

**ALASKA**

**LEGISLATURE**

**COMMITTEE FILES**

**1991-1992**

**8672**

**7118**

**HOUSE LABOR**

**& COMMERCE**

**CHART VI □ INCOME BENEFITS FOR TOTAL DISABILITY □ January 1, 1990 (continued)**

JURISDICTION	PERCENT OF WAGES	MAXIMUM WEEKLY PAYMENT		MINIMUM WEEKLY PAYMENT		TIME LIMIT	AMOUNT LIMIT*	AUTOMATIC COST OF LIVING INCREASE	OFFSETS†	NOTATIONS
		AMOUNT	RATE	AMOUNT	RATE					
KANSAS	66-2/3	\$271.00	75% SAWW	\$25.00		Disability	TT - 100,000 PT - 125,000 (includes TT)			Annual increase in maximum effective July 1. Compensation may be increased up to \$100 per week past due (plus up to \$25 per week past due for failure to pay medical bill)**
KENTUCKY	66-2/3*	345.02	100% SAWW	69.00	20% SAWW	Disability				Annual increase in maximum effective January 1. Compensation increased or decreased 15% if injury caused by safety violation. 12% interest on late payments.
LOUISIANA	66-2	276.00	75% SAWW	74.00	20% SAWW	PT-Disability TT-6 months†			Social Security,** unemployment compensation, employer-funded disability, federal workers' compensation	Annual increase in maximum effective September 1. Penalty of \$200 or 15% on late payments. No compensation paid if employee was intoxicated or under the influence of a non-prescription controlled substance, unless intoxication resulted from activities in pursuit of employer's interest***
MAINE	66-2/3	471.83†	(†)	25.00**			(**)	For injuries on or after 11/20/87, on anniversary of date of injury beginning with 3rd anniversary	Employer funded benefits, old age Social Security, unemployment benefits	Annual increase in maximum effective July 1***
MARYLAND	66-2/3	432.00	100% SAWW	TT-50.00†		Disability	45,000	PT-January 1, maximum 5%		Annual increase in maximum effective July 1. If permanent disability exceeds 50% of whole body, worker receives additional compensation from Subsequent Injury Fund after completion of payments by employer.
MASSACHUSETTS	66-2/3	474.47	100% SAWW	TT-20.00† PT-94.69†	PT-20% SAWW maximum	Disability	TT-123,362.20**		Unemployment compensation, pension, old age Social Security	Annual increase in maximum effective October 1. Additional \$6 weekly per dependent if total benefit does not exceed \$150 or 100% of wages***
MICHIGAN	80% of spendable earnings	427.00	90% SAWW	PT-118.50	PT-25% SAWW	Disability†			Disability unemployment compensation, pension, old age Social Security retirement**	Annual increase in maximum effective January 1. Additional \$50 per day for award unpaid after 30 days, maximum \$1,500
MINNESOTA	66-2/3	413.00	100% SAWW	206.50	50% SAWW†	TT-90 days after maximum medical improvement or end of retraining		Anniversary of injury	Social Security after \$25,000 paid for PTD**	Annual increase in maximum effective October 1. Late payment may be increased 10% if inexcusably delayed, plus interest
MISSISSIPPI	66-2/3	212.58	66-2/3 SAWW	25.00		450 weeks	95,661			Annual increase in maximum effective January 1. Additional rehabilitation allowance up to \$10 weekly for 52 weeks
MISSOURI	66-2/3	289.75	75% SAWW	40.00		TT-400 weeks PT-Life	TT-115,900			Annual increase in maximum effective July 1. 8% interest for late payments†
MONTANA	66-2/3	299.00	100% SAWW			Disability**		As of 7/1/90 max of 10 annual COLA adjustments rate no more than 4% increase in SAWW or 3%, whichever is less	Social Security	Annual increase in maximum effective July 1. PT benefits may be paid out in a lump sum, subject to a discount to present value based on average rate for U.S. 18 year treasury bills. Advances limited to \$20,000. Compensation may be increased 20% if payment unreasonably delayed or refused
NEBRASKA	66-2/3	243.00		49.00		Disability				
NEVADA	66-2/3	368.88	100% SAWW			TT-Disability PT-Life			Social Security	TT benefits payable bi-weekly. PT benefits payable monthly. Annual increase in maximum effective July 1. Maximum \$1,000 fine if undue delay in payment
NEW HAMPSHIRE	66-2/3†	598.50	150% SAWW	159.80	40% SAWW	Disability		July 1 - after 3 years		Annual increase in maximum effective July 1. Double compensation if employer violated prior recorded safety standard
NEW JERSEY	70	370.00	75% SAWW	100.00	20% SAWW	TT-400 weeks PT-Life	TT-148,000		Social Security	Annual increase in maximum effective January 1. After 650 weeks at reduced rate if employed, at full rate if not able to be rehabilitated
NEW MEXICO	66-2/3	291.75	85% SAWW	36.00		700 weeks†	204,225		Unemployment benefits	Annual increase in maximum effective January 1. 10% additional compensation payable by employer for failure to provide safety devices. 10% decrease for failure to use provided safety device

Kan. \*\*12% penalty if undue delay in payment

Ky. \*80% of AWW during rehabilitation

La. \*\*TT payable until claimant reaches maximum medical improvement or for 8 months, whichever is less. He may, however, submit a claim for an extension beyond 8 months.

\*\*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.

\*\*\*12% interest if undue delay in payment

Maine \*Maximum frozen at \$471.83 until 7/1/90

\*\*Employee who has reached maximum medical improvement and is able to perform full time remunerative work in the ordinary competitive labor market in the state not eligible for total disability benefits, but may receive partial.

\*\*Carrier may be assessed up to \$100 per day for failure to pay award within 10 days

Mass. \*Actual wages if less, but no less than \$20 if working at least 18 hours a week.

\*\*260 times SAWW, includes permanent partial disability

\*\*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 as of October 1, equal to base benefit times percent increase in SAWW over SAWW at time of injury.

Mich. \*Conclusive presumption of PT disability does not extend beyond 800 weeks from injury, thereafter determined in accordance with facts

\*\*Benefits reduced if claimant is eligible for Social Security and such benefits are not being coordinated

Minn. \*Actual wages if less, but not less than 20% of SAWW. \$62.80 through 8/30/90. After 208 weeks' total disability, supplementary benefits bring compensation to 50% of SAWW. \$268 through 8/30/90

\*\*Other government disability benefits from same injury and offset

Mo. \*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

Mont. \*Freeze on maximum weekly benefits through 8/30/91

\*\*Compensation terminates upon receipt of or eligibility for Social Security retirement benefits

Nevada \*Maximum monthly wages on which benefits are computed are \$2,525.78, effective 7/1/89

N.H. \*Any claimant who holds 2 jobs concurrently shall have his average weekly wage computed from his two salaries

N.M. \*Except for total disability resulting from primary mental impairment in which case the maximum period is 100 weeks

**CHART VI □ INCOME BENEFITS FOR TOTAL DISABILITY □ January 1, 1990 (continued)**

JURISDICTION	PERCENT OF WAGES	MAXIMUM WEEKLY PAYMENT		MINIMUM WEEKLY PAYMENT		TIME LIMIT	AMOUNT LIMIT*	AUTOMATIC COST OF LIVING INCREASE	OFFSETS*	NOTATIONS
		AMOUNT	RATE	AMOUNT	RATE					
NEW YORK	66-2/3	\$ 300.00		TT-\$20.00 PT-\$30.00		Disability			Social Security	Persons receiving PT benefits may collect full compensation and wages, but not in excess of pre-injury wage base.
NORTH CAROLINA	66-2/3	399.00	110% SAWW	30.00		TT-Disability PT-Life			Unemployment benefits	Increases in maximum effective January 1 and July 1.
NORTH DAKOTA	66-2/3	313.00 plus dependents	100% SAWW	188.00	60% SAWW	Disability			Social Security Disability and Social Security Retirement	Annual increase in maximum effective July 1. Additional \$10 weekly per dependent child under 18, or to age 22 if child is attending a full-time educational institution, total benefits may not exceed claimant's net take-home pay.**
OHIO	72 - first 12 weeks 66-2/3 - after 12 weeks 66-2/3 if receiving Social Security retirement benefits	419.00	100% SAWW	TT-139.87 PT-209.50	TT-33-1/3% SAWW PT-50% SAWW	TT-Disability** PT-Life			Employer funded benefits	Annual increase in maximum effective January 1. If PT benefit plus Social Security are less than \$190.55 weekly, Disabled Workers' Relief Fund pays the lesser of the difference between the DWRP rate and PT or the DWRP rate and social security, amount increased annually by increase in Consumer Price Index.
OKLAHOMA	66-2/3	231.00	66-2/3% SAWW	30.00		TT-150 weeks*	TT-34,650*			Maximum amounts adjusted every three years, based on state average weekly wage. Current rates expire on 11/1/90.
OREGON	66-2/3	TT-389.99 PT-414.99	100% SAWW	50.00		Disability			PT-Social Security	Annual increase in maximum effective July 1.
PENNSYLVANIA	66-2/3	419.00	100% SAWW	139.87	33-1/3% SAWW	Disability				Annual increase in maximum effective January 1.
PUERTO RICO	66-2/3	65.00		20.00		TT-312 weeks PT-Life	24,300			Compensation doubled if due to employer's violation of safety or health law or regulation.
RHODE ISLAND	66-2/3	386.00 plus 9.00 per dependent	100% SAWW			Disability				Annual increase in maximum effective September 1. Additional \$9 per dependent child under 18, 23 if in an accredited institution, total benefit may not exceed 80% of pre-injury wages.
SOUTH CAROLINA	66-2/3	350.19	100% SAWW	75.00		500 weeks*	173,005*			Annual increase in maximum effective January 1.
SOUTH DAKOTA	66-2/3	289.00	100% SAWW	145.00	50% SAWW	TT-Disability PT-Life		July 1st, for injuries on or after 7/1/88		Annual increase in maximum effective July 1.
TENNESSEE	66-2/3	252.00		35.00		TT-Disability PT-400 weeks	100,800			After 400 weeks PT benefit is reduced to \$15. Compensation may be increased 25% for failure to pay claim.
TEXAS	66-2/3	238.00	(1)	40.00	(1)	401 weeks*	95,438			Annual increase in maximum effective September 1.**
UTAH	66-2/3	TT-355.00 PT-302.00	TT-100% SAWW PT-85% SAWW	45.00		Disability*			Social Security	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.
VERMONT	66-2/3	544.00 plus dependents	150% SAWW	182.00	50% SAWW	Disability*		July 1		Annual increase in maximum effective July 1. Additional \$10 per dependent child under 21, total benefits may not exceed pre-injury wages.**
VIRGIN ISLANDS	TT-66-2/3 PT-75	193.00	66-2/3% SAWW	60.00		Disability		After 2 years on January 1		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	66-2/3	382.00	100% SAWW	95.50	25% SAWW	TT-500 weeks PT-Disability*	TT-191,000	October 1**		Annual increase in maximum effective July 1. Compensation increased 20% for failure to pay within 2 weeks after due.
WASHINGTON	60 to 75 depending on conjugal status	428.25	100% SAWW	46.25		Disability		July 1	Social Security under age 65 Disability Retirement	Benefits payable monthly. Annual increase in maximum effective July 1. 60% of wage additional 5% of wages for spouse, plus 2% of wages per dependent child (up to \$1, up to maximum).
WEST VIRGINIA	70	367.89	100% SAWW	122.57	33-1/3% SAWW	TT-208 weeks PT-Life	TT-78,521			All but TT benefits payable monthly. Annual adjustment in maximum effective July 1.*
WISCONSIN	66-2/3	378.00	100% SAWW	30.00		TT-Disability PT-Life			Social Security	Annual increase in maximum effective January 1.*
WYOMING	TT-66-2/3	TT-364.00 PT-242.68 plus dependents	TT-100% PT-66-2/3%	PT-242.68	PT-66-2/3% SAWW	TT-Disability PT-Life	(1)			Benefits payable monthly. Quarterly increases in maximum effective January 1, April 1, July 1, and October 1. PT benefit fixed at 66-2/3% of SAWW plus \$100 per child monthly.

N D \*Offset may not exceed 4% of weekly Social Security benefit. If eligible to receive supplemental benefits, claimant may receive minimum of \$160 per week combined.  
 \*\*No compensation paid if injury was result of using an intoxicant on the job.  
 Ohio \*Maximum PT rate is 66-2/3% SAWW unless claimant receives Social Security, which combined with PT, brings maximum up to 100% SAWW.  
 \*\*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 re-examined by bureau to determine continued eligibility for compensation, rehabilitation and medical treatment.  
 Oklahoma \*Court order may extend benefits for up to 300 weeks. If extended, amount limited to \$69,300.  
 Ore \*Includes \$1 per dependent, up to 3.  
 \*\*90% of actual wages, if less.  
 Pa \*90% of wages if less, but not less than 23-1/3% of SAWW (\$139.87, effective 1-1-90).  
 P.R. \*May be paid in monthly installments of \$69 to \$200 for life, if converted to lump sum payment, total sum not to exceed \$24,300.  
 R.I. \*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.  
 S.C. \*Person who is paid or quadrupled or has suffered brain damage shall receive PT benefits for life. Compensation may not order lump sum payment in such cases.

Tenn. \*From date injury is determined to be permanent.  
 Texas \*For life in case of amputation or paralysis of two limbs, loss of vision in both eyes, or permanent insanity.  
 \*\*Maximum increased \$7 and minimum increased \$1 per \$10 increase in CAWW.  
 Utah \*Disability beyond 312 weeks is payable from Employer's Reinsurance Fund, minimum 36% SAWW.  
 Vt. \*PT benefits payable at least 330 weeks, after temporary disability benefits cease. After 330 weeks, PT benefits continue while there is lost earning capacity.  
 \*\*Benefits may be disallowed if injury results from worker's failure to use safety device.  
 Va. \*During vocational rehabilitation, income benefits are 75% of AWW, maximum SAWW, minimum \$75 or actual wages if less.  
 Va. \*500 week limit for certain PT cases.  
 \*\*Requirement of Social Security may be eligible for cost of living increases.  
 Wash. \*Maximum monthly wages are \$1,713 for employees injured from 7/1/88 to 6/30/90 (\$20,556 annually).  
 W.V. \*Employees of the state, or any of its subdivisions, may not simultaneously receive temporary workers' compensation benefits and vacation pay.  
 Wisc. \*Compensation may be adjusted up or down by 15% (up to \$15,000) for failure to use safety device or obey code of 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.  
 Wyo. \*Hearing examiner must approve the extension of PT payments beyond 60 months. Total TT payments must not exceed the state average monthly wage from the preceding 12 months of the previous quarter.

CHART VI □ INCOME BENEFITS FOR TOTAL DISABILITY □ January 1, 1990 (continued)

JURISDICTION	PERCENT OF WAGES	MAXIMUM WEEKLY PAYMENT		MINIMUM WEEKLY PAYMENT		TIME LIMIT	AMOUNT LIMIT*	AUTOMATIC COST OF LIVING INCREASE	OFFSETS*	NOTATIONS
		AMOUNT*	RATE	AMOUNT	RATE					
F.E.C.A.	66-2/3 or 75	\$1110.28	66-2/3% or 75% of highest rate for GS-15	\$171.59 <sup>1</sup>	66-2/3% or 75% of lowest rate for GS-2 <sup>2</sup>	TT - Disability PT - Life		October 1	( <sup>3</sup> )	Benefits payable monthly. Benefits effective 1/14/90. Higher percentage payable if 1 or more dependent.
LONGSHORE ACT	66-2/3	650.62 <sup>4</sup>	200% NAWW <sup>5</sup>	165.15 <sup>6</sup>	50% NAWW <sup>6</sup>	Disability		PT - October 1	Jones Act, other workers' compensation benefits	Annual increase in maximum effective October 1.
ALBERTA <sup>7</sup>	90% of weighted net income	\$507.37		\$168.00		TT - Disability PT - Life				PT payable monthly. Maximum annual earnings is \$40,000 <sup>8</sup>
BRITISH COLUMBIA <sup>9</sup>	75	624.25		235.36		TT - Disability PT - Life		January 1 and July 1		PT payable monthly. Maximum annual earnings \$43,400. Annual increase in maximum effective January 1.
MANITOBA <sup>9</sup>	75	519.24	( <sup>10</sup> )	188.32		TT - Disability PT - Life				PT payable monthly. Maximum annual earnings \$38,000. Annual increase in maximum effective January 1.
NEW BRUNSWICK <sup>9</sup>	90% of average net earnings	424.53 to 452.54 <sup>11</sup>	150% of provincial average wage	218.15 <sup>12</sup>		to age 65 <sup>13</sup>			Can. Pension Disability Benefits	Payable monthly. Maximum annual earnings \$34,000. Annual increase in maximum effective January 1.
NEWFOUNDLAND <sup>9</sup>	90% of weighted net income	564.17 <sup>14</sup>		200.00 <sup>15</sup>		to age 65			Canadian Pension Disability Benefits	PT payable monthly. Maximum annual earnings \$45,500, effective 1/1/83
NORTHWEST TERRITORIES <sup>9</sup>	90% of net income	562.87 <sup>16</sup>		253.84 <sup>17</sup>		TT - Disability PT - Life				Benefits payable monthly. Maximum annual earnings \$40,000.
NOVA SCOTIA <sup>9</sup>	90% of average net earnings	473.49		147.11 <sup>18</sup>		TT - Disability PT - Life		January 1		PT payable monthly. Maximum annual earnings \$38,000, effective 1/1/90. Additional \$38.00 weekly per child, total benefit may exceed maximum.
ONTARIO <sup>9</sup>	90% of net average earnings <sup>19</sup>	458.56 to 519.46		244.85		TT - Disability PT - Life		In accordance with increases in the C.P.I.		PT payable monthly. Maximum annual earnings \$38,300.
PRINCE EDWARD ISLAND <sup>9</sup>	75	331.73 <sup>20</sup>		60.00 <sup>21</sup>		TT - Disability PT - Life				PT payable monthly. Maximum annual earnings \$23,000, effective 1/1/89 <sup>22</sup>
QUEBEC <sup>9</sup>	90% of weighted net income	453.33 to 505.45		165.52 to 190.64		TT - Disability <sup>23</sup> PT - Lump Sum		TT - Anniversary of accident PT - January 1		PT lump sum. Maximum annual earnings \$40,000 effective January 1, 1990.
SASKATCHEWAN <sup>9</sup>	90% of net income	581.82 <sup>24</sup>	( <sup>25</sup> )	215.86 <sup>26</sup>		TT - Disability PT - Life		Payments indexed by CPI on anniversary of earnings loss	50% of Canada pension after 12 months	PT payable monthly. For injuries prior to 9/1/85, the maximum is equal to \$37,000. Assessable maximum is \$39,000. After 2 years' disability, an amount equal to 10% of compensation is set aside to purchase annuity for benefits after age 65. <sup>27</sup>
YUKON TERRITORY <sup>9</sup>	75	575.33 <sup>28</sup>	( <sup>29</sup> )	149.03 <sup>30</sup>		TT - Disability PT - Life		January 1		Maximum annual assessable earnings \$40,000
CANADIAN MERCHANT SEAMEN'S ACT <sup>9</sup>	75	443.01		127.00		TT - Disability PT - Life				Benefits payable monthly. Maximum annual earnings \$30,800. Gov-in-Council may raise benefits to level paid in maritime provinces.

<sup>1</sup>Actual weekly wage if less

<sup>2</sup>Amounts shown in tables have been calculated

<sup>3</sup>Social Security offsets generally apply by formula up to 50% of basic benefit

<sup>4</sup>All amounts are reported in Canadian dollars

<sup>5</sup>Figures reflect 1989 amounts. 1990 figures not available at time of publication

<sup>6</sup>Reflects maximum for worker with 2 dependents

F.E.C.A. <sup>7</sup>Civil Service Retirement and Disability Fund (CSRA) overpayments

Longshore <sup>8</sup>Effective 8-29-84. Nonappropriated Fund instrumentals Act employees subject to same maximum/minimum weekly rates as employees covered under Longshore Act

Alta. <sup>9</sup>Compensation may be increased up to 10% for failure to pay within 30 days after due

Man. <sup>10</sup>Maximum earning ceiling increased by \$1,000 if 10% of workers injured in preceding year earn in excess of maximum

N.B. <sup>11</sup>Annual review of maximum. Lower figure for single, higher figure for married claimant with 2 children

<sup>12</sup>If 63 or older at time of loss, maximum is 2 years

Nfld. <sup>13</sup>100% of weighted net earnings if less. Lower figure for single, higher figure for married claimant with 2 children

N.S. <sup>14</sup>Minimum for temporary total disability is 75% of minimum wage

N.W.T. <sup>15</sup>Maximum applies to worker with two dependents who is not a resident of N.W.T. A resident worker with two dependents can receive a weekly maximum of \$537.85

Ont. <sup>16</sup>For accidents on or after April 1, 1985. 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 one child

P.E.I. <sup>17</sup>Maximum monthly payment is \$1,437.50, effective 1/1/89

Quebec <sup>18</sup>The income replacement indemnity is reduced by 25% at age 65, by 50% at age 66, and by 75% at age 67

Sask. <sup>19</sup>Lower figure for single, higher figure for married claimant with 2 children under 18 years old

<sup>20</sup>Maximum earning ceiling increased by \$1,000 if 10% of workers injured in preceding year earn in excess of maximum

<sup>21</sup>Actual wages if less for first 2 years' disability

Yukon <sup>22</sup>Benefits increased annually based on Consumer Price Index

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*	\$48,840	\$37,400	\$13,840	\$ 8,460	\$ 8,820	\$ 4,840	\$ 3,520	\$44,000	\$30,580	\$ 7,040	\$ 2,420	\$27,280	\$11,660	\$35,860
ALASKA*	No schedule. Benefits paid according to degree of impairment.**													
AMERICAN SAMOA														
PPO benefits paid at 66-2/3% of wages for specified number of weeks. No maximum.														
ARIZONA*	56,420	49,500	14,850	8,810	8,130	4,950	3,980	48,500	39,800	8,930	2,475	29,700	19,800	56,400
ARKANSAS*	35,814	26,795	10,684	6,275	5,427	3,561	2,713	31,205	22,216	6,427	1,865	17,807	7,123	26,795
CALIFORNIA*	58,975**	43,540	7,595	3,360	3,360	2,520	2,520	84,575**	33,740	4,235	840	21,105**	8,335	43,540
COLORADO*	31,200	15,600	7,500	3,900	2,700	1,650	1,950	31,200	15,600	3,900	1,650	20,850	5,250	20,850
CONNECTICUT*	218,216	174,636	65,833	37,422	30,492	21,483	16,018	164,934	130,264	29,108	9,008	162,655	38,036	106,106
DELAWARE	70,180	61,741	21,048	14,032	11,226	8,418	5,813	70,180	44,902	11,226	4,210	66,128	21,048	48,112
DISTRICT OF COLUMBIA	172,058	134,558	41,360	25,367	18,544	13,787	8,272	158,820	113,049	16,544	6,823	86,234	28,678	110,292
FLORIDA														
No schedule. Benefits paid according to degree of impairment and loss of earnings.														
GEORGIA	38,375	28,300	10,500	7,000	6,125	5,250	4,375	38,375	23,625	5,250	3,500	26,250	13,125	26,250
GUAM	70,000	63,000	12,750	7,000	4,500	4,250	1,750	62,000	43,250	6,500	2,000	36,000	13,000	50,000
HAWAII*	118,498	93,452	26,725	17,818	11,490	9,575	5,745	110,304	78,515	14,554	6,126	61,280	19,816	76,600
IDAHO*	65,110	49,599	20,207	12,858	10,104	4,593	2,758	36,740	25,718	7,715	1,286	32,748	—	32,148
ILLINOIS*	142,112	114,899	42,331	24,186	21,166	15,118	12,095	120,948	83,733	21,166	7,257	90,710	30,237	120,948
IOWA*	157,250	118,510	37,740	22,015	18,870	15,725	12,580	138,360	94,350	25,180	9,435	88,060	31,450	116,375
MAINE														
No schedule. Benefits paid according to degree of impairment.														
MARYLAND*	129,800	107,892	14,400	3,300	2,888	2,475	2,063	129,800	107,892	3,300	825	107,892	18,000	107,892
MASSACHUSETTS*	20,402	16,132	—	—	—	—	—	16,504	13,780	—	—	16,504	13,780	36,534
MINNESOTA														
No schedule. Benefits paid according to degree of impairment and loss of earnings.														
MISSISSIPPI	42,518	31,887	12,755	7,440	6,377	4,252	3,182	37,202	26,573	6,377	2,126	21,258	8,503	31,887
MISSOURI*	40,333	30,424	10,431	7,823	6,084	6,084	3,824	35,987	26,947	6,954	2,434	24,336	7,649	29,207
MONTANA														
No schedule. Benefits paid according to degree of impairment and loss of earnings.														
NEBRASKA**A*	55,125	42,875	14,700	8,575	7,350	4,900	3,675	52,675	39,750	7,350	2,450	30,825	12,250	(—)
NEVADA														
No schedule. Degree of disability determined in relation to whole man.														
NEW HAMPSHIRE*	125,685	113,117	45,486	28,130	22,743	11,372	5,367	83,790	58,653	10,773	1,798	50,274	17,955	73,818
NEW JERSEY*	89,536	54,390	7,400	4,933	3,947	2,960	1,973	85,469	45,386	3,947	1,480	43,413	5,920	34,533
NEW MEXICO	58,350	36,489	16,046	8,189	8,418	4,960	4,085	58,350	33,551	10,211	4,085	37,928	11,670	43,783
NORTH CAROLINA*	95,780	79,800	29,825	17,958	15,980	9,875	7,980	79,800	57,456	13,965	3,990	47,660	27,930	58,850
NORTH DAKOTA*	32,813	26,250	8,531	5,250	3,838	2,625	2,100	24,870	15,750	3,150	1,280	15,750	5,250	21,000
OHIO*	94,276	73,325	25,140	14,665	12,570	8,360	6,285	83,800	62,850	12,570	4,190	62,375	10,475	52,375
OREGON*	27,830	21,750	6,980	3,480	3,190	1,450	870	21,750	19,575	2,810	580	14,500	6,700	27,840
PUERTO RICO*	12,000	12,000	4,875	2,600	1,950	1,625	1,300	12,000	11,375	1,950	975	(—)	3,250	12,000
RHODE ISLAND*	28,080	21,960	6,750	4,140	2,790	2,250	1,800	28,080	18,450	3,420	900	14,400	5,400	18,000
SOUTH CAROLINA	77,042	64,785	22,782	14,008	12,257	8,755	7,004	88,287	49,027	12,257	3,502	49,027	28,015	57,781
SOUTH DAKOTA*	57,800	43,350	14,450	10,115	8,870	5,780	4,335	46,240	36,125	6,870	2,890	43,350	14,450	43,350
TENNESSEE	50,400	37,800	15,120	8,820	7,560	5,040	3,780	50,400	31,500	7,560	2,520	25,200	18,900	37,800
UTAH*	44,318	38,818	15,878	9,954	8,058	4,029	1,898	29,825	20,856	6,182	948	28,440	3,948*	23,700
VERMONT*	118,960	95,200	27,200	17,408	13,800	10,880	8,528	118,960	95,200	13,800	5,440	68,000	28,288	118,960
VIRGINIA*	78,400	57,300	22,920	13,370	11,460	7,640	5,733	66,850	47,750	11,480	3,820	38,200	19,100	36,200
VIRGIN ISLANDS*	40,280	32,940	14,840	14,840	14,840	13,725	32,840	21,080	14,840	13,725**	35,865	21,980	32,940	
WASHINGTON*	54,000	48,600	19,440	12,150	9,720	4,860	2,430	54,000	37,800	11,340	4,140	21,600	7,200	43,200
WEST VIRGINIA*	58,862	49,052	19,821	9,810	8,867	4,905	4,905	58,862	34,336	9,810	3,924	32,374	25,073	63,957
WISCONSIN*	68,500	52,400	20,960	7,860	5,895	3,408	3,661	65,500	32,750	10,818	3,275**	36,025	7,205	43,230**
WYOMING*	36,806	30,487	11,568	7,361	4,208	4,208	4,201	33,852	25,239	6,258	2,103	25,99	12,619	25,239
F.B.C.A.*	348,401	270,903	83,270	51,072	33,308	27,757	18,851	319,755	227,603	42,190	17,784	177,842	57,734	222,052
LONGSHORE ACT	202,993	158,751	48,767	29,829	19,518	16,266	9,759	187,379	133,377	19,518	10,410	104,099	33,832	130,124
IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS ALLOWED IN ADDITION TO SCHEDULED INJURY WITH CERTAIN LIMITATIONS AS TO PERIOD														
INDIANA*	27,450	21,960	8,568	4,392	3,843	3,294	2,195	24,705	19,215	6,588	3,294**	19,215	8,235	21,960
KANSAS*	58,810	40,850	16,260	10,027	8,130	5,420	4,085	54,200	33,875	8,130	2,710	32,520	8,130	29,810
NEW YORK*	80,600	73,200	22,500	13,800	9,000	7,500	4,500	86,400	81,500	11,400	4,800	48,000	18,000	43,000
PENNSYLVANIA*	171,790	140,365	41,900	20,950	18,760	12,570	11,732*	171,790	104,750	18,760	6,704	115,225	25,140	108,640
IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS DEDUCTED FROM THE ALLOWANCE FOR SCHEDULED INJURY														
KENTUCKY														
No schedule. PP benefits paid at 66-2/3% of wages up to 426 weeks according to degree of disability.***														
LOUISIANA*	56,200	41,400	13,800	8,280	5,820	5,820	5,820	48,300	34,500	5,520	2,780	27,600	—	27,600**
MICHIGAN*	114,863	91,805	27,755	16,226	14,081	9,364	6,832	81,805	60,174	14,091	4,897	69,174	(—)	(—)
OKLAHOMA*	43,250	34,600	10,380	6,055	6,190	3,480	2,585	43,250	34,600	5,190	1,730	34,600	17,300	51,900
TEXAS	47,600	35,700	14,280	10,710	7,140	4,998	3,670	47,600	29,750	7,140	2,360	23,800	—	35,700

NOTE - 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. Numbers in italics are computations for loss of major member, loss of leg precluding use of artificial limb, or loss of eye by enucleation.

CHART VII  INCOME BENEFITS FOR SCHEDULED INJURIES  January 1, 1990 (continued)

- Ala. Maximum weekly PP benefit is lesser of \$220 or 100% SAWW  
 Alaska \*Compensation is \$135,000 multiplied by the employee's percentage of permanent impairment based on the AMA Guide to the Evaluation of Permanent Impairment.  
 Ariz. Samoa \*Ann-312, hand-244, thumb-75, first finger-46, second finger-30, third finger-25, fourth finger-15, leg-288, foot-205, great toe-30, other toes-18, one eye-180, one ear-52, both ears-200.  
 Ariz. \*PP benefit is 65% of maximum monthly compensation.  
 Ark. \*PP benefit is 66-2/3% of employee's average weekly wage up to a maximum of \$154.00, except if total disability rate is 20% or more; maximum PP rate then is 75% of maximum total disability rate (\$189.58 effective 1/1/90 to 8/20/90).  
 Calif. \*Maximum PP benefit is \$140.00, effective 1/1/84. Duration varies according to percentage of permanent disability, adjusted for age and occupation. Chart reflects standard rating for individual age 39 and loss of major arm.  
 \*\*Chart reflects benefits for loss of eye if unable to wear artificial eye. Life pension up to \$64.21 weekly also payable for loss of arm or leg.  
 Colo. \*Maximum weekly benefit is \$150. The weekly rate for a "working unit" award is \$120; maximum award is \$37,580.  
 \*\*Commission may award additional benefits based on loss of earnings. Minimum weekly benefit is \$50.00.  
 Fla. \*Permanent impairment caused by amputation, loss of 80% of vision in either eye after correction, or serious facial disfigurement - \$250 per 1% of disability up to 10%, and \$500 per 1% of disability over 10%. Wage loss benefits also payable in all permanent impairment cases - 95% of difference between 85% of pre-injury wages and earnings after maximum medical improvement, up to 100% of SAWW weekly; Social Security retirement benefits are deducted from wage loss benefits.  
 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 man, the maximum compensation is the corresponding percentage of \$112 times 66-2/3% SAWW (\$119,466 effective 1/1/90).  
 Idaho \*Maximum weekly PP benefit is 55% of SAWW for year in which injury occurred (\$183.60 for 1990).  
 Ill. \*Effective January 15. Figures reflect benefits for amputation of member - maximum 133-1/3% of SAWW (\$604.73 effective 1/15/90). For other PP benefits, wage replacement rate is 80% and maximum is \$302.44.  
 Ind. \*Payable for 78 weeks; maximum weekly PP benefit is \$108.80.  
 \*\*Second toe - \$3,294, third toe - \$2,196, fourth toe - \$1,647, fifth toe - \$1,098.  
 Iowa \*Maximum weekly PP benefit is 184% of SAWW (= \$829).  
 Kan. \*Additional healing period up to 15 weeks may be allowed. Maximum weekly PP benefit is 75% of SAWW.  
 Ky. \*Maximum weekly PP benefit is 75% of SAWW. Degree of disability is determined by American Medical Association Guide to decrease in earning capacity, whichever is greater.  
 \*\*Since 1980, an employee sustaining work-related hearing loss is entitled to either functional loss to the body as a whole or occupational disability, whichever is greater. Hearing loss claims receive same treatment as occupational diseases and injuries, with a final determination by the Board as to degree of disability.  
 La. \*Schedule applies to amputation or disability greater than 25%. Supplemental earnings benefits are 66-2/3% of the difference between 90% of pre-injury wages and post-injury earnings, maximum 220 weeks; cease 2 years after termination of temporary total disability (unless paid for 13 consecutive weeks during that time) or upon retirement or receipt of Social Security retirement benefits.  
 \*\*Permanent hearing loss due to single traumatic accident.  
 Maine \*For injuries on or after 11/20/87, the AMA Guide to the Evaluation of Permanent Impairment will be used until Commission adopts, by rule, a schedule. No petition for permanent impairment may be filed until the employee reaches maximum medical improvement.  
 Md. \*Maximum weekly PP benefit is \$82.50 where benefits are payable for less than 75 weeks; 33-1/3% of SAWW (\$144) where benefits are payable for 75 weeks but less than 250 weeks; and 75% SAWW (\$324) where benefits are payable for 250 weeks or more.  
 Mass. \*Maximum PP benefit is 100% of SAWW (= \$474.47). Proportional benefits for partial loss of limbs (fingers, toes).  
 Mich. \*Wage-loss benefits payable for life.  
 \*\*Hearing loss compensable based on lost earnings.  
 Minn. \*For permanent partial disability, impairment compensation (IC) is paid in lump sum if take job. If no job offer made, economic recovery compensation (ER) is paid weekly. IC equals scheduled dollar amount (\$75,000 to \$400,000) times percent whole body disability. ER equals percent disability times scheduled number of weeks (600 to 1200 weeks) times weekly TT rate. Concurrent payment of PPD and temporary benefits allowed in certain situations.  
 Mo. \*Maximum weekly PP benefit is 45% of SAWW (\$173.85 effective 7/1/89); minimum is \$40. If amputation or 100% loss of use, additional 10% compensation.  
 \*\*Occupational hearing loss law provides benefits up to 40 weeks (1 ear) or 148 weeks (both ears).  
 Mont. \*For injuries on or after 7/1/87, benefits are paid according to degree of impairment and a wage supplement rate, which is 2/3 of the difference between wages actually received at time of injury and wage worker is qualified to earn in a local or state-wide job pool. The maximum partial disability benefit is 50% SAWW and terminates on receipt of or eligibility for Social Security retirement.  
 Neb. \*Terms run consecutively for loss of, or loss of use of, more than 1 member but less than total disability.  
 \*\*Permanent total loss of hearing is compensated as permanent total disability.  
 Nev. \*Each 1% of impairment is compensated by .8% of worker's monthly wage up to maximum, payable for 8 years or until age 70, whichever is later. Maximum monthly wages are \$2,525.78 as of 7/1/89. For disability rating of 25% or less, claimant may elect payment in lump sum.  
 N.H. \*Injury to spinal cord and spinal column is compensable for up to 350 weeks if there is a loss of upper or lower extremities.  
 N.J. \*Computations include allowance for amputation of member (30% additional compensation). Compensation is payable weekly at 70% of pre-injury weekly wages, up to a maximum of 65% of SAWW for arm or leg, 45% of SAWW for hand, 40% of SAWW for foot or one eye, 35% of SAWW for hearing - both ears, 20% of SAWW for other scheduled injuries in chart.  
 N.Y. \*Additional weeks for TT in excess of statutory healing period; maximum \$150 as of 7/1/85. Compensation for wage-loss in addition to schedule if impairment due to loss of 50% or more of member.  
 N.C. \*For unscheduled injuries, maximum compensation not to exceed \$20,000.  
 N.D. \*PP impairment benefit is 33-1/3% of SAWW (\$105.00 effective 7/1/89) for a scheduled number of weeks; law provides an additional award of 25% for master extremity loss.  
 Ohio \*Maximum weekly PP benefit is 100% of SAWW (= \$419 for 1990). Compensation payable for 200 weeks if percentage of disability is 90% or greater.  
 Okla. \*Maximum PP benefit is 50% of SAWW (= \$173.00 effective 11/1/87).  
 Ore. \*Calculated at \$145 per degree for scheduled injury; \$100 per degree for unscheduled injury with a maximum of 320 degrees.  
 Pa. \*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; 8 weeks for finger or toe.  
 P.R. \*Maximum PP benefit is \$65 weekly. Maximum amount for PPD is \$12,000.  
 \*\*Permanent visual disability is compensated according to percentage of total disability. In addition, loss of eye by enucleation, excision or extreme atrophy is compensated at an additional 10% of permanent total disability.  
 R.I. \*Maximum scheduled PP benefit is \$90.00 weekly. Maximum is 100% of SAWW for unscheduled injury.  
 Utah \*Maximum per week, including allowance for dependents, is 66-2/3% of SAWW (= \$237 effective 7/1/89).  
 \*\*Entry presumes total loss of hearing in one ear and no loss of hearing in the other (15-2/3 weeks).  
 Vt. \*In addition to TT except for loss of hearing in 1 ear.  
 Va. \*Benefits for scheduled injuries are payable in addition to compensation for temporary disability. County of Spotsylvania v. Hart, 218 Va. 566, 238 S.E.2d 813 (1977). TTD 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 temporary partial benefits.  
 V.I. \*PP benefit is 66-2/3% of SAWW weekly (= \$183.00 effective 1/1/85).  
 \*\*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.  
 Wash. \*Benefits fixed at amount reflected in chart.  
 W.Va. \*Maximum weekly benefit is 66-2/3% SAWW (= \$245.26 effective 7/1/88).  
 Wis. \*Maximum weekly PP benefit is \$131 effective 1/1/90.  
 \*\*Second toe and other toes - \$2,820.  
 \*\*\*Under occupational hearing loss law, maximum is \$4,716/36 weeks for one ear and \$28,296/216 weeks for both ears, as of 1/1/90.  
 Wyo. \*PP benefit is 66-2/3% of SAWW for specified months according to degree of impairment (= \$1,051.81 as of 1/1/90).  
 F.E.C.A. \*Includes allowance for dependents. Benefits effective 1/1/49.

JURISDICTION	PERCENT OF WAGES			MAXIMUM WEEKLY PAYMENT		MINIMUM PER WEEK SPOUSE ONLY	TIME LIMIT	AMOUNT LIMIT*		MAXIMUM BURIAL ALLOWANCE
	SPOUSE PLUS CHILDREN	SPOUSE ONLY	ONE CHILD ONLY	SPOUSE PLUS CHILDREN	SPOUSE ONLY			SPOUSE PLUS CHILDREN	SPOUSE ONLY	
ALABAMA	66-2/3	50	50	\$ 353.00*	\$ 353.00*	\$98.00*	500 weeks	\$178,500	\$178,500	\$1,000
ALASKA				700.00*	700.00*	154.00 110.00*	(***)			2,500
AMERICAN SAMOA	66-2/3	35	35	70.00	36.75	5.25*	(**)			1,000
ARIZONA	66-2/3	35	25	278.17*	278.17*		(**)			3,000
ARKANSAS	66-2/3	35	50	226.11*	226.11*	20.00	(**)	(..)	(..)	3,000
CALIFORNIA	66-2/3	66-2/3	66-2/3	268.00*	268.00*	224.00	(*)	95,000	70,000	2,000**
COLORADO	66-2/3	66-2/3	66-2/3	371.21*	371.21*	92.80*	(****)			2,000
CONNECTICUT	66-2/3	66-2/3	66-2/3	683.00**	683.00**	138.60**	(**)			4,000
DELAWARE	80	66-2/3	66-2/3	336.77	280.64	93.55*	(**)			700**
DISTRICT OF COLUMBIA	66-2/3	50	50	551.48*	551.48*	(.)	(**)			1,000
FLORIDA	66-2/3	50	33-1/3	382.00*	382.00*	20.00*	(**)	100,000	100,000	2,500
GEORGIA	66-2/3	66-2/3	66-2/3	175.00*	175.00*	25.00*	400 weeks**	70,000	65,000	5,000
GUAM	66-2/3	35	35	250.00	131.25	131.25**	(**)	100,000	100,000	3,600
HAWAII	66-2/3	50	40	383.00*	287.25*	95.75*	(*)	(..)	(..)	5,370***
IDAHO				200.40*	150.30*	150.30*	500 weeks*	100,700	75,150	3,000*
ILLINOIS	66-2/3	66-2/3	66-2/3	604.58*	604.58*	226.78*	20 years***	(..)	(..)	1,750
INDIANA	66-2/3	66-2/3	66-2/3	274.00*	274.00*	75.00*	500 weeks**	137,000*	137,000*	4,000*
IOWA	80% of spendable earnings	80% of spendable earnings	80% of spendable earnings	684.00*	684.00*	138.86*	(**)			1,000
KANSAS	66-2/3	66-2/3	66-2/3	271.00*	271.00*	25.00	(**)	200,000	200,000	3,200
KENTUCKY	75	50	50	258.78*	172.51*	86.00*	(**)			2,500*
LOUISIANA	85	32-1/2	32-1/2	278.00*	278.00*	74.00*	(**)			3,000
MAINE*	66-2/3	66-2/3	66-2/3	471.83*	471.83*	25.00**	(**)			1,000
MARYLAND	66-2/3	66-2/3	66-2/3	432.00*	432.00*	110.00*	(**)			2,500**
MASSACHUSETTS	66-2/3	66-2/3	66-2/3	474.47*	474.47*	150.00*	(****)	(..)	(..)	2,000
MICHIGAN	80% of spendable earnings	80% of spendable earnings	80% of spendable earnings	427.00*	427.00*	237.00*	500 weeks***	213,400	213,400	1,500
MINNESOTA**	66-2/3	50	60	413.00*	413.00*		(**)			2,500
MISSISSIPPI*	66-2/3	35	25	212.58	212.58	25.00	450 weeks*	95,661	95,661	2,000
MISSOURI	66-2/3	66-2/3	66-2/3	289.75*	289.75*	40.00	(****)			2,000
MONTANA	66-2/3	66-2/3	66-2/3	299.00*	299.00*	149.50*	500 weeks*	149,500	149,500	1,400
NEBRASKA	75	66-2/3	66-2/3	245.00	245.00	49.00*	(**)			2,000
NEVADA	66-2/3	66-2/3	66-2/3	388.88*	388.88*		(**)			2,500*
NEW HAMPSHIRE	66-2/3	66-2/3	66-2/3	598.50*	598.50*	158.60*	(**)			3,000
NEW JERSEY	70	50	50	370.00*	370.00*	100.00*	(****)			2,000
NEW MEXICO	66-2/3	66-2/3	66-2/3	291.75*	291.75*	36.00	700 weeks**	204,225	204,225	3,000
NEW YORK	66-2/3	66-2/3	66-2/3	300.00**	300.00**	30.00	(**)			3,000

Amount limits have been computed where not stipulated by law and are shown in italics. Disability payments 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.

\*To child until age 18 (16 in Manitoba, Newfoundland, Northwest Territories, Ontario, Saskatchewan, and Yukon; 18 in Alaska, Oregon (if in high school), and Wyoming; 18 in Michigan and 21 if in school in New Brunswick). If invalid, for duration of invalidity (for 15 years in Wisconsin, for period decedent would have supported child in Newfoundland, Prince Edward Island, and Yukon). If student, to age 21 in Colorado, British Columbia, New Brunswick, Prince Edward Island, Saskatchewan, and C.M.S.C.A.; 22 in Connecticut, Florida, Georgia, Hawaii, Kentucky, Missouri, Montana, Nevada, North Dakota, South Dakota, Tennessee, and Virgin Islands; 23 in D.C., Kansas, Louisiana, Maine, Maryland, Massachusetts, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington, F.E.C.A., and Longshore Act; 25 in American Samoa, Arkansas, Delaware, Illinois, Iowa, Minnesota, Nebraska, New Hampshire, Nova Scotia, Ohio, Puerto Rico, Texas, West Virginia, Alberta, and Newfoundland, no age limit in Alaska (4 years only), Massachusetts, Vermont, Manitoba, Northwest Territories, Ontario, and Quebec.

\*\*To spouse for life, compensation ceases on remarriage. (Georgia—to spouse until age 65 or 400 weeks, whichever is greater; Maine—if dependency on new spouse is proven).

\*\*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, North Dakota, and South Carolina). In Illinois, lump sum is paid upon remarriage only if there were no children at time of death.

\*\*To spouse for life, 1 year's lump sum upon remarriage.

\*\*To spouse for life, cash lump sum on remarriage. Kansas—100 weeks or balance if less; Michigan—\$500 or balance if less; Oregon—24 times monthly benefit, Washington—\$7,500 or 50% of remaining annuity value if less; Manitoba—\$3,600; New Brunswick—1 year's spouse's income; Northwest Territories—\$8,712; Nova Scotia—\$2,800; Prince Edward Island—\$4,200; Yukon—\$7,019.

\*\*Additional allowance for transportation of body, no maximum except Virginia—\$500; Alberta—\$450; British Columbia—\$627.64 and \$526.04 for incidental death expenses; Prince Edward Island—\$300; Yukon—\$283; C.M.S.C.A.—\$125.

\*\*Actual wage if less.

\*\*Spouse receives cash lump sum in addition to other benefits. Maine—\$1,000; Mississippi—\$250; North Dakota—\$300 plus \$100 per child; Oklahoma—\$10,000 plus \$2,500 per dependent (maximum \$15,000); Washington—\$600; Alberta—\$1,100; British Columbia—\$1,526.18; Manitoba—\$1,305; New Brunswick—\$26,000 to \$77,974.85; Northwest Territories—\$1,800; Nova Scotia—\$15,000; Ontario—\$23,078.28 to \$68,234.84; Prince Edward Island—\$500; Quebec—\$1,177; Saskatchewan—\$3,500; Yukon—\$1,585; C.M.S.C.A.—\$750.

\*\*If no dependents.

\*\*To spouse for 5 years or until youngest child reaches the age of 18. Benefits not interrupted upon remarriage.

\*\*To spouse for life, regardless of remarriage.

Ala. \*Maximum is 100% of SAWW, minimum is 27-1/2% of SAWW, actual wage if less.

Alaska \*Maximum is set by statute. For minimum, higher figure reflects amount with wage documents, lower figure reflects amount without wage documents.

\*\*Spousal benefit reduced by 1/3 as of 6 years after worker's death, by 1/2 as of 8 years, and ceases after 10 years; reductions do not apply if spouse is over 70 or permanently and totally disabled. Limited Social Security offset.

Ariz. \*Maximum monthly wages are \$1,800 per month on 7/1/89 and increase to \$2,100 on 7/1/91.

Ariz. \*Increased to \$226.11 for deaths on or after 1/1/90 to 8/30/90.

\*\*Benefits in excess of \$75,000 payable from Death and Permanent Total Disability Trust Fund.

Calif. \*For injuries on or after 1/1/81, spouse + children maximum equals \$118,000 and spouse only maximum equals \$95,000.

\*\*Burial expense maximum increases to \$5,000 on 1/1/91.

Colo. \*Maximum is 80% of SAWW, minimum is 25% of maximum.

\*\*Social Security offset.

Conn. \*Spouse may not sue employer for loss of consortium if retaining or had been receiving workers compensation benefits.

\*\*Maximum is 150% of SAWW and minimum is 20% of maximum (80% of average weekly wages 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 12/31/81.

Del. \*Maximum is 80% of SAWW for spouse and children, 66-2/3% of SAWW for spouse only. Minimum for spouse only is 1/2 of maximum for spouse only.

\*\*Additional burial allowance payable on Board approval.

D.C. \*Maximum is 100% of SAWW (but not less than \$551.48), minimum is 25% of SAWW or 80% of actual earnings, if less Social Security offset.

Fla. \*Maximum is 100% of SAWW. Surviving spouse entitled to tuition benefits at vocational-technical center or community college.

Ga. \*Weekly benefits increased 20%, not to exceed \$20,000, if death of employee was direct result of injury caused by intentional act of employer.

Guam \*Spouse 35% and each child thereafter 15% of AWW, total not to exceed 66-2/3% of AWW.

\*\*Actual wages if less.

Hawaii \*Maximum is 100% of SAWW for spouse and children; 75% of SAWW for spouse only. Minimum is 25% of SAWW.

\*\*Maximum amount for persons other than spouse and children is the maximum benefit times 312.

\*\*Funeral expense is 10 times SAWW, plus burial allowance equal to 5 times SAWW.

Idaho \*Death benefit is fixed at 45% of SAWW for spouse plus 5% of SAWW per dependent child up to 30% of SAWW for one child if no dependent spouse.

Ill. \*Maximum is 133-1/3% of SAWW, minimum is 50% of SAWW.

\*\*Benefits are \$250,000 or 20 years at TT rate, whichever is greater. Child under 18 is entitled to at least 6 years' benefits.

Ind. \*Effective 7/1/89.

Iowa \*Maximum is 200% of SAWW, minimum is 35% of SAWW.

Kan. \*Maximum is 75% of SAWW.

Ky. \*Maximum is 75% of SAWW for spouse and children, 50% of SAWW for spouse only. Minimum is 20% of SAWW.

La. \*Maximum is 75% of SAWW. Minimum is 20% of SAWW, actual wage if less.

Maine \*Maximum frozen at \$471.83 until 7/1/90.

\*\*Minimum does not apply to handicapped person employed by sheltered workshop at time of fatal injury.

Md. \*Maximum is 100% of SAWW.

\*\*Additional burial allowance payable on Commission approval, burial allowance allowable within 7 years of injury.

Mass. \*Maximum is 100% of SAWW. Annual cost of living increase payable up to 5% for deaths after that date.

\*\*After receiving an amount equal to 250 times SAWW, spouse must prove actual dependence, time and amount limits do not apply to children's benefits.

Mich. \*Maximum is 80% of SAWW, minimum is 50% of SAWW.

\*\*500 week limit does not apply to children.

Minn. \*Maximum is 100% of SAWW.

\*\*Government survivors' benefits offset. During dependency of children, then 10 years' benefits.

\*\*For unrelated death while decedent was receiving permanent partial disability, impairment compensation or economic recovery compensation benefits, benefits continue to surviving spouse and children until completed or until 10 years after dependency, whichever is earlier.

Mo. \*Maximum is 75% of SAWW, effective 9/28/88.

\*\*4 years' benefits payable to child on active duty in armed forces at age 18 who enrolls in school prior to age 23.

Mont. \*Maximum is 100% of SAWW, minimum is 50% of SAWW, actual wage if less.

Nev. \*Maximum is 100% of SAWW.

N.H. \*Maximum is 150% of SAWW, minimum is 40% of SAWW or actual wages if less.

\*\*On remarriage, the unpaid balance otherwise due is payable to parent or guardian for the children's benefit.

N.J. \*Maximum is 75% of SAWW, minimum is 20% of SAWW.

\*\*After 450 weeks, spouse's earnings are deducted.

N.M. \*Maximum is 85% SAWW.

N.Y. \*Social Security offset.

\*\*Effective 7/1/85.

CHART VIII ☐ FATALITIES—INCOME BENEFITS FOR SPOUSE AND CHILDREN ☐ January 1, 1990 (continued)

JURISDICTION	PERCENT OF WAGES			MAXIMUM WEEKLY PAYMENT		MINIMUM PER WEEK SPOUSE ONLY	TIME LIMIT	AMOUNT LIMIT*		MAXIMUM BURIAL ALLOWANCE
	SPOUSE PLUS CHILDREN	SPOUSE ONLY	ONE CHILD ONLY	SPOUSE PLUS CHILDREN	SPOUSE ONLY			SPOUSE PLUS CHILDREN	SPOUSE ONLY	
NORTH CAROLINA	66-2/3	66-2/3	66-2/3	\$ 399 00'	\$ 399 00'	\$30 00	(****)			\$2 000
NORTH DAKOTA*	66-2/3	(1)	(1)	(-)	210 00	105 00	(**)	(-)	\$197 000	2 500
OHIO	66-2/3	66-2/3	66-2/3	19 00'	419 00'	209 50'	(*)			3 200
OKLAHOMA*	66-2/3	50	35	231 00'	173 58'	30 00'	(**)			1 000*
OREGON				518 52'	259 46'	259 46'	(**)			3 000
PENNSYLVANIA	66-2/3	51	32	419 00'	419 00'	209 50'	(**)			1 500
PUERTO RICO	85	50	60	48 15'	36 92'	17 30'	(****)			1 000
RHODE ISLAND	80	66-2/3	66-2/3	(-)	382 00'		(**)			5 000
SOUTH CAROLINA	66-2/3	66-2/3	66-2/3	350 19'	350 19'	75 00'	500 weeks*	175 095	175 095	2 500
SOUTH DAKOTA	66-2/3	66-2/3	66-2/3	(-)	289 00'	149 50'	(**)			3 000*
TENNESSEE	66-2/3	50	50	252 00'	252 00'	35 00'	(**)	75 600*	75 600*	3 000**
TEXAS	66-2/3	66-2/3	66-2/3	238 00	238 00	40 00	(**)			2 500
UTAH	66-2/3	66-2/3	66-2/3	302 00'	302 00'	45 00'	(***)			1 800
VERMONT	78-2/3	66-2/3	71-2/3	544 00'	544 00'	182 00'	(***)			2 000
VIRGIN ISLANDS				(-)	(-)	(-)	(*)	16 500'	16 500'	800*
VIRGINIA	66-2/3	66-2/3	66-2/3	382 00'	382 00'	95 50'	500 weeks*	191 000	191 000	3 000
WASHINGTON*	70	80	35	428 25'	428 25'	48 25'	(**)			2 000
WEST VIRGINIA	70	70	70	367 89'	367 89'	122 57'	(**)			3 500
WISCONSIN	66-2/3	66-2/3	66-2/3	378 00'	378 00'	30 00	(-)	113 400***	113 400***	1 750
WYOMING				(-)	242 88'	242 88'	(-)	(-)	(-)	1 800**
F.E.C.A.	75*	50	40	1 110 26**	1 110 26**	171 59**	(****)			1 800****
LONGSHORE ACT	66-2/3	50	50	650 67*	650 67*	185 15*	(**)			3 000
ALBERTA*	90% of weighted net income	90% of weighted net income		2 202 60'		730 00	5 years*			1 350'
BRITISH COLUMBIA*			40	(-)	(-)	(-)	(**)			2 510 54
MANITOBA*	75	75		519 24'	519 24'	188 32'	(**)	33 000	33 000	1 500*
NEW BRUNSWICK	80% of average net income	80% of average net income		(-)	(-)	(-)	Age 65**			1 134*
NEWFOUNDLAND	90% of net earnings	90% of net earnings	(-)	(-)	(-)	(-)	(*)			1 500*
NORTHWEST TERRITORIES*				(-)	253 15'	253 15'	(**)			1 600*
NOVA SCOTIA*	(-)	(-)		(-)	473 49'	202 50'	(**)			4 000
ONTARIO*	90% of Net Average Income	20% to 60% of Net Average Income depending on age of surviving spouse	30% of Net Average Income	516 17	305 70	48 93	(**)			5 000
PRINCE EDWARD ISLAND*	(-)	(-)	(-)	(-)	(-)	(-)	(**)			900*
QUEBEC*	(-)	(-)	(-)	(-)	(-)	(-)	(**)			1 649
SASKATCHEWAN	90% of net income	90% of net income	(-)	(-)	551 12	215 86	5 years**			3 500
YUKON TERRITORY*				(-)	(-)	(-)	(**)			1 817**
CANADIAN MERCHANT SEAMEN'S ACT*				443 01	443 01	127 00'	(**)			742*

N.C. \*Maximum is 110% of SAWW  
 \*\*Payable for life if spouse disabled at time of decedent's death

N.D. \*Maximum \$210 plus \$10 per dependent child under 18 or 22 if in school. Payments on behalf of children are not subject to amount limit, minimum 50% of maximum weekly death benefit. Effective 7/1/85, claimants receiving death benefits between 7/1/80 and 7/1/85 are eligible for supplemental benefits not less than \$100 per week.

Ohio \*Maximum is 100% of SAWW, minimum is 50% of SAWW

Oklahoma \*Maximum is 66-2/3% of SAWW

Ore. \*Monthly spousal benefit is fixed at 66-2/3% of SAWW ± 4.35 for spouse with no children (\$1,128.64 for 1989-90) and fixed at 50% of SAWW ± 4.35 for spouse with children (\$848.01 for 1989-90); up to monthly maximum, maximum is 133-1/3% of SAWW ± 4.75 (\$2,255.58 for 1989-90). Upon remarriage, surviving spouse receives 24 times the monthly benefit in lump sum final payment.

Pa. \*Maximum is 100% of SAWW, minimum is 50% of SAWW

P.R. \*Maximum for spouse and children is \$200 monthly, for spouse only, \$160 monthly. Minimum is \$75 monthly. \*\*540-week limit inapplicable to spouse and children

R.I. \*Maximum is 100% of SAWW plus \$15 per dependent child. Annual cost of living increase of 4% on anniversary

S.C. \*Maximum is 100% of SAWW

S.D. \*Maximum is 100% of SAWW, minimum is 50% of SAWW, actual wage if less. Additional \$50 monthly is payable for each dependent child through age 18

Tenn. \*Effective 7/1/89  
 \*\*Employer must pay \$10,000 lump sum into estate if worker had no dependents

Utah \*Additional allowance for dependents is \$5 for spouse plus \$5 for dependent child (up to 4). Maximum (including dependent's allowance) is 85% of SAWW  
 \*\*After 312 weeks payments are continued only after annual review. Receives same payment minus 50% Social Security payment. Balance of 312 weeks or 52 weeks is payable to spouse upon remarriage, whichever less

Vi. \*Maximum is 150% of SAWW, minimum is 50% of SAWW, actual wage if less  
 \*\*To spouse until age 62 or when entitled to Social Security, balance of 330 weeks, if any, is payable on remarriage

Vt. \*Death benefit is \$12 500 to \$18 500, payable in installments or lump sum, 60% is payable to children, if any. Amount limit includes amounts paid for disability

Wa. \*Maximum is 100% of SAWW, minimum is 25% of SAWW, actual wage if less

Wash. \*Maximum monthly benefit is 100% of state average monthly wage (\$1,713.00 for deaths occurring from 7/1/89 to 6/30/90) or \$20 558 annually

W. Va. \*Maximum is 100% of SAWW, minimum is 33-1/3% of SAWW

Wa. \*Maximum is 100% of SAWW. Benefits are payable at same interval at which employee was paid, or if this is not feasible, then weekly. Commission may order that a partial lump sum be paid  
 \*\*If death follows disability, total time limit for disability plus death is 1 000 weeks  
 \*\*\*Amount limit is 300 times 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

Wy. \*Monthly benefit is fixed at 66-2/3% of state average monthly wage (effective 1/1/80-3/31/90 SAWW = \$1 021.81) plus \$100 monthly per child until age 18 (if invalid or emancipated). After 54 months, hearing examiner may continue payments at 33-1/3% of state average monthly wage for 12 months and may be renewed  
 \*\*Employer may make other arrangements

F.E.C.A. \*2 or more children  
 \*\*Benefits effective 1/14/90  
 \*\*\*Spouse who remarries after age 60 continues to receive monthly benefits  
 \*\*\*\*Additional \$200 lump sum payable for cost of terminating status as U.S. employee

Longshore \*Effective 10/1/89 (200% NAWW). Benefits shall not exceed lesser of employee's weekly wage or \$650.62. Minimum is 50% of NAWW, actual wage if less. Death benefits not payable if employee receiving PP benefits due from causes other than compensable injury

Ala. \*Reflects monthly payment

B.C. \*After deduction of Canada pension, maximum monthly benefit for spouse with 2 children is \$2,172.21, plus \$107.98 for each additional child. Maximum monthly benefit for spouse with 1 child is 85% of \$1 890.99. Maximum monthly benefit for childless spouse over 50 but not yet 65 is \$1,303.13

Man. \*Maximum is \$2 062.50 monthly, minimum is \$751 monthly. Allowance for 1 dependent is additional \$169 monthly if under 16 or \$188 monthly if over 16 and in school; allowance for 2 or more dependents is amount payable for 2 oldest children; total monthly benefit may not exceed maximum

N.B. \*Spouse receives monthly benefit based on 80% of family income, less Canada pension. Maximum benefit is 150% of Industrial Aggregate Earnings (\$34 000 for 1989)

Nfld. \*Spouse receives lump sum. Additional monthly benefits vary as to age and/or youngest child reaching 16. For all dependent spouses, marriage results in payment of lesser of \$5,000 or aggregate of one year's payments. Effective 1/1/85, dependency benefits before 1/1/84 receive a 3.8% increase. Subject to yearly maximum of \$45 500

N.W.T. \*Fixed monthly benefit is \$1100 plus \$190 monthly per child

N.S. \*90% of net to an annual maximum of \$36 000 and \$169 per month per child

Ont. \*Ontario lump sum payment is determined on a sliding scale depending on the age of the surviving spouse with a maximum of \$62 234.99 and a minimum of \$23 078

P.E.I. \*Effective 4/1/85, fixed monthly benefit is \$450 plus \$100 monthly per child. Surviving spouse also receives lump sum payment

Quebec \*Spouse entitled to lump sum from \$61 655 to \$123 310. In addition, spouse entitled to monthly income replacement indemnity equal to 65% of employee's pre-injury wages (maximum \$1,207.90). This indemnity is payable for a period of 1 to 3 years according to age of surviving spouse, plus \$309 monthly for each minor child. Lump sum of \$11 098 to child of age under 25 who is full time student

Sask. \*Varies in accordance with the number of dependents

Yukon \*Fixed monthly benefit is \$1,132 plus \$338 monthly per child  
 \*\*Additional burial expenses of \$1,585

JURISDICTION	WAITING PERIOD	RETRO-ACTIVE PERIOD	MEDICAL BENEFITS				
			UNLIMITED <sup>1</sup>	CHOICE OF PHYSICIAN <sup>1</sup>		ARTIFICIAL APPLIANCES FURNISHED	SPECIAL PROVISIONS
				EMPLOYER	EMPLOYEE		
ALABAMA	3 days*	3 weeks	Yes	Initial choice	(**)	Yes	Employer must replace appliances damaged in work-related accident and provide physical and vocational rehabilitation.
ALASKA	3 days	4 weeks	Yes		Yes	Yes	Injury includes damages to eyeglasses, dentures, hearing aids, or any prosthetic devices.
AMERICAN SAMOA	3 days	2 weeks	Yes			Yes	
ARIZONA	7 days	2 weeks	Yes		Yes	Yes	Prayer or spiritual treatment by agreement.
ARKANSAS	7 days	2 weeks	Yes*	Agency may change	Agency may change	Yes	Spiritual treatment by agreement.
CALIFORNIA	3 days*	14 days*	Yes		If notification is given to employer prior to the injury.	Yes	Includes x-ray reports, medical reports, and testimony and laboratory fees reasonably required to prove a claim.**
COLORADO	3 days	2 weeks	Yes	Agency may change		Yes	Employer must repair/replace appliances damaged in a compensable injury.
CONNECTICUT	3 days	1 week	Yes		From state list	Yes*	Worker compensated for time lost due to medical attention. Employer must repair or replace appliances damaged in employment; must also repair or replace eyeglasses, contact lenses, hearing aids, or dentures where injury to face or head. Prayer or spiritual treatment with Commissioner's approval.
DELAWARE	3 days*	7 days*	Yes		Yes	Yes	Employer must replace prosthesis and furnish hearing aids as needed.
DISTRICT OF COLUMBIA	3 days	2 weeks	Yes		From state list	Yes	Spiritual treatment by agreement.
FLORIDA	7 days	2 weeks	Yes*	Yes		Yes	Injury includes damage to dentures, eyeglasses, and prosthetic devices in conjunction with accident. Employer must provide custodial care.
GEORGIA	7 days	4 weeks	Yes	Agency may change	From employer list	Yes*	
GUAM	3 days	14 days	Yes			Yes	
HAWAII	3 days		Yes		Yes	Yes	Maximum monthly attendant's allowance - 4 times SAWW.
IDAHO	5 days*	2 weeks*	Yes	Yes		Yes	Christian Science treatment permitted.
ILLINOIS	3 days*	2 weeks	Yes		Yes	Yes	Spiritual treatment by agreement. Employer must repair/replace appliances damaged in compensable accident.
INDIANA	7 days	3 weeks	Yes	Yes		Yes	Employer pays reasonable expenses, including travel, food, and lodging, for treatment outside county. Spiritual treatment by agreement. Employer must replace artificial members when medically required.
IOWA	3 days*	2 weeks	Yes	Yes		Yes	Employer must repair or replace appliances.
KANSAS	7 days	3 weeks	Yes	Yes	(*)	Yes	Prayer or spiritual treatment by agreement.
KENTUCKY	7 days	2 weeks	Yes		Yes	Yes	
LOUISIANA	7 days	6 weeks	Yes		Yes	Yes	Employer must repair/replace appliances.
MAINE	3 days*	2 weeks	Yes**		Yes	Yes	Chiropractic services authorized. Prayer or spiritual means of treatment by an accredited practitioner.
MARYLAND	3 days	2 weeks	Yes	Yes		Yes	Employer must repair/replace appliances.
MASSACHUSETTS	5 days	6 days	Yes		Yes	Yes	
MICHIGAN	7 days	2 weeks	Yes	Initial choice*		Yes	
MINNESOTA	3 days	10 days	Yes	Agency may change	Yes	Yes	Christian Science treatment by agreement. Chiropractic and podiatric treatment authorized.
MISSISSIPPI	5 days	2 weeks	Yes		Yes	Yes	
MISSOURI	3 days	2 weeks	Yes	Agency may change		Yes	Prayer or spiritual treatment by agreement. Chiropractic care authorized.
MONTANA	8 days 48 hours*		Yes		Yes	Yes	Insurer must replace/repair prescription eyeglasses or contact lenses, prescription hearing aids and dentures, damaged or lost as a result of injury. Employer must pay reasonable travel expenses for claimant's medical visits.
NEBRASKA	7 days	6 weeks	Yes		Yes	Yes	Employer must replace appliances damaged due to compensable injury. Employer must provide plastic surgery for disfigurement.
NEVADA	5 days*	5 days*	Yes		Yes	Yes	Spiritual treatment permitted.
NEW HAMPSHIRE	3 days	1 week	Yes		Yes	Yes	
NEW JERSEY	7 days	6 days	Yes*	Yes		Yes	Hospital care must be semi-private, if available. Chiropractic services provided.
NEW MEXICO	7 days	4 weeks	Yes	Yes		Yes	Claimant may not refuse treatment reasonably essential to provide recovery.*
NEW YORK	7 days	2 weeks	Yes		From state list	Yes	Employer liable for X-rays, special diagnostic tests, consultations and providing prosthetic devices. Chiropractic, dental, psychological, podiatric, nurse and midwife care may all be authorized.*
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	
OHIO	7 days	2 weeks	Yes*		Yes	Yes	Includes hospitalization and damage to eyeglasses, dentures, hearing aids, or prostheses.

\*If disability continues for longer than stated 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.

<sup>1</sup>Information supplied by Division of State Workers' Compensation Programs, U.S. Department of Labor.

\*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.

Ala. \*Temporary disability only.

\*\*Employee can select second physician from a panel selected by employer. Employer or employee may select initial physician for physical rehabilitation.

Ark. \*Employer liability may cease 6 months after injury where no time is lost from work, or 6 months after claimant returns to work, or maximum of \$10,000 has been paid unless the employer waives rights or the Commission extends time and dollar limits.

Calif. \*Waiting period also terminated by hospitalization.

\*\*Psychologists included within definition of physician and treatment permitted. Personal chiropractor allowed if employee has previously notified employer that chiropractic treatments were being rendered.

Conn. \*By court decision. *C. Mateo v. Lampher*, 93 Conn. 20, 104 A. 488 (1918).

Del. \*No waiting period if incapacity results in hospitalization or is caused by amputation of member.

Fla. \*Peer group of health care providers reviews cases where medical expenses exceed \$20,000 to see if care was appropriate and reasonable.

Idaho \*Included in total amount allowed for medical care. Idaho \*Waiting period also terminated by hospitalization.

Ill. \*Temporary total disability only.

Iowa \*No waiting period for permanent partial disability.

Kan. \*Employee may consult a physician of his own choice at any time but employer is only liable for fees and charges up to \$350.

Maine \*Firemen are exempt from waiting period and receive compensation from date of disability.

\*\*Subject to a medical fee schedule.

Mich. \*Employer may choose physician for first ten days of treatment, thereafter, the employee may choose own physician by giving notice to employer.

Mont. \*Waiting period refers to number of days (hours) on which a worker has lost wages and is totally disabled and unable to work.

Neb. \*Waiting period and retroactive period is at least 5 consecutive days or 8 cumulative days within a 20-day period.

N.J. \*Employer liability ceases after \$100 has been paid for medical care; employee must petition for further treatment.

N.H. \*By court decision. *Brooks vs. Employers National Insurance Co.*, 688 P.2d 25 (1984).

N.Y. \*Employer must repair/replace prosthetic device but no disability payments are made if only prostheses are damaged.

CHART IX  WAITING PERIOD FOR INCOME BENEFITS; MEDICAL BENEFITS  January 1, 1990 (continued)

JURISDICTION	WAITING PERIOD	RETRO-ACTIVE PERIOD	MEDICAL BENEFITS				
			UNLIMITED*	CHOICE OF PHYSICIAN'		ARTIFICIAL APPLIANCES FURNISHED	SPECIAL PROVISIONS
				EMPLOYER	EMPLOYEE		
OKLAHOMA	7 days	3 weeks	Yes	Court may change	Yes	Yes	Employer must repair/replace appliances. Special provisions for hernias.
OREGON	3 days	2 weeks	Yes		Yes*	Yes	Spiritual treatment by agreement. Employer must pay for medical exam, and related services including lost net wages if claimant is not receiving TT benefits.
PENNSYLVANIA	7 days	2 weeks	Yes	Initial choice*		Yes	
PUERTO RICO	(-)	10 days	Yes**	State agency		Yes***	When permanently and totally disabled, Administrator will provide orthopedic grille, crutches, cane, wheelchair, hospital bed, and other equipment necessary.
RHODE ISLAND	3 days	2 weeks	Yes		Yes	Yes	
SOUTH CAROLINA	7 days	2 weeks	Yes	Yes		Yes	
SOUTH DAKOTA	7 days*	8 days	Yes	Yes		Yes	Employer must repair/replace appliances damaged in compensable accident.
TENNESSEE	7 days	2 weeks	Yes		From employer list	Yes	Provides for nursing services, treatment by chiropractors.
TEXAS	7 days	4 weeks	Yes		Yes	Yes	Repair or replacement of appliances when determined by physician.
UTAH	3 days	2 weeks	Yes	Agency may change		Yes	\$1,800 limit for each artificial appliance, except unusual cases.
VERMONT	3 days*	4 days	Yes	Agency may change		Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids, and prosthetic devices.
VIRGIN ISLANDS	1 day	1 day	\$16,000		Yes; agency may change	Yes	\$30,000 amount limit if treatment outside Virgin Islands.
VIRGINIA	7 days	3 weeks	Yes		From employer list	Yes	Employer must repair/replace appliances damaged in compensable accident. Employer may be ordered to furnish wheelchair and make alterations to home, maximum \$20,000.
WASHINGTON	3 days	2 weeks	Yes		Yes	Yes	Employees pay half of medical aid premiums. Department will replace/repair appliances damaged in compensable accident.
WEST VIRGINIA	3 days	1 week	Yes		Yes	Yes	Payment for prosthetic/orthotic appliances will not be made until appliance is deemed serviceable. Repair or replacement of glasses damaged in an accident not paid for unless there was compensable injury.
WISCONSIN	3 days	1 week	Yes		Yes	Yes	Repair and replacement of appliance is limited to normal wear and tear. Dental care, eyeglasses and hearing aids are also covered. Repair and replacement of eyeglasses and hearing aids not paid for unless damaged in a compensable accident. Employer or insurer may request that a physician examine injured employee to determine reasonableness of claim.
WYOMING	3 days	8 days	Yes		Yes	Yes	
F.E.C.A.	3 days*	14 days	Yes		Yes	Yes	Additional \$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 or replaced by Board. Board may repair or replace garment damaged in compensable accident. Clothing allowance for wear due to prosthetic or wheelchair - \$150 per year for upper body and \$300 per year for lower body. Attendance allowance - \$432 to \$1,521 per month, plus independence allowance of \$125 per month.
BRITISH COLUMBIA	1 day		Yes		Yes	Yes	Appliances repaired or replaced at Board's discretion, regardless of personal injury (includes eyeglasses, dentures, and hearing aids unless worker is at fault). Board may provide eyeglasses for serious visual impairment caused by work injury. Personal care allowance - maximum \$1,208.25 monthly. Annual clothing allowance for wear due to prostheses - \$192 for upper limb, \$385 for lower limb, \$577 for both.
MANITOBA	1 day	1 day	Yes		Yes	Yes	Appliances repaired or replaced at Board's discretion, regardless of personal injury. Clothing allowance for wear due to prosthetic device - \$188 upper limb, \$333 lower limb. Attendance allowance \$140 to \$980 monthly.
NEW BRUNSWICK	1 day	1 day	Yes		Yes	Yes	Medical aid includes repair or replacement of appliances. Clothing allowance for wear due to prostheses is up to \$428 annually. Care allowances from \$120 to \$400 monthly.
NEWFOUNDLAND	1 day	(-)	Yes	No	Initially yes; should consult Commission before changing	Yes	Commission may repair or replace appliances and may pay daily allowance for treatment away from home. Clothing allowance for wear due to prosthetic device - \$150 to \$500. Attendant's allowance - \$100 to \$500. Personal care allowance - \$100 to \$1,250 monthly.
NORTHWEST TERRITORIES	1 day	1 day	Yes		Initial choice	Yes	Clothing allowance for wear due to prosthetic device - \$100. Board may repair/replace appliances damaged in a compensable accident.
NOVA SCOTIA	3 days*	3 days	Yes		Yes	Yes	Attendant's allowance - \$270 monthly. Clothing allowance for wear due to prosthetic device - \$350 per year. Board may repair or replace appliances, and renew eyeglasses (replaced if damaged in any accident).
ONTARIO	1 day	(-)	Yes		Initial choice	Yes	No maximum attendance allowance; payment will be actual cost. Clothing allowance for wear due to prosthetic device - \$212.32 for upper extremity and \$424.65 for lower extremity.**
PRINCE EDWARD ISLAND	1 day	1 day	Yes		Initial choice	Yes	Appliances repaired or replaced at Board's discretion.
QUEBEC	Day of injury*		Yes		Yes	Yes	Commission may repair/replace prostheses damaged in course of employment. Additional clothing allowance for wear due to prosthetic device - \$370. Attendance allowance - \$247 to \$988 monthly.
SASKATCHEWAN	(-)	(-)	Yes		Yes	Yes	Clothing allowance for wear due to prosthetic device - \$169 for arm, \$373 for leg. Personal care allowance - \$252 to \$1,266.
YUKON TERRITORY	1 day	1 day	Yes		Yes	Yes	Clothing allowance - \$149 for upper limb and \$303 for lower limb. Personal care allowance - \$7.00 to \$24.00 per day, independence allowance \$100 per month.
CANADIAN MERCHANT SEAMEN'S ACT	3 days	3 days	Yes		Yes	Yes	Employer must keep appliances in repair or replace, at Board's discretion.

On: \*May choose physician within state. Allowed 2 changes, changes thereafter require Director's approval.  
 Pa: \*Only if a list of at least 5 physicians or other licensed practitioners of the healing arts, or combination thereof is posted, and for the first 14 days of treatment.  
 P.R.: \*Compensation paid from day of first medical treatment.  
 \*\*Limitations on palliative treatments. *Sergio Torres Garcia v. State Insurance Fund*, June 30, 1981, P.R. Supreme Court.  
 \*\*\*Only in cases of permanent total disability.  
 B.D.: \*Consecutive days.  
 V: \*Total disability only.

F.E.C.A.: \*Waiting period begins running after 45 days' "continuation of pay".  
 N.R.: \*Employer payment for day on which accident occurs.  
 N.S.: \*No waiting period for permanent partial disability.  
 On: \*Employer must pay wages and benefits for day of injury.  
 \*\*Compensation payable during disability caused by damage to prosthetic device.  
 Quebec: \*Employer must pay wages and benefits for day of injury.  
 Sask: \*Compensation not paid for the day on which the accident occurs.

CHART X

REHABILITATION OF DISABLED WORKERS

January 1, 1990

JURISDICTION	SOURCE OF FUND	MAINTENANCE ALLOWANCE	SPECIAL PROVISIONS
ALABAMA	No fund established	Board, lodging, and travel, if away from home	Physical and vocational rehabilitation to restore employee to gainful employment furnished at employer's expense. Employee's refusal results in loss of compensation.
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 two years from date of reemployment plan approval. Reemployment benefits suspended for unreasonable failure to participate in approved or agreed plan.
AMERICAN SAMOA	Second Injury Fund	\$10 weekly paid by employer plus maintenance from Special Fund	Commission arranges for vocational rehabilitation of permanently disabled workers.
ARIZONA	Appropriations annually from general fund up to 2% of annual premium	Commission may authorize additional necessary awards to persons undergoing vocational rehabilitation.	Vocational rehabilitation trainees considered an employee at \$200 monthly wage rate for compensation benefits.
ARKANSAS	No fund established	Reasonable expenses for maintenance, travel, and other necessary costs for 60 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, all necessary living expenses plus either a maintenance allowance not exceeding \$235/week, or temporary disability benefits, if medical condition has not become permanent and stationary. If employee fails to cooperate with rehabilitation service's plan, he will not receive maintenance allowance for days of non-cooperation.	Rehabilitation unit in Office of Benefit Determination. Rehabilitation program is compulsory on part of employer or carrier. Rehabilitation trainee is considered employee of training employer for insurance purposes.
COLORADO	No fund established for vocational rehabilitation	Maintenance, tuition, and transportation during 26 weeks.	Period of time may be extended another 26 weeks if necessary. Employee cannot receive disability benefits and maintenance simultaneously. If totally disabled employee refuses suitable employment or vocational rehabilitation, PT benefits will not be awarded.
CONNECTICUT	2% tax upon compensation paid by insurers and self-insurers	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 Bureau of Workers' Compensation in the Department of Human Resources.
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 Special Fund and assessments upon insurers and self-insurers	Reasonable board, lodging, and travel, if away from home	Injured worker is entitled to prompt rehabilitation including retraining, provided by or at the expense of the employer. Rehabilitation may be up to 26 weeks extendable for an additional 26 weeks. Refusal to accept rehabilitation deemed necessary by judge of compensation claims results in automatic 50% reduction in compensation for each week of refusal.
GEORGIA	No fund established	Reasonable board, lodging, and travel, if away from home	Vocational rehabilitation furnished for 26 weeks but may be extended if necessary. 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 Department of Labor and Industrial Relations makes recommendation for physical or vocational rehabilitation. Director approves services and reviews progress.
IDAHO	7% tax on insurers and self-insurers	Reasonable expenses for maintenance and travel	Rehabilitation Division administers. Temporary disability benefits payable up to 104 weeks where retraining required.
ILLINOIS	No fund established	Maintenance costs and incidental expenses	Physical, mental, and vocational rehabilitation as may be necessary. Institutional care, if required.
INDIANA	No fund established		Vocational rehabilitation available to any injured employee unable to attain gainful employment, due to an occupational disease or injury.
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	Employer must pay reasonable board, lodging, and travel up to \$3,500 for a 26-week period and may be required to pay up to \$5,000.	Employer or carrier must refer certain employees to an approved rehabilitation vendor for vocational evaluation. Employer must provide up to 36 weeks (may be extended an additional 36 weeks). Disability payments suspended for worker's refusal to participate in rehabilitation. After 90 days refusal, Director may reduce compensation to not less than PPD payments.
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*	Tuition, books, fees, and sum for sustenance and travel not to exceed 25% of SAWW. Employees injured before 6/30/85 may receive additional \$35 weekly. Job training included as necessary.	Office of Employment Rehabilitation monitors cases. Employer must file report within 120 days of injury if employee has not returned to employment. Benefits suspended if employee does not comply with program. Employer's obligation to reinstate employee continues until 1 year or 2 years if more than 250 employees, after employee reaches maximum medical improvement. Employees who have not had a rehabilitation plan developed for them, and were injured on or after 11/20/87, may be entitled to rehabilitation.
MARYLAND	No fund established	Up to \$40 weekly paid by employer	Workers' Compensation Commission investigates all claims and reports of injury or disability for referral to Division of Vocational Rehabilitation. Employee entitled to 24 months of vocational rehabilitation. Employee's unreasonable refusal results in loss of compensation. Employer pays compensation for temporary total disability plus expenses of vocational assessment and rehabilitation.
MASSACHUSETTS	No fund established. Paid the same as compensation by employer or insurer.	Office of Education and Vocational Rehabilitation may approve room, board, and travel expenses for 52 weeks.	Necessary cost of rehabilitation subject to approval of 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	Necessary expenses, including tuition, books, travel, board, lodging, and custodial daycare. Employee receives temporary total during approved retraining up to 150 weeks.	Qualified injured worker entitled to rehab. provided by/at expense of employer. If approved plan, employer to provide retraining up to 150 weeks. 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.
MISSISSIPPI	No fund established	Up to \$10 per week up to 52 weeks.	Commission cooperates with federal and state agencies.
MISSOURI	No fund established. At expense of employer or insurer.	\$40 weekly for physical rehabilitation (by order of Division after 20 weeks).	Administered by Director of Workers' Compensation Division. Division may order employer to provide transportation.
MONTANA	Rehabilitation Fund by 1% tax upon compensation paid by insurers, self-insured, and state fund.	Employee receives benefits at the TT rate up to 26 weeks from eligibility date. If retraining is ordered by the Department, benefits at the TT rate will continue for up to 4 years. Up to \$4,000 for travel and relocation expenses in search of employment per the Department's plan. State will pay maintenance allowance in certain cases.	Administered by Department of Labor and Industry rehabilitation panel. Services provided by private certified rehabilitation counselors. Employee also may be referred to the Department of Social and Rehabilitative Services. Employee's refusal may result in loss of compensation.
NEBRASKA	Vocational Rehabilitation Fund by 1% premium tax on insurers and self-insurers (minimum \$25) payable to Court.	Board, lodging, and travel paid by fund. Temporary indemnity paid by self-insurer or carrier.	Insurer must furnish medical, physical, and vocational rehabilitation services voluntarily (if not, may be ordered to do so). Costs may be apportioned between the employer and the Vocational Rehabilitation Fund. Payments into fund suspended when fund reaches \$400,000 (see Chart XIII).
NEVADA	State Insurance Fund and self-insurance	Insurer may allow maintenance as needed.	Insurer is authorized to provide all necessary rehabilitation services. Employee's refusal results in loss of all benefits.

Colo. \*Vocational rehabilitation is an optional benefit for injuries after July 2, 1987.

Ind. \*State Rehabilitation Services Board administers vocational rehabilitation programs. Compensation suspended for refusal of suitable employment by partially disabled claimant.

Maine. \*Funded by assessment of 0.5% on insurers and self-insurers in 1986 and 1.0% thereafter.

\*\*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.

Minn. \*Surviving spouse may request rehabilitation.

CHART X  REHABILITATION OF DISABLED WORKERS  January 1, 1990 (continued)

JURISDICTION	SOURCE OF FUND	MAINTENANCE ALLOWANCE	SPECIAL PROVISIONS
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, for one year and further treatment if needed. Vocational and physical rehabilitation staff assist in program.
NEW JERSEY	No fund established		Permanent total disability benefits may be stopped after 450 weeks unless the worker has submitted to physical or educational retraining.
NEW MEXICO	No fund established	Board, lodging, tuition, travel and other expenses for up to two years	The purpose of vocational rehabilitation is the restoration of the disabled worker to gainful employment, preferably that for which he has training or experience.
NEW YORK	\$2,000 in no-dependency death cases	Up to \$30 per week for rehabilitation maintenance	Department of Labor cooperates with Department of Education.
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.
NORTH DAKOTA	Benefit Fund	Rehabilitation allowance plus supplies, tuition, fees and books in lieu of and equal to compensation for up to two years, plus 25% if maintaining two domiciles	Bureau through its Director of Rehabilitation provides retraining. Employee's unreasonable refusal to cooperate shall forfeit compensation. If worker refuses rehabilitation, no benefits will be provided. If refusal continues for 6 months, eligibility for benefits ends.
OHIO	State Insurance Fund	Same as for temporary total disability, minimum 50% of SAWW, for 6 months (renewable).	Rehabilitation Division is within the Bureau of Workers' Compensation. Division 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	Worker receives temporary total disability compensation during rehabilitation	Physical and vocational rehabilitation furnished at employers' expense and in accordance with Department regulations. Benefits may be suspended for failure to participate.
PENNSYLVANIA	No fund established	State Board of Vocational Rehabilitation may provide cash payments for living expenses	State Board of Vocational Rehabilitation may provide physical restoration, training, support and job placement services.
PUERTO RICO	No fund established	Administrator may grant \$45 weekly for up to 26 weeks	Rehabilitation center provides physical, medical, and rehabilitation services.
RHODE ISLAND	\$750 in no-dependency death cases; 1% of insurance premium	Board, lodging, and 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		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. Board may refer employee to Texas Rehabilitation Commission for vocational services.
UTAH	\$18,720 in no-dependency death cases	\$1,000 maximum during rehabilitation of permanently and totally disabled person	If he cannot be rehabilitated, worker receives benefits for life from Employers' Reinsurance Fund, minimum is 36% of 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.
VIRGIN ISLANDS	Government Insurance Fund	Board, lodging, and travel	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 \$20,000. Employee's unreasonable refusal may suspend compensation.
WASHINGTON	No fund established	Compensation, board, lodging, travel, books, equipment, and child care allowance, up to 52 weeks (maximum \$3,000)	Supervisor may extend period for another 52 weeks. Dept. operates a Rehabilitation Center and pays maintenance and employer's cost of job modification.
WEST VIRGINIA	State Fund used, no special account	Up to \$10,000 (includes tuition, books, supplies, travel, lodging, and tools). No limit on physical rehabilitation costs. Temporary total disability payments if totally disabled.	Fund-employed Rehabilitation Counselors provide referrals and direct services. Direct job placement emphasized, but training considered on basis of need. Short term training preferred. Longer programs approved when no other employment alternatives available, normally limited to 2 years.
WISCONSIN	No fund established	Temporary total disability; travel and necessary maintenance if away from home	40-week period may be extended with Division's permission if necessary. Division refers feasible cases to Department of Vocational Rehabilitation.
WYOMING	No fund established	Up to \$10 per week (may be increased to \$15 per week if insufficient); up to 72 weeks	District judge grants maintenance allowance on recommendations of Board of Education.
F.E.C.A.	Employees' Compensation Fund	Up to \$200 per month	If person fails to undergo rehabilitation, administrator may reduce benefits if rehabilitation would have increased earnings.
LONGSHORE ACT	50% of Special Fund*	Up to \$25 per week	Surplus in Fund in any one 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.
BRITISH COLUMBIA	Accident Fund	Discretion of Board	Rehabilitation Clinic established. Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
MANITOBA	Accident Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation.
NEW BRUNSWICK	Accident Fund	Discretion of Board	Board operates physical rehabilitation center. Board may make necessary expenditures to aid rehabilitation.
NEWFOUNDLAND	Injury Fund	Discretion of Commission	Commission may make necessary expenditures to aid rehabilitation.
NORTHWEST TERRITORIES	Accident Fund	\$60 daily for first 7 days; \$50 daily thereafter. Employer pays transportation cost.	Board may make necessary expenditures to aid rehabilitation.
NOVA SCOTIA	Accident Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation.
ONTARIO	Schedule 1 cases—Accident Fund Schedule 2 cases—employers individually	Discretion of Board Discretion of Board	No limit on amount in any one case or in any year for rehabilitation. Surviving spouses entitled to same level of vocational rehabilitation as injured workers, as of 4/1/85.
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.	As required by law	Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
SASKATCHEWAN	Injury Fund	Discretion of Board	Board provides on-the-job training, employer assistance, and physical and occupational therapy. Vocational training is also available for spouse, as well as 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 SEAMEN'S ACT	No fund established		No specific statutory provision

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.

Pa. \*Funded by federal and state sources.

Longshore \*See Chart XII—Second Injury Funds—Special Provisions.

# PART 3

## ADMINISTRATION

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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. Indeed 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 the 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. 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 have 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, special assessment requirements.
- Collection of data and evaluation of program performance.

### ADMINISTRATION—NOTICE TO EMPLOYER—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 (1) time limits in which employers must be advised of injury, (2) time in which claims must be filed, (3) claims settlement conditions, and (4) regulation of attorney 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 employers' reports 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 pre-existing injury combines with a second to produce disability greater than that caused by the latter alone. The funds (1) encourage hiring of the physically handicapped and (2) more equitably allocate costs of providing benefits to such employees. Second-injury employers pay compensation related primarily to the disability caused by the second injury alone—even though the employee receives a benefit relating to his 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 employ 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 thus 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 of the fund.

### ADMINISTRATION EXPENSES: CHART XIV

Chart XIV refers to (1) how costs of administration are met; (2) nature of assessments, if any; and (3) type of insurance provided for—whether private or 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: CHART XVI

The names and addresses of the administrators, boards, and commissioners for all jurisdictions reported upon by the *Analysis* are furnished.

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 of 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% of award
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. Interest and penalties accrue	By Board	Within 1 year after last payment of compensation or after rejection of claim.	Fixed by Board
AMERICAN SAMOA	Workmen's Compensation Commission	In writing within 30 days, excusable	Disability—within 1 year after injury or last payment. Death—within 1 year after death or claimant should know relation to employment	Compensation without award except in disputed cases. Disputed cases settled by Commission	Award is effective upon filing, enforceable by High Court		By Commissioner on application or own motion within 1 year after last payment or rejection of claim. At any time in case of fraud.	Subject to approval of Commissioner or High Court may assess costs against party that proceeds without reasonable grounds
ARIZONA	Industrial Commission	Forfeiture, excusable	Within 1 year after injury or accrual of right; excusable * Claim not barred if compensation has commenced.	By Commission	Lien upon filing	By administrative law judge within 30 days	By administrative law judge on application	Commission may regulate, maximum 25% of award
ARKANSAS	Workers' Compensation Commission	No later than end of next business day, excusable	Within 2 years after injury or death.	Compensation without award except in contested claims. Disputed claims heard by Commission member, or administrative law judge, upon application. Settlements may be approved by joint petition *	Preference rights of unpaid wage claims	By Commission from decision of administrative law judge within 30 days	By Commission within 6 months of end of compensation period except in "joint settlements" **	Sliding scale subject to approval by Commission. Maximum \$250 on appeal to full Commission; \$500 on appeal to Court
CALIFORNIA	Division of Workers' Compensation handles administration. Appeals Board handles judicial functions	In writing within 30 days, excusable	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 on filing in Superior Court	By Appeals Board from workers compensation judge's findings	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
COLORADO	Director, Division of Labor	Within 2 days, excusable (claimant may lose up to one day's compensation for each day's delay)	Within 2 years after injury or death. * Does not apply if compensation paid or if reasonable excuse in 3 years.	By agreement approved by Director or administrative law judge, voluntary mediation or a settlement conference for self-insured. Disputed claims settled by administrative law judge after hearing	Judgment on filing copy of award against uninsured employer in District Court	By Director or administrative law judge within 20 days, then by Industrial Claims Appeals Office within 20 days	By Division within 6 years from date of accident or 2 years after last payment (whichever is later) **	On contested cases, a contingent attorney fee not exceeding 20% of the amount the contested benefit shall be presumed to be reasonable. Director determines reasonableness of fee on request of claimant or attorney
CONNECTICUT	Workers' Compensation Commissioners (one for each of 8 districts plus chairman and four at large)	Forfeiture, excusable *	Within 1 year after accident. ** 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 of unpaid wages	By Compensation Review Division within 10 days. ***	By Commissioner during compensation period.	Subject to approval of Commissioner.
DELAWARE	Industrial Accident Board	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 after hearing	Preference rights of unpaid claims		By Board at any time, but no more often than once each 6 months	30% of award or \$2,250, whichever is less. Reasonable fee on appeals
DISTRICT OF COLUMBIA	D.C. Office of Workers' Compensation	In writing within 30 days, excusable	Within 1 year after accident or last payment	By Mayor	Award is effective upon filing	By Mayor on application or own motion	By Mayor within 1 year after last payment or denial of claim	Approval by Mayor
DISTRICT OF COLUMBIA GOVERNMENT WORKERS	D.C. Division of Disability and Crime Victims Compensation	48 hours, extended for cause	Within 60 days after injury or 1 year after death, extended for cause	By D.C. Division of Disability and Crime Victims Compensation	Fund pays award	By administrator upon own motion or application at any time	By administrator	Subject to approval by administrator
FLORIDA	Division of Workers' Compensation	In writing within 30 days, excusable	Within 2 years after injury, death, or last payment	By agreement, but Division may investigate. Upon application, Division must order a hearing conducted by judge of compensation claims, or a mediation conference	May be filed in proper court, execution or other process in Circuit Court		By judge of compensation claims on application or own motion within 2 years after last payment or claim rejection *	Subject to approval of Division, judge of compensation claims, or court, claimant pays own fee
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, or administrative law judge *	Judgment in Superior Court on certified copy of award **	By Board on application within 20 days	By Board on application or own motion within 2 years after final payment. 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
GUAM	Workers' Compensation Commission	In writing within 30 days, excusable	Within 1 year after injury, death, or last payment	Compensation without award within 14 days after knowledge of injury or death. Controversial claims are settled by the Commission.	Lien against assets of carrier or employer. Enforcement of final order by Superior Court		By Commissioner within 1 year after last payment or rejection of claim, on own motion or application.	Subject to approval of Commissioner or Court on review. Legal fees shall be a lien on compensation
HAWAII	Director of Labor and Industrial Relations	Forfeiture, excusable	2 years after date on which effects of injury become manifest, but within 5 years after date of accident causing injury	Agreements must be prepared by Director within 60 days after conclusion of hearing; 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 on application of any party within 20 days but no later than 6 years after decision.	Subject to approval of Director
IDAHO	Industrial Commission	In writing within 60 days after accident, excusable	Within 1 year after accident or death *	By agreement, subject to approval of Commission. Disputed cases settled by Commission or member after hearing	Judgment in District Court on filing certified copy of award	By Commission within 20 days	By Commission within 6 years of accident, but no more often than once in 6 months.	Subject to approval of Commission

Alaska \*Burden of proof shifted to claimant if late notice excused

Ariz. \*Limit on filing runs from when injury is manifest or when claimant knows/should know relation to employment, tolled during incapacity.

Ariz. \*\*If no hearing is requested within 6 months of claim filing, the claim may be dismissed.

Ariz. \*\*\*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.

Cal. \*Statute excepts certain occupational diseases

Cal. \*\*If claimant has previously agreed to settlement, case will not be reopened except on grounds of fraud or mutual mistake of material fact

Conn. \*Lack of notice excused if voluntary agreement, or medical treatment within 1 year after accident

Conn. \*\*Within 3 years after first manifestation of disease (see Chart IV)

Conn. \*\*\*The 9 Commissioners comprise the Review Division (appointed in 3-member panels)

Fla. \*Approved lump sum settlement final if claim involuntarily controverted. Expires 7/1/88

Ga. \*Automatic dismissal of claims for which no hearing has been held for 5 years

Ga. \*\*7 percent interest on all accrued amounts of awards. Interest runs on Superior Court judgment in event of appeal

Ha. \*Director may extend due date for good cause if parties agree

Idaho \*When compensation is discontinued, claimant has 6 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

CHART XI □ ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS □ January 1, 1990 (continued)

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
ILLINOIS	Industrial Commission	Within 45 days. 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 1 year after death.*	By agreement, subject to approval of Commission, after 7 days from injury. Disputed cases settled by arbitrator.	Judgment in Circuit Court on filing certified copy of award.	By Commission from decision of arbitrator within 15 days.	By Commission within 18 months of agreement or award.	Maximum 20% of compensation paid, up to 364 weeks of permanent total disability. Unreasonable or vexatious delay by employer or carrier in payment of compensation may be penalized by payment of attorney's fees.
INDIANA	Workers' Compensation Board	In writing as soon as practicable; excusable. Compensation accrues 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 or member on application.	Judgment in Circuit or Superior Court on certified copy of agreement or award. Preference rights of unpaid wages.	By full Board within 20 days after award.	By Board on application of own motion, within 2 years after last day for which compensation is paid.	Subject to approval of Board. Paid out of award unless barred forth by employer or lack of diligence, in which case minimum fee is \$150.
IOWA	Industrial Commissioner	Within 90 days after injury unless employer has actual knowledge.	Within 2 years after injury or 3 years after last payment.	Compensation without award except in contested cases, but claim may be settled by agreement, subject to approval of Industrial Commissioner.	Judgment in District Court on filing certified copy of agreement or decision.	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; excusable.	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.*	By agreement, subject to approval of Director. Disputed cases settled by administrative law judge after hearing, subject to an appeal to the Director.	Judgment in district court on filing certified copy of award.	By Director at any time before final payment, on application.	By Director, before final payment and within 1 year of prior approval, on application.	Reasonable amount or 25% of compensation recovered and paid, whichever is less. Subject to approval by the Director pursuant to filed written contract.
KENTUCKY	Workers' Compensation Board	In writing as soon as practicable; excusable.	Within 2 years after accident or death. If paid voluntarily—within 2 years after suspension or accident, whichever is later. Limits tolled during minority or incapacity.	By agreement, subject to approval of administrative law judge. Disputed cases settled by administrative law judge.	Judgment by Board on filing certified copy of award or approved agreement.	By administrative law judge.	By administrative law judge at any time, on application or own motion.	Subject to administrative law judge's approval. Maximum \$5,500, except \$150 maximum in uncontested occupational disease case. Court costs and attorney's fees may be assessed against party who proceeds without reasonable grounds.
LOUISIANA	Office of Workers' Compensation and courts	Within 30 days (12 months if employer fails to post requirements); excusable.	Within 1 year after accident, death, or last payment, 2 years for delayed development of injury, 3 years from last payment in cases of partial disability.	By agreement, subject to approval of Director. Disputed cases settled by the Director.	Approved settlement entered as judgment.		By Director or court after 6 months or any time by agreement.	Subject to Director's approval, maximum 20% of award on first \$10,000 and 10 percent of any additional amount.
MAINE	Workers' Compensation Commission	Within 30 days after injury; within 3 months after death, excusable.	Within 2 years after accident or last payment,** or within 1 year after death, if mistake of fact or fraud, within a reasonable time, but no more than 10 years after last payment in any case.	Compensation without award except in contested cases. Disputed cases settled by Commission.	Decision enforceable in Superior Court by suitable process.	By single commissioner, then by Appellate Division.	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.	Awards of fees and costs only for cases in which employer prevails.***Non-lawyers authorized to represent any party unless such representation "prevents the efficient processing of any proceeding."
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. Not barred for 3 years if treated by physician acting for employer.*	By agreement, subject to approval of Commission. Disputed cases settled by Commission or arbitration committee, hearing required on application.		By Commission from arbitration committee on application.	From final award, on application or own motion within 5 years.	Subject to approval of Commission.
MASSACHUSETTS	Division of Industrial Accidents, under supervision of Industrial Accidents Board	In writing as soon as practicable; excusable.	Within 4 years after injury or death, within one year after discovery for medical benefits, excusable.	By agreement, subject to approval of Division. Disputed cases settled by member of Division after preliminary conference prior to hearing.	Declarative in Superior Court on certified copy of agreement or decision.	By reviewing Board from decision of member.	On application at any time, limited in death cases.	Subject to Board approval, amount fixed as multiple of SAWW according to stage of proceeding—maximum 7 times SAWW. Lump-sum settlements—maximum 20% of settlement.
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.*	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	Commissioner, Department of Labor and Industry as head of Workers' Compensation Division	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 8 years from date of injury. Occupational disease—within 3 years after employee knows cause of disability.*	Claims settled by agreement subject to judicial approval unless 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 Court of Appeals to vacate.	Approval by Division or compensation judge of 25% of first \$4,000 compensation and 20% thereafter, up to a maximum fee of \$4,500 presumed reasonable.
MISSISSIPPI	Workers' Compensation Commission	Within 30 days, excusable.	Within 2 years after injury or death.	Compensation without award except in contested claims. Disputed claims heard by Commission member or referee on application.	Lien against assets and has preference rights of unpaid wages.	By Commission within 20 days from decision of administrative judge.	By Commission on application of own motion within 1 year from last payment or claim rejection.	Subject to approval of Commission or court.
MISSOURI	Industrial Commission through Division of Workers' Compensation	In writing within 30 days. Area employer has actual knowledge. Division not liable worker's rights.	Within 2 years after injury or death, or last payment (3 years if no report filed).	By agreement, after 7 days from injury or death, subject to approval of administrative law judge, legal advisor or Commission. Disputed cases settled by administrative law judge.	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 of own motion, after notice and hearing.	Commission or Division may allow reasonable fee.

Ill. \*Death from radiation must occur within 2 years from last exposure if not compensation or Bureau within 2 years after injury, death, paid.

Kan. \*\*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. *Chrysler v. Chrysler Parking Co.*, 567 P.2d 637 (Kansas S. Ct. 1978).

Maine. \*Overpayments are made pending review and may be recovered in lawsuit by employer if employee resumes work. Any award or agreement may be reopened within 30 days on grounds of newly discovered evidence.

\*\*Two year period does not run until employer who has actual knowledge of injury files report.

\*\*\*"Prevail" means to obtain more compensation than was offered in writing before the proceeding, or, if no offer was made, to obtain benefits under the act.

Md. \*Employer or insurer who receives completed claim form must send it to Commission immediately and may not advise claimant that claim is denied.

Mich. \*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.

Miss. \*Employer who threatens to discharge claimant for filing claim is subject to civil suit for extra damages, costs, and attorney fees.

CHART XI  ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS  January 1, 1990 (continued)

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S 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 mediation or agreement subject to approval of Department. Permanent total advance disputed cases enter mandatory mediation and if unresolved are settled by Workers' Compensation Judge.	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 or any Court.	May be filed by Department or W. C. judge. Added to successful claimant's award on appeal.
NEBRASKA	Workers' Compensation Court	In writing as soon as practicable; excusable.	Within 2 years after injury, death, removal of incapacity, or last payment. For minors within 2 years after becoming 18.	By agreement with consent of insurer, but must be in accordance with Act. Disputed claims submitted to Compensation Court for hearing. Lump sums approved by Compensation Court and district court.	Judgment in District Court on filing certified copy of order or award.	By Compensation Court within 14 days after order or award of Judge.	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 or Supreme Court (for lien purposes).
NEVADA	Department of Industrial Relations	Forthwith.	Within 90 days after accident, 1 year after death.	By agreement, in conformity with Act, subject to approval of insurer.		By Department of Administration.	Medical investigation may be conducted at any time based on changed circumstances.	District Court may assess costs and attorney's fees if appeal is frivolous. At any level the claimant may have the state industrial claimant's attorney represent him, if requested.
NEW HAMPSHIRE	Department of Labor	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 Department. Disputes may also be settled by lump sum with Department approval.	Payment within 6 working days.	By Commissioner.	Commissioner of Labor may modify no later than 4 years after last indemnity payment, except lump sums.	Subject to approval of Labor Commissioner or court. Attorney's fees and interest to successful claimant on appeal.
NEW JERSEY	Division of Workers' Compensation	Within 14 days, excusable up to 90 days. Separate provisions for occupational diseases.	Within 2 years after accident, death, last payment, or default. Separate provisions for occupational diseases.	By agreement, subject to approval of Division. Disputed cases settled by Division.	On filing with county clerk has effect of County Court judgment, may be docketed in Superior Court.		By agreement or on application for review within 2 years of last payment. Settlement approved by compensation judge is final and conclusive.	Not over 20 percent before Division. Court may fix reasonable fee on appeal.
NEW MEXICO	Workers' Compensation Division	In writing within 30 days, excusable up to 60 days.	Within 1 year after notice, death, or failure in pay. Time tolled while in same employment.	By agreement, subject to approval of Workers' Compensation Judge. Disputed cases settled by Judge pursuant to hearings held by the Workers' Compensation Division.	Award is judgment.	By Department of Workers' Compensation Administration.	By Workers' Compensation Judge, hearings for modifications may be held at not less than 6 months intervals.	Determined by Workers' Compensation Judge, maximum amount of \$12,500 including all levels of appeal. Employer pays 75%, employee pays 25%.
NEW YORK	Workers' Compensation Board	In writing within 30 days, excusable.	Within 2 years after accident or death. When advance payment is made, claim is not barred.	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.	Payment within 10 days after decision, except in event of appeal.	Full Board review on application within 30 days after split decision.	By Board at any time. Subject to special conditions.	As a lien on award if approved by Board.
NORTH CAROLINA	Industrial Commission	In writing within 30 days, excusable.	Within 2 years of final determination of disability or within 8 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.	Judgment in Superior Court on 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. Commission may assess attorney's fees and court costs against party who proceeds without reasonable ground.
NORTH DAKOTA	Workers' Compensation Bureau	None required.	Within 1 year after injury or 2 years after death.	By Bureau.	Fund pays award and has liquidated claim against defaulting uninsured employers.		By Bureau at any time on application or own motion.	Hourly rate determined by Bureau; final judge fixes on appeal but must give consideration to amount allowed by Bureau.
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 Industrial Commission after hearing.	Fund or self insurer pays award after judgment.	By regional review board, then Commission, within 20 days from receipt 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.
OKLAHOMA	Workers' Compensation Court and an Administrator	In writing within 60 days, excusable.	Within 2 years after injury or last payment. Death claims—within 2 years after death or last payment.	By agreement, after 7-day disability, subject to approval of Workers' Compensation Court. Disputed cases settled by Court.	Payment within 20 days except in event of appeal. Judgment in District Court upon motion to certify.	By W.C. Court en banc on appeal within 10 days or by Supreme Court on appeal within 20 days.	By W.C. Court on application or own motion at any time. May reopen case within maximum number of weeks for which award is possible.	W.C. Court must approve and direct payment, 10% maximum for temporary disability, 20% maximum for permanent disability or death.
OREGON	Department of Insurance & Finance, Workers' Compensation Division	In writing within 30 days, excusable.	Within 1 year after accident, last payment, or last date of medical services.	Decided by Evaluation Section, closed by insurer, or settled by hearing referee.	Payment on award within 30 days after order.	By referee on application within 60 days for denial or 180 days for disability rating. Further appeal to Board within 30 days.	By Board on own motion or claim for aggravation within five years of first determination.	Subject to approval of hearing officer, Board, or Court. Board establishes fee schedule.
PENNSYLVANIA	Bureau of Workers' Compensation	Within 21 days, excusable to 120 days. No compensation due until notice is given.	Within 3 years after injury, death, or last payment.	By agreement, after 7 days from injury, subject to Department approval. Disputed cases heard by Referee with appeals to Board.	Judgment in court on filing award or agreement.	By Appeal Board from referee's decision within 20 days.	By Department on application within statutory time limits.	Subject to approval of referee, Appeal Board, or court.
PUERTO RICO	Manager of the State Insurance Fund and Industrial Commission	None required.	As soon as possible within 8 days from accident.		Fund pays award.		By Commission, within 30 days after copy of Manager's decision is served on the employee. Reconsideration on own motion or upon petition of interested party within 10 days.	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	Workers' Compensation Department	In writing within 30 days, excusable.	Within 3 years after injury, manifestation, knowledge of injury, death, or removal of incapacity.	By voluntary agreement of both parties, by hearing officer at informal hearing, or by Commissioner by decree.	Award enforceable by Commission or Director.	By Commission within 7 days.	By Commission during compensation period or within 12 years after compensation period has ceased, on own motion or on petition of either party.	Subject to approval of Director or Commission. Maximum 15% of lump sum or structured settlements.

Nev. \*For occupational disease, within 90 days after knowledge of disability and relation to employment or within 1 year after death.

N.J. \*Based on excess over amount of award tendered in good faith a reasonable time before a hearing.

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.

Pa. \*Workers' Compensation Advisory Council recommends changes in administration of law. \*\*Late discovery will extend the time for filing a claim involving an occupational disease.

CHART XI □ ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS □ January 1, 1990 (continued)

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.	By 3-member panel 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 30 days; excusable.	Within 2 years after notice of intention to deny coverage.	By agreement, if not disapproved by Director, within 20 days. Disputed cases settled by Commissioner after hearing, upon application.	Judgment in Circuit Court on certified copy of agreement or decision.	By Labor Secretary within 10 days.	By Secretary by application.	Subject to approval of Director of Division of Labor and Management.
TENNESSEE	Courts and Workers' Compensation Division	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 or death—within 1 year after employer's notice accepting liability.	By agreement, subject to approval of County Court. Disputed cases determined by Circuit Court.	Judgment in Circuit Court 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.	Subject to approval of court, maximum 20% of recovery or award.
TEXAS	Industrial Accident Board	Within 30 days; excusable.	Within 1 year after injury, death, or removal of incapacity; excusable.	By award of the board or commission, by judgment of a district court, or by agreement approved by board, commission or district court.	Collectible by suit for full amount of compensation, 12% penalty and attorney's fees.		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 15% of the recovery unless special circumstances prevail. Subject to approval by board, commission, or court but not to exceed 25% of recovery.
UTAH	Industrial Commission	Within 180 days.	Within 1 year after death; within 6 years after date of injury. Medical expenses—within 3 years of last treatment.	By Industrial 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 Commission at any time upon notice. Award may be reviewed upon showing of significant change.	Fixed by Commission.
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.
VIRGIN ISLANDS	Commissioner of Labor	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 Commissioner; disputed cases settled after hearing (subject to appeal to any Court of Competent Jurisdiction).	First priority lien on employer's assets.	By Deputy Commissioner.	By Deputy Commissioner.	Subject to approval of Commissioner.
VIRGINIA	Industrial Commission	In writing within 30 days.	Within 2 years after accident or 2 years after death. Payment of benefits after filing injury report tolls limitation on claim filing.	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 injuries.	Fixed by Commission.
WASHINGTON	Department of Labor and Industries	Immediately.	Within 1 year from date of injury.	By Department of Labor and Industries.		By Board of Industrial Insurance Appeals within 60 days on application.	By Department within 7 years, on application, or own motion, 10 years for loss of vision claims.	By Appeals Board upon application; renewable by Superior Court.
WEST VIRGINIA	Workers' Compensation Commissioner	Immediately.	Within 2 years after injury or death, disease claims—within 3 years after exposure or knowledge, whichever is later, or within two years after death.	By Commissioner; hearing upon application.		By Appeal Board within 30 days, or 90 days without notice.	By Commissioner within set time limits, on written application; subject to review by Appeal Board.	Maximum fees established, limited to 20% of award up to 208 weeks of benefits.
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	Courts and Division of Workers' Compensation	Within 72 hours (also within 10 days to the court); excusable.	Within 1 year after injury or discovery of injury not readily apparent.	Hearing examiners and appeal to District Court.			Within 4 years or during time payments are made on application.	Reasonable fee as allowed by court.
F.I.C.A.	Division of Federal Employees' Compensation, O.W.C.P., U.S. Department of Labor	48 hours, extended for cause.	Within 60 days after injury or 1 year after death, extended for cause.	By Division.	Fund pays award.	By Secretary of Labor on own motion or application at any time.	By Secretary of Labor or Employees' Compensation Appeals Board on review.	Subject to approval by Division or Appeals Board.
LONGSHORE ACT	Division of Longshore and Harbor Workers' Compensation, O.W.C.P., U.S. Department of Labor	Within 30 days.	Within 1 year after injury or death.	By Deputy Commissioner (by agreement) or administrative law judge (formal hearing).	Award is effective on filing.	By Deputy Commissioner upon own motion or application and by Benefits Review Board on Appeal.	By Deputy Commissioner or court on review.	Approval by Deputy Commissioner, court, or Review Board when service given.

\*Modification of award due to aggravation or recurrence of injury may be based on earnings and benefits in effect at that time.

W. Va. \*Within 2 years for fatal or non-fatal cases, 5 years for temporary total disability or in cases of no awards.

S.C. \*Payment must begin within 14 days after employer has knowledge of injury or death.

Tenn. \*Tennessee Claims Commission administers claims by State employers.

Texas \*Effective 4/1/90, board will be replaced by the Workers' Compensation Commission.

\*\*Employer who discriminates against claimant is liable for damages.

Utah \*Claim for TT or PT disability hearing must be filed within 6 years of injury.

Va. \*In cases where no compensation has been paid, commission may make award within 3 years from the date of accident.

Wash. \*Provision is made for resumption of benefits paid through mistake or fraud.

CHART XI □ ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS □ January 1, 1990 (continued)

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
ALBERTA	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or death, excusable	By Claims Adjudicator	Fund pays award	By review committee on request, then by Appeals Commission at any time	By Appeals Commission at any time on application or own motion	
BRITISH COLUMBIA	Workers' Compensation Board	As soon as practicable	Within 1 year after injury, death, or disablement by disease, excusable within 3 years*	By Board	Fund pays award	By Review Board if appealed within 30 days. From Review Board to commissioners of the Board if appealed within 60 days	By Board at any time	Board may award expenses of proceeding to successful party**
MANITOBA	Workers' Compensation Board	In writing as soon as practicable but no later than 30 days, excusable	Within 12 months after accident or death, excusable	By Claims Adjudicator	Fund pays award	At any time	By Board	(-)
NEW BRUNSWICK	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or 6 months after death, excusable	By Claims Adjudicator	Fund pays award	At any time	Appeals Board	
NEWFOUNDLAND	Workers' Compensation Commission	As soon as practicable	Within 6 months after injury or death	By Commission	Fund pays award	At any time	By Commission	
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 6 months after injury or death, excusable	By Board	Fund pays award	At any time	By Board at any time or Workers' Compensation Appeal Board within 1 year	(-)
ONTARIO	Workers' Compensation Board	As soon as practicable	Within 6 months after injury or death	By Board	Fund pays award	At any time	By Board	
PRINCE EDWARD ISLAND	Workers' Compensation Board	As soon as practicable	Within 6 months after injury or death	By Board	Fund pays award	At any time	By Board	
QUEBEC	Commission de la Santé et de la Sécurité du travail du Québec	As soon as practicable	Within 6 months after injury or death	By Commission	Fund pays award. Individual liability for employers held personally responsible for the payment of benefits	At any time, if no application made to Review Office	By Commission	
SASKATCHEWAN	Workers' Compensation Board	As soon as practicable, excusable	Within 6 months after injury or death, excusable	By Board	Fund pays award	At any time	By Board	(-)
YUKON TERRITORY	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or death, excusable if proof of disability or death is furnished within 3 years after accident and claim is a just one	By Claims Adjudicator	Fund pays award	By review committee upon request, then by full Board at anytime	By Board	
CANADIAN MERCHANT SEAMEN'S ACT	Merchant Seamen Compensation Board	As soon as practicable	Within 6 months after injury or death, excusable	By Board	Judgment in county, district, or Quebec Superior Court on certified copy of award	At any time	By Board	Board may award expenses of proceeding to successful party

\*Modification of award (due to aggravation or recurrence of injury) may be based on earnings and benefits in effect at that time

B.C. \*\*After 3 years, compensation is payable only from date of filing

\*\*Government-appointed adviser handles workers' and employers' claims

Man: Government-appointed adviser handles workers' claims

N.S.: Government-appointed adviser handles workers' claims

Sask: Government-appointed adviser handles workers' claims (Workers Advocate and Provincial Ombudsman)

JURISDICTION	KEEPING OF ACCIDENT RECORDS BY EMPLOYER*	REPORTING REQUIREMENTS*		PENALTIES FOR FAILURE TO REPORT		
		INJURIES COVERED	TIME LIMIT	FINES		IMPRISONMENT
				MAXIMUM	MINIMUM	
ALABAMA	Required	Death or disability exceeding 3 days	Within 15 days			
ALABAMA	Required	Death or injury or disease or infection	Within 10 days	(-)		
AMERICAN SAMOA	Required	Injury or death	Within 10 days*	\$500		
ARIZONA	Not required	All injuries	Within 10 days			Petty offenses
ARKANSAS	Required	Injury or death	Within 10 days and as required	100		
CALIFORNIA	Required	Death cases or serious injuries	Immediately*	100	25	
		1 day or more than first aid	As prescribed			
		Occupational diseases or pesticide poisoning	Within 5 days			
COLORADO	Required	Death cases	Immediately	100 per day		
		All injuries causing lost time of 3 days or more*	Within 10 days*			
CONNECTICUT	Required	Disability of 1 day or more	7 days, or as directed	250		
DELAWARE	Required	Death cases or injuries requiring hospitalization	Within 48 hours*	100	25	Up to 20 days
		Other injuries	Within 10 days*			
DISTRICT OF COLUMBIA	Required	All injuries	Within 10 days	1,000		
FLORIDA	Required	Death cases	Within 24 hours*	500		
		All injuries	Within 10 days and as required*			
GEORGIA	Required	All injuries requiring medical or surgical treatment or causing over 7 days' absence	Within 10 days*	200**	20**	
GUAM	Required	Injury or death	Within 10 days*	500**		
HAWAII	Required	Death cases	Within 48 hours	1,000		Up to 90 days
		1 day of absence	Within 7 working days			
IDAHO	Required	All injuries requiring medical treatment or causing 1 day's absence	As soon as practicable but not later than 10 days after the accident*	300		Up to 6 months
ILLINOIS	Required	Death cases or serious injuries	Within 2 working days	200	100	Misdemeanor
		Disability of over 3 days	Between 15th and 25th of month			
		Permanent disability	Soon as determinable			
INDIANA	Required	Disability of more than 1 day	Within 7 days*	500		
IOWA	Required	Disability of more than 3 days	Within 4 days	100	100	
KANSAS	Not required	Death cases	Within 28 days	(-)		
		Disability of 1 day or more	Within 28 days			
KENTUCKY	Required	Disability of more than 1 day	Within 7 days*	25		
LOUISIANA	Required**	Lost time over 1 week or death	Within 10 days			
MAINE	Not required	All injuries requiring physician services or causing loss of day's work*	Within 7 days	100**		
MARYLAND	Not required	Disability of more than 3 days	Within 10 days	50		
MASSACHUSETTS	Required	Disability of more than 5 days	Within 5 working days*	100		
MICHIGAN	Required	Death cases, disabilities of 7 days or more, and specific losses	Immediately			
MINNESOTA	Required	Death or serious injury	Within 48 hours	200		
		Disability of 3 days or more	Within 14 days			
MISSISSIPPI	Required	Disability of one day or working shift	Within 10 days	100*		
MISSOURI	Not required	Death or injury	Within 10 days*	500	50	1 week to 1 year
MONTANA	Required	All injuries	Within 6 days*	500	200	
NEBRASKA	Required	Death cases*	Within 48 hours*	1,000*		Up to 6 months
		All injuries*	Within 7 days*			
NEVADA	Required	All injuries	Within 6 working days	Up to 250		
NEW HAMPSHIRE	Required	All injuries involving lost time or medical expense	Within 5 calendar days	100	25	
NEW JERSEY	Required	All injuries*	Immediately	50	10	

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

\*Supplemental report required after 60 days or upon termination of disability

\*Attending physician also required to make periodic reports to Board

\*\*Supplemental report within 24 hours after returning to work or knowledge that worker is able to return

Alaska \*20% of unpaid amounts due

Am. Samoa \*Employer must also notify Commissioner upon first payment and suspension of payment, and within 18 days after final payment

Calif. \*To Safety Division in form required by federal Occupational Safety and Health Act. Within sixty days of employer's notice or knowledge of employee death, employer must report death to the Administrative Director of the Division of Industrial Accidents

Colo. \*Failure to report tolls time limit for claims. Disability of less than 3 days must be reported to insurer

Del. \*Supplemental report due on termination of disability

Fla. \*Report to carrier within 7 days, to Division within 10 days if injury caused employee to lose 7 or more days. Supplemental report within 30 days after final payment

Ga. \*Supplemental report on first payment and suspension of payment, and within 30 days after final payment

\*\*For each refusal or willful neglect to report

Guam \*Failure to report tolls limits for claims

\*\*For each refusal or willful neglect to report

Ind. \*Supplemental report within 10 days after termination of compensation period

Kan. \*Failure to report tolls time limit for claims. *Childress v. Childress Printing Co. (1978)*

La. \*Employers with more than 10 employees must also report within 90 days after death, illness, or injury causing loss of consciousness, restriction of work or motion, job transfer, or medical treatment other than first aid. Violation is misdemeanor subject to fine up to \$500

Me. \*Must report asbestosis, mesothelioma, silicosis, and exposure to heavy metals no later than 30 days from date of diagnosis

\*\*For each violation. Up to \$1,000 for individual and \$10,000 for corporation for any willful violation of Act, fraud, or intentional misrepresentation

Mass. \*Added to compensation

Me. \*Supplemental report within 1 month after original notice to Division

Mont. \*Insurance carrier also required to report (by rule)

Nebr. \*Report may be made by insurance carrier or employer. Failure to report tolls time limits

N.J. \*Uninsured employers are required to report compensable injuries only. If insured, carrier is also required to make report

CHART XII  EMPLOYER'S REPORT OF ACCIDENTS  January 1, 1990 (continued)

JURISDICTION	KEEPING OF ACCIDENT RECORDS BY EMPLOYER <sup>1</sup>	REPORTING REQUIREMENTS <sup>2</sup>		PENALTIES FOR FAILURE TO REPORT		
		INJURIES COVERED	TIME LIMIT	FINES		IMPRISONMENT
				MAXIMUM	MINIMUM	
NEW MEXICO	Required	Compensable injuries	Within 10 days	\$100	5-25	
NEW YORK	Required <sup>3</sup>	Disability of 1 day or more or requiring medical care beyond two first aid treatments	Within 10 days	Up to 500		
NORTH CAROLINA	Required	Disability of more than 1 day	Within 5 days <sup>4</sup>	25	5	
NORTH DAKOTA	Not required	No statutory provision				
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	500		
OREGON	Required	All compensable injuries	Within 5 days <sup>5</sup>	(-)		
PENNSYLVANIA	Required	Death cases Disability of 1 day or more	Within 48 hours After 7 days but not later than 10 days	100 <sup>6</sup>		Up to 30 days
PUERTO RICO	Required	All injuries	Within 5 days	100		
RHODE ISLAND	Not required	Death cases	Within 48 hours	250		
		Disability of 3 days or more	Within 10 days <sup>7</sup>			
		Any claim resulting in medical expense	Within 3 years of injury			
SOUTH CAROLINA	Required	All injuries requiring medical attention	Within 10 days <sup>8</sup>	100	10	
SOUTH DAKOTA	Required	(-)	Within 10 days	100		Or 30 days
TENNESSEE	Not required	All injuries requiring medical attention	Within 14 days	100	50	
TEXAS	Required	Disability of more than 1 day	Within 8 days <sup>9</sup>	500		
UTAH	Required	All injuries	Within 1 week	500		
VERMONT	Required	Disability of 1 day or more or requiring medical care	Within 72 hours <sup>10</sup>	25		
VIRGIN ISLANDS	Required	Injury or disease	Within 8 days	500		Up to 6 months
VIRGINIA	Required	All injuries	Within 10 days <sup>11</sup>	250		
WASHINGTON	Not required <sup>12</sup>	All injuries requiring medical attention	Immediately	\$250 per offense		
WEST VIRGINIA	Not required	All injuries	Within 5 days			
WISCONSIN	Required	Disability beyond 3-day waiting period	Within 4 days	100	10	
WYOMING	Required	Compensable injuries	Within 10 days	750		Up to 6 months, or both
F.E.C.A.	No provision	Death or probable disability	Immediately			
LONGSHORE ACT	Required	All accidents	10 days	10,000		
ALBERTA	Required	Disability of 1 day or more or requiring medical aid not covered by Alberta Health Care Insurance	72 hours <sup>13</sup>	500	100 per day	
BRITISH COLUMBIA	No provision	Death cases	Immediately	(-)		
		All injuries	3 days <sup>14</sup>			
MANITOBA	No provision	All injuries	3 days <sup>15</sup>	500 <sup>16</sup>	50	
NEW BRUNSWICK	No provision	All injuries that disable or require medical aid	3 days <sup>17</sup>	50		
NEWFOUNDLAND	No provision	All accidents that disable or require medical aid	3 days	500 <sup>18</sup>		Up to 3 months, or both
NORTHWEST TERRITORIES	No provision	All accidents and deaths	3 days <sup>19</sup>	250		
NOVA SCOTIA	No provision	All accidents that disable or require medical aid	3 days <sup>20</sup>	50		
ONTARIO	Required	All accidents that disable or require medical aid	3 days <sup>21</sup>	250 <sup>22</sup>	25 <sup>23</sup>	
PRINCE EDWARD ISLAND	No provision	All accidents that disable or require medical aid	3 days	100	10 per day	
QUEBEC	Required, including no loss time injuries	All accidents that disable or 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	
SASKATCHEWAN	No provision	All accidents	5 days <sup>24</sup>	500 <sup>25</sup>		
YUKON TERRITORY	No provision	All accidents in which workman is injured	3 days <sup>26</sup>	500		Failure to pay penalty, imprisonment of 6 months to 1 year in aggregate
CANADIAN MERCHANT SEAMEN'S ACT	No provision	All accidents that disable or require medical aid	10 days	500		Up to 12 months

N.Y. <sup>3</sup> Also required to provide written statement of right under Act to injured employee or dependent, if deceased.

Or. <sup>4</sup> Insurers to send disabling claims to WC Division within 21 days of employer knowledge.

<sup>5</sup> Up to 25% additional compensation plus attorneys' fees.

Pa. <sup>6</sup> Late filing of an accident report may also result in the imposition of civil penalties of up to 20% of the compensation awarded and interest accrued and payable.

R.I. <sup>7</sup> Supplemental report upon termination of disability.

S.D. <sup>8</sup> Any injury requiring treatment other than first aid or which incapacitates employee for at least 7 calendar days.

Wash. <sup>12</sup> Not required, but keeping accident records satisfies OSHA requirements.

B.C. <sup>13</sup> Employer may be liable for up to full cost of claim.

Man. <sup>14</sup> Plus 50% of compensation payable.

Md. <sup>15</sup> Claim may be charged against employer's experience for failure to notify.

N.W.T. <sup>16</sup> Supplemental report within 3 days after return to work or knowledge that worker is able to return.

Ont. <sup>17</sup> Employer may also be liable for additional fine up to \$200, on conviction, payable to court.

Sask. <sup>18</sup> Plus percentage of assessment.

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
ALABAMA	Second injury which combined with prior permanent partial disability results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent total disability	\$100 in death cases	Employer must have knowledge of prior disabling injury affecting employability
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-dependency death cases; civil penalties	"Physical impairment" as listed or would support an award of 200 weeks or more
AMERICAN SAMOA	Second injury which combined with prior permanent impairment results in death or compensable disability greater than from second injury alone	Benefits for first 104 weeks	Benefits beyond first 104 weeks	\$1,000 in no-dependency death cases; plus fines and penalties	Employer must have prior knowledge of disability
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 for 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 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, inactive carriers, supportive medical care
ARKANSAS	Second injury which added to previous permanent partial 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 cases 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	Employer liable for combined disability of both injuries in same employment
CALIFORNIA	Second permanent partial injury which added to pre-existing permanent partial disability results in 70 percent or more permanent disability. Second injury must account for 35 percent.	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	Second injury which added to pre-existing permanent partial disability results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent total disability	\$15,000 in no-dependency or partial-dependency cases, and tax of 4/10 of 1% of premiums received by insurance carriers and equivalent charge on self-insurers	If employee obtains employment while receiving compensation from second-injury fund, fund compensates at rate of 1/2 of employee's average weekly wage loss during employment.
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	Benefits for first 104 weeks, less compensation on 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 permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	Tax of 2% of premiums received by insurance carriers and equivalent charge on self-insurers	Payments suspended when fund reaches \$750,000 and resumed when below \$250,000
DISTRICT OF COLUMBIA	Second injury or disease which added to pre-existing injury, disease, or congenital causes results in permanent disability greater than from second injury alone	Disability caused by second injury for first 104 weeks and first \$1,000 medical expenses	Difference between compensation payable for second injury and permanent disability	\$5,000 in no-dependency death cases or unpaid awards. Pro-rata assessments upon carriers and self-insurers based on paid losses. Fines and penalties	
FLORIDA	Second injury or disease which merges with previous permanent physical impairment and results in substantially greater disability than from the second injury alone		Fund reimburses employer for 60% of impairment benefits, 60% of wage-loss benefits during first 5 years after maximum medical improvement and 75% thereafter. PT benefits after 175 weeks, 75% of death benefits and funeral expenses, and 50% of first \$10,000 in temporary disability and medical benefits and 100% beyond \$10,000	Pro-rata annual assessment upon net premiums of insurers and self-insurers	Assessment must equal sum of immediate past 3 years' disbursements. If injured employee has been unemployed due to injury for 2 consecutive years and is subsequently hired, the new employer will be reimbursed from the fund for 50% of the employee's wages for up to 6 months.
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. In no-dependency death cases, 1/2 of benefits payable or \$10,000, whichever is less	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 permanent 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, permanent total disability, or death	Disability benefits for first 104 weeks	Benefits beyond first 104 weeks	\$8,775 in no-dependency death cases, and unpaid balance of compensation due in permanent total and permanent partial disability cases, 4 no-dependents, 14% premium tax on insurers and self-insurers	Premium tax suspended when balance exceeds \$200,000, resumed when below \$100,000
HAWAII	Second injury which combined with prior permanent physical impairment results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	Amount equal to 5% of all benefits except temporary disability income benefits and accrued medical benefits and \$10,000 in no-dependency death cases	When fund exceeds \$2,000,000, excess may be reduced to 4% and suspended when fund exceeds \$2,500,000
ILLINOIS	Second injury involving loss or loss of use of major members or eyes which added to pre-existing loss of member results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent total disability	Semi-yearly employer payment of 125% of compensation payments	When fund reaches \$500,000 amount payable into fund reduced by 1/2. When fund reaches \$800,000, payments cease. When fund reduced to \$400,000, payment of 1/2 amount required. When fund is reduced to \$300,000, payment of full amount shall be resumed
INDIANA	Second injury involving loss or loss of use of hand, arm, foot, leg, or eye which added to pre-existing loss or loss of use of member results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent total disability	1% of compensation paid by insurers and self-insurers during preceding calendar year	Payment suspended when fund reaches \$400,000

Cells: \*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.  
 Conn: †Fund also pays accident and health insurance coverage for injured employees when employer moves out of state or goes out of business.

‡Employer is liable in full if second injury is permanent and total without relation to prior injury.

CHART XIII □ SECOND-INJURY FUNDS □ January 1, 1990 (continued)

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
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.	\$4,000 in dependent death cases; \$15,000 in no-dependency death cases. Any contributions by the United States, payments due but not paid to non-insured alien dependents, and sums recovered from prior parties.	Payments suspended when fund reaches \$200,000; resumed when below \$300,000.
KANSAS	Second injury related to 17 types of handicap as listed in statute - any physical or mental impairment.	Difference between fund payment and maximum benefit.	Compensation to the extent pre-existing handicap contributed to second injury.	\$18,500 from employer in no-dependency death cases, and provides annual assessment upon carriers and self-insurers based on losses.	Legislature oversees adequacy of workers' compensation fund, administered by Insurance Commissioner. Employer must prove knowledge of prior disability.
KENTUCKY	Second injury or disease which added to prior disability or condition results in permanent disability greater than from second injury alone.	Disability caused by second injury or occupational condition.	Difference between compensation payable for second injury and greater disability, less amount paid for prior injury.	3 1/2% premium tax on carriers and self-insurers for administration and variable assessment based on need.	Assessments reduced at discretion of the Board within 30 days written notice before assessment is due.
LOUISIANA	Second injury which combined with prior permanent partial disability results in disability greater than from second injury alone, or in death.	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.	Employer reimbursed for balance of benefits.	20% premium tax on carriers and self-insurers, minimum \$10.	
MAINE	Second injury caused by accident, disease, or congenital condition, which added to pre-existing impairment results in permanent total disability.	Disability caused by second injury.	Fund reimburses employer for compensation payments not attributable to the second injury.	In no-dependency death cases, 100% SAWY and civil penalties of up to \$10,000 assessed against employers who fail to insure.	Duplicate payments from Second Injury Fund and Employee Rehabilitation Fund prohibited.
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.	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 injury and second injury must each be compensable for at least 125 weeks.	8 1/2% of compensation on all awards and settlement agreements until 8/30/91.	
MASSACHUSETTS	Second injury which added to pre-existing physical impairment results in substantially greater disability or death. Pre-existing disability must support 25% earnings loss for 90 weeks of benefits.	Benefits for first 104 weeks.	Employer reimbursed for 75% of benefits after first 104 weeks.	\$500 in no-dependency death cases, and additional \$500 in every death case, unpaid balance of scheduled awards.	Pre-ata assessment based on losses paid during preceding year by carriers and full-in-awards.
MICHIGAN	Second injury involving loss of member or eye, which added to pre-existing loss of member results in permanent total disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent total disability. Benefits for employee with more than one job but for whom injury occurred on job which represented less than 80% AWW. For workers certified "vocationally handicapped," fund pays benefits after 52 weeks.	Assessments on carriers and self-insurers proportional to 75% of disbursements from fund to annual compensation benefits paid.	Fund is credited with any balance in excess of \$200,000.
MINNESOTA	Second injury that results in substantially greater disability than would have resulted from second injury alone.	Disability caused by second injury.	Employer reimbursed for disability after 52 weeks, medical after \$2,000. If second injury results in permanent partial disability, fund pays wage replacement benefits beyond deductible.	\$25,000 in no-dependency death cases; 31% of compensation for current indemnity payments, which increases as fund obligations, assessment based on various factors for injuries occurring after 1/1/84, certain penalties.	Commissioner determines assessment base and rate dependent on fund's financial position and increasing up to 1% annually.
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 permanent total 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 resulting in permanent partial disability which compounds either a greater permanent partial or a permanent total disability.	Disability caused by second injury.	Difference between compensation payable for second injury and compounded disability.	Surcharge on all workers' compensation premiums not to exceed 3% of premiums, paid by all insureds and self-insurers.	Surcharge suspended when fund reaches \$24,000,000 and resumed when fund is reduced to \$12,000,000.
MONTANA	Second injury which combined with prior permanent physical impairment results in death or disability.	Insurer liable for payment of benefits for first 104 weeks.	Employer reimbursed after first 104 weeks.	\$100 paid by employer, insurers, or accident fund in every death case. Carriers and self-insurers assessed 5% of losses paid in preceding year.	Department must certify worker as vocationally handicapped.
NEBRASKA	Second injury which combined with pre-existing disability causes substantially greater disability. Pre-existing disability must support 25% earnings loss or 90 weeks of benefits.	Disability caused by second injury.	Difference between compensation payable for second injury and the total resulting disability.	1% premium tax on carriers or self-insurers (\$25 minimum) payable to Workers' Compensation Court.	Payments suspended when fund reaches \$400,000. Assessment (1%) when fund reduced to \$200,000.
NEVADA	Second injury which combined with any previous permanent physical disability causes substantially greater disability.	Second injury which combined with any pre-existing disability results in substantially greater disability.	Compensation allocated between insurer and fund.	Subsequent Injury Fund in state treasury.	Compensable claim considered "accrual loss" in calculation of employer's experience rating. Employer must prove knowledge of prior impairment.
NEW HAMPSHIRE	Second injury which combined with any pre-existing disability results in substantially greater disability.	Benefits for first 104 weeks.	Employer reimbursed after first 104 weeks.	Assessment against carriers and self-insurers proportional to total benefits paid by all carriers.	When fund balance exceeds \$1,250,000, up to \$50,000 per year may be applied toward administrative costs of Division.
NEW JERSEY	Second injury which added to pre-existing partial disability, compensable or not, results in permanent total disability.	Disability caused by compensable injury.	Difference between compensation payable for second injury and permanent total disability.	Annual surcharge on policyholders and self-insured employers of proportionate percentage of 150% of payments estimated to be paid from fund during forthcoming year. Annual surcharge paid quarterly.	

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.

Ken. "Employer may be description of prior impairment to create presumption of prior knowledge.

La. "Permanent partial disability" 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 partial disability if employer had prior knowledge.

Mich. "Compensation to certified vocationally handicapped persons payable from fund after 52 weeks.

Miss. "If injury, disability or death would not have occurred but for the preexisting impairment, the fund pays all benefits (except for a cardiac condition, impairment of at least 10% of the whole man, or as prescribed by rule).

Nev. "Pre-existing disability must support a rating of 12% or more of the whole man based on A.M.A. guides, which is likely to be a hindrance to employment.

"Fund is composed of assessments, penalties, bonds, securities, and all other property collected by administrator. Division of Industrial Insurance Regulation.

CHART XIII  SECOND-INJURY FUNDS  January 1, 1990 (continued)

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
NEW MEXICO	Second injury which added to pre-existing disability results in permanent disability greater than from second injury alone, or, second injury resulting in death.	Liability apportioned by Workers' Compensation Administration determination.	Liability apportioned by Workers' Compensation Administration determination.	\$1,000 in no-dependency death cases. Employer or insurer pays quarterly assessment up to 3% of compensation paid during quarter, exclusive of attorney's fees.	Employers and insurers have 2 year statute of limitations, from date of notice or knowledge of claim, for claims against the fund.
NEW YORK	Second injury involving loss or loss of use of member or eye, which added to pre-existing injury results in permanent total disability; second injury which added to pre-existing loss or partial loss of member or eye or other "permanent physical impairment" results in disability greater than from second injury alone or second injury or disease resulting in death, which is caused by pre-existing disability.	Benefits for first 104 weeks.	Employer reimbursed after first 104 weeks. Fund also pays any additional benefits due to an employee who was working in concurrent employments when injured.	Assessment against carriers and self-insurers proportional to compensation payments made by all carriers.	Employer or insurer pays awards and medical expenses; if it is reimbursed from special disability fund for benefits after first 104 weeks.
NORTH CAROLINA	Second injury involving loss of member or eye which added to pre-existing injury results in permanent total disability, provided the original and increased disability were each 20% of the entire member.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent total disability.	Assessments against employer or insurer for each permanent partial disability, up to \$50 for a minor member and \$200 for a major member (currently \$25 and \$100, respectively).	
NORTH DAKOTA	Second injury or aggravation of any previous injury or condition which results in further disability.	Disability caused by second injury.	Percent attributable to aggravation or second injury.	Benefit Fund.	Compensation in excess of amount chargeable to second injury is charged to general fund.
OHIO	Second injury which aggravates pre-existing disease (25 types of handicaps (statute), resulting in death, injury or permanent total disability, and disability compensable under a special schedule.	Disability attributable to injury or occupational disease sustained in employment.	Amount of disability or proportion of cost of death award determined by Industrial Commission to be attributable to employee's pre-existing disability.	Reserve set aside out of statutory surplus funds.	In the case of a self-insuring employer, excess payments are made from the surplus fund. By rule of Commission in the case of State Fund employer, compensation in excess of amount chargeable to second injury is charged to surplus fund.
OKLAHOMA	Second injury to "physically impaired person" which causes injury to the body as a whole, or to a major member combined with disability to body as a whole. Must exceed 17% to body as a whole.	Disability caused by latest injury.	Difference between compensation payable for prior injuries and compensation for combined injuries.	3% of permanent disability losses by carriers, state fund, and self-insurers, and 3% of awards for permanent disability by injured worker.	Permanent total awards are payable by the fund for five years or until age 65, whichever is longer.
OREGON	Injury caused by pre-existing condition (may be congenital) or which combined with pre-existing condition results in greater permanent disability.	First \$1,000 claims cost and portion of claim for which relief not granted are charged to employer loss experience.	Claims cost above \$1,000 and percentage of balance for which Department grants relief.	Employer and worker each pay \$14 per day, for a total of \$28 per worker per day, apportioned to the Workers Reemployment Reserve (Second Injury Fund), Handicapped Workers Reserve, Reopened Claims Reserve and the Retroactive Reserve.	Reimbursement from fund subject to funds available. Percentage of relief granted not recoverable. Settlement of claim requires Department approval if involves reimbursement.
	All injuries occurring during the first 2 years after a preferred worker is hired.	Not applicable.	Premium reimbursed for worker for first two years of employment.	Same as above.	Insurers may not increase employers premium as a result of additional injuries of the workers during the 2 year agreement.
PENNSYLVANIA	Second injury involving loss or loss of use which added to pre-existing loss or loss of use of member results in permanent total disability.	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 are 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 permanent total disability, which is compensated as such.	Insurance 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	Second injury which merges with pre-existing work-related disability resulting in greater disability or death.	Benefits for first 52 weeks.	Employer reimbursed after first 52 weeks.	2.34% tax on gross premiums collected from insurers and comparable tax on self-insurers, plus \$750 in no-dependency death cases, also certain penalties.	Employer must prove knowledge of prior injury unless employee failed to disclose. Tax may be reduced when fund reaches \$2 million.
SOUTH CAROLINA	Second injury which added to any previous permanent physical impairment results in substantially 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 \$3000 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 or that worker was unaware of impairment. Any claim against the fund must be filed with the Division of Insurance within 2 years of the subsequent injury. State Workers' Compensation Insolvency Fund falls under the jurisdiction of the Second Injury Fund.
SOUTH DAKOTA	Second injury which combined with any pre-existing disability, results in additional permanent partial or total disability or death.	Disability caused by second injury.	Difference between compensation payable for second injury and compensation for combined injuries.	Carriers and self-insurers assessed 1% of losses paid during preceding year and \$500 in no-dependency death cases.	Payments suspended at \$200,000 and resumed at \$100,000. Any claim against the fund must be filed with the Division of Insurance within 2 years of the subsequent injury.
TENNESSEE	Second injury involving loss or loss of use of member or eye, which added to pre-existing loss or loss of use of member results in permanent total 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	Second injury which added to pre-existing injury results in permanent total disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent total disability.	Maximum \$85,680 payable into fund in each no-dependency death case.	The Industrial Accident Board** has 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 permanent total disability.	First \$20,000 of medical benefits and first 3 years of permanent total disability compensation.	50% of medical expenses in excess of \$20,000 and permanent total disability compensation after initial 3 year period.	Up to 7.15% premium tax on insurers and self-insurers. Fines from uninsured employers.	If employee is permanently and totally disabled, employer or insurance carrier credited for all prior payments of temporary total, temporary partial, and permanent partial disability compensation.

NC: \*Epilepsy is considered a prior permanent disability.

Ohio: \*Does not apply to compensation for temporary partial or percentage of permanent partial disability.

Okl: \*\*Physically impaired person" is one who, by 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, or loss of use of, a major member of his body.

Pa: \*Benefits under the Subsequent Injury provision are only payable with respect to subsequent loss or loss of use of one hand, one arm, one foot, one leg or one eye.

R.I: \*For claims filed after 5/1/85. Employer reimbursed after first 104 weeks for claims filed before 5/1/85.

S.C: \*\*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 impairment if employer had prior knowledge.

Tenn: \*Also covers death or disablement resulting from injuries of an epileptic seizure occurring on or after 7/1/85.

Texas: \*300 times maximum weekly benefit.

\*\*Effective 4/1/90, Industrial Accident Board is replaced by the Workers' Compensation Commission.

CHART XIII  SECOND-INJURY FUNDS  January 1, 1990 (continued)

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
VERMONT	Second injury involving loss of use of member or eye which added to previous disability results in permanent total disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent total disability.	\$500 in no-dependency death cases.	
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 payments after 104 weeks.	All benefits.	Premiums paid by employers by classification and experience, plus fines, penalties, and interest.	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 after all other compensation has expired plus up to \$7,500 each for medical and vocational rehabilitation expenses.	14% 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 permanent total 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.	Preferred workers* have all benefits for claims arising within 3 years of new employment paid Second Injury Fund.
WEST VIRGINIA	Second injury which combined with a definitely ascertainable physical impairment caused by a permanent injury results in permanent total disability.	Disability caused by second injury.	Remainder of the compensation that would be due for permanent total disability.	Self-insureds pay 15% of manual rates; remainder allocated to funding from premiums paid by regular subscribers.	Self-insured employer who has not elected to pay into the fund liable for full compensation of permanent total disability from combined effect of a previous injury and a second injury.
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 permanent total disability, fund pays the difference between compensation payable for second injury and permanent total disability.	\$5,000 in death cases, \$7,000 for loss of a hand, arm, foot, leg, or eye. 100% of death benefit in no-dependency death cases.	
WYOMING	Second injury in extra-hazardous employment which added to pre-existing loss or loss of use of member or eye results in permanent total disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	\$500 in no-dependency death cases.	Any payments for previous partial disability or payments which would have been made if the previous injury had occurred in an extra-hazardous employment are deducted from the award.
LONGSHORE ACT	Second injury resulting in permanent partial disability which added to pre-existing injury results in permanent total disability.	Disability caused by second injury for first 104 weeks.	Difference between compensation payable for second injury and permanent total disability.	\$5,000 in no-dependency death cases or unpaid awards. Pro-rata assessments based on losses paid. Fines and penalties.	50% of fund is for second injuries and 50% for rehabilitation. Supplementary benefits for total disability or death payable by fund.
ALBERTA	No specific statutory provision*				
BRITISH COLUMBIA	All enhanced disabilities by reason of a pre-existing disease, condition or disability.	No	Yes	Accident Fund	
MANITOBA	All enhanced disabilities because of similar or other disabilities.	No	Yes	Accident Fund	Compensation must be at least half the benefit payable if the entire disability were caused by the pre-existing condition. Condition includes neuritis or psychoneurosis.
NEW BRUNSWICK	Second injury coupled with other prior injuries or disabilities.	No	Yes	Reserve Fund	
NEWFOUNDLAND	All enhanced disabilities because of similar or other disabilities.	No	Difference between compensation payable for second injury and final result of disablement.	Reserve Fund	
NOVA SCOTIA	Injury that aggravates, activates, or accelerates pre-existing disease or disability; or injury that results in injury or disease caused partly by employment and partly by other causes.	No	Disability attributable to second injury.	Accident Fund	Board has authority to establish second injury fund.
NORTHWEST TERRITORIES	All disabilities due to pre-existing disease, condition or disability.	No	Difference between second injury and total cost.	Claims liability	
ONTARIO	All enhanced disabilities due to pre-existing diseases, condition, or disability.	No	Difference between second injury and total cost.	Accident Fund	Not restricted to permanent disability cases.
PRINCE EDWARD ISLAND	No specific statutory provision.				
QUEBEC	In the case of a worker already handicapped when his employment injury appears, the Commission may impute all or part of the cost of the benefits to the employers of all the units.			Commission has authority to establish second injury fund.	
SASKATCHEWAN	All enhanced disabilities due to pre-existing disease, condition, or disability.	No	Difference between second injury and total cost.	Injury Fund	
YUKON TERRITORY	All enhanced disabilities because of similar or other disabilities.	No	Yes	Compensation Reserve Fund for enhanced disabilities. Assessment on employers' annual payroll.	
CANADIAN MERCHANT SEAMEN'S ACT	No specific statutory provision.				

Wash. \*Defined as workers who must change jobs due to effect of an industrial injury or illness.

Ala. \*Board has established reserve funds to cover enhanced disability or aggravation of previous condition.

CHART XIV

ADMINISTRATION EXPENSES,  
WORKERS' COMPENSATION DEPARTMENTS

January 1, 1990

JURISDICTION	SYSTEM PROVIDED FOR	FUND OR APPROPRIATION	ASSESSMENT PROVISIONS		OTHER INCOME
			AGAINST WHOM	AMOUNT	
ALABAMA	Private Insurance	General appropriation, court administration			
ALASKA	Private Insurance	General appropriation			
AMERICAN SAMOA	Private Insurance	Special fund			
ARIZONA	Competitive fund	Administrative fund	Carriers, self-insurers, and state fund	3% of premiums, minimum \$250	
ARKANSAS	Private Insurance	Special fund	Carriers and self-insurers	3% of manual premiums maximum*	\$500 first year for carriers, \$100 first year for self-insurance
CALIFORNIA	Competitive fund	General appropriation			Fines and penalties
COLORADO	Competitive fund	Special fund	Carriers and self-insurers	.738 of 1% of premiums or payroll	
CONNECTICUT	Private Insurance	General appropriation	Carriers and self-insurers	Prorate assessment necessary to cover expenses	
DISTRICT OF COLUMBIA	Private Insurance*	Special fund*	Carriers and self-insurers	Prorated on basis of total compensation paid	Fines and penalties, and \$5,000 in no-dependency death cases
DELAWARE	Private Insurance	General appropriation	Carriers and self-insurers	Prorated	
FLORIDA	Private Insurance	Special fund	Carriers and self-insurers	Maximum 4% of net earned premiums	
GEORGIA	Private Insurance	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	1.3% of premiums	Fees for records
ILLINOIS	Private Insurance	General appropriation			
INDIANA	Private Insurance	General appropriation			
IOWA	Private Insurance	General appropriation			
KANSAS	Private Insurance	Special fund		(-)	
KENTUCKY	Private Insurance	Maintenance Fund	Carriers and self-insurers	2% of premiums plus additional prorata assessment necessary to cover expenses	
LOUISIANA	Private Insurance	Administrative Fund*	Carriers and self-insurers	Prorated on basis of total compensation paid	20% monthly penalty for unpaid assessment
MAINE	Private Insurance	General appropriation	Carriers		
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
MASSACHUSETTS	Private Insurance	Special Fund		Prorated assessment necessary to cover expenses	
MICHIGAN	Competitive fund	General appropriation		(-)	
MINNESOTA	Competitive fund	Special compensation fund	Carriers and self-insurers		
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	General appropriation	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 on prior year's costs, \$200 minimum	Graduated inspection fee, fees for records, etc. and fines
NEBRASKA	Private Insurance	General appropriation, Self Insurance Fund, Special Funds	Carriers and self-insurers	1% for foreign and domestic insurers, 2% for self-insured*	Fees for copies and publications, etc.
NEVADA	Exclusive fund and self-insurance	State Insurance Fund	Employers and self-insurers	As needed	
NEW HAMPSHIRE	Private Insurance	Administration Fund - appropriation	Carriers and self-insurers	Prorated on basis of total compensation paid, \$100 minimum*	Civil penalties
NEW JERSEY	Private Insurance	General appropriation	Carriers	14% of premiums*	Maximum of \$50,000 excess from 2nd Injury Fund may be paid over to W. C. administration
NEW MEXICO	Private Insurance	Special Fund	Employers and Employees	5% of gross assessments collected as \$3.00 multiplied by the number of employees from each employer plus \$3.00 from each employee, annually	
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*	
NORTH DAKOTA	Exclusive fund	Appropriation from Workers Compensation Fund	State fund	Budget submitted biennially to legislature	Interest

Ark. \*May be increased or reduced by Commission up to 3% maximum.

D.C. \*Exclusive fund for D.C. government workers, financed from D.C. and/or federal appropriation.

Kan. \*System of assessments.

La. \*Court administration financed by general appropriation.

Mich. \*Annual assessment of 34% of compensation levied on insurers and self-insurers of compensation paid to be used for the safety education and training fund.

Neb. \*Not specially for workers' compensation administration.

N.H. \*Total assessment may not exceed 1% of total benefits paid by all carriers and self-insurers.

N.J. \*To administer insurance provisions.

N.C. \*Effective 11/1/80, stock and mutual carriers pay 2% of net written premiums for the period covered by the return. All self-insurers pay a rate determined by the approved experience modifier.

CHART XIV  ADMINISTRATION EXPENSES, WORKERS' COMPENSATION DEPARTMENTS  Jan. 1, 1990 (cont.)

JURISDICTION	SYSTEM PROVIDED FOR	FUND OR APPROPRIATION	ASSESSMENT PROVISIONS		OTHER INCOME
			AGAINST WHOM	AMOUNT	
OHIO	Exclusive fund and self-insurance	State fund	All employers, including self-insurers, counties and taxing districts, and state instrumentalities	0.2%, 0.133%, 0.108%, and 0.053% per \$100 of payroll for private State Fund employers, state agencies, public employers, taxing district, and self-insured employers respectively.*	
OKLAHOMA	Competitive fund	Administrative Fund, State Insurance 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	
OREGON	Competitive fund	Administrative fund	Carriers, self-insurers, and state fund	Apportioned - percentage of premium needed to pay administration expenses	Fines, penalties, and interest
PENNSYLVANIA	Competitive fund	Administration Fund	Carriers, self-insurers, and state fund	Prorated on basis of total compensation paid	
PUERTO RICO	Exclusive fund	State fund and appropriations	Employer	Maximum 22% of total premium receipts	
RHODE ISLAND	Private insurance	General appropriation			
SOUTH CAROLINA	Private insurance	General appropriation	Carriers and self-insurers	3-1/2% of premiums for Fiscal Year 1990-1991*	Fines and fees
SOUTH DAKOTA	Private insurance	General appropriation			
TENNESSEE	Private insurance	General appropriation, court administration	Carriers and self-insurers	4% of premiums	
TEXAS	Private insurance	General appropriation	Carriers and self-insurers	3/5 of 1%* Additional 7/10 of 1% gross W.C. premiums paid to General Revenue Fund for administration of Board	Fees for record checks, copies and publications
UTAH	Competitive fund	General appropriation	Carriers and state fund	1/4% of gross premiums	
VERMONT	Private insurance	General appropriation			
VIRGIN ISLANDS	Exclusive fund	Territorial fund	Territorial fund		Fines, penalties, and interest
VIRGINIA	Private insurance	Special fund	Carriers and self-insurers	Maximum of 2.5% of premiums	
WASHINGTON	Exclusive fund and self-insurance	State fund	State fund and self-insurers	Determined by Director	
WEST VIRGINIA	Exclusive fund and self-insurance	State fund	All regular subscribers and self-insureds	Self-insureds pay 3.5% of manual rates, remainder allocated to funding from premiums paid by regular subscribers	
WISCONSIN	Private insurance	General fund	Carriers and self-insurers	Prorate on all indemnity paid on cases first closed in prior year	
WYOMING	Exclusive fund	Workers' Compensation Fund	State fund		
F.E.C.A.	Exclusive fund	Appropriation authorized from U.S. Treasury			
LONGSHORE ACT	Private insurance	Appropriation authorized from U.S. Treasury			
ALBERTA	Exclusive fund	Accident Fund	All employers under the act	Determined by Board	Penalties for violations
BRITISH COLUMBIA	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board	Investment income and penalties
MANITOBA	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board	Such sum out of consolidated fund as Lt. Gov-in-Council may direct
NEW BRUNSWICK	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board	Penalties for violations
NEWFOUNDLAND	Exclusive fund	Injury Fund	All enumerated employers	Determined by Commission	Interest and penalties
NORTHWEST TERRITORIES	Exclusive fund	Workers' Compensation Fund	All employers	Determined by Board	Investment income, interest and penalties
NOVA SCOTIA	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board	
ONTARIO	Exclusive fund for Schedule I employers, individual liability for Schedule II employers	Accident 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	Accident Fund	All enumerated employers	Determined by Board	
QUEBEC	Exclusive fund; individual liability for employers held personally responsible for the payment of benefits	Accident Fund & 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	Penalties for violations
YUKON TERRITORY	Exclusive fund	Accident Fund	All employers	Determined by Board	Investment income and penalties
CANADIAN MERCHANT SEAMEN'S ACT	Private insurance	Cost of administration apportioned among employers	All employers of merchant seamen		

Ohio \*Effective 7/1/80, self-insured employers will be assessed on a prorated portion of paid compensation in self-insured claims.

S.C. \*2-1/2% for FY 1991-1992, and thereafter.  
Texas \*To administer insurance provisions.

JURISDICTION	ADMINISTRATION	TIME FOR APPEAL	TO WHAT COURT	PROCESS AND PROCEDURE	QUESTIONS REVIEWED		BASIS FOR REVIEW*	JURY TRIAL
					LAW ONLY	LAW AND FACT		
ALABAMA	Courts	30 days	Supreme Court	Certain	Yes		Record	No
ALABAMA	Workers' Compensation Board	30 days	Supreme Court	Notice of appeal	Yes		Record	No
AMERICAN BALCO	Workers' Compensation Commission	30 days	High Court	As in civil actions	Yes		Record	No
ARIZONA	Industrial Commission	30 days	Court of Appeals/Supreme Court	Certain	Yes		Record	No
ARIZONA	Workers' Compensation Commission	30 days	Court of Appeals	As in civil actions, with precedence over all other civil cases	Yes		Record	No
CALIFORNIA	Workers' Compensation Appeals Board	No provision	Supreme Court	With review	Yes		Record	No
CALIFORNIA	Workers' Compensation Appeals Board	45 days	Supreme Court, or District Court of Appeals	Action to modify or rescind writ of error	Yes		Record	No
COLORADO	Industrial Claims Appeals Office	20 days	Court of Appeals	As in civil actions	Yes		Record	No
COLORADO	Industrial Claims Appeals Office	No provision	Supreme Court	Writ of error	Yes		Record	No
CONNECTICUT	13 commissioners	20 days	Appellate session of Superior Court*	Notice of appeal**	Yes		Record	No
CONNECTICUT	13 commissioners	20 days	Supreme Court	Notice of appeal**	Yes		Record	No
DELAWARE	Industrial Accident Board	20 days	Supreme Court	As prescribed by the court	Yes		Record	No
DISTRICT OF COLUMBIA	D.C. Office of Workers' Compensation	15 days	D.C. Court of Appeals	Petition	Yes		Record	No
DISTRICT OF COLUMBIA GOVT. WORKERS	D.C. Division of Disability and Crime Victims Compensation	90 days to a year	Supreme Court	Application for review	Yes		Record	No
FLORIDA	Division of Workers' Compensation	20 days	District Court of Appeals, First District	Notice of appeal	Yes		Record	No
GEORGIA	State Board of Workers' Compensation	20 days	Supreme Court	Notice of appeal	Yes		Record	No
GUAM	Worker's Compensation Commission	30 days	Court of Appeals	Discretionary authority	Yes		Record	No
HAWAII	Disability Compensation Division	20 days	Appellate Board	Injunction proceedings	Yes		Record	No
HAWAII	Disability Compensation Division	30 days	Supreme Court	Notice of appeal**	Yes		Trial de novo	No
HAWAII	Disability Compensation Division	30 days	Supreme Court	Notice of appeal	Yes		Record and transcript of evidence	No
IDAHO	Industrial Commission	42 days	Supreme Court	Notice of appeal	Yes		Record; no additional evidence	No
ILLINOIS	Industrial Commission	20 days	Appellate Court, Industrial Commission Division; Supreme Court*	Proceeding for review	Yes		Record	No
ILLINOIS	Industrial Commission	30 days	Appellate Court, Industrial Commission Division; Supreme Court*	As prescribed by the court	Yes		Assignment of errors	No
INDIANA	Workers' Compensation Board	30 days	Court of Appeals	As in civil actions	Yes		Certified transcript of documents and evidence	No
IOWA	Industrial Commissioner	30 days	Supreme Court	As in civil actions	Yes		Transcript of evidence and proceedings	No
IOWA	Industrial Commissioner	20 days	District Court*	Notice of appeal	Yes		Transcript of evidence and proceedings	No
KANSAS	District Court	30 days	District Court*	Notice of appeal	Yes		Transcript of evidence and proceedings	No
KENTUCKY	Workers' Compensation Board	20 days	Workers' Compensation Board	Notice of appeal	Yes		Certified record	No
KENTUCKY	Workers' Compensation Board	No provision	Court of Appeals	Petition, summons, answer	Yes		Certified record or scheduled portions	No
LOUISIANA*	Office of Workers' Compensation	60 days**	District court	As in civil actions	Yes		Trial de novo	No
LOUISIANA*	Office of Workers' Compensation	30 days	Appellate Court	As in civil actions	Yes		Transcript of proceedings	No
LOUISIANA*	Office of Workers' Compensation	30 days	Supreme Court	As in civil actions	Yes		Certified record	No
MAINE	Workers' Compensation Commission	20 days	Law Court	As in equity procedure*	Yes		Record	No
MARYLAND	Workers' Compensation Commission	30 days	County Circuit Courts or Baltimore Common Law Courts	Notice, followed by informal and summary trial	Yes, in occupational disease cases		Trial de novo	Yes, on demand
MARYLAND	Workers' Compensation Commission	No provision	Court of Special Appeals	As in civil cases	Yes, in occupational disease cases		Trial de novo	Yes, on demand
MASSACHUSETTS	Industrial Accidents Board	30 days	Superior Court	As in civil cases	Yes		Record	No
MASSACHUSETTS	Industrial Accidents Board	No provision	Supreme Judicial Court	As in civil cases	Yes		Record	No
MASSACHUSETTS	Industrial Accidents Board	30 days	Court of Appeals	As in civil cases	Yes		Record	No
MICHIGAN	Workers' Compensation Appeals Board	30 days	Supreme Court	Certain, mandamus, or other permissible method	Yes		Record	No
MICHIGAN	Workers' Compensation Appeals Board	30 days	Supreme Court	As in civil cases	Yes		Record	No
MICHIGAN	Workers' Compensation Appeals Board	30 days	Supreme Court	As in civil cases	Yes		Record	No
MINNESOTA	Office of Administrative Hearings*	30 days	Workers' Compensation Court of Appeals	Notice of Appeal	Yes		Certified record. Oral arguments on issues of law	No
MISSISSIPPI	Workers' Compensation Commission	30 days	Circuit Court	Certain	Yes		Record	No
MISSISSIPPI	Workers' Compensation Commission	30 days	Supreme Court	As in civil cases	Yes		Record	No
MISSOURI	Division of Workers' Compensation*	20 days	Supreme Court	As in civil cases	Yes		Record	No
MISSOURI	Division of Workers' Compensation*	30 days	Labor & Industrial Relations Commission	As in civil cases	Yes		Record	No
MISSOURI	Division of Workers' Compensation*	30 days	Appellate Court	As in civil cases	Yes		Certified record	No
MONTANA	Department of Labor and Industry	(*)	Workers' Compensation Court	Notice of appeal	Yes		Certified record	No
NEBRASKA	Workers' Compensation Court	30 days	Supreme Court	Notice of appeal and bill of exceptions (under general law)	Yes		Certified record	No
NEVADA	Department of Administration Appeals Office	60 days	District Court	Notice of appeal and bill of exceptions (under general law)	Yes		Record	No
NEW HAMPSHIRE	Commissioner of Labor	30 days	Superior Court	Petition for judicial review	Yes		Record	No
NEW HAMPSHIRE	Commissioner of Labor	30 days	Supreme Court	Petition for a hearing	Yes		Trial de novo	No

NOTE—Other Canadian jurisdictions do not provide for judicial appeal. \*Generally courts may set aside an award on one of the following grounds: (1) that the Commission acted in excess of its powers, (2) that the award was procured by fraud, (3) that the facts found by the Commission did not support the award, and (4) that there was not sufficient competent evidence in the record to warrant the finding. \*\*Board may request opinion on question of law or jurisdiction on its own motion. \*\*\*Court has power to pass only upon question of law or jurisdiction of the Board. \*\*\*\*Claimant may appeal commissioner's decision to Compensation Review Division (panel of 3 commissioners). \*\*\*\*\*Division may certify question of law on its own motion. \*\*\*\*\*Appellate Board may certify questions of law to Supreme Court. \*\*\*\*\*Workers' compensation appeals panel of court may decide case or refer to full court. \*\*\*\*\*Board may also certify questions of law on its own motion. \*\*\*\*\*If court fails to appeal within 60 days, Director must request decision; if no decision is issued within 30 days after request, Director must advise Supreme Court.

La. \*If any compensation under a final, non-appellable judgment is not paid within 30 days, 24% interest will be added to the compensation. \*\*60 days for derivative appeal. Maine \*First level of appeal is Appellate Division. Denial of review by Law Court is final. No appeal from decree based on memorandum of agreement. Appeal does not stay payment of compensation. Effective 6/30/91, no appeal is allowed upon questions of fact found by the commissioner except to correct manifest error or injustice. Mich. \*Workers' Compensation Appeals Board has primary responsibility for any appeals filed prior to 3/31/86. It will be abolished as of July 1, 1991. If at that time any cases remain, a 3 member workers' compensation appeal board will be created. Workers' Compensation Appellate Commission has jurisdiction over all other cases. Minn. \*Disputed WCD conference determination is heard de novo at OAH. Mo. \*Administrative Law Judge's award may be appealed to Industrial Commission. Mont. \*Varies depending upon reason for appeal. Neb. \*The Court is constituted the same as the boards and commissions in other states.

CHART XV  APPEAL PROVISIONS  January 1, 1990 (continued)

JURISDICTION	ADMINISTRATION	TIME FOR APPEAL	TO WHAT COURT	PROCESS AND PROCEDURE	QUESTIONS REVIEWED		BASIS FOR REVIEW*	JURY TRIAL
					LAW ONLY	LAW AND FACT		
NEW JERSEY	Division of Workers' Compensation	No provision	Appellate Division of Superior Court	Notice of appeal		Yes	Trial de novo on the 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 on review No provision	Appellate Division, Supreme Court, Third Department Court of Appeals	As in civil actions, with precedence over all other civil cases Regular appeal	Yes		Record	No
NORTH CAROLINA	Industrial Commission	30 days	Court of Appeals	As in civil actions*	Yes		Record	No
NORTH DAKOTA	Workers' Compensation Bureau	30 days 60 days	District Court Supreme Court	Appeal Appeal		Yes	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*	Supreme Court*	Petition	Yes		Certified record and specifications of error	No
OREGON	Workers' Compensation Board	30 days	Court of Appeals Supreme Court	Notice of appeal Notice of appeal	Yes		Record	No
PENNSYLVANIA	Bureau of Workers' Compensation*	20 days 30 days	Workers' Compensation Appeal Board Commonwealth Court Supreme Court	Appeal & Exceptions Notice of appeal As in civil actions	Yes Yes		Certified record	No
PUERTO RICO	Industrial Commission	30 days 15 days	Industrial Commission* Supreme Court	Appeal Petition for review	Yes	Yes (..)	Record Certified record	No
RHODE ISLAND	Department of Workers' Compensation Workers' Compensation Commission	7 days 5 days 20 days	Workers' Compensation Commission Appellate Commission Supreme Court	Claim of appeal Writ of certiorari		Yes	Trial de novo Certified documents and testimony	No
SOUTH CAROLINA	Workers' Compensation Commission—Judicial Division	30 days	Court of Common Pleas	As in civil actions	Yes		Record	No
SOUTH DAKOTA	Division of Labor and Management	30 days* 120 days	Circuit Court Supreme Court	Notice of appeal As in civil actions		Yes	Certified record	No
TENNESSEE	Courts	10 days No provision	Circuit Courts Supreme Court	As in civil actions Writ of error		Yes	Trial de novo Trial de novo	No
TEXAS	Industrial Accident Board*	20 days	Court of county of injury or worker's residence	Suit to set aside award or decision		Yes	Trial de novo	Yes
UTAH	Industrial Commission	30 days	Court of Appeals	Petition for review		Yes	Certified record	No
VERMONT	Commissioner of Labor and Industry	30 days After 30 days	County Court* Supreme Court	As prescribed by Court As prescribed by Court	Yes	Yes	Certified record	Yes, on demand
VIRGIN ISLANDS	Commissioner of Labor	30 days	Court of competent jurisdiction	As in civil actions	Yes		Record	No
VIRGINIA	Industrial 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	Compensation Commissioner	30 days*	Supreme Court of Appeals	Petition		Yes	Record of proceedings	No
WISCONSIN	Labor and Industry Review Commission	21 days	Industrial Commission Division, Appellate Court Supreme Court	Action against Commission As from orders	Yes		Record	No
WYOMING	Hearing Examiners	30 days	District Court	Petition and bill of exceptions		Yes	Record	No
F.E.C.A.	Division of Federal Employees' Compensation, O W C P	90 days to a year	Federal Employees' Compensation Board*	Application for review		Yes	Record	No
LONGSHORE ACT	Division of Longshore and Harbor Workers' Compensation, O W C P	30 days 60 days	Benefits Review Board* U.S. Court of Appeals	Petition Petition	Yes	Yes	Record Record	No No
ALBERTA	Workers' Compensation Board	No limitation	Appeals Commission	In writing		Yes	Record and written or oral testimony	No
BRITISH COLUMBIA	Ministry of Labour	90 days 90 days	Review Board* Medical Review Panel	Appeal Appeal (medical facts only)		Yes	Record and written or oral testimony Medical record and examination	No No
MANITOBA	Workers' Compensation Board	No limit	Initial adjudicator, review committee, Board of Commissioners	Appeal in writing		Yes	Record and written or oral testimony	No
NEW BRUNSWICK	Workers' Compensation Board	10 days	Appeal Division, Supreme Court	Under Judicature Act†	Yes*		Record	No
NEWFOUNDLAND	Workers' Compensation Commission	90 days	Workers' Compensation Appeal Tribunal	Written request		Yes	De novo	No
NOVA SCOTIA	Workers' Compensation Board	1 year 30 days	Workers' Compensation Appeal Board Appeal Division, Supreme Court	Appeal Petition to judge for permission*	Yes*	Yes	De novo Record	No No
NORTHWEST TERRITORIES	Workers' Compensation Board	No limitation	Board*	Board of review		Yes	Record and written or oral testimony	No
ONTARIO	Workers' Compensation Board	No limitation	Independent Appeals Tribunal	Request to Appeals Tribunal		Yes	De novo	No
PRINCE EDWARD ISLAND	Workers' Compensation Board	15 days	Supreme Court in banc	Petition to judge for permission	Yes*		Record	No
QUEBEC	C.S.S.T. Minister of Labour Minister of Justice	30 days 30 days 60 days	Review Office (tripartite) Medical Arbitration * Board of Appeal (Commission d'appels des professions)	Appeal Appeal (Medical facts only) Notice of appeal		Yes Yes	Record and written or oral testimony Medical record and examination Record and written or oral testimony	No No No
SASKATCHEWAN	Workers' Compensation Board	No limitation	Board	In writing		Yes	Record and written or oral testimony	No
YUKON	Workers' Compensation Board	No limitation	Board	Appeal in writing		Yes	Record and written or oral testimony	No

N.Y. \*Compensation is paid pending appeal. If reversed, carrier is reimbursed from Administration Fund  
N.C. \*Commission may certify questions of law to Court of Appeals. Commission may order payment of portion of award not in dispute  
Ohio \*Appeal to Workers' Compensation Court en banc within 10 days may be bypassed in favor of appeal to Supreme Court  
Pa. \*Decisions of Referees are subject to appeal to the Workers' Compensation Appeal Board  
P.R. \*Also can petition Industrial Commission to reconsider its decision, within 10 days  
\*\*On weight of expert testimony  
B. Dak. \*Commission may order payment of portion of award not in dispute

Texas †Effective 4/1/90, Industrial Accident Board is replaced by the Workers' Compensation Commission  
Vt. \*Then to Supreme Court on exception  
W.Va. \*May be extended for cause  
F.E.C.A. \*There is no court appeal. Board has authority to make final decision on appeals  
Longshore †First level of appeal is to Benefits Review Board within the U.S. Department of Labor. Board may sit in 3-man panels. Panel decision may be reviewed, upon petition, by full Board  
B.C. \*Further appeal to Commissioners of the Board within 60 days  
N.S. \*Board may request opinion on question of law on its own motion

## ALABAMA

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Department of Industrial Relations  
Industrial Relations Building  
Montgomery, Alabama 36130  
(205) 261-2868  
Mr. Marcus A. Davis, Administrator

## ALASKA

Division of Workers' Compensation  
Department of Labor  
P.O. Box 25512  
Juneau, Alaska 99802-5512  
(907) 465-2790  
Ms. Jacquelyn L. McClintock, Director

## Workers' Compensation Board

Same address as Division  
Mr. Jim Sampson, Chairman  
Mr. Thomas Chandler, Member  
Mr. David W. Richards, Member  
Mr. Joe J. Thomas II, Member  
Mr. Darrell F. Smith, Member  
Ms. Mary A. Pierce, Member  
Mr. Donald R. Scott, Member  
Mr. John H. Creed, Member  
Mr. Stephen M. Thompson, Member  
Mr. Richard L. Whitbeck, Member

## AMERICAN SAMOA

Workers' Compensation Commission  
Office of the Governor  
American Samoa Government  
Pago, Pago, American Samoa 96799  
Mr. Moalifete Tu'ufulu, Commissioner  
Mr. Tasi Mauga, Administrator

## ARIZONA

Industrial Commission  
800 West Washington  
P.O. Box 14070  
Phoenix, Arizona 85007-2922  
(602) 542-4411  
Mr. Daniel R. Ortega, Jr., Chairman  
Mr. Gay Conrad Kruglick, Vice Chairman  
Msgr. Edward J. Ryle, Member  
Mr. G. Vernon McCracken, Member  
Mr. Gordon Marshall, Member  
Mr. Larry J. Elchakury, Director  
Ms. Elaine C. Adnan, Ombudsman

## ARKANSAS

Workers' Compensation Commission  
Justice Building  
State Capitol Grounds  
Little Rock, Arkansas 72201  
(501) 682-3930  
Mr. James Daniel, Chairman  
Ms. Pat West Humphrey, Commissioner  
Mr. Allyn C. Tatum, Commissioner

## CALIFORNIA

Division of Workers' Compensation  
P.O. Box 603, Room 103  
San Francisco, California 94101  
(415) 557-1954  
Mr. Barry F. Carmody, Deputy Administrative Director

Workers' Compensation Appeals Board  
30 Van Ness Avenue  
San Francisco, California 94102  
(415) 557-0680  
Mr. Alfred C. Williams, Presiding Judge  
Mr. Gary Lee, Judge  
Mr. Gordon Gaines, Judge  
Mr. Alan Eskandari, Judge  
Mr. Alvin Barrett, Judge  
Mr. Phil Miyamoto, Judge

## COLORADO

Workers' Compensation Section  
Division of Labor  
1313 Sherman Street, Room 320  
Denver, Colorado 80203  
(303) 866-2861  
Mr. Robert J. Husson, Director  
Ms. Ruthanne Gartland, WC Program Administrator

Industrial Claims Appeals Office  
State Services Building, Room 513  
1525 Sherman Street  
Denver, Colorado 80203  
(303) 866-2448  
Ms. Judith Caro, Member  
Mr. William Whitacre, Member  
Ms. Dona Halsey, Member

## CONNECTICUT

Workers' Compensation Commission  
1890 Duxwell Avenue  
Hamden, Connecticut 06514  
(203) 789-7783  
Mr. John A. Arcudi, Chairman  
Mr. A. Paul Berte, Commissioner  
Mr. Robin W. Waller, Commissioner  
Mrs. Rhode L. Loeb, Commissioner  
Mr. Frank J. Vernili, Commissioner  
Mr. Edward F. Bradley, Commissioner  
Mr. Andrew P. Danuzze, Commissioner  
Mr. Gerald Kolinsky, Commissioner  
Mr. Dennis J. Spain, Commissioner  
Mr. Michael Sherman, Commissioner  
Mr. A. Thomas White, Jr., Commissioner  
Mr. James J. Metro, Commissioner

## DELAWARE

Industrial Accident Board  
State Office Building, 6th Floor  
820 North French Street  
Wilmington, Delaware 19801  
(302) 571-2885  
Mr. Warner T. Foraker, Chairman  
Mrs. Joyce L. Wright, Member  
Mr. James P. Robinson, III, Member  
Mr. Calvin Boggs, Member  
Mr. Wm. E. Matthews, Member  
Ms. Karen Wright, Member  
Mr. Robert S. Powell, Member  
Miss Edwina A. Gagnon, Administrator

## DISTRICT OF COLUMBIA

Department of Employment Services  
Office of Workers' Compensation  
P.O. Box 56098  
Washington, D.C. 20011  
(202) 578-8265  
Mr. Charles Green, Associate Director

## FLORIDA

Division of Workers' Compensation  
Department of Labor and Employment Security  
301 Forrest Building  
2728 Centerview Drive  
Tallahassee, Florida 32399-0680  
(904) 488-2548  
Mrs. Dania F. Camilo, Director

## GEORGIA

Board of Workers' Compensation  
South Tower, Suite 1000  
One CNN Center  
Atlanta, Georgia 30303-2788  
(404) 656-3875  
Mr. James W. Oxendine, Jr., Chairman  
Mr. Don L. Knowles, Director  
Mr. Claude A. Bray, Director  
Mr. George M. Taylor, Secretary-Treasurer

## GUAM

Worker's Compensation Commission  
Department of Labor  
Government of Guam  
P.O. Box 9970  
Tamuning, Guam 96911-2970  
(871) 648-9324  
Mr. Edward A. Guerrero, Director of Labor  
Ex-Officio Commissioner  
Mr. Joe A. Rivera, Member  
Ms. Judy K. Bona, CPA, Member  
Ms. Monessa G. Lujan, Esq., Member  
Dr. Sinforsoso C. Tolentino, MD, Member  
Mr. Danny A. Orino, Member  
Mr. Conrad G. Stinson, Member  
Mr. Christian L. Delfin, Employment Program Administrator

## HAWAII

Disability Compensation Division  
Department of Labor and Industrial Relations  
P.O. Box 3769  
Honolulu, Hawaii 96812  
(808) 548-4131  
Mr. Mario R. Ramil, Director  
Mr. Orlando K. Watanabe, Disability Administrator  
Labor and Industrial Relations Appeals Board  
888 Milania Street  
Room 400  
Honolulu, Hawaii 96813  
(808) 548-6465  
Mr. Edward L. Correa, Jr., Chairman  
Ms. Carol K. Yamamoto, Member  
Mr. Ronald Y. Kondo, Member

## IDAHO

Industrial Commission  
317 Main Street  
Boise, Idaho 83720  
(208) 334-8000  
Mr. Will S. Defenbach, Chairman  
Mr. Gerald A. Geddes, Commissioner  
Mr. Larry C. Jackson, Commissioner  
Mr. Gary Arnold, Executive Director

## ILLINOIS

Industrial Commission  
100 West Randolph Street  
Suite 8-200  
Chicago, Illinois 60602  
(312) 814-6555  
Mr. Ray J. Rybacki, Chairman  
Mr. Theodios Black, Jr., Commissioner  
Mr. Calvin F. Tansor, Commissioner  
Mr. Alvin Cooke, Commissioner  
Mr. Douglas Holland, Commissioner  
Mr. Richard M. Gilgia, Commissioner  
Ms. Beverly Masuda, Commissioner

## INDIANA

Workers' Compensation Board  
601 State Office Building  
100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-3808  
Mr. Rogelio Dominguez, Chairman  
Ms. Anne C. Thomas, Member  
Mr. Richard J. Noel, Member  
Mr. John A. Rader, Member  
Ms. Janet S. Bell, Member  
Mr. G. Terrance Conden, Member  
Mr. Willie Harris, Member  
Mr. Douglas Meagher, Executive Secretary

## IOWA

Division of Industrial Services  
Department of Employment Services  
1000 E. Grand Avenue  
Des Moines, Iowa 50319  
(515) 281-5934  
Mr. David E. Linquist, Industrial Commissioner

## KANSAS

Division of Workers' Compensation  
Department of Human Resources  
Landon State Office Building  
900 SW Jackson, Room 651-S  
Topeka, Kansas 66612-1276  
(913) 296-3441  
Mr. Robert Anderson, Director

## KENTUCKY

Department of Workers' Claims  
Penmeter Park West  
1270 Louisville Road, Building C  
Frankfort, Kentucky 40601  
(502) 664-5550  
Mr. Armand Angelucci, Chairman  
Mr. Glenn L. Schilling, Commissioner  
Mr. William Miller, Sr., Member  
Mr. Larry Greathouse, Member

## LOUISIANA

Department of Labor  
Office of Workers' Compensation Admin.  
P.O. Box 9040  
Baton Rouge, Louisiana 70804-9040  
(504) 342-7555  
Mr. Stephen W. Cavanaugh, Assistant Secretary

## MAINE

Workers' Compensation Commission  
State Office Building  
State House Station 27  
Augusta, Maine 04333  
(207) 289-3751  
Mr. Ralph L. Tucker, Chairman  
Mr. Peter Michaud, Commissioner  
Mr. James E. Smith, Commissioner  
Mr. Lendall Smith, Commissioner  
Ms. Dawn Pelletier, Commissioner  
Mr. James Cox, Commissioner  
Mr. Paul Cole, Jr., Commissioner  
Mr. Bruce Livingston, Commissioner  
Ms. Dawn Leeb, Commissioner  
Ms. Gail Ogline, Commissioner

## MARYLAND

Workers' Compensation Commission  
6 North Liberty Street  
Baltimore, Maryland 21201  
(301) 333-4700  
Mr. Charles J. Kryszak, Chairman  
Mr. Sidney W. Albert, Commissioner  
Mr. Richard Terrell, Commissioner  
Mr. Jacques Leeds, Commissioner  
Mr. G. Joseph Sills, Jr., Commissioner  
Ms. Carmel J. Snow, Commissioner  
Mr. J. Max Mastone, Commissioner  
Mr. Robert S. Redding, Commissioner  
Mr. L. Douglas Jefferson, Commissioner  
Mr. Stephen Rosenbaum, Commissioner

## MASSACHUSETTS

Department of Industrial Accidents  
600 Washington Street, 7th floor  
Boston, Massachusetts 02111  
(617) 727-4300  
Mr. Joel Pressman, Commissioner  
Mr. James H. McGuinness, Adm. Judge  
Mr. William A. Pickett, Adm. Judge  
Mr. William J. Cleary, Adm. Judge  
Mr. John H. McKinnon, Adm. Judge  
Mr. Richard A. Rogers, Adm. Judge  
Mr. Anthony D. Dadaft, Adm. Judge  
Ms. Carolyn N. Fischer, Adm. Judge  
Mr. Richard J. Helfman, Adm. Judge  
Mr. Leonard C. Jackson, Adm. Judge  
Mr. Joseph W. Jennings, III, Adm. Judge  
Mr. Stuart A. Romm, Adm. Judge  
Mr. James V. Ryan, Adm. Judge  
Mr. James St. Amand, Adm. Judge  
Ms. Rosalind Brooker, Adm. Judge  
Mr. Norma Coleman, Adm. Judge  
Ms. Janet Cox, Adm. Judge  
Mr. Thomas Evers, Adm. Judge  
Mr. F. Bruce Fern, Adm. Judge  
Mr. Louis Gallo, Adm. Judge  
Mr. Michael Joyce, Adm. Judge  
Mr. Howard Lee, Adm. Judge  
Mr. Jacques Leroy, Adm. Judge  
Ms. Vivian Male, Adm. Judge  
Ms. Helen Moreschi, Adm. Judge  
Ms. Danna Solomon, Adm. Judge  
Mr. Fred Teub, Adm. Judge  
Mr. Richard Tirrell, Adm. Judge  
Mr. William A. McCarthy, Adm. Law Judge  
Ms. Patricia A. Costigan, Adm. Law Judge  
Ms. Barbara S. Pearson, Adm. Law Judge

## MICHIGAN

Bureau of Workers' Disability Compensation  
Department of Labor  
P.O. Box 30018  
309 North Washington Square  
Lansing, Michigan 48909  
(517) 373-3480  
Mr. Edward M. Welch, Director  
Mr. John P. Muron, Chief Deputy  
Workers' Compensation Appellate Commission  
Department of Labor  
7150 Hama Drive  
P.O. Box 70015  
Lansing, Michigan 48909  
(517) 899-1312  
Mr. Steven Gonzales, Chairman  
Ms. Nancy J. Day, Commissioner  
Mr. G. Vernon Leopold, Commissioner  
Mr. David A. Neff, Commissioner  
Ms. Sharon L. Smith, Commissioner  
Ms. Rosemary Kozelski Wolcott, Comm.  
Ms. Molly Ann Betner, Commissioner

## MINNESOTA

Workers' Compensation Division  
Department of Labor and Industry  
443 Lafayette Road  
St. Paul, Minnesota 55155  
(612) 296-6107  
Mr. Ken Peterson, Commissioner  
Ms. Ann Clayton, Assistant Commissioner  
Workers' Compensation Court of Appeals  
775 Landmark Towers  
345 St. Peter Street  
St. Paul, Minnesota 55102  
(612) 296-6526  
Hon. Paul V. Rieke, Chief Judge  
Hon. Manuel J. Cervantes, Administrator Judge  
Hon. Karan C. Shomon, Judge  
Hon. Edward Toussaint, Judge  
Hon. Manuel J. Cervantes, Judge  
Hon. Richard C. Preinke, Judge

## MISSISSIPPI

Workers' Compensation Commission  
1428 Lakeland Drive  
P.O. Box 5300  
Jackson, Mississippi 39296-5300  
(601) 887-4200  
Mr. J. Marshall Lusk, Jr., Chairman  
Ms. Beverly W. Hogan, Commissioner  
Mr. William A. Wilkerson, Commissioner  
Mr. Harold A. Cross, Executive Director  
Mrs. Brenda H. Goolsby, Commission Secretary

## MISSOURI

Division of Workers' Compensation  
Department of Labor and Industrial Relations  
P.O. Box 58  
Jefferson City, Missouri 65102  
(314) 751-4231  
Mr. Richard R. Rousselot, Director  
Labor and Industrial Relations Commission  
1904 Missouri Boulevard  
P.O. Box 599  
Jefferson City, Missouri 65102  
(314) 751-2461  
Mrs. Hannelore D. Fischer, Chairman  
Mr. Robert L. Fowler, Member  
Mr. Lester Watkins, Member

**UNITED STATES**

Department of Labor  
Employment Standards Administration  
Washington, D.C. 20210  
(202) 523-6091  
Mr. Alan McMillen, Assistant Secretary

Office of Workers' Compensation Programs  
(202) 523-7511  
Mr. Lawrence W. Rogers Jr., Director

Division of Coal Mine Workers' Compensation  
(202) 523-6692  
Mr. James DeMarce, Director

Division of Federal Employees' Compensation  
(202) 523-7552  
Mr. Thomas M. Markey, Director

Division of Longshore and Harbor Workers' Compensation  
(202) 523-8572  
Mr. Joseph F. Olimpo, Director

Office of State Liaison and Legislative Analysis  
(202) 523-9575  
Mrs. June M. Robinson, Director

Division of State Workers' Compensation Programs  
(202) 523-9575  
Mr. Glenn A. Whittington, Director

Benefits Review Board  
1111 20th Street, N.W., Suite 757  
Vanguard Building  
Washington, D.C. 20036  
(202) 653-5060  
Mr. Roy B. Smith, Chief Adm. Appeals Judge  
Mr. James F. Brown, Adm. Appeals Judge  
Mrs. Nancy S. Dolder, Adm. Appeals Judge  
Ms. Regina C. McGranery, Adm. Appeals Judge

Employees' Compensation Appeals Board  
300 Reporters Building  
7th & D Streets, S.W., Room 300  
Washington, D.C. 20210  
(202) 472-5600  
Mr. Michael J. Walsh, Chairman  
Mr. George E. Rivers, Member  
Mr. David S. Gerson, Member  
Ms. Michelle Von Kelsch, Alternate Member  
Mr. Willie T.C. Thomas, Alternate Member

**ALBERTA**

Workers' Compensation Board  
P.O. Box 2415  
9912 107th Street  
Edmonton, Alberta T5J 2S5  
(403) 427-1100  
Mr. Kenneth C. Pals, President and Chief Executive Officer  
Mr. J. Douglas Carr, Vice President, Secretary & General Counsel  
Mr. Kenneth W. Coull, Vice President, Chief Finance & Administration Officer  
Mr. Ian Hershman, Vice President & Chief Development Officer  
Mr. Ian W. Sinclair, Vice President & Chief Operating Officer

**BRITISH COLUMBIA**

Workers' Compensation Board  
P.O. Box 5350  
Vancouver, British Columbia V6B 5L5  
(604) 273-2266  
Mr. F. William Greer, Acting Chairman  
Mrs. Joan M. Nutter, Commissioner  
Ms. Beverly M. Korman, Commissioner  
Mr. Erik Wood, Commissioner

**MANITOBA**

Workers' Compensation Board  
333 Maryland Street  
Winnipeg, Manitoba R3G 1M2  
(204) 786-5471  
Judge Robert Kopstein, Chairman  
Mr. Louis Plantze, Commissioner  
Mr. Rodney Thorlinton, Commissioner  
Mr. Marvin Seale, Commissioner

Workers' Compensation Appeals Board  
175 Hargrave  
Room 406  
Winnipeg, Manitoba  
Mr. Brian King, Chairman  
Mrs. Elaine Smith, Commissioner  
Mr. Harry Mesman, Commissioner

**NEW BRUNSWICK**

Workers' Compensation Board  
P.O. Box 160  
Saint John, New Brunswick E2L 3X9  
(506) 632-2200  
Mr. Theo J. Gagnon, Chairman & Chief Executive Officer  
Ms. Aiana M. Small, Board Secretary  
Mrs. Marlene Cormier, Secretary to Chairman  
Mr. Brian E. H. Baxter, Executive Director, Administration & Finance  
Mr. John P. Doucet, Executive Director, Operations  
Ms. M. Dianne Ormandy, Executive Director  
Workers' Rehabilitation Centre  
Mr. Larry Fyle, Member  
Mrs. Yvonne Pascon, Member  
Mr. Garry Sudol, Member  
Mr. Gary Savoie, Member  
Mr. William Whalen, Member  
Mr. Allan Levine, Member  
Mr. Ulysse Beliveau, Member  
Mr. Hermel Thénault, Member  
Mrs. Madeline Delaney-LeBlanc, Member Ex-officio

**NEWFOUNDLAND**

Workers' Compensation Commission  
P.O. Box 9000  
Station B  
St. John's, Newfoundland A1A 3B8  
(709) 778-1000  
Mr. D. Wayne Mitchell, Chief Executive Officer  
Mr. Edward Maynard, Chief Executive Officer  
Mr. Maxwell J. Bursey, Executive Director, Policy and Special Services  
Mr. Derek Forsey, Executive Director, Corporate Services  
Mr. Norman Kennedy, Executive Director, Compensation Services  
Ms. Penelope Rowe, Chairman, Board of Directors  
Dr. Catherine Penney, Vice-Chairman, Board of Directors

**NORTHWEST TERRITORIES**

Workers' Compensation Board  
P.O. Box 8888  
Yellowknife, Northwest Territories X1A 2R3  
(403) 873-7745  
Mr. Grant Hinchey, Chairman  
Ms. Jo-Anne Allison, Member  
Mr. Dale Johnston, Member  
Mr. James Evoy, Member  
Mr. Grant Horseman, Member  
Mr. Ron Williams, Member  
Mr. Joseph Pameolik, Member

**NOVA SCOTIA**

Workers' Compensation Board  
5668 South Street  
P.O. Box 1150  
Halifax, Nova Scotia B3J 2Y2  
(902) 424-4014  
Mr. R.J. Allen, Chairman & General Manager  
Mr. James Vaughan, Commissioner

Workers' Compensation Appeal Board  
3rd Floor, Lord Nelson Arcade  
Spring Garden Road  
P.O. Box 3311  
Halifax, Nova Scotia B3J 3J1  
Mr. Lawrence F. Scaravelli, Chairman  
Mr. H. Maxwell Pierce, Member  
Mr. Donald Hutchinson, Member  
Mr. Benley Evans, Member  
Mrs. Shirley MacNeill, Member  
Mr. John J. O'Brien, Executive Officer

**ONTARIO**

Workers' Compensation Board  
2 Bloor Street East  
Toronto, Ontario M4W 3C3  
(416) 927-5144  
Dr. Robert E. Elgie, Chairman  
Mr. Alan D. Wolfson, Vice Chairman of Administration and President  
Mr. Joseph Duffy, Member  
Mr. Stephen Hessian, Member  
Ms. Almendra Maria Rebelo, Member  
Mr. James Richards, Member  
Mr. David Mackenzie, Member  
Mr. Fred Teimer, Member  
Mr. Jim Goodson, Member  
Mr. Michael Warren, Member  
Dr. Maria Lucia Zorzito, Member  
Mr. Ronald Ellis, Member Ex-officio

**PRINCE EDWARD ISLAND**

Workers' Compensation Board  
60 Belvedere Avenue  
P.O. Box 757  
Charlottetown, Prince Edward Island C1A 7L7  
(802) 368-5680  
Mr. Art Howard, Vice Chairman  
Mr. C.E. Ready, Executive Director  
Mr. Ron McKegan, Commissioner

**QUEBEC**

Commission de la Santé et de la Sécurité du Travail  
524 Bourdages Street  
Quebec, Quebec G1K 7E2  
(418) 643-5850  
Mr. Robert Diamant, President and CEO  
Mr. Pierre Sheleux, Vice President  
Mrs. Lise Langlois, Vice President  
Mr. Gilles Talhon, Vice President  
Mrs. Lise Thibault, Vice President  
Mr. Alain Ménard, Vice President

**SASKATCHEWAN**

Workers' Compensation Board  
1840 Lorne Street  
Regina, Saskatchewan S4P 2L8  
(306) 787-4370  
Mr. Gamel Garven, Chairman and CEO  
Mr. Leonard Larson, Member  
Mr. George Bissett, Member  
Mr. K.L. Brown, Chief Administrative Officer  
Mr. J.A. McLean, Executive Secretary

**YUKON**

Workers' Compensation Board  
300-4114 4th Avenue  
Whitehorse, Yukon Y1A 4N7  
(403) 667-5645  
Mr. John Wright, Chairman  
Mr. Thomas Mickey, Member  
Mr. Heito Franke, Member  
Mr. Brian Booth, Chief Executive Officer

**CANADA**

Labour Canada  
Occupational Safety and Health Branch  
Injury Compensation Division  
Ottawa, Ontario K1A 0J2  
(613) 997-2281  
Mr. Michael Valiquette, Acting Chief

Merchant Seamen Compensation Board  
Labour Canada  
Ottawa, Ontario K1A 0J2  
Mr. H.P. Hansen, Chairman  
Capt. J.G. Daniels, Vice Chairman  
Dr. H. Sellers, Member  
Mr. Gary Seymour, Secretary

**MONTANA**

Department of Labor and Industry  
Employment Relations Division  
P.O. Box 8011  
Helena, MT 59604-8011  
(406) 444-8518  
Mr. Robert Jensen, Administrator

Workers' Compensation Court  
P.O. Box 537  
Helena, Montana 59624  
(406) 444-7784  
Judge Timothy W. Reardon

**NEBRASKA**

Workers' Compensation Court  
State House, 12th Floor  
P.O. Box 98908  
Lincoln, Nebraska 68509-8908  
(402) 471-2568  
Hon. Ben Novicoff, Presiding Judge  
Hon. Mark A. Buchholz, Judge  
Hon. Paul E. LeClair, Judge  
Hon. Tad W. Vrana, Judge  
Hon. James P. Monen, Judge  
Hon. Michael P. Cavet, Judge  
Hon. James R. Coe, Judge  
Ms. Carol S. Thompson, Administrator

**NEVADA**

State Industrial Insurance System  
515 East Musser Street  
Carson City, Nevada 89714  
(702) 687-5284  
Mr. Laury M. Lewis, General Manager

Department of Industrial Relations  
1390 South Curry Street  
Carson City, Nevada 89710  
(702) 687-3032  
Mr. Paul Cohen, Director

**NEW HAMPSHIRE**

Department of Labor  
19 Pillsbury Street  
Concord, New Hampshire 03301  
(603) 271-3171  
Mr. Richard M. Flynn, Commissioner  
Mr. David M. Wibby, Deputy Commissioner  
Mrs. Anne C. Eaton, Director, WC Program

**NEW JERSEY**

Division of Workers' Compensation  
Department of Labor  
Call Number 399  
Trenton, New Jersey 08625-0399  
(609) 292-2414  
Hon. Alfred J. Napier, Chief Judge  
Mr. Harry G. Parkun, Director

**NEW MEXICO**

Workers' Compensation Division  
Department of Labor  
700 4th Street, S.W.  
P.O. Box 27188  
Albuquerque, New Mexico 87102  
(505) 841-8787  
Mr. Gerald B. Sluyvesant, Director

**NEW YORK**

Workers' Compensation Board  
180 Livingston Street  
Brooklyn, New York 11248  
(718) 802-6666  
Ms. Barbara Patton, Chairwoman  
Mr. William Kroeger, Vice Chairman  
Mr. Ernest R. Latham, Member  
Mr. William C. Mullany, Member  
Mr. Walter Shields, Member  
Ms. Ilene J. Slater, Member  
Mr. Joseph A. Taunello, Member  
Mr. Ferdinand Tremiti, Member  
Mr. Raymond A. Charles, Jr., Member  
Mr. Sy Cohen, Member  
Mr. Carmine Perrotta, Member  
Ms. Julia Jorge, Member  
Mr. Thomas W. Gleason, Executive Director

**NORTH CAROLINA**

Industrial Commission  
Dobbs Building  
430 North Salisbury Street  
Raleigh, North Carolina 27611  
(919) 733-4820  
Mr. Bruce Briggs, Chairman  
Mr. J. Harold Davis, Commissioner  
Mr. Randolph Ward, Commissioner

**NORTH DAKOTA**

Workers Compensation Bureau  
Russell Building-Hwy. 83 North  
4007 N. State Street  
Bismarck, North Dakota 58501  
(701) 224-3800  
Ms. Helen Tracy, Director  
Workers Compensation Fund  
Same address as Bureau

**OHIO**

Workers' Compensation Board  
246 North High Street  
Columbus, Ohio 43266-0581  
(614) 465-2950  
Mrs. Patricia Barry, Administrator  
Mr. John R. Hodges, Chairman  
Mr. Michael J. Knilians, Secretary  
Mr. Joseph M. Coyle, Member  
Mr. Donald C. Fantl, Member  
Mr. Frederick A. Matthews, Member  
Mr. Richard D. Schatstall, Member  
Mr. Joseph Tomasi, Member  
Mr. Paul J. Witte, Member  
Mr. John A. Boehner, Legislative Member  
Mr. Ross Boggs, Jr., Legislative Member  
Mr. Robert L. Burch, Legislative Member  
Mr. Robert C. Cupp, Legislative Member

Industrial Commission  
Same address as Bureau  
(614) 468-3010

Mr. Warren J. Smith, Chairman  
Mr. James Mayfield, Vice Chairman  
Mr. Robert L. McAllister, Member  
Mr. Hager Fugate, Member  
Mr. Napoleon Bell, Member

State Insurance Fund  
Same address as Bureau

**OKLAHOMA**

Oklahoma Workers' Compensation Court  
1915 N. Stiles  
Oklahoma City, Oklahoma 73105  
(405) 557-7600  
Hon. Norma D. Gunch, Presiding Judge  
Hon. Victor R. Seagle, Judge  
Hon. Bill V. Cross, Judge  
Hon. Dick Lynn, Judge  
Hon. Sam A. Townley, Judge  
Hon. Ben P. Choate, Jr., Judge  
Hon. Jerry L. Salyer, Judge  
Hon. Ozella M. Willis, Judge  
Hon. Louis Buchanan, Judge

**OREGON**

Department of Insurance & Finance  
21 Labor and Industries Building  
Salem, Oregon 97310  
(503) 378-4100  
Mr. Theodore R. Kulongoeki, Director

Workers' Compensation Board\*  
480 Church Street  
Salem, Oregon 97310  
(503) 378-3308  
Ms. Dianne Perry, Chairman  
Mr. Jeff Gerner, Member  
Mr. Rick Burke, Administrator  
\*Note: Oregon has 3 permanent and 6 temporary Board members.

**PENNSYLVANIA**

Bureau of Workers' Compensation  
Department of Labor and Industry  
1171 South Cameron Street, Room 103  
Harrisburg, Pennsylvania 17104-2511-2501  
(717) 783-5421  
Mr. Thomas S. Cook, Director

Workmen's Compensation Appeal Board  
1171 South Cameron Street, Room 305  
Harrisburg, Pennsylvania 17104-2511  
(717) 783-7838  
Mr. Harold V. Fergus, Chairman  
Mr. William J. Atkinson, Commissioner  
Mr. Joseph J. McAneny, Commissioner  
Mr. George F. Pott, Jr., Commissioner  
Mr. C. John Uring, Commissioner  
Mr. A. Peter Kanjouski, Commissioner  
Mr. Norman R. Haigh, Secretary  
Mr. David S. Hawkins, Assistant Secretary

**PUERTO RICO**

Industrial Commissioner's Office  
G.P.O. Box 4466  
San Juan, Puerto Rico 00936  
(809) 783-2028  
Mr. Gilberto M. Chamez, President  
Mr. Julio Pomales Santiago, Commissioner  
Mr. Jorge Méndez Naves, Commissioner  
Mr. Ramon Domanech-Maldonado, Commissioner  
Mr. Luis Duprey Figueroa, Commissioner  
State Insurance Fund of Puerto Rico  
G.P.O. Box 5028  
San Juan, Puerto Rico 00936  
Mr. Alberto A. Baco, Administrator

**RHODE ISLAND**

Department of Workers' Compensation  
810 Manton Avenue  
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Providence, Rhode Island 02909  
(401) 272-0790  
Mr. Richard T. Varone, Director  
Ms. Debra L. Olsson, Deputy Director

Workers' Compensation Commission  
1 Dorrance Plaza  
Providence, Rhode Island 02903  
(401) 277-3067  
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Mr. Robert F. Aragan, Commissioner  
Mr. William G. Gilroy, Commissioner  
Ms. Constance Massora, Commissioner  
Mr. Andrew E. McConnell, Commissioner  
Mr. Carmine Rao, Commissioner  
Mr. John Rolandi, Administrator  
Mr. William A. Castro, Director

**SOUTH CAROLINA**

Workers' Compensation Commission  
1612 Marion Street  
P.O. Box 1715  
Columbia, South Carolina 29202  
(803) 737-5700  
Mr. Walter Hundley, Chairman  
Ms. Virginia L. Crocker, Vice Chair  
Mr. Holme C. Draher, Commissioner  
Mr. Thomas M. Marchant, III, Commissioner  
Mr. William Chybun, Commissioner  
Mr. A. Victor Rawl, Commissioner  
Mr. Vernon F. Dunbar, Commissioner  
Mr. Michael Grant LeFever, 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  
Mr. W.H. Engberg, Director

**TENNESSEE**

Workers' Compensation Division  
Department of Labor  
501 Union Building  
Second Floor  
Nashville, Tennessee 37243-0661  
(615) 741-2395  
Mrs. Sue Ann Mead, Director

**TEXAS**

Industrial Accident Board\*  
200 East Riverside Drive, First Floor  
Austin, Texas 78704  
(512) 448-7900  
Mr. Joseph C. Oagen, Chairperson  
Mr. Bobby J. Barnes, Member  
Mr. Milton Fox, Member  
Note: \*Effective April 1, 1990, the Industrial Accident Board will be replaced by the Workers' Compensation Commission. Mr. George E. Chapman will be the Executive Director of the Commission. Members of the commission not determined at time of publication.

**UTAH**

Industrial Commission  
160 East 300 South  
Salt Lake City, Utah 84111  
(801) 530-6800  
Mr. Stephen M. Hadley, Chairman  
Mr. Thomas Carlson, Commissioner  
Ms. Dixie Minson, Commissioner

**VERMONT**

Department of Labor and Industry  
State Office Building  
120 State Street  
Montpelier, Vermont 05602  
(802) 828-2288  
Ms. Jeanne Van Vliedran, Commissioner  
Mr. Mark L. Stephen, Deputy Commissioner  
Ms. Phyllis G. Severance, Director

**VIRGIN ISLANDS**

Department of Labor  
22 Hospital Street  
Christiansted, St. Croix, Virgin Islands 00801  
(809) 773-0471  
Mr. Bardine Bailey, Assistant Director of Labor Relations

**VIRGINIA**

Industrial Commission  
1000 DMV Building  
P.O. Box 1794  
Richmond, Virginia 23214  
(804) 367-8500  
Mr. William E. O'Neil, Chairman  
Mr. Charles G. James, Commissioner  
Mr. Robert P. Joyner, Commissioner

**WASHINGTON**

Department of Labor and Industries  
General Administration Building, 3rd Floor  
Room 334  
Olympia, Washington 98506  
Mr. Joseph A. Dear, Director  
(206) 753-6307  
Mr. Robert L. McCallister, Deputy Director for Industrial Insurance  
(206) 753-5173  
Ms. Doratle Markham, Deputy Director for Policy and Planning  
(206) 753-6308

Board of Industrial Insurance Appeals  
410 West 5th Street  
Capitol Center Building  
Olympia, Washington 98504  
Ms. Sara T. Harmon, Chairperson  
Mr. Frank E. Fennerty, Jr., Member  
Mr. Phillip T. Bork, Member

**WEST VIRGINIA**

Workers' Compensation Commissioner's Office  
P.O. Box 3151  
Charleston, West Virginia 25332  
(304) 348-2580  
Ms. Emily Spieler, Commissioner

Workers' Compensation Appeal Board  
601 Morris Street, Room 419  
Charleston, West Virginia 25301  
Mr. John Preston Bailey, Chairman  
Mr. Richard Thompson, Member  
Dr. Eli Dragisich, Member

Women's Compensation Fund  
Same address as Commissioner's Office

**WISCONSIN**

Workers' Compensation Division  
Department of Industry, Labor, and Human Relations  
P.O. Box 7901  
Room 181  
201 East Washington Avenue  
Madison, Wisconsin 53707  
(608) 266-1340  
Mr. Chris M. Faulhaber, Jr., Administrator

Labor and Industry Review Commission  
P.O. Box 8126  
Madison, Wisconsin 53708  
(608) 266-9850  
Mr. Kevin C. Potter, Chairman

**WYOMING**

Workers' Compensation Division  
State Treasurer's Office  
122 West 25th Street, 2nd fl.  
East Wing, Herschler Building  
Cheyenne, Wyoming 82002-0700  
(307) 777-7441  
Mrs. Ann E. Woodward, Director

Industrial Accident Fund  
Same address as Division

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## ABBREVIATIONS AND COMPUTATIONS IN CHARTS

### ABBREVIATIONS

AWW	—	Worker's average weekly wage
C.M.S.C.A.	—	Canadian Merchants Seamen's Compensation Act
F.E.C.A.	—	Federal Employees' Compensation Act
O.W.C.P.	—	Office of Workers' Compensation Programs, U.S. Department of Labor
NAWW	—	National average weekly wage
PP	—	Permanent partial disability
PT	—	Permanent total disability
SAMW	—	Statewide average monthly wage
SAWW	—	Statewide average weekly wage
TP	—	Temporary partial disability
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 result. This *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:

$$\frac{750 \times 12 \times 7}{365} = \$172.60$$

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:

$$\frac{750}{4.3} = \$174.42$$



## OTHER TIMELY PUBLICATIONS FROM THE U.S. CHAMBER

### **AIDS: An Employer's Guidebook\* (0088)**

Reviews facts about AIDS and explains benefit package considerations, legal issues, advantages and disadvantages of written corporate policies, and educational programs for employees. Includes valuable appendices. (\$20 Chamber members, \$33 nonmembers).

### **Analysis of Workers Compensation, 1989 Edition (0122)**

Outlines the provisions of workers compensation laws in all 50 states, U.S. territories, and the Canadian provinces. Published and revised annually. Limited copies of previous editions available. (\$15 Chamber members, \$25 nonmembers).

### **Business and Education: Partners for the Future\* (6784)**

Business-education partnerships are an emerging national trend. Learn about business in innovative approaches to solving many problems facing education. (\$15 Chamber members, \$25 for nonmembers).

### **Business and the Entrepreneurial American City (0033)**

Explores the emerging role of free enterprise in the management and redevelopment of cities. This book, written by the U.S. Chamber of Commerce in cooperation with the U.S. Department of Housing and Urban Development, illustrates how a creative business community can have dramatic effects on a city's future. (\$12 each)

### **Compensation for Injury from Exposure to Hazards\* (6851)**

Addresses public policy alternatives for compensating people injured due to exposure to workplace, environmental and product hazards. (\$30 Chamber members, \$50 nonmembers).

### **The Employee Polygraph Protection Act: A Guide to Compliance\* (0142)**

Explains the provisions of The Employee Polygraph Protection Act of 1988, which prohibits the use of the polygraph for pre-employment screening by most private sector employers. (\$10 Chamber members, \$15 nonmembers).

### **Everything You've Ever Wanted to Know About Unions But Were Afraid to Ask (6938)**

This informative pamphlet describes what a union is, how much dues and fees are and how they are collected, union fines, and duties of union members. (Minimum Order, 100 copies for \$25)

### **The Greatly Growing Garbage Problem: A Guide for Municipal Solid Waste Management for Communities and Businesses\* (0113)**

Written for local community leaders and business people interested in solving the "garbage problem." Outlines the problems of solid waste management, addresses solutions, and reviews legislative and regulatory action. (\$20 Chamber members, \$33 nonmembers).

### **The New Federal "Plant Closings" Law: What Employers Should Know (0100)**

Provides summary of the new law requiring mandatory notice for plant closings and layoffs affecting employers with 100 or more workers. Booklet covers key definitions, who is covered and who is not, penalties for employers failing to comply with the law and the full text of the Act. (Minimum order, 10 copies: \$1.65 each—Chamber members; \$3 each—nonmembers. Orders of 100 or more copies: \$1 each—Chamber members; \$2 each—nonmembers.)

### **The New Immigration Law: An Employer's Handbook\* (7009)**

Learn how to cope with the complex regulations of the 1986 Immigration Reform and Control Act which requires all businesses to verify the employment status of new hires and retain documentation of employment eligibility for at least three years. (\$25 Chamber members, \$42 nonmembers).

### **The OSHA Hazard Communication Standard: An Employer's Handbook\* (0089)**

Explains employers' primary responsibilities under the OSHA Hazard Communication Standard. Outlines the standard's major provisions, the written program for each workplace, the labeling requirements for hazardous chemicals, and employee information and training requirements. (\$15 Chamber members, \$25 nonmembers).

### **Risk Management: A Small Business Primer\* (6970)**

Primer for small businesses and professionals describes a complete program to manage risks in every enterprise. Describes how the insurance industry works and how to get full value from your insurance premiums. (\$25 Chamber members, \$42 nonmembers).

### **Services Watch (Monthly Newsletter)**

An Inside Washington report for the service sector, intended to serve business owners and managers in service sector industries. Informs readers of priority issues facing the service sector and advocates the interests of service industries in public policy debates. (\$75 per year Chamber members, \$95 per year nonmembers).

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# SPORTS

SUNDAY

SECTION D April 28, 1991

## Ruling rattles Alaska softball

### Supreme Court rules some injured players eligible for workman's comp

By BETH BRAGG

Daily News assistant sports editor

The Alaska Supreme Court threw a curve at softball when it ruled this month that players are entitled to workman's compensation if they are injured while playing for a team sponsored by their employer.

The ruling could mean increased insurance rates for a majority of the companies that sponsor Alaska's nearly 1,000 softball teams, which in turn could mean fewer sponsors.

"This could be kind of scary,"

said state softball commissioner Pat Lillian. "Sponsors are the life-line of the whole amateur sports organization."

Of the estimated 15,000 people who play softball in Alaska, only those who are employed by the same company that sponsors their team would be eligible for workman's comp. Lillian estimated that at least 50 percent of the teams in Alaska feature at least one player who is employed by the sponsor.

"Nobody has a crystal ball, but I think it has a substantial potential to discourage team sponsors,"

said Ben Esch, who is the attorney for the Anchorage Sports Association, the organizing body for more than 400 Anchorage softball teams. "(And) if the sponsors back out, if there's no sponsor's fee, you can only increase players' fees."

The Alaska Supreme Court ruled earlier this month in favor of Judi LeSuer-Johnson, who was injured in a 1988 softball game in Anchorage while playing for Rollins-Burdick Hunter, her employer and the sponsor of an Insurance League softball team.

LeSuer-Johnson filed a claim for

workman's comp, and the Workers' Compensation Board ruled in her favor. After appeals, the state Supreme Court upheld the original ruling, which was based on a 1982 statute that says work-related injuries include those occurring at "employer-sanctioned activities at the employer-provided facilities."

Although Anchorage Sports Association teams play on municipal fields, they are maintained by the association, which collects entry fees to help pay for their maintenance. "My belief is that simply paying a league fee would be ade-

quate (evidence that an employee is providing facilities)," Esch said.

Chancy Croft, the attorney who represented LeSuer-Johnson, said Saturday that by paying a team entry fee, Rollins-Burdick Hunter helped make a softball field available to its team. Without entry fees, "they wouldn't have had a regular field at the time they had it," he said. "They wouldn't have been able to play the schedule."

Though the ruling was the result of an accident in the loosely orga-

Please see Page D-4, SOFTBALL

## SOFTBALL: Supreme Court ruling could scare off team sponsors

Continued from Page D-1

nized Insurance League, the Supreme Court's ruling is expected to affect almost all recreational sports leagues.

Lillian, Esch and others hope to amend the law before the effect is widespread.

"There's less than a month left in the (legislative) session, so it's not possible at this date to introduce a new bill," Esch said. "So the question would be, is there an existing vehicle that could be amended? The next question is, what is the likelihood of it passing?"

Esch thinks the answer to both questions is yes. He said there is a bill pending in the Senate Labor and Commerce committee that could be amended to prevent sponsors of recreational sports teams from being

held liable for workman's comp claims. Esch thinks getting an amendment introduced and passed this session "is within the realm of possibility."

If it isn't, sponsors who might be affected by the supreme court decision have a handful of options. One is to not let any of their employees play on their team. Another is to pay higher insurance rates, although companies whose insurance is paid through this summer shouldn't have to worry about rates increasing for the current softball season, which begins next weekend. With any luck, said Esch, the issue will have been resolved by next summer.

Another option is to pull out of the league, although Anchorage Sports Association director Rod Hill said



chances are slim those who do will get their entry fee refunded. "We tell people all the time if somebody wants to take your (team's) place, we'll gladly refund your money," he said. "Otherwise it's out of the question. We'd be tearing schedules apart all season."

Just how many sponsors will back out of their commitment to sponsor teams is critical to the future of recreational sports in Alaska.

"It wouldn't change my attitude about having a team," said Rick Nerland of Nerland/Mystrom Associates, which sponsors a coed team that includes several of

his employees. "I would probably have to check and see what the stipulations of our workman's comp policy would be. (But) the bottom line is, I believe it's a worthwhile enough activity that we will ... resolve the issue and play ball."

Dr. Jay Caldwell, who sponsors a coed team that involves several of his employees at the Alaska Sports Medicine Clinic, said much the same thing.

"It wouldn't stop me from sponsoring a team, but I can see that more prudent employers than I would," he said.

Jerry Grilly, publisher of the Anchorage Daily News, counts himself as one of the prudent ones. The News sponsors a team that is almost entirely made up of employees of the newspaper.

"My reaction is I'm probably going to talk to my lawyer and (the personnel office) and reconsider," Grilly said. "We're just trying to do something recreationally for our employees, and all of a sudden it gets complicated and complex."

"It's not like (playing softball) is a job. It's recreational. They're doing it in their own time. It's real unfortunate. You're just trying to be a good employer and support employees. We're really reaping nothing in this endeavor."

Croft disagrees. "I think a lot of times companies sponsor teams because they get a lot of benefit from it — increased morale, advertising, increased efficiency, more stability in the work force," he said.

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FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO : SB 230

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the payment of unemployment insurance...Perslan Gulf crisis..."  
Sponsor: Senator Jones  
Requestor: Senate Labor & Commerce

Department Affected: Labor  
BRU: Employment Security  
Component: Unemployment Insurance  
COMPONENT SERIAL NO. 329

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

We estimate there are 80 people that would be affected by this bill. The division already has the means to adjust an employer's experience rating and any additional benefits would be paid from the UI Trust Fund. The trust fund would be minimally affected.

Prepared by: Judy Knight, Director *Judy Knight* Phone: 465-2712  
Division: Employment Security Date: 4/4/91

Approved by Commissioner: Nancy Bear Usura *Nancy Bear Usura*  
Agency: Department of Labor Date: 4/4/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

MAR 2 1991

Unemployment Insurance employer contribution rates are based on employer's quarterly payroll decline in the past three years. Rates for a year are based on wages paid through the second quarter of the current year. Thus, with the Gulf crisis beginning in August, 1990, this legislation would have no affect on employer 1991 rates, but may affect smaller employers in 1992 ( if those employers had employees leave for Gulf service and not replace them). We have prepared several scenarios on the next page.

### Scenario A

Employer ABC has 8 employees in a small retail business. One of his employees, Mr. Plate, gets called for service in the Gulf. Rather than hire a temporary replacement ABC decides to make do with 7 employees until Mr. Plate returns. Mr. Plate earns \$2,000.00 a month at ABC. Mr. Plate's service dates are August 1, 1990, thru March 31, 1991.

ABC's payroll has been steady except for this and is:

<u>YR/QTR.</u>	<u>AMOUNT</u>	<u>DECLINE</u>
88/3	\$48,000.00	\$ 0.00
88/4	48,000.00	0.00
89/1	48,000.00	0.00
89/2	48,000.00	0.00
89/3	48,000.00	0.00
89/4	48,000.00	0.00
90/1	48,000.00	0.00
90/2	48,000.00	0.00
90/3	44,000.00	-4,000.00
90/4	42,000.00	-2,000.00
91/1	42,000.00	0.00
91/2	48,000.00	0.00

ABC's rate for 1991 is 1.74. Because the payroll decline is small compared to total payroll ABC's rate for 1992 will remain at 1.74.

### Scenario B

Employer DEF has 3 employees in a small retail business. One of his employees, Mrs. Plate, gets called for service in the Gulf. Rather than hire a temporary replacement DEF decides to make due with 2 employees until Mrs. Plate returns. Mrs. Plate earns \$2,000.00 per month at DEF. Mrs. Plates' service dates are August 1, 1990, thru March 31, 1991.

DEF's payroll has been steady except for this and is:

<u>YR/QTR.</u>	<u>AMOUNT</u>	<u>DECLINE</u>
88/3	\$18,000.00	\$ 0.00
88/4	18,000.00	0.00
89/1	18,000.00	0.00
89/2	18,000.00	0.00
89/3	18,000.00	0.00
89/4	18,000.00	0.00
90/1	18,000.00	0.00
90/2	18,000.00	0.00
90/3	14,000.00	-4,000.00
90/4	12,000.00	-2,000.00
91/1	12,000.00	0.00
91/2	18,000.00	0.00

DEF's rate for 1991 is 1.74. With the payroll decline and small amount of wages DEF's rate for 1992 will be 2.10-costing an additional \$259.00.

# Alaska State Legislature

Chair, Resources Committee  
Vice-chair, Transportation Committee  
Member, Rules Committee  
Member, Committee on Committees



District A  
Ketchikan, Wrangell, Petersburg,  
Hyder, Myers Chuck, Kupreanof

**Senator Lloyd Jones**

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907 465-3743  
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352 Front Street  
Ketchikan, AK 99901  
907 225-9082  
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## MEMORANDUM

To: Rep. David Finkelstein, Chairman  
House Labor and Commerce Committee

From: Senator Lloyd Jones *LJ*

Date: May 20, 1991

Subj: Senate Bill 230

Thank you for scheduling a hearing on SB 230. I introduced the bill to help the Alaskan men and women who served in the Persian Gulf.

This is a "hold harmless" bill that deals with unemployment insurance benefits. Section one allows the Department of Labor to adjust employer rates who were impacted by employees who were deployed to the Gulf War. In some cases these employers held open jobs for their reservist employees, thus showing a payroll decline. Unemployment insurance rates are calculated by the number of employees. If there is a payroll decline, unemployment insurance rates go up. This bill allows the Department to spread the increased rates to all employers of the state.

The bill also allows the Department to adjust base-period wage calculations for those who served if they are laid off for any reason upon their return. Benefits are calculated on wages. The more an employee gets paid, the more unemployment benefits they receive if they get laid off. SB 230 allows the Department to calculate the benefits on the higher paying wage, whether it be the military wage or the regular wage. In other words, the reservist does not get penalized if the military wage was lower.

The Department of Labor supports this bill, as does the Division of Military and Veteran's Affairs. Enclosed is a zero fiscal note and a briefing paper from the Department of Labor.

Your support of SB 230 is greatly appreciated. If you would like further information, please don't hesitate to call.

## BRIEFING PAPER

Senate Bill No. "An Act relating to the payment of unemployment insurance benefits and the computation of employer contribution rates because of the Persian Gulf crisis; and providing for an effective date"

Section 1: Contribution rates of some employers may increase because employee/reservists were called to active service in the Persian Gulf causing a decline in payroll. Employer contribution rates are determined based upon changes in payroll. Employers with the largest declines in payroll receive the highest rates because they are responsible for a greater degree of unemployment and loss of community purchasing power. The contribution system is self-adjusting to maintain the Unemployment Insurance Trust Fund; employer rates fluctuate to replenish benefit dollars paid out.

Section 1 is designed to assure that the contribution rates of Alaskan employers do not decrease because of such declines in payroll. This will be achieved by adding the wages the activated employee would have earned in the quarter to the payroll for the quarter; and deducting any wages that were paid to an employee who replaced the employee that was activated.

Section 2: Unemployment Insurance benefits are based on wages earned in a base period the first four of the last five completed calendar quarters. Duration of benefits as well as the weekly benefit amount are derived from these wages. Any change in base period wages has a potential effect on benefit amounts. Reservists who were called up to active service in the Persian Gulf would receive less unemployment insurance benefits upon their return if their military pay were less than they could have otherwise earned. Section 2 is designed to bring the amount of benefits payable up to par with the benefits that would have been payable if the worker had not served in the Persian Gulf. For each quarter that the individual spent the majority of the quarter in active status, the division will extend the base period one calendar quarter. However, the extension to the individual's base period may not exceed four calendar quarters. The benefits payable based on the extended base period will be reduced by any amount of benefits already paid based on the same wages.

NOTE: By Federal law, reservists who are called up to active duty have reemployment rights with their former employers when they are released from active duty. Reservists released prior to January 1, 1991, and 30 days in which to contact their former employers to be reinstated to their old jobs. After January 1, 1991, those released from active duty have 90 days to contact their former employer.

S B

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**FISCAL NOTE**

**STATE OF ALASKA/  
1992 LEGISLATIVE SESSION**

**BILL NO. CSSB 242 (FIN)**

Revision Date: 5/6/92 Department Affected: Commerce & Economic Dev.  
 Title: An Act relating to health insurance for small employers BRU: Insurance  
 Sponsor: Senator Collins Component: Operations  
 Requestor: Senator Collins COMPONENT SERIAL NO. 

0	3	5	4
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**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE FUND SOURCE:</b>	0	0	0	0	0	0
---------------------------------	---	---	---	---	---	---

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

**ANALYSIS: (Attach a separate page if necessary.)**

Prepared By: Donald P. Koch, Chief of Market Surv. *DPK* Phone: 465-2577  
 Division: Insurance Date: 5/7/92  
 Approved by Commissioner: Glenn A. Olds *Glenn A. Olds*  
 Agency: Commerce & Economic Development Date: 5/7/92

FISCAL NOTE

BILL NO. CSSB 242(HES)

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_

Title: An Act relating to health insurance for small employers; and providing for an effective date

Sponsor: Collins

Requestor: Senate Finance Committee

Department Affected: Administration

BRU: Retirement and Benefits

Component: Retirement and Benefits

COMPONENT SERIAL NO. 64

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

FULL-TIME:	0	0	0	0	0	0
PART-TIME:	0	0	0	0	0	0
TEMPORARY:	0	0	0	0	0	0

Estimate of current year impact: none

ANALYSIS: (attach a separate page if necessary.) This bill would have no fiscal impact on the operating costs of the Division of Retirement and Benefits.

Prepared By: Garv Bader *Nancy M. Bader 5/4/92*

Division: Retirement and Benefits

Phone: 465-4470

Date: May 4, 1992

Approved by Commissioner: Nancy Bear Usura *NBCU*

Agency: Department of Administration

Date: 5/4/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB & Impacted Agency(ies).

Finke 132

# Alaska State Legislature

During Session  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-2828



During Interim  
3111 C Street, Suite 540  
Anchorage, Alaska 99503  
(907) 561-2040

## Senator Virginia Collins

CSSB 242 (FIN)

### Small Employer Health Insurance Reform

CSSB 242 (FIN) promotes the availability of health insurance coverage for small employers and reforms the small employer health insurance market. Without requiring additional state expenditures, it provides:

- \* Guaranteed availability - All small employer groups would be able to obtain private health insurance regardless of the health risk they represent (see Sec. 21.55.140(a)).
- \* Coverage of whole groups - Coverage must be available to entire groups. Neither an employer nor an insurer could exclude individuals having high medical risks from the group's coverage (see Sec. 21.55.150(6)).
- \* Renewability of coverage - Individuals in employer groups and employer groups themselves would be assured at the time of renewal that their coverage would not be canceled because of deteriorating health (see Sec. 21.55.130).
- \* Continuity of coverage - Once a person is covered and has satisfied a plan's preexisting condition requirements, he or she would not have to meet those requirements again when changing jobs or when the employer changes carriers (see Sec. 21.55.150(2)).
- \* Premium pricing limits - The bill limits how much insurance companies could vary their rates for groups similar in geography, demography, and plan design. It also limits increases in rates (see Sec. 21.55.120).

Based on model legislation drafted by the National Association of Insurance Commissioners, CSSB 242 (FIN) would improve the overall fairness and efficiency of the small employer health insurance market. It enjoys support from the National Federation of Independent Business, the Alaska State Chamber of Commerce, the Alaska State Hospital and Nursing Home Association, and other organizations.



Official Business

# Alaska State Legislature

## Senate

P.O. BOX V  
State Capitol  
Juneau, Alaska 99811

### MEMORANDUM

May 7, 1992

**SUBJECT:** Sectional Analysis of CSSB 242 (FIN)  
**TO:** All interested parties  
**FROM:** Senator Virginia Collins *VC*

What follows is a sectional analysis of the above described bill. As a preliminary matter, please note that a sectional analysis of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

#### Section 1 - Purpose.

Section 2 - Adds a new section to AS 21.36 (Trade Practices and Frauds) that prohibits violations of the fair marketing standards established under Sec. 21.55.180.

Section 3 - Excludes AS 21.55 (Small Employer Health Insurance chapter) from the unfair discrimination provision of the Trade Practices and Fraud law (AS 21.36.090).

Section 4 - Reflects the 4-year sunset provision contained in Section 13. Deletes reference in AS 21.36.090(d) to AS 21.55.

#### Section 5 -

Sec. 21.55.010 - Creates the Small Employer Health Reinsurance Association as a nonprofit incorporated legal entity and requires membership of all insurers offering health benefit plans in the state.

Sec. 21.55.020 - Establishes the board of directors of the association and provides for specific board representation and organization.

Sec. 21.55.030 - General powers of the association.

Sec. 21.55.040 - Requires the association to submit a plan of operation to the director of the division of insurance. Requires members to comply with the plan and requires the plan to establish certain procedures.

May 7, 1992

Page 2

Sec. 21.55.050 - Establishes specific provisions that apply to reinsurance provided by a member to employees or dependents of employees of a small employer. Establishes a methodology for determining premium rates to be charged for reinsuring small employers and individuals covered under this section. Requires the association to report to the director of the division of insurance the association's net loss for the previous calendar year. Requires association to establish a formula by which to make assessments against reinsuring insurers. Sets provisions for determining assessments.

Sec. 21.55.060 - Establishes, in the association, the Health Benefit Plan Committee composed of members representing specific groups. Specifies what the committee must do and allows the committee to recommend certain cost containment features.

Sec. 21.55.070 - Requires the board to issue a report every two years on the effectiveness of the association.

Sec. 21.55.080 - Exempts the association from the Administrative Procedure Act (AS 44.62).

Sec. 21.55.090 - Exempts the association from payment of taxes, except for real or personal property taxes.

Sec. 21.55.100 - Provides immunity from civil actions filed against a member of the association for a negligent act on behalf of the association.

Sec. 21.55.110 - Establishes when an individual or health group benefit plan is subject to AS 21.55 and provides that other laws requiring coverage, reimbursement, utilization, or consideration of a specific health care practitioner do not apply to a health benefit plan provided to a small employer. Treats certain insurers as one insurer for purposes of applying the restrictions on health benefit plans issued under AS 21.55.

Sec. 21.55.120 - Establishes provisions restricting the premium rate for a health benefit plan. Requires small employer insurers to disclose certain information relating to premium rates and health benefit plans. Requires small employer insurers to describe in detail their rating practices and renewal underwriting practices, file an actuarial certification with the director of the division of insurance, and make certain information available to the director upon request. Allows the director to adopt regulations relating to rating practices.

Sec. 21.55.130 - Requires renewability of health benefit plans and provides under what conditions a plan would not be renewable. Prohibits certain small employer insurers who do not

renew a health benefit plan from writing a new business in the state for five years. Specifies when provisions apply to an insurer operating in an established geographic service area.

Sec. 21.55.140 - Except as provided under Sec. 21.55.160, requires small employer insurers to offer a basic health benefit plan and a standard health benefit plan. Requires insurers to file health benefit plans with the director of the division of insurance. Allows the director to disapprove those plans that do not comply with AS 21.55.

Sec. 21.55.150 - Requires health benefit plans for a small employer to contain certain provisions.

Sec. 21.55.160 - Exempts a small employer insurer from providing coverage under certain conditions.

Sec. 21.55.170 - Provides when a small employer insurer may cease to do business in the small employer market.

Sec. 21.55.180 - Establishes fair marketing standards for small employer insurers.

Sec. 21.55.250 - Definitions.

Section 6 - Provides that a health maintenance organization is subject to the small employer health insurance provisions in AS 21.55.

Section 7 - Reflects the 4-year sunset provision contained in Section 13. Deletes reference in AS 21.86.260(a) to AS 21.55.

Section 8 - Provides that a hospital or medical service corporation is subject to the small employer health insurance provisions contained in AS 21.55.

Section 9 - Reflects the 4-year sunset provision contained in Section 13 by deleting reference in AS 21.87.340 to AS 21.55.

Section 10 - Transition section in regards to premium rate restriction.

Section 11 - Transition section in regards to association's plan of operation, a small employer insurer's basic and standard health benefit plans, an insurer's filing net insurance premium earned from certain health insurance plans, and when the Health Benefit Plan Committee shall submit health benefit plans.

Section 12 - Sunset provision.

Section 13 - Sunset provision (takes effect July 1, 1996).

Section 14 - Effective date.

CSSB 242 (FIN)

Small Employer Health Insurance Reform

Highlights

	<u>CSSB 242 (FIN)</u>
<u>Availability</u>	Guaranteed issue Sec. 21.55.140(a)
<u>Group Size</u>	3-25 Sec. 21.55.250(25)
<u>Case Characteristics</u>	Geography, age, sex, and other objective criteria but does not include claim experience, health status, or duration of coverage Sec. 21.55.250(9)
<u>Rating Restrictions</u>	An insurer's rates for similar groups may not vary from applicable index rate by more than 35% Sec. 21.55.120(a)(1)
<u>Transitional Period</u>	3 years Sec. 10. PREMIUM RATE RESTRICTION (page 24)

<u>Renewal Rating</u>	<p><u>CSSB 242 (FIN)</u></p> <p>Trend plus 15% plus changes in case characteristics</p> <p>Sec. 21.55.120(a)(3)</p>
<u>Renewability</u>	<p>Guaranteed renewable except "for cause"</p> <p>Sec. 21.55.130</p>
<u>Whole Groups</u>	<p>Must take whole group</p> <p>Sec. 21.55.150(6)</p>
<u>Continuity of Coverage</u>	<p>Plans must credit the time a person was covered under a previous employer-based plan if the coverage was continuous</p> <p>Sec. 21.55.150(2)</p>
<u>Reinsurance</u>	<p>Mandatory prospective. Insurers must participate in the reinsurance mechanism.</p> <p>Sec. 21.55.010</p>
<u>Reinsurance Price</u>	<p>150% for whole groups 500% for individuals</p> <p>Sec. 21.55.050(b)</p>
<u>Cost Sharing</u>	<p>First \$5000 of claims</p> <p>Sec. 21.55.050(a)(5)</p>

CSSB 242 (FIN)

Assessments

5% of the premium of small employer market

Sec. 21.55.050(d)(6)

Industry Rating

A rate factor may not vary by more than 15% from arithmetic average of highest and lowest rate factors associated with all industry classifications.

Sec. 21.55.120(a)(6)

Reinsurance Board

9 members selected by participating members, subject to approval by director. At least six members shall be small employer insurers. At least one member shall be insurer principally in small employer market; one principally in large employer market; one to represent a health maintenance organization, one to represent a hospital or medical service corporation.

Sec. 21.55.020

Health Benefit Plan Committee

7 members selected by director. Includes representatives of insurers, small employers, employees of small employers, health care providers, and agents or brokers.

Sec. 21.55.060(a)

Insurers With  
Restricted  
Charters, e.g.,  
Fraternal  
Benefits Or-  
ganizations

Sunset Provision

CSSB 242 (FIN)

Guarantees issue only  
to those permitted by  
charter (e.g., the  
Lutheran Brotherhood)

Sec. 21.55.160(a)(4)

4-year sunset date

Sections 12, 13

COMMENTS BY GORDON E. EVANS  
ON BEHALF OF HEALTH INSURANCE ASSOCIATION OF AMERICA  
at  
"ALASKA FORUM ON NATIONAL HEALTH CARE REFORM"  
February 10, 1992

My name is Gordon Evans and I represent the Health Insurance Association of America ("HIAA"), which is a national, voluntary trade association of 300 private health insurance companies which provide health insurance for over 95 million Americans. Blue Cross and Blue Shield are not HIAA members.

The escalating spiral of health care costs continues to plague our society. The cost of health care has risen at a rate that is matched by no other item represented in our economy. All aspects of medical care, including the private health insurance market as well as the Medicaid and Medicare programs, have been affected by this phenomena.

The small employer market provides one of the most vivid examples of how health care cost inflation continues to afflict our financing system. Faced with unrelenting demands to hold health care costs down, insurers and employers have intensified the search for ways to moderate premium increases. Leaving high risk individuals out of group coverage has been one such response. We constantly hear the charge by small employers that the presence of a high-risk individual in their group has made it impossible to obtain coverage at any price.

*HIAA Position*

This dynamic is complicated further by the tumultuous labor market of the small employer. Small employers -- those with 3 to 25 employees -- are far more likely than larger organizations to go in and out of business. Also, employees of small firms are more likely to change jobs. Employee turnover among small, insured firms is about 23 percent annually, and is twice that level for small employers without coverage. These factors contribute to the reluctance of such employers to offer coverage as well as the difficulties of serving the market.

As the complexities of the small employer market have grown and the likelihood of individuals being separated from the financing system has increased, there is a growing perception that even if they have coverage, they stand a reasonable chance of losing it if they change employers or if they have a poor claims experience.

*The NAIC and*  
^ HIAA has developed a comprehensive proposal to facilitate universal access to health care financing -- one that focuses on expanding health care coverage through the workplace and through public health care services. The essence of HIAA's proposal is to make certain changes in the market so that it provides substantially more predictability and protection to the purchaser of coverage.

The key word to HIAA's proposal is "accessability".

HIAA's proposal -- which has been introduced in the Alaska Legislature by Sen. Virginia Collins as Senate Bill 242 -- would enable all employers with 25 or fewer employees to obtain relatively affordable private health coverage. I'll talk a little more about the "affordability" aspect in a few moments. First, SB 242 features five important precepts:

-- **Guaranteed Availability.** All small employer groups would be able to obtain private health insurance regardless of the health risk they present.

-- **Whole Coverage.** Coverage would be made available to entire employer groups. Neither employers nor insurers could exclude individuals from a group's coverage because they present a high medical risk.

-- **Renewability of Coverage.** At renewal time, employer groups and/or individuals within these groups would be assured that their coverage would not be cancelled because their health had deteriorated.

-- **Continuity of Coverage (or Portability).** Once an individual is covered in the small employer market and has met a plan's initial preexisting condition restrictions, he or she would not be faced with meeting those restrictions again in the event that they change jobs or their employer changes carriers.

--Premium Pricing Limits. There would be specific limits on how much an insurance carrier's rates could vary for employer groups of similar composition -- similar demography, geography, and benefit plan design. Further, there would be limits on rate variations by industry. The proposal would involve limits on how much a carrier could raise rates for a specific group above and beyond general increases in trend factors. Insurance carriers would retain the right to medically underwrite for purposes of assessing risk and setting rates but not to exclude individuals from coverage in a group plan.

Specifically, and this may be getting a bit technical, a carrier's premiums for similar groups could not vary by more than 35 percent from the carrier's mid-point rate (with the mid-point rate defined as being halfway between the lowest and highest rate). There would also be a 15 percent limitation on how much a carrier could vary rates by industry. Finally, carriers would have to limit a group's year-to-year premium increase to no more than 15 percent above the carrier's trend -- which is the year-to-year increase in the lowest new business rate.

How do we make it work? To make these small employer reforms possible, SB 242 would authorize creation of a Small Employer Health Reinsurance Association. Reinsurance means to insure again.

Under reinsurance, the primary insurance company (the one which writes the policy) purchases insurance from a reinsurer to cover all or part of the loss which the group policyholder is protected against. The reinsurer is, in a sense, a silent partner of the original insurer. Reinsurance enables an insurer to accept a greater variety of risks. The reinsurer stands behind the insurer and simply reimburses for claims associated with reinsured individuals. This allows the insurer to spread high risks broadly through the private market rather than concentrated in one small employer group.

However, HIAA wants to emphasize that, to work, these new rules as embodied in SB 242 will have to apply to all players in the small employer market. All competing entities in the small employer market, insurers as well as non-insured benefit plans, will have to be bound by the same rules in order to prevent any company or segment of the market from being placed at a disadvantage.

The implementation of the small employer market reforms mentioned, in conjunction with the establishment of a reinsurance mechanism as outlined, may cause a slight increase in premiums initially for the healthiest employer groups as premiums for the least healthy groups decline and risks for all groups are more

broadly spread. Actuaries tell us that this increase may be about 2 to 6 percent. In the end, however, HIAA believes that an equitable balance can and should be attained between premiums paid by the least healthy and most healthy employer groups in order to make coverage obtainable and affordable by all.

It is definitely not business as usual in the health insurance industry. HIAA's proposed legislation will assure that no small employer, and no employee of a small employer, will be turned down for health insurance because of poor health. SB 242 will restore the concept of pooling risk across large groups, greatly limiting how much of the cost of poor health must be borne by the individual employer. Further, it will moderate significantly the sometimes dramatic premium increases now experienced by small employers at renewal time and reduce the incentive for employers to change carriers frequently.

Thank you for the opportunity to present HIAA's views.

S B

247

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO : SSSB 247

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the plumbing  
and boiler standards of the state."  
Sponsor: Senator Ellason  
Requestor: Senate Labor & Commerce

Department Affected: Labor  
BRU: Labor Standards & Safety  
Component: Mechanical Inspection  
COMPONENT SERIAL NO. 346

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Bob Libbey, Director Phone: 264-2452  
Division: Labor Standards & Safety Date: 4/30/91

Approved by Commissioner: Nancy Bear Usera  
Agency: Department of Labor Date: 4/30/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

ALASKA STATE LEGISLATURE SENATE

SENATOR RICHARD I. ELIASON

PRESIDENT OF THE SENATE  
LABOR & COMMERCE COMMITTEE  
RESOURCES COMMITTEE  
RULES COMMITTEE  
CHAIRMAN, SPECIAL COMMITTEE ON  
DOMESTIC & INTERNATIONAL  
COMMERCIAL FISHERIES



PO BOX 143  
SITKA, ALASKA 99835

PO BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4916

FAX (907) 465-4928

MEMORANDUM

TO: Representative David Finkelstein, Chair  
House Labor and Commerce Committee

FROM: Senator Dick Eliason

DATE: May 13, 1991

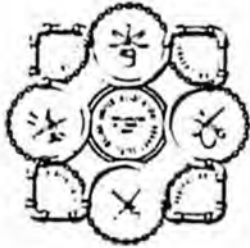
A handwritten signature in cursive script, appearing to read "Dick Eliason".

RE: SSSB 247 - Relating to the plumbing and boiler standards of  
the state

I respectfully request a hearing in the House Labor and Commerce Committee to take testimony on SSSB 247, "Relating to the plumbing and boiler standards of the state."

This legislation adopts the 1991 Edition of the Uniform Plumbing Code as the plumbing standards of the state. In addition, SSSB 247 upgrades the boiler code to allow automatic utility hot water heaters to be used for combined potable water and space heating. The safety specifications established by the Department of Labor that must be met are outlined in this legislation.

Thank you very much for your consideration of this request.



United Association of Journeymen and Apprentices of the  
Plumbing and Pipe Fitting Industry

PLUMBERS & STEAMFITTERS LOCAL UNION NO. 367

610 W. 54TH AVENUE • ANCHORAGE, ALASKA 99518

DARRELL SMITH, BUSINESS MANAGER

PHONE (907) 562-2810



April 23, 1991

Dick Eliason, Senator  
State of Alaska  
P.O. Box "V"  
Juneau, Alaska. 99811

Re: Senate Bill #247. An Act relating to the Plumbing,  
Mechanical and Boiler Standards of the  
State of Alaska.

Dear Senator Eliason:

The purpose of this letter is to support the quick passage of  
SB #247. This Local Union has been critical of previous  
Nationally established Plumbing Codes and their adoption in  
Alaska. We have received and reviewed the "NEW" Code standards  
and feel they are in the best interests of the State and should  
be adopted.

We also have received the "NEW" Boiler Code upgrade's and feel  
this will also bring the State of Alaska into line with the new  
technology of heating systems already in use in other States.

Again, I would encourage your support of this Bill.

If I may be of further assistance on this matter, please  
advise.

Respectfully,

Darrell F. Smith  
Business Manager  
U.A. Local 367

# International Conference of Building Officials

Alaska Southeast Chapter

POSITION PAPER IN SUPPORT OF SPONSOR SUBSTITUTE FOR  
SENATE BILL 247 "AN ACT RELATING TO THE PLUMBING  
AND BOILER STANDARDS OF THE STATE."

Our membership supports the adoption of construction safety codes in a timely manner. The 1991 version of the Uniform Plumbing Code (UPC) adopted by this Act will clearly serve the best interests of Alaskan residents.



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907) 586-1325. Fax (907) 463-5480

April 30, 1991

## Position Paper

### SB 247 - Updating the Plumbing Code

The Alaska Municipal League supports SB 247 which would adopt the 1991 edition of the Uniform Plumbing Code as the minimum plumbing code for the State of Alaska, and that allows a municipality to adopt and enforce codes that are at least as strict as the code.

Quoting from the AML's 1991 Policy Statement:

"The League supports the adoption of the national plumbing codes as the standards for Alaska." (page 47)

By adopting the the 1991 edition of the Uniform Plumbing Code as the minimum plumbing code, the state can eliminate the conflicts that now exist among state and local building code officials, expedite municipal capital projects and private construction projects, and reduce construction costs.

Attached is City and Borough of Juneau Resolution No. 1505 on the same subject.

Attachment

sab6:pos.plumb



Alaska Pipeline Company  
A SUBSIDIARY OF SEAGULL ENERGY CORPORATION  
3000 Spenard Road  
P.O. Box 190288  
Anchorage, Alaska 99519-0288  
(907) 277-5551

April 24, 1991

Hon. Richard I. Eliason  
President of the Senate  
Alaska State Senate  
P.O. Box V  
Juneau, AK 99811

Dear Senator Eliason:

ENSTAR Natural Gas Company supports the passage of Senate Bill #273 regarding a proposed amendment to Alaska Statutes, Title 18, Chapter 60, Article 3, Boilers.

The Combo-Heater concept has been accepted nation-wide as well as throughout Canada. It has been approved by the American Gas Association (AGA); Building Officials Code Administrators (BOCA); American National Standards Institute (ANSI); International Conference of Building Officials (ICBO); International Association of Plumbing and Mechanical Officials (IAPMO); Southern Building Code Congress International (SBOCCI), as well as numerous state and local codes.

The approval of this amendment will allow the retrofitting of several thousand existing Alaskan housing units as well as an energy savings system for new construction. Living conditions for many Alaskans can be improved due to dramatic reductions in utility costs. Public assistance for housing can be allocated more effectively because of utility cost reductions.

Thank you for your consideration.

Sincerely Yours,

ENSTAR Natural Gas Company

Kenneth A. Young  
Commercial Marketing

KY/jm

cc: Mike Szymanski  
Fred Rush  
A.J. Sharenburger III

Presented by: The Manager  
Introduced: 04/15/91  
Drafted by: B.J.B.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1505

A RESOLUTION URGING THE ALASKA LEGISLATURE TO ADOPT SENATE BILL NO. 247 WHICH WOULD ADOPT THE 1991 EDITION OF THE UNIFORM PLUMBING CODE AS THE MINIMUM PLUMBING CODE FOR THE STATE OF ALASKA.

WHEREAS, the 1979 Edition of the Uniform Plumbing Code is now the minimum plumbing code for the State of Alaska, and

WHEREAS, many municipalities in Alaska have adopted more recent editions of the Uniform Plumbing Code, and

WHEREAS, conflicts now exist among state and local building code officials due to state enforcement of the 1979 Uniform Plumbing Code, particularly with regard to the use of plastic pipe, and

WHEREAS, this conflict has affected municipal capital improvement projects as well as private construction projects, and

WHEREAS, the widespread and safe use of plastic piping materials in Alaska will lower both public and private sector construction costs and increase the resistance of plumbing systems to corrosion and freeze-thaw damage, and

WHEREAS, the Alaska Municipal League and many Alaskan professional associations, including the fire chiefs, firefighters, building officials, homebuilders, and architects have indicated support for the adoption by the state of the most recent Uniform Plumbing Code, and

WHEREAS, Senate Bill No. 247 would adopt the 1991 Edition of the Uniform Plumbing Code as the minimum plumbing code for the State of Alaska, and

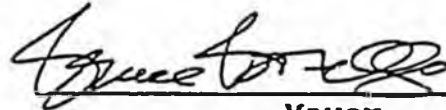
WHEREAS, the City and Borough of Juneau Low Income Housing Task Force reviewed this issue and recommended that the Assembly adopt a resolution urging the Alaska Legislature to adopt the 1991 Uniform Plumbing Code, including the provisions on plastic pipe;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. That the Assembly urges the Alaska Legislature to adopt Senate Bill No. 247 which would adopt the 1991 Edition of the Uniform Plumbing Code, including the provisions relating to plastic pipe, as the minimum plumbing code for the State of Alaska.

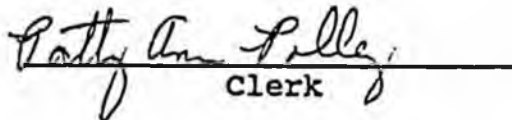
2. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 15th day of April, 1991.



\_\_\_\_\_  
Mayor

Attest: .



\_\_\_\_\_  
Clerk

S B

2 5 1

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 251

Revision Date: 4/12/91 Department Affected: Commerce & Economic Dev.  
 Title: Regulation of securities held BRU: Insurance  
by insurers Component: Operations  
 Sponsor: Senate Labor & Commerce  
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO. 

0	2	5	4
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)  
No financial impact on the division.

Prepared By: Joan Brown, Administrative Officer Phone: 465-2597  
 Division: Insurance Date: 4-16-91  
 Approved by Commissioner: Glenn A. Olds Asst Comm.  
 Agency: Department of Commerce & Economic Development Date: 4-16-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# Alaska State Legislature

Senator Drue Pearce, Chair  
Senator Virginia Collins, Vice Chair  
Senator Dick Eliason  
Senator Rick Halford  
Senator Jay Kertula



WHILE IN JUNEAU  
P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-3844

3111 C STREET, SUITE 150  
ANCHORAGE, ALASKA 99504  
(907) 561-2018

## SENATE LABOR AND COMMERCE COMMITTEE

TO: ALL SENATORS

FROM: Senator Drue Pearce, Chair  
Labor & Commerce Committee *Drue Pearce*

DATE: April 27, 1991

RE: SB 251 - "An Act relating to regulation of securities held by insurers; and providing for an effective date."

AS 21.21 was amended last session to set limits on investments by the Alaskan domestic insurance industry. The intent of that legislation was to prevent an Alaskan insurer from concentrating its investments in a single type of investment. A diverse investment policy helps insure total solvency should a single investment type fail.

In order to increase the market for federal agency mortgage backed securities, congress passed legislation a few years ago that would allow an insurer to concentrate their investments in federal agency backed mortgages. The states were provided a window period to adopt statute that allowed the state's investment policies to override this federal policy.

Given the recent collapse of real estate values in the Lower 48, Alaska's diverse investment policy is preferential to a policy that would allow an insurer to concentrate in a single type of investment.

SB 251 allows the state's diverse investment policy to prevail.

I urge your support.


SB 251: "An Act relating to regulation of securities held by insurers; and providing for an effective date."

The Alaska Legislature passed the limits on investments contained in AS 21.21 for the purpose of promoting the safety and soundness of the Alaskan domestic insurance industry. Various pieces of AS 21.21 prevent an Alaskan insurer from concentrating its investments in one particular type of investment. Concentration in particular investment vehicles is unsafe. If that vehicle suffers problems, an insurer may become insolvent. As an example, the reader is referred to Executive Life Insurance Company's, domiciled in California, concentration of investment in junk bonds.

A number of years ago, the federal government, in an effort to provide a larger market for its agencies' mortgage backed securities, passed legislation calling for a preemption at the state level of all legislation which was designed to limit the level for mortgage backed securities to which all state regulated financial entities were allowed to invest. This federal legislation provided a certain number of years for the states individually to opt out of the loosening of mortgage backed security investment restrictions. SB 251 is Alaska's legislation designed to opt out of this federal preemption.

The reader should note that this federal legislation was passed several years prior to the current general collapse of real estate values that has occurred in the lower contiguous forty-eight states.

The Division of Insurance supports the passage of SB 251. Alaska does not wish to have its standards lowered by the action of others.

  
\_\_\_\_\_  
Glenn A. Olds, Commissioner  
Date: 4-16-91

Law Review Articles

Langevoort, State Tender-Offer Legislation: Interests, Effects, and Political Competence. 62 Cornell L Rev 213.

INTERPRETIVE NOTES AND DECISIONS

State law requiring registration in state to sell securities "within or from" state does not conflict with Securities Act (15 USCS §§ 77a et seq.). North Star International v Arizona Corp. Com. (1983, CA9 Ariz) 720 F2d 578, CCH Fed Secur L Rep ¶ 99325.

State gambling casino control commission's attempt to regulate qualifications of persons to maintain ownership of stock in gambling casino have only incidental effects on interstate trade in securities and involve internal corporate regulation, and therefore are not pre-empted by federal securities laws. Doonani v Casino Control Com. (1985, DC NJ) 614 P Supp 1465.

Section 18 of Securities Act (15 USCS § 77r), gives concurrent jurisdiction to states with respect to regulation of securities; Congress has not preempted field of securities regulation, and state law which can be harmonized with Securities Act may be enforced; however, where state law cannot be harmonized with, or is in conflict with Securities Act, state law must yield to federal law, and transfer agent cannot be required by state law to transfer stock in violation of Securities Act. Charter Oak Bank & Trust Co. v Registrar & Transfer Co. (1976) 141 NJ Super 425, 358 A2d 505.

§ 77r-1. Presumption of State Law

(a)(1) Any person, trust, corporation, partnership, association, business trust, or business entity created pursuant to or existing under the laws of the United States or any State shall be authorized to purchase, hold, and invest in securities that are—

- (A) offered and sold pursuant to section 4(5) of the Securities Act of 1933 [15 USCS § 77d(5)],
(B) mortgage related securities (as that term is defined in section 3(a)(41) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(41)) [15 USCS § 78c(a)(41)]), or
(C) securities issued or guaranteed by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association,

to the same extent that such person, trust, corporation, partnership, association, business trust, or business entity is authorized under any applicable law to purchase, hold or invest in obligations issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof.

(2) Where State law limits the purchase, holding, or investment in obligations issued by the United States by such a person, trust, corporation, partnership, association, business trust, or business entity, such securities that are—

- (A) offered and sold pursuant to section 4(5) of the Securities Act of 1933 [15 USCS § 77d(5)],
(B) mortgage related securities (as that term is defined in section 3(a)(41) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(41)) [15 USCS § 78c(a)(41)]), or
(C) securities issued or guaranteed by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association,

shall be considered to be obligations issued by the United States for purposes of the limitation.

(b) The provisions of subsection (a) shall not apply with respect to a particular person, trust, corporation, partnership, association, business trust, or business entity or class thereof in any State that, prior to the expiration of seven years after the date of the enactment of this Act [enacted Oct. 3, 1984], enacts a statute that specifically refers to this section and either prohibits or provides for a more limited authority to purchase, hold, or invest in such securities by any person, trust, corporation, partnership, association, business trust, or business entity or class thereof than is provided in subsection (a). The enactment by any State of any statute of the type described in the preceding sentence shall not affect the validity of any contractual commitment to purchase, hold, or invest that was made prior thereto and shall not require the sale or other disposition of any securities acquired prior thereto.

(c) Any securities that are offered and sold pursuant to section 4(5) of the Securities Act of 1933 [15 USCS 77d(5)], or that are mortgage related securities (as that term is defined in section 3(a)(41) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(41)) [15 USCS § 78c(a)(41)]) shall be exempt from any law of any State with respect to or requiring registration or qualification of securities or real estate to any law of any State with respect to or requiring registration or qualification of securities or real estate to the same extent as any obligation issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. Any State may, prior to the expiration of seven years after the date of the enactment of this Act [enacted Oct. 3, 1984], enact a statute that specifically refers to this section and requires registration or qualification of any such security on terms that differ from those applicable to any obligation issued by the United States.

(Oct. 3, 1984, P. L. 98-440, Title I, § 106, 98 Stat. 1691.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes

This section was enacted as part of Act Oct. 3, 1984, P.L. 98-440, 98 Stat. 1689, and not as part of the Securities Act of 1933, which generally comprises this chapter.

§ 77a. Special powers of Commission

(a) The Commission shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this title [15 USCS §§ 77a et seq.], including rules and regulations governing registration statements and prospectuses for various classes of securities and issuers, and defining accounting, technical and trade terms used in this title [15 USCS §§ 77a et seq.]. Among other things, the Commission shall have authority, for the purposes of this title [15 USCS §§ 77a et seq.], to prescribe the form or forms in which required information shall be set forth.

Securities and Exchange Commission failed to demonstrate appropriateness of ordering defendants to disgorge compensation they received from holding company in services they rendered to company during time period in which wholly owned subsidiary for which they worked violated securities laws, where SEC failed to demonstrate any reasonably close link between compensation and defendants' illegal conduct; when amounts to be disgorged cannot be related with sufficient certitude to defendants' securities law violations, SEC disgorgement request taken on character of impermissible plea for punitive relief. SEC v Wills (1978, DC Dist Col) 472 F Supp 1250, CCH Fed Secur L Rep ¶ 96712.

64. Injunctions

Permanent injunction restraining defendant from violating antifraud provisions of federal securities laws in connection with transactions in securities of corporation will not be vacated where defendant has failed to offer any evidence showing that there is no danger of future violation if injunction is vacated, corporation continues to exist as recognized corporation with stock currently being traded, and there is no evidence of adverse effects caused by injunction. SEC v Broadwall Secur., Inc. (1981, SD NY) 514 F Supp 488, CCH Fed Secur L Rep ¶ 97994, later proceeding (SD NY) CCH Fed Secur L Rep ¶ 98222.

SEC action to enjoin permanently savings and loan association from committing future violations of federal securities laws survives motion to dismiss, despite claim that SEC failed to allege probative facts to establish association's propensity under present management team to commit fraud, where SEC has alleged past violations of federal securities laws, because proof of past violations gives rise to inference that future violations of securities laws may occur. SEC v Warner (1987, SD Fla) 652 F Supp 647, CCH Fed Secur L Rep ¶ 93169.

Injunction shall issue restraining securities attorney from violating those sections of federal securities laws, 15 USCS §§ 77q(a), 78(b) and 78o (e), he violated in participating in closing electronics firm's offering, because (1) attorney dismisses seriousness of his violations, claims to have prevented even more serious violations, and loses no opportunity to blame others for violations, (2) attorney is in position where future violations of securities laws may occur, and (3) potential adverse effects of injunction on attorney and his family are outweighed by public's need for protection. SEC v Electronics Warehouse, Inc. (1988, C Conn) 689 F Supp 53.

Arbitration

Investors' claims arising under sections 5 and 17 of Securities Act of 1933 (15 USCS §§ 77e, 77g) are arbitrable in accordance with predispute account agreement, since 1933 Act claims are now arbitrable unless it can be shown that arbitration would be inadequate or inequitable to enforce statutory rights. Kavouras v Visual Products Systems, Inc. (1988, WD Pa) 680 F Supp 205.

Securities corporation's motion to compel arbitration stay proceedings in federal court is granted, because state court determination that valid arbitration agreement existed between parties and that dispute concerning its investment was within scope of agreement has no estoppel effect under 28 USCS § 1738, and (2) sentence of arbitration agreement covers 15 USCS § 77q(a) claim since arbitration of such claim is permitted under law. Ryan v Lisa, Tenner & Goldberg Secur. Co. (1988, DC NJ) 683 F Supp 480, CCH Fed Secur L Rep ¶ 93702.

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