while working in high risk areas (AB 2125). In 2003, presumptions were added that extend the time period to file for the death of a firefighter from asbestosis to one year from the date of death. (AB 149).

8. California — Date of injury is date of disability and claimant knows/should know relation to employment.

9. Colorado — Supreme Court held that employees may be entitled to benefits for job-related mental or emotional stress. City of Boulder v. Streeb, 706 P.2d 786 (1985).

11. Idaho — AIDS, ARC, HIV infections and Hepatitis B virus are covered for any occupation with exposure to body fluids.

12. Idaho — For silicosis, a worker who is affected but not disabled may waive full compensation and, if later disabled, receive benefits up to $5,000.

13. Indiana — 20 years if last asbestos dust exposure occurs on or after 7/1/85, 3 years if last exposure occurred before 7/1/85.

14. Iowa — Death from respiratory disease of coalminer employed 10 years presumed due to pneumoconiosis.

16. Kansas — Worker who is affected but not disabled may waive full compensation and if later disabled receive benefits up to 100 weeks.

17. Kentucky — Applies to asbestos-related disease claims filed on or after 7/15/86.

18. Kentucky — Special provisions for coal worker's pneumoconiosis.

19. Louisiana — Mental injury, heart-related and perivascular diseases are not occupational diseases, but under certain circumstances are compensable under workers' compensation.

20. Maine — Asbestos-related diseases not covered by Maine Act if at time of last injurious exposure the employee was covered by Federal Longshore Act or FECA.

23. Michigan — Silicosis, dust disease, and logging industry fund reimburses compensation over $25,000 or 104 weeks, whichever is greater, for injury after 6/30/85; also reimburses benefits in cases of exposure to brominated biphenyl before 7/24/79 and where disability or death occurs/becomes known after 7/24/79.

24. Minnesota — Employer during last significant exposure liable; if several insurers — last exposure liable.

25. Mississippi — For radiation, date of disablement is date of injury.

26. Montana — A representative may apply for and receive silicosis payments on behalf of an eligible person or beneficiary.

27. Nevada — Additional testing/incubation rules apply to contagious diseases. If injured employee worked as a police officer or fire fighter for 5 continuous years and subsequently develops heart disease, it is conclusively presumed to have arisen out of employment; lung disease is presumed to have arisen out of employment for these individuals after 2 years.

28. Nevada — NRS 617.450 lists a schedule of 21 occupational diseases which are covered. Many of the occupational diseases covered under this statute are various types of chemical poisoning.

29. Nevada — the 'last injurious exposure rule' is applicable in occupational disease cases.

30. Nevada — NRS 616C.052 provides for a blood test to screen for contagious diseases such as hepatitis A, B, C, tuberculosis and HIV. Nevada has special provisions for hearing (NRS 617.454), lung (NRS 617.455), and heart (NRS 617.457) occupational diseases for firefighters and police officers. Cancer may be an occupational disease for firefighters in specified circumstances.

31. Nevada — Benefits are determined as of the date of the last exposure.

32. New Hampshire — Date of injury is the date worker knows/should know relation to employment or, in the event of death, date dependents know/should know relation to employment.

33. New Mexico — Occupational Disease Disablement Law applies to employers of 3 or more but excepts employers of ranching or agricultural laborers, employers of private domestic servants and qualified real estate salespersons.

34. New Mexico — If worker is receiving disability compensation for work, then death within 3 years is compensable. The statute setting forth time limits for claims for exposure to radioactive or fissionable materials has been declared unconstitutional.

35. New York — Disability or death prior to 8/1/94 due to silicosis or dust disease reimbursed from special fund for all payments over

Notes, Cont.

104 weeks; reimbursed for all payments over 260 weeks where death or disability on or after 8/1/94.

36. North Carolina — Asbestosis or silicosis is noncompensable absent in-state exposure in 2 years during 10 years preceding last exposure or if exposure is less than 30 working days in 7 consecutive months. However a 1996 North Carolina Supreme Court case has found this statutory limitation to be unconstitutional.

37. North Carolina — Worker who is affected but not disabled by asbestosis or silicosis or who is removed from exposure receives benefits up to $674 weekly for 104 weeks. If later totally disabled, full compensation is paid. If death results within 2 years after last exposure (350 weeks if caused by secondary infection), full compensation is paid. If partially disabled, 66⅔ of wage loss is paid for another 196 weeks. If unrelated death, balance of 104 weeks is paid plus 300 weeks (total disability) or percentage of 196 weeks (partial disability). Worker may waive full compensation and receive 104 weeks of compensation plus 100 more weeks if later disabled or dies.

38. North Dakota — Date of injury is the first date a reasonable person knows/should know the employee suffered a compensable injury.

39. North Dakota — In order to be compensable, injuries due to heart attack, stroke, and mental injury must be causally related to employment, with reasonable medical certainty, and must have been precipitated by unusual stress. Unusual stress must be at least 50% of the cause of injury or disease.

40. North Dakota — Date of injury is date on which a reasonable person knows/should know relation to employment.

41. North Dakota — Police and fire personnel who are paid and full-time are presumed eligible for workers' compensation if lung or heart disease develop. Fire personnel presumption for cancer. Burden to disprove entitlement shifts to the Bureau.

42. Ohio — Includes asbestosis, silicosis, and coalminer's pneumoconiosis. Worker who is affected but not disabled by respiratory dust disease and changes occupation, may receive 50% of the SAWW weekly for 30 weeks and immediately following expiration of that award, claimant may receive 66⅔ of wages lost from change of occupation for 100 weeks, but may not exceed 50% of the SAWW.

43. Oregon — Conditions must be established by medical evidence supported by objective findings, and must be the major contributing cause of the consequential condition.

44. Pennsylvania — For purposes of the occupational disease provisions of the Workers' Compensation Act; under the Occupational Disease Act, disability or death must occur within 4 years of the last exposure. Under Occupational Disease Act, state pays $125 monthly for total disability or death caused by silicosis, anthracosilicosis, coalminer's pneumoconiosis, or asbestosis provided there has been 2 years of in-state exposure, in cases where the claim is barred by the statute of limitations and the last exposure occurred before 1965 or where exposure occurred under several employers.

45. South Dakota — Worker who is affected by silicosis but not disabled may waive full compensation and if later disabled or dies receive benefits up to 52 times the maximum weekly benefit; if eaves employment, may receive compensation up to $1,000.

46. Texas — Heart attacks covered if medical evidence shows that cause was work-related and not triggered solely by emotional or mental stress, absent a sudden stimulus.

47. Utah — Disability compensation may not be awarded under the Utah Occupational Disease Act (subsection 2–b–i through iii) when the major contributing cause of the employee's injury is the use of illegal substances, intentional abuse of prescription drugs or intoxication from alcohol with a blood or breath alcohol concentration of .08 grams or greater. For purposes of Subsection 2 of the Occupational Disease Act, it is presumed that the major contributing cause of the employee's injury is the employee's conduct described in subsection 2–b–i through iii if at the time of injury, as shown by a chemical test.

The presumption created under Subsection 3–a may be rebutted by evidence.

48. Virginia — 5–year limitation does not apply to cataract of the eyes, skin cancer, radium disability, ulceration, undulant fever, angiosarcoma of the liver due to vinyl chloride exposure, or mesothelioma; byssinosis — within 7 years after last exposure; coalminer's pneumoconiosis — within 3 years after diagnosis; asbestosis — within 2 years after diagnosis or if based on changed condition, within 2 years after diagnosis of advanced stage. No claim for an advance stage of asbestosis shall be denied on the ground that there has been no subsequent accident. Claimant must file claim within 2 years after positive identification of infection with human immunodeficiency virus.

49. Virginia — Compensation for advanced asbestosis or mesothelioma based on wages at time of diagnosis if employed in same employment where injurious exposure occurred; otherwise based on the AWW of worker in similar employment.

50. West Virginia — Pneumoconiosis benefits for federal claims are paid from the Coal Workers' Pneumoconiosis Fund.

51. Longshore Act — In PP disability claims due to occupational disease where times of injury occurs after retirement, compensation is 66⅔ of the AWW times percentage of permanent impairment (according to AMA guidelines) payable while impairment continues.

54. Québec — A worker age 55 or over who suffers from an occupational disease, or one age 60 or over who suffers from an injury and is affected by a permanent physical or mental disability, is entitled to an Income Replacement Indemnity for as long as he does not have a new job or a suitable job with his employer.

55. Québec — Certain diseases are presumed caused by work exposure as provided in Schedule.

56. Québec — Committee formed by Minister of Labor.

57. Virginia — Ovarian and breast cancer in the case of eligible fire fighters and hazardous materials officers.

58. Figures could not be confirmed at the time of publication; information taken from the *2003 Analysis*.

59. New York — To be compensable as an occupational disease, a disability must be one that is caused by the nature of the employment, a distinctive feature of the type of work being done, rather than caused by a condition in the environment in the workplace. With respect to State and Local Correctional Officers, Office of Mental Health Safety and Security Officers, Office of Mental Health security hospital treatment assistants, and Office of Court Administration Uniformed Court Officers and Court Clerks with peace officer powers, an exposure to blood or bodily fluid during the course of employment shall be presumed, in the absence of substantial evidence to the contrary, to be an injurious exposure, if subsequent to the exposure the correctional officer is diagnosed with a blood borne disease (WCL § 47).

60. Florida — Occupational illness must be more than 50% due to workplace exposure and is not a compensable injury unless there is clear and convincing evidence that exposure to the specific substance at the levels to which the employee was exposed can cause the injury and is case sustained by the employee.

61. Manitoba — The Act provides a rebuttable presumption of compensation for full-time firefighters who have regular exposure to a fire scene (other than a forest fire scene) for a prescribed minimum period and who contract primary site brain, bladder or kidney cancer, primary non-Hodgkin's lymphoma or primary leukemia. A regulation sets out the minimum employment periods which range from five years for leukemia to 20 years for kidney cancer and non-Hodgkin's lymphoma.

Chart V — Occupational Hearing Loss

Jurisdiction	Separation from Noise Before Filing	Minimum exposure in Last employment	Liability for prior loss	Benefits		Deduction for Presbycusis	Failure to Use Protective Device	Compensable Loss of Hearing (in dB)	Loss of Hearing Considered Total (in dB)	Cycles at which Loss is Measured
				Total Loss	One Ear					
Alabama	Statute silent	Statute silent		163 weeks	53 weeks					
Arizona	No requirement	Statute silent	N/A	60 months	20 months	N/A	N/A	Latest AMA Guides	Latest AMA Guides	Latest AMA Guides
Arkansas	Statute silent	Statute silent	No	158 weeks	42 weeks	No				Medical evaluation
California[13]										
Colorado	Statute silent	Statute silent	Apportionment may apply	139 weeks	35 weeks	Yes		Over 25	91.7	500–1,000–2,000–3,000
Delaware	No requirement	No requirement	No	175 weeks	75 weeks	No	No			
District of Columbia	6 months			150 weeks	39 weeks	Possible		Latest AMA Guides[1]	Latest AMA Guides[1]	
Georgia	6 months	90 days	No	150 weeks	Proportionate		No compensation	Over 15 (26 ANSA/ISO)	82 (93 ANSI/ISO)	500, 1,000–2,000
Guam[10]	No requirement	No requirement	Last covered employer	200 weeks	52 weeks		No consequence	Latest AMA Guides[1]		Latest AMA Guide
Hawaii	No requirement	No requirement	Last covered employer	200 weeks	52 weeks	No	No consequence	Latest AMA Guides[1]	Latest AMA Guides[1]	Latest AMA Guides[1]
Idaho[12]				175 weeks						
Illinois				200 weeks	[2]	Yes		Over 30	85	1,000–2,000–3,000
Iowa	1 month	90 days	No	175 weeks	50 weeks	Yes	No compensation	Over 25 ANSI/ISO	92 ANSI/ISO	500–1,000–2,000–3,000
Kansas	No requirement	No requirement	No	110 weeks	30 weeks	No		AMA 4th edition	AMA 4th edition	AMA 4th edition
Kentucky	No requirement	No requirement	No	[3]	[3]		Compensation reduced 15%	Latest AMA Guides[1]		
Maine	30 days	90 days	No	200 weeks	50 weeks			Over 15 ASA (25 ANSI)	82 ASA (92 ANSI)	500–1,000–2,000
Maryland		90 days	Implead prior employers	250 weeks	125 weeks	Yes		Over 25	91.7	500–1,000–2,000–3,000
Mass.	No requirement	No requirement	None	SAWWX 77	SAWWX 29	No	No	AMA Guideline	AMA Guideline	AMA Guideline
Minnesota[10]	No requirement	No requirement	Last significant exposure	35% whole body disability	Loss calculated binaurally	No		At least 1.8 binaural hearing loss.		500–1,000–2,000–3,000
Mississippi	No requirement	No requirement	Yes, but apportionment may apply	150 weeks	40 weeks	No	No AMA Guides[1]	Latest AMA Guides[1]	Latest AMA Guides[1]	Latest
Missouri	6 months	[4]	No	180 weeks	49 weeks	Yes	Compensation/ death benefits reduced 15%	Over 15 ASA (25 ANSI/ISO)	82 ASA (93 ANSI/ISO)	500–1,000–2,000
Montana	6 months	90 days, 8 hours daily	No	200 weeks	40 weeks	Yes		Over 25 ANSI/ 53.6 1996	Over 92 ANSI/ 53.6 1996	500–1,000–2,000
Nebraska	No requirement	No requirement		Same as PT disability	50 weeks		No compensation if willful negligence	Supported by medical expert opinion	No requirement	No requirement

Chart V — Occupational Hearing Loss, Cont.

Jurisdiction	Separation from Noise Before Filing	Minimum exposure in Last employment	Liability for prior loss	Benefits		Deduction for Presbycusis	Failure to Use Protective Device	Compensable Loss of Hearing (in dB)	Loss of Hearing Considered Total (in dB)	Cycles at which Loss is Measured
				Total Loss	One Ear					
Nevada	No specific provision for occupational hearing loss, but may be considered under Nevada's general occupational disease statute NRS 617.440. Firefighters and police officers are required to undergo hearing tests under NRS 617.454. Accepted claims for hearing loss are evaluated by rating physicians and chiropractors under *AMA Guides to Physical Impairment*, 4th ed, 3rd printing.									
New Hampshire	Statute silent	Statute silent	No	123 weeks	30 weeks	Possible				Latest AMA Guides
New Jersey	4 weeks	1 year, 3 days weekly during 40 weeks	No	200 weeks	60 weeks. For occupational hearing loss, the loss must be bilateral.	Yes	No compensation	Over 20 ASA '51 (30 ANSI '69)		1,000–2,000–3,000
New Mexico	No requirement	No requirement	No	150 weeks	40 weeks		10% reduction may apply	Latest AMA Guides[1]	Latest AMA Guides[1]	
New York	3 months[5]	Under 90 days presumed non-compensable	Implead prior employers	150 weeks	60 weeks	No		Over 25 (ANSI '69)	92 (ANSI '69)	500–1,000–2,000–3,000
North Carolina	6 months	90 days	No	150 weeks	Proportionate		No compensation	Over 15 (26 ANSI/ISO)	82 (93 ANSI/ISO)	500–1,000–2,000–3,000
North Dakota	No requirement	No requirement		% of total body impairment	% of total body impairment		5th edition of AMA Guide[1]	5th edition of AMA Guide[1]		
Oklahoma	No requirement	No requirement	No	330 weeks	110 weeks	No	No compensation for failure	Applicable AMA Guides	Applicable AMA Guides	500–1,000–2,000–3,000
Oregon			No, if adequately documented by a preemployment audiogram	107,328[6]	33,540[6]	Yes		Over 25 (ANSI '89)	92 (ANSI '89)	500–1,000–2,000–3,000–4,000–6,000
Pennsylvania	No requirement	No requirement	No	[7]		Possibly	No impact	AMA 4th ed.	75% presumed	500, 1000, 2000, 3000
Puerto Rico[10]	1 year	No requirement	No, if claims term has elapsed	200 weeks	50 weeks	No		Latest AMA Guides[1]	Latest AMA Guides[1]	Latest AMA Guides[1]
Rhode Island	6 months	N/A (Employer with whom employee was last exposed to harmful noise shall be liable)	No	244 weeks, lump sum	75 weeks, lump sum			Medical Advisory Board Protocols[17]	Medical Advisory Board Protocols[17]	Medical Advisory Board Protocols[17]
South Carolina	No requirement	No requirement	No	165 weeks	80 weeks			Over 25	92 (ANSI '69)	500–1,000–2,000–3,000
South Dakota	6 months	90 days or parts thereof	No	150 weeks	50 weeks	Yes	No compensation	Over 25 (ANSI)	92 (ANSI)	500–1,000–2,000–3,000

Chart V — Occupational Hearing Loss, Cont.

Jurisdiction	Separation from Noise Before Filing	Minimum exposure in Last employment	Liability for prior loss	Benefits		Deduction for Presbycusis	Failure to Use Protective Device	Compensable Loss of Hearing (in dB)	Loss of Hearing Considered Total (in dB)	Cycles at which Loss is Measured
				Total Loss	One Ear					
Tennessee	No requirement	No requirement	No requirement	150 weeks	% of loss			Latest AMA Guidelines	Latest AMA Guidelines	Latest AMA Guidelines
Utah	6 weeks		No	109 weeks	Proportionate	No	Can apply for 15% reduction	Over 25 ANSI `69	90 (53.6 ANSI `69)	500–1,000–2,000–3,000
Vermont	No requirement	No requirement	No					Latest AMA Guides	Latest AMA Guides	Latest AMA Guides
Virgin Islands	6 months for scheduled income benefits	No requirements	No	250 weeks	180 weeks	Possible	No compensation if willful negligence	No provision	No provision	No provision
Virginia								27 ASA	90 ASA	500–1,000–2,000–3,000
Washington	No requirement	No requirement; facts must support injurious exposure	No[8]	72,563.54	12,093.90	No	No impact on rights or benefit levels	Latest AMA Guides[1]	85 2,000–3,000	500–1,000–
West Virginia	Statute silent	Statute silent	No	% of PT	% of PT	No	No consequence	Over 27.5 (ANSI `69)	90 (ANSI `69)	500–1000–2000–3000
Wisconsin	7 days[9]	90 days	No	216 weeks	36 weeks		15% decreased compensation	Over 30 ANSI	93	500–1,000–2,000–3,000
FECA	No requirement			200 weeks	52 weeks	No		Over 25 (ANSI/ISO)	Latest AMA Guides[1]	500–1,000–2,000–3,000
Longshore Act			Last covered employer	200 weeks	52 weeks			Over 25 (ANSI)	92 (ANSI)	500–1,000–2,000–3,000
British Columbia	No requirement, but it does affect entitlement (RSCM 31.10)	No requirement for last year, but continuous work exposure for 2 years or more at 8h/day at 85 dBA or more and when other evidence does not disclose any non-work related cause of hearing loss is required. (RSCM 31.20)	Loss apportioned by industry classification and by proportionment of neurosensory loss due due to occupational exposure to causes of hearing loss in BC. (s.7 and RSCM 31.00)	15% total disability (s.7 and Sch. D)	3% disability for total unilateral loss (s.7 and Sch. D)	Non-traumatic: No. May be taken into consideration when deciding cause. Traumatic: Yes. After determining average hearing thresholds in the 3 speech-range frequencies, deduction of 0.5 dBA/year the claimant's age exceeds 50, for each year, which is then translated into a percentage. (RSCM 31.40 and 31.90)	No consequence (RSCM 31.20)	28 dB or greater (ANSI/ISO) (Sch. D)	68 dB (ANSI/ISO) (Sch. D)	500, 1000 and 2,000 (Sch. D)

Chart V — Occupational Hearing Loss, Cont.

Jurisdiction	Separation from Noise Before Filing	Minimum exposure in Last employment	Liability for prior loss	Benefits		Deduction for Presbycusis	Failure to Use Protective Device	Compensable Loss of Hearing (in dB)	Loss of Hearing Considered Total (in dB)	Cycles at which Loss is Measured
				Total Loss	One Ear					
Manitoba	No requirement	No requirement	Apportionment may apply	30% total loss of function $26,040[14]	5% total loss of function $1,240[14]	Yes	No consequence	35 dB,[15] over 25 dB[16]	80 dB or over ISO[15], 92 dB or over ISO[16]	500–1,000–2,000–3,000[15,16]
Nova Scotia	Statute Silent	Statute Silent	Apportionment may apply	Permanent Impairment Benefits	Permanent Impairment Benefits	Yes	No consequence	4th edition AMA Guidelines	4th edition AMA Guidelines	500–1,000–2,000–3,000
Ontario	No requirement	[11]	Apportionment may apply	35% of whole body impairment	6% of whole body impairment	Yes	No consequence	22.5/22.5 (ANSI '69)	92/92 (ANSI '69)	500–1,000–2,000–3,000
Saskatchewan	No requirement	No requirement	Apportionment may apply	Up to 30% total loss of function	Up to 5% total loss of function	No	No consequence	30 dB	80 dB	500–1,000–2,000–3,000

Notes

1. AMA Guide refers to the American Medical Association's Guide to the Evaluation of Permanent Impairment.

2. Illinois — 50 weeks under Workers' Compensation Act; 100 weeks under Workers' Occupational Diseases Act.

3. Kentucky — No compensation for hearing loss with less than an 8% functional impairment to the body as a whole, no impairment percentage for tinnitus shall be considered in determining impairment to the whole person.

4. Missouri — Employment in which employee was last exposed to hazards for which claim is made regardless of the length of time of such last exposure.

5. New York — Claimant may file up to 3 months after knowledge that the loss of hearing was due to the nature of the employment.

6. Oregon — Benefit amounts for injuries occurring on or after 1/1/02 to 12/31/04.

7. Pennsylvania — Depends on whether loss caused by long term exposure to hazardous occupational noise or other causes, such as head trauma. Compensation is paid in the amount of 66⅔% of wages for a period of weeks calculated by multiplying the % of impairment calculated under the Impairment Guides by a certain number of weeks.

8. Washington — Prior hearing loss must be adequately documented. Compensation is made only for the increase in hearing loss due to new exposure.

9. Wisconsin — no compensation may be paid for tinnitus that occurs on or after 1/1/92.

10. Figures could not be confirmed at the time of publication; information taken from the *2003 Analysis*.

11. Ontario — Clear and adequate history required of 90dB(A) for 5 years, or equivalent, during employment in the Province of Ontario.

12. Idaho — Idaho uses "whole man" ratings for dual ear hearing loss. Hearing loss usually has to be proven as occupational disease, which has a higher burden of proof.

13. California — Hearing loss is a compensable injury under California law. It is a ratable factor under the Permanent Disability Rating Schedule. It carries a standard rating of 15% for loss of hearing in one ear, and 60% for loss of hearing in both ears. There is no particular statutory section on occupational hearing loss.

14. Manitoba — Amounts reflect accident dates in 2004.

15. Manitoba — For accidents prior to April 1, 2000.

16. Manitoba — For accidents after March 31, 2000.

17. Rhode Island — Workers' Compensation Medical Advisory Board Treatment Protocols per RIGL 28–33–5.

Part 2 — Benefits Provided

Because workers' compensation imposes an absolute (but limited) liability upon the employer for employee disabilities caused by employment, the benefits payable to an injured employee attempt to cover most of the worker's economic loss. This loss includes both loss of earnings and extra expenses associated with the injury.

Specifically, the benefits provided are:

- Cash benefits, which include impairment benefits and disability benefits. The former are paid for certain specific physical impairments, while the latter are available whenever there is an impairment and a wage loss.
- Medical benefits, which are usually provided without dollar or time limits. In the case of most workplace injuries, only medical benefits are provided since substantial impairment or wage loss is not involved.
- Rehabilitation benefits, which include both medical rehabilitation and vocational rehabilitation for those cases involving severe disabilities.

Cash Benefits — In considering workers' compensation income or cash benefits — which replace employee loss of income or earning capacity due to occupation injury or disease — four classifications of disability are used:

1. Temporary total (TT)
2. Permanent total (PT)
3. Temporary partial (TP)
4. Permanent partial (PP)

Permanent partial is divided into 'nonscheduled' and 'scheduled' disabilities.

Most cases involve temporary total disability. That is, the employee — although totally disabled during the period when benefits are payable — is expected to recover and return to employment. Permanent total disability generally indicates that the employee is regarded as totally and permanently unable to perform gainful employment.

Income Benefits for Total Disability (Chart VI)

Income or cash benefits payable under either temporary total or permanent total disability are shown in Chart VI. For computing weekly benefit payments, a formula — expressed as a percentage of wages — is used. In most states, limitations are placed on maximum and minimum benefits payable weekly; some states also limit the total number of weeks and total dollar amount of benefit eligibility. Where there is permanent total disability, most states provide payments extending through the employee's lifetime.

For either temporary total or permanent total disability, the wage-replacement percentage in each jurisdiction is the same. However, in permanent total disability cases, the time limits tend to be longer and the total dollar amounts higher than in cases of temporary total disability. Some states provide additional amounts and other benefits for dependents. Allowances for dependents are charted as a range in the 'Maximum Weekly Payment' and 'Notations' columns.

Partial Disability — Most awards and the preponderance of dollars paid out as income benefits are for temporary total and permanent partial disability. As partial disabilities involve current earnings or wage earning ability, many state weekly benefit payments for temporary or permanent partial disabilities of the 'non-scheduled' type are based on a wage-loss replacement percentage. The percentage applies to the difference between wages earned before and after the injury. In some states 'nonscheduled' permanent partial disabilities are compensated as a percentage of the total disability cases.

Income Benefits for Scheduled Injuries (Chart VII)

Chart VII indicates maximum amounts payable in cases of 'scheduled' injuries. Listed by law, these injuries involve loss, or loss of use of, specific body members, where wage loss based on nature of impairment is presumed. In most jurisdictions, the actual amount payable is a specified number of weeks of benefits (based on the member involved) multiplied by the weekly benefit amount (based on earnings at time of injury).

The Chart also indicates whether the 'scheduled' award is in addition to any payment otherwise payable to the employee while they may be temporarily totally disabled (healing period). Some states limit the amount payable for such periods of temporary total disability.

The Canadian statutes do not typically provide specific injuries; Cases are decided individually using medical impairment ratings as guidelines.