

# **APPENDIX A. DOMESTIC SERVICE WORKER CLASSIFICATION CODES BY JURISDICTION**

## **0405 Domestic Services<sup>1</sup>**

### **Scope**

All employees working as domestic engineers and exclusively in the private residence of employers. Includes cooks, maids, nurses, gardeners, private chauffeurs and messengers.

Virgin Islands currently is the only jurisdiction using this classification code.

## **0908 Domestic Workers – Inside – Occasional<sup>2</sup>**

### **Scope**

Occasional domestic workers are domestic workers who are employed part-time. Any domestic workers employed more than one-half of the customary full-time shall be assigned and rated as a full-time domestic worker.

Code 0908 applies to domestics engaged exclusively in household or domestic work performed principally inside the insured residence. This would include a cook, housekeeper, laundry worker, maid, butler, companion, nurse, and babysitter.

Code 0908 is available for domestic operations described above which are conducted at a commercial farm location.

In regard to maintenance, repair or construction activities, Code 0908 contemplates ordinary and/or minor repair or maintenance by occasional domestic workers. Building maintenance or repair by employees hired only for that purpose shall be assigned to Code 9015 – Buildings, - NOC.

Extraordinary repairs, alterations, new construction, erection or demolition of structures shall be assigned to construction or erection classifications.

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<sup>1</sup> Source: Government of the Virgin Islands Handbook on Worker's Compensation Insurance.

<sup>2</sup> Source: 1990-2003 National Compensation Insurance, Inc. *Scopes Manual*.

Refer to *Basic Manual* Rule 3-C-5-b (Rule XIV-E, 1996 edition), which indicates that the application of the per capita charge is not based on the total number of occasional domestics employed during a policy term but rather on the aggregate time of all domestic workers employed during the policy term.

Jurisdictions currently using this classification code include: AL, AK, AR, AZ, CO, CT, DE DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MA (not for personal care workers), MI, MN, MS, MO, NE, NH, NM, NY, NC, OK, PA, RI, SC, SD, TN, UT, VT, VA, and WI.

## **0913 Domestic Workers - Inside<sup>3</sup>**

### **Scope**

Code 0913 applies to domestics engaged exclusively in household or domestic work performed principally inside of the insured's residence. This would include a cook, housekeeper, laundry worker, maid, butler, companion, nurse and babysitter.

Code 0913 is available for domestic operations described above which are conducted at a commercial farm location. In regard to maintenance, repair or construction activities, Code 0913 contemplates ordinary and/or minor repair or maintenance of the insured's premises or equipment when performed by inside domestic workers. Building maintenance or repair by employees hired only for that purpose shall be assigned Code 9015 – Building – NOC. Extraordinary repairs, alternations, new construction, erection or demolition of structures shall be assigned to construction or erection classifications.

Jurisdictions currently using this code include: AL, AK, AR, AZ, CO, CT, DE, DC, FL, GA, Guam, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA (not for personal care workers), MI, MN, MS, MO, NE, NH, NM, NY, NC, OK, PA, RI, SC, SD, TN, UT, VT, VA, and WI.

## **0909 Domestic Workers – Outside – Occasional – Including Occasional Private Chauffeurs<sup>4</sup>**

### **Scope**

Occasional domestic workers are domestic workers who are employed part-time. Any domestic worker employed more than one-half of the customary full-time shall be assigned and rated as a full-time domestic worker.

Code 0909 does not apply to any operations conducted at a commercial farm location. In regard to maintenance, repair or construction activities, Code 0909

<sup>3</sup> Source: 1990-2003 National Council on Compensation Insurance, Inc. *Scopes Manual*.

<sup>4</sup> Source: 1990-2003 National Council on Compensation Insurance, Inc. *Scopes Manual*.

contemplates ordinary and/or minor repair or maintenance of the insured's premises or equipment when performed by outside domestic workers. Building maintenance or repair by employees hired only for that purpose shall be assigned to Code 9015 – Buildings – NOC. Extraordinary repairs, alterations, new construction, erection or demolition of structures shall be assigned to construction or erection of classifications.

Refer to Code 0908 for occasional inside domestic employees.

Refer to *Basic Manual* Rule 3-C-5-b (Rule XIV-E, 1996 edition), which indicates that the application of the per capita charge is not based on the total number of occasional domestics employed during a policy term but rather on the aggregate time of all occasional domestic workers employed during the policy term.

Jurisdictions currently using this classification code include: AL, AK, AR, AZ, CO, CT, DE, DC, FL, GA, Guam, HI, ID, IL, IN, IA, KY, ME, MA (add Codes 0912 and 0909 are not applicable to operations at any location where commercial farm operations are conducted), MI, MN, MS, MO, NE, NH, NM, NY (Including Occasional Chauffeurs), NC, OK, PA, RI, SC, SD, TN, UT, VT, VA, WI.

## **0912 Domestic Workers – Outside<sup>5</sup>**

### **Scope**

Code 0912 applies to domestic engaged exclusively in household or domestic work performed principally outside of the insured's residence. This would include persons engaged on certain days for gardening work or work as a part-time private chauffeur.

Code 0912 does not apply to any operations conducted at a commercial farm location.

In regard to maintenance, repair or construction activities, Code 0912 contemplates ordinary and/or minor repair or maintenance of the insured's premises or equipment when performed by outside domestic workers. Building maintenance or repair by employees hired only for that purpose shall be assigned to Code 9015 – Building – NOC. Extraordinary repairs, alterations, new construction, erection or demolition of structures shall be assigned to construction or erection classifications.

Jurisdictions currently using this classification code include: AL, AK, AR, AZ, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, ME, MD, MA (add Codes 0912 and 0909 are not applicable to operations at any location where commercial farm operations are conducted), MI, MN, MS, MO, NE, NH, NM, NY (Including Private Chauffeurs), NC, OK, PA, RI, SC, SD, TN, UT, VT, VA, and WI.

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<sup>5</sup> Source: 1990-2003 National Council on Compensation Insurance, Inc. *Scopes Manual*.

## **0912-011 Domestic Service and Housekeepers<sup>6</sup>**

### **Scope**

Applicable only to employees of the insured in private residences engaged in domestic services, such as cooks, maids, baby sitters, attendants, nurses, gardeners, chauffeurs, and their helpers. Also includes, contractors that provide domestic service inside the residence. With regards to maintenance, repair or construction activities. Code 0912 includes ordinary and or minor repairs or maintenance of the facilities or equipment insured when performed by domestic employees under contract solely for this purpose shall be assigned Code 9015. Extraordinary repairs, alterations, new construction, erection or demolition of structures shall be assigned to erection or construction classifications.

Puerto Rico currently is the only jurisdiction using this classification code.

## **0918 Domestic Service Workers – Inside – Physical Assistance<sup>7</sup>**

Code 0918 applies to domestics who provide physical assistance in activities of daily living to the elderly or persons who are convalescent, acutely or chronically ill, or physically or mentally disabled.

### **Scope**

Code 0918 applies to domestics who provide physical assistance in activities of daily living principally inside the insured's residence.

For purposes of assigning Code 0918, physical assistance in activities of daily living shall mean the performance of any one or more of the following functions: physically assisting a household member with walking or using prescribed equipment; physically assisting a household member to take medications prescribed by a physician that otherwise would be self-administered; physically assisting a household member with bowel or bladder needs; physically assisting a household member with bathing, personal hygiene, dressing, or grooming; physically assisting a household member with meal preparation, eating (including tube feeding and special nutritional/dietary needs), and clean-up; physically assisting in transferring a household member in and out of bed; physically assisting in the body repositioning of a household member; motion exercises, and physically assisting a household member with health related needs.

In addition to providing physical assistance with activities of daily living, a domestic worker properly assigned to Code 0918 may also perform functions such as cooking,

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<sup>6</sup> Puerto Rico State Insurance Fund Corporation, *Manual of Classifications and Rates For Workers' Compensation Insurance*, July 1, 1999 to June 30, 2000.

<sup>7</sup> Source: 1990-2003 National Council on Compensation Insurance, Inc. *Scopes Manual*.

laundry, shopping, housekeeping, providing transportation or assistance with paperwork and reading.

Code 0918 is available for domestic operations described above that are conducted at a commercial farm location. In regard to maintenance, repair or construction activities, Code 0918 contemplates ordinary and/or minor repair or maintenance of the insured's premises or equipment when performed by a domestic worker. Building maintenance or repair by a domestic worker. Building maintenance or repair by employees hired only for that purpose shall be assigned to Code 9015 – Building – NOC. Extraordinary repairs, alterations, new construction, erection or demolition of structures shall be assigned to construction or erection classifications.

Refer to Codes 0908 and 0913 for those inside domestic workers, part-time or full time, engaged exclusively in household or domestic work without providing any physical assistance in activities of daily living.

Refer to *MA Manual* Rule XIV-E-1, which indicates that the premium basis of Code 0918 is payroll, subject to manual rating. Given the premium basis for Code 0918, Payroll, full-time or part-time employment is not a consideration affecting classification assignment.

MA currently is the only jurisdiction using this classification code.

## **0001 Domestics and Domestic Maintenance – Elective Coverage<sup>8</sup>**

### **Scope**

Code 0001 applies to full-time employees of the employer's private home or estate. Such employees include both out-servants and in-servants or domestics such as caretakers, watch persons, janitors, chauffeurs, gardeners and other employees engaged solely in the maintenance, operation or care of the property. Out-servants performing operations at a commercial farm are to be separately classified to the appropriate farm classification.

In regard to maintenance, repair or construction activities, Code 0001 contemplates ordinary and/or minor repair or maintenance of the insured's premise or equipment when performed by domestic workers.

Refer to Code 0002 for occasional domestic workers.

NV currently is the only jurisdiction using this classification code.

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<sup>8</sup> Source: 1990-2003 National Council on Compensation Insurance, Inc. *Scopes Manual*.

## **0002 Domestic and Domestic Maintenance – Occasional - Elective<sup>9</sup>**

### **Scope**

Occasional domestic workers are domestic workers who are employed part-time. Any domestic worker employed more than one-half the customary full-time must be assigned and rates as a full-time domestic worker.

Code 0002 applies to employees of the employer's private home or estate. Such employees include both out-servants and in-servants or domestics such as caretakers, watch persons, janitors, chauffeurs, gardeners, and other employees engaged solely in the maintenance, operation or the care of the property. Out-servants performing operations at a commercial farm are to be separately classified to the appropriate farm classification.

In regard to maintenance, repair or construction activities, Code 0002 contemplates ordinary and/or minor repair or maintenance of the insured's premises or equipment when performed by occasional domestic workers.

Refer to Code 001 for full-time domestic workers.

NV currently is the only jurisdiction using this classification code.
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## **0910(A) Occasional Private Residence Employees<sup>10</sup>**

- Per Policy

*Requires H.O. Underwriting Approval*

### **Scope**

This classification shall not apply to any employee who is covered for workers' compensation benefit on a policy also affording comprehensive personal liability insurance nor any person who is employed by his parent, spouse or child.

Subject to the above paragraph, this classification shall apply to any person who is employed by the owner or occupant of a residential dwelling whose duties are incidental to the ownership, maintenance, or use of the dwelling, including the care and supervision of children, or whose duties are personal and not in the owner or occupant, and who is employed by the employer for less than 52 hours during 90 consecutive

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<sup>9</sup> Source: 1990-2003 National Council on Compensation Insurance, Inc. *Scopes Manual*.

<sup>10</sup> Source: CA Workers' Compensation Classification for Private Residence Employees, *SCIF Manual*.

calendar days or who earns less than \$100 in wages from the employer during 90 consecutive calendar days. Premium for this classification will be charged at a non-refundable flat rate due and payable on an annual basis.

CA currently is the only jurisdiction using this classification code.

## **0913 (A) Private Residence Employees<sup>11</sup>**

- Per Capita

Requires H.O. Underwriting Approval

### **Scope**

This classification shall not apply to any employee who is covered for workers' compensation benefit on a policy also affording comprehensive personal liability insurance nor any person who is employed by his parent, spouse or child.

Subject to the above paragraph, this classification shall apply to any person who is employed by the owner or occupant of a residential dwelling whose duties are incidental to the ownership, maintenance, or use of the dwelling, including the care and supervision of children, or who duties are personal and not in the course of the trade, business, profession or occupation of the owner or occupant, and who is employed by the employer for 52 hours or more and who earns \$100 or more in wages from the employer during 90 consecutive calendar days.

Premium for this classification will be calculated based on a per capita charge. The premium for any one employee described above who is employed for a period less than a full year shall be no less than 25% of the annual per capita charge for each such employee, but in any event the total premium due shall be no less than the minimum premium stated in the policy.

CA currently is the only jurisdiction classification code.

## **0913 Private Residences – Inservants, Full-Time<sup>12</sup>**

### **Private Residence – Definition**

Private Residence as used in this Manual shall mean an establishment consisting of:

A tenement, flat or apartment definitely described as a part of any building if occupied exclusively as a residence by not more than one family.

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<sup>11</sup> Source: CA Workers' Compensation Classification for Private Residence Employees, *SCIF Manual*.

<sup>12</sup> Source: *New Jersey Workers' Compensation and Employers Liability Insurance Manual*.

A building designed for an occupied exclusively as a residence by not more than two families, together with the land upon which it is situated, including barns, stables, garages, and customary outbuildings used for household purposes and provided that no farming or dairying operations are carried on for commercial purposes. If, however, such an establishment comprised a tract of land exceeding five acres and more than five full-time servants are employed (whether inside or outside), it shall be treated as a "private estate."

The private residence of a physician, surgeon or dentist in which office quarters are maintained for professional purposes (no other portion of the residence except such office being so used) shall qualify as a private residence under these rules.

#### In-servants – Definition.

In-servants shall mean all employees by whatever name they may be designated, engaged in household or domestic service whose principal duties are performed inside the residence. The term includes, but is not limited to such employees as cooks. Laundresses, maids, butlers, seamstresses, nurses, companions, governesses, and housekeepers.

NJ currently is the only jurisdiction using this version of the classification code.

## **0912 Private Residences: Out-servant, Full-time<sup>13</sup>**

### **Out-servant Definition.**

Out-servants shall mean all employees engaged exclusively in household or domestic service whose duties are performed principally outside the residence. The term includes but is not limited to private chauffeurs (not chauffeurs of public or commercial motor vehicles); employees engaged in cultivating flowers, vegetables, or other agricultural products for noncommercial purposes or employees engaged in the care of lawns, shrubs, or grounds surrounding the residences and maintained exclusively for appearance.

NJ currently is the only jurisdiction using this version of the classification code.

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<sup>13</sup> Source: *New Jersey Workers' Compensation and Employers Liability Insurance Manual*.



## 0910 Occasional Servants<sup>14</sup>

### Scope

The term occasional servant as used in this Manual shall mean all out-servants and in-servants whose employment is not continuous but whose duties are a regular and continuing part of the customary household or domestic duties. This definition applies only where a fair estimate of the time during which an occasional servant is employed is less than 40 hours per week. Under all other circumstances such as servant shall be classified as a full-time servant and rated accordingly. The term "Occasional Servants" includes such employees as a laundress for certain days in the week or a chore person who takes care of the furnace, removes ashes, shovels snow in season or does other work of this character using as much time at frequent intervals as the requirements of the work make necessary.

NJ currently is the only jurisdiction using this classification code.

## Domestic Workers – Residences<sup>15</sup>

### Scope

Applies to full or part-time domestic workers employed inside or outside a private residence and includes private chauffeurs.

### Scope

This classification is applicable to the following domestic workers:

1. Inside Domestic Workers: Domestic Workers-Inside are employees engaged exclusively in household or domestic work performed principally inside the residence. Examples include a cook, housekeeper, laundry worker, maid, butler, companion, nurse and babysitter.
2. Outside Domestic Workers: Domestic Workers – Outside are employees engaged exclusively in household or domestic work performed principally outside the residence. Examples include a private chauffeur and a gardener.
3. Occasional Domestic Workers: Domestic Workers – Occasional are domestic workers, inside or outside, who are employed part-time. Examples of occasional domestic workers are persons engaged on certain days for gardening, cleaning, laundering, or babysitting.

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<sup>14</sup> Source: *New Jersey Workers' Compensation and Employers Liability Insurance Manual*.

<sup>15</sup> Source: 1990-2003 National Council on Compensation Insurance, Inc. *Scopes Manual*.

This is a payroll-based classification and is to be used in lieu of the per capita classifications of 0908, 0909, 0912 and 0913.

OH and OR currently are the only jurisdictions using this classification code.

## 9002 Domestic<sup>16</sup>

### Scope

Employees engaged in household or domestic work performed principally inside the insured's residence. This would include a cook, housekeeper, laundry worker, maid, butler, companion, or baby sitter. The classification contemplates employees who may perform various services for the private residents. Principal duties pertain to the general operations of the household.

Also contemplated by this classification are those individuals performing home help services or providing personal assistance or home care for persons who are convalescent, aged, or acutely or chronically ill or disabled.

Home services providing principally nursing care by licensed nurses rated separately under 9040.

Does not include farm activities.

Lawn and garden service employees rated separately under 9007.

Commercial janitorial services, cleaning services or contractors providing workers who specialize in cleaning operations only rated separately under 9007.

Group homes for the developmentally disabled rated separately.

ND currently is the only jurisdiction using this classification code.

## 0923/0913 Domestic Workers – Residences<sup>17</sup>

### Scope

Employees of commercial nursing services, maid services or companion services, as well as employees whose duties are within the scope of a farm classification shall not be assigned to this classification.

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<sup>16</sup> Source: ND Classification Manual.

<sup>17</sup> Source: *Texas Workers' Compensation and Employers' Liability Manual*, Effective 3/2001.

Per capita Basis 0913  
Payroll Basis 0923

TX currently is the only jurisdiction using 0923 and this version of classification code 0913.

## **6510-00 Domestic Servants Employed In or About the Private Residence of a Home Owner<sup>18</sup>**

### **Scope**

Applies to individuals employed by a homeowner to provide domestic services in the home owner's private residence. This classification includes services such as, but not limited to, cooking, housekeeping, caring for children, running errands, shopping, and transporting members of the household by vehicle to appointments, after school activities, or similar activities.

This classification is subject to the provisions of RCW 51.12.020 – Employments excluded – which states in part: The following are the only employments which shall not be included within the mandatory coverage of this title: Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.” This classification is also subject to the provisions of RCW 52.12.110 which allows the employer to elect optional coverage for domestic servants.

This classification excludes chore services which are to be reported separately in classification 6511; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110.

WA State currently is the only jurisdiction using this classification code.

## **6511-00 Chore Services<sup>19</sup>**

### **Scope**

Applies to establishments engaged in providing chore services to private individuals. Chore services performed by the chore workers/home care assistants include, but are not limited to, general household chores, meal planning and preparation, shopping and errands either with or without the client, personal care such as bathing, body care, dressing and helping with ambulating, as well as companionship. Frequently the recipients of service are also available to those who pay privately.

<sup>18</sup> Source: WA Statutory Authority: RCW 51.16.035 98-18-042 § 296-17-72201, filed 8/28/98 , effective 10/1/98.

<sup>19</sup> Source: WA Statutory Authority: RCW 51.16.035. 99-18-068 § 296-17-7220, filed 8/31/099, effective 10/1/99.

This classification excludes individuals working under a welfare special works training program who are to be reported separately in classification 6505; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semi-skilled nursing care which is to be reported separately in classification 6110.

WA State currently is the only jurisdiction using this classification code.

## **8828 Domestics (Light Maintenance), Maids in Private Residence<sup>20</sup>**

### **Scope**

Domestic, Light Maintenance  
Maids in Private Residences

WV currently is the only jurisdiction using this version of the classification code.

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<sup>20</sup> Source: WV Workers' Compensation Division Classes and Rates Publication, 8/4/03.

# **APPENDIX B. NCCI WORKERS' COMPENSATION AND EMPLOYER LIABILITY INSURANCE POLICY**

**WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE POLICY**  
**WC 00 03 12** (Ed. 4-84)

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## **Voluntary Compensation and Employers Liability Coverage for Residence Employees Endorsement**

This endorsement adds Voluntary Compensation Coverage and Employers Liability Coverage to the policy.

"Bodily injury," "business," "residence employee," "residence premises," "you," and "we" have the meanings stated in the policy.

### **Voluntary Compensation Coverage**

#### **A. How This Coverage Applies**

This Coverage applies to bodily injury by accident or bodily injury by disease sustained by your residence employees.

1. The bodily injury must arise out of and in the course of the residence employee's employment by you.
2. The employment must be necessary or incidental to work in the state of the residence premises or a state listed in the Schedule.
3. Bodily injury by accident must occur during the policy period.
4. Bodily injury by disease must be caused or aggravated by the conditions of your residence employee's employment to you. The residence employee's last day of last exposure to the conditions causing or aggravating such bodily injury by disease must occur during the policy period.

#### **B. We Will Pay**

We will pay an amount equal to the benefits that would be required of you if you and your residence employees were subject to the workers compensation law shown in the Schedule. We will pay those amounts to the persons who would be entitled to them under the law.

#### **C. Other Insurance**

We will not pay more than our share of benefits and costs covered by this insurance and other insurance or self-insurance. Subject to any limits of liability that may apply, all shares will be equal until the loss is paid. If any insurance or self-insurance is exhausted, the shares of all remaining insurance will be equal until the loss is paid.

#### **D. Exclusions**

This Coverage does not cover

1. bodily injury arising out of any of your business pursuits.
2. bodily injury intentionally caused or aggravated by you.
3. any obligation imposed by a workers compensation or occupational disease law or any similar law.

**E. Before We Pay**

Before we pay benefits to the persons entitled to them, they must:

1. release you and us, in writing, of all responsibility for the injury or death.
2. transfer to us their right to recover from others who may be responsible for the injury or death.
3. cooperate with us and do everything necessary to enable us to enforce the right to recover from others.

If the persons entitled to the benefits of this Coverage fail to do those things, our duty to pay ends at once. If they claim damages from you or from us for the injury or death, our duty to pay ends at once.

**Employers Liability Coverage**

**A. How This Coverage Applies**

This Coverage applies to bodily injury by accident or bodily injury by disease sustained by your residence employees.

1. The bodily injury must arise out of and in the course of the residence employee's employment by you.
2. The employment must be necessary or incidental to work in the state of the residence premises or a state listed in the Schedule.
3. Bodily injury by accident must occur during the policy period.
4. Bodily injury by disease must be caused or aggravated by the conditions of your residence employee's employment by you. The residence employee's last day of last exposure to the conditions causing or aggravating such bodily injury by disease must occur during the policy period.

**B. We Will Pay**

We will pay all sums you legally must pay as damages because of bodily injury to your employees, provided the bodily injury is covered by this Employers Liability Insurance.

The damages we will pay, where recovery is permitted by law, include damages:

1. for which you are liable to a third party by reason of a claim or suit against you to recover damages obtained from the third party;
2. for care and loss of services; and
3. for consequential bodily injury to a spouse, child, parent, brother or sister of the injured employee; provided that these damages are the direct consequence of bodily injury that arises out of and in the course of the injured employee's employment by you; and
4. because of bodily injury to your employee that arises out of and in the course of employment, claimed against you in a capacity other than as employer.

**C. Exclusions**

This Coverage does not apply to:

1. bodily injury arising out of any of your business pursuits.
2. bodily injury intentionally caused or aggravated by you.
3. any obligation imposed by a workers compensation or occupational disease law or any similar law.

**D. Other Insurance**

We will not pay more than our share of damages and costs covered by this insurance and other insurance or self-insurance. Subject to any limits of liability that apply, all shares will be equal until the loss is paid. If any insurance or self-insurance is exhausted, the shares of all remaining insurance and self-insurance will be equal until the loss is paid.

**WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE POLICY**  
**WC 00 03 12** (Ed. 4-84)

**E. Limits of Liability**

Our liability to pay for damages is limited. Our limits of liability are shown in the Schedule. They apply as explained below, regardless of the number of insureds, claims or suits, or persons who sustain bodily injury.

1. Bodily Injury by Accident. The limit show for "bodily injury by accident--each accident" is the most we will pay for damages because of bodily injury to one or more residence employees arising out of any one accident. That limit includes damages for death, care, and loss of services.
2. Bodily Injury by Disease. This limit shown for "bodily injury by disease--coverage limit" is the most we will pay for damages because of all bodily injury by disease to one or more residence employees. The limit shown for "bodily injury by disease--each employee" is the msot we will pay for all damages because of bodily injury by disease to any one employee. The limits include damages for death, care, and loss of services.
3. We will not pay any claims for damages after we have paid the applicable limit of our liability under this insurance

**Policy Provisions**

Voluntary Compensation Coverage and Employers Liability Coverage are subject to the provisions of the policy relating to the defense of suits; payment of claim expenses; duties after loss; waiver or changes of policy provisions; cancelation and nonrenewal; subrogation or recovery from others; assignment or death of the insured; premium; and bankruptcy.

**Schedule**

1. Residence Employees	Number	Rates	Premium
Inservants			
Outservants, including private chauffeurs			
2. State:			Workers Compensation Law
3. Limits of Liability for Employers Liability Coverage			
Bodily Injury by Accident	\$ _____	each accident	
Bodily Injury by Disease	\$ _____	coverage limit	
	\$ _____	each employee	

**This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.**

(The information below is required only when this endorsement is issued subsequent to preparation of the policy).

Endorsement Effective Insured	Policy No.	Endorsement No. Premium \$
Insurance Company	Countersigned by _____	

# **APPENDIX C. WORKERS' COMPENSATION LAW DIGESTS BY JURISDICTION**

## **California**

***In Home Supportive Services v. Workers' Compensation Appeals Board***, 152 Cal. App. 3d 720, 199 Cal. Rptr. 697 (3d App. Dist. 1984)

This case involved a worker injured while providing in-home support services designed to enable frail elders and persons with disabilities and sight-impairments to remain in their own homes. The services were provided in a private home but were paid for by a state agency called the In-Home Support Services Program. The State argued that the controlling employment relationship for purposes of workers' compensation coverage was between the recipient of the services and the worker--a relationship that did not include enough wages or hours to require coverage under the California law. The Court found that there was a "dual employment" relationship that included the state agency as an employer, in addition to the recipient as employer. Moreover, the Court called it a concept that has long been recognized in situations of general and special employment where a general employer furnishes an employee to another person with both employers having some right of control during the engagement. The Court found that there was sufficient direction and control by the State to make it at least a dual employer regardless of how the actual payments were made to the worker providing services, (in this case by a state agency although in some cases the state pays the recipient of services directly, who, in turn pays the worker),. The Court very strictly construed a statutory exception for limited coverage of domestic service to apply only as to the employment relationship with the recipient of services and not to the employment relationship with the State. The Court found that implicit in the legislative history of the California domestic service exclusion was a legislative purpose to impose the obligation of providing workers' compensation coverage for household domestic employers only when the risk spreading mechanism of insurance is available, as it might be in a case such as this where dual employment could be found.

The Court struggled to find coverage for the injured worker in this case, looking for an employment relationship that would afford that coverage where the relationship between the recipient employer and worker would have been excluded as domestic service.

***McCallister v. Workers' Compensation Appeals Board***, 61 Cal. App. 3rd 524, 132 Cal. Rptr. 527 (1976)

In this often-cited case, the Court found that services provided in a private home solely to care for and wait upon a frail elder and that included no duties in connection with the maintenance or functioning of a household, was not domestic service excluded from coverage under the California Workers' Compensation Act. The Court noted the



dearth of authority distinguishing between what it referred to as "the lower echelons of health care services provided in the home to a member of the household." It found that cases such as this each must be determined on their own facts. Based on the record in this case that the Court characterized as showing that the injured worker performed only those duties directly related to the care and comfort of the frail elder and not to the general operation and maintenance of the household, the Court held that the exclusion for "household domestic service" did not apply.

This case draws a distinction between services provided for an individual within a household as opposed to services provided to the household in general. While the latter might be excluded as "household domestic service," by state workers' compensation hearing officers while the former are not.

However, it should be noted that domestic service employment classifications described in Appendix B and used by states do not distinguish between services provided to one or all of the individuals residing in or around a private residence. Thus, one could argue the basis of the decision in **McCallister v. Workers Compensation Appeals Board** and other similar cases (**Viola v. Workmen's Compensation Appeal Board**, 549 A.2d 1367, 121 Pa. Commw. 47 (1988)) saying that both should have qualified under the classification of domestic service.

**Bonnette v. California Health and Welfare Agency**, 704 F. 2d 1465 (Ninth Cir. 1982)

This federal court decision involved the employment relationship and minimum wage requirements where state and county agencies provided domestic in-home services to aged, the blind and the disabled enabling them to remain in their own homes. The Court found that the agencies exercised considerable control over the nature and structure of the employment relationship along with complete economic control and, hence, were held to be employers for purposes of minimum wage requirements. This was not altered by the fact that the agencies delegated to the recipients of the services various employer responsibilities; that merely made them joint employers. This is similar to the logic that applied in the *In-Home Support Services* decision discussed earlier where "dual employment" led to a finding of coverage under the state workers' compensation system.

Cases like this illustrate the use of liberal construction of a statute in order to achieve beneficent effects of a statutory scheme.

**Bue v. Workers' Compensation Appeals Board**, 43 Cal. Comp. Cas 396 (3rd App. Dist. 1978)

This case involved a daughter injured while lifting her invalid mother from a wheelchair. The Workers' Compensation Judge concluded that lifting the wheelchair was incidental to the daughter's performance of normal routine domestic services and therefore she was not an employee entitled to workers' compensation benefits. The reviewing Court upheld the Workers' Compensation Judge's decision.

## Colorado

***Melnick v. Industrial Commission of the State of Colorado***, 656 P. 2d 1318  
(Colorado Ct. of Appeals, Div. Two 1982)

This case involved penalties imposed under the Colorado Workers' Compensation Act when a household employer failed to file a notice of contest or admission of coverage when notified that a nurse's aide was injured while performed services for the household employer's wife. The Court upheld the hearing officer's determination that the injured aide was covered by the Workers' Compensation Act and which penalties were appropriate. The Court held that the hearing officer's finding that the injured nurse's aide was an employee rather than an independent contractor was supported by the evidence. The hearing officer had found that the nurse's aide was not a licensed professional nurse, she was paid an hourly wage, there was no contract regarding duration of services and the family hired her and continually gave her instructions.

## Connecticut

***Smith v. Yurkovsky***, Case No. 4324 CRB-3-00-12, Conn, WC Comm. Comp. Rev. Bd (Dec. 2001).

This case involved a worker injured while providing nursing services in a private home. At issue was an exclusion from the definition of employee in the Connecticut workers' compensation law for "any person working in a private residence provided he is not *regularly employed* by the owner or occupier over 26 hours per week." Under the facts of the case, the injured worker's hours per week varied during the course of the year. Some weeks her hours exceeded 26; while other weeks she did not. The Compensation Review Board found that an average of hours worked over the 26 weeks prior to the date of injury should be used to determine whether the threshold was reached. In the absence of a statutory definition of "regularly employed" the Board reasoned that the legislature introduced the words "regularly employed" into the WC law. The Board noted that the term must be given meaning that allows employers to predict when WC insurance will be necessary – and to do so requires some ascertainable boundaries rather than case-by-case determinations. Otherwise, it would be unfair to household employers trying to determine their legal obligations to provide coverage.

This case emphasizes the important of household employers collecting and maintaining accurate hours worked information for all workers, preferably using a standard time sheet format that is signed by the employer and employee for each time period.

## Florida

***Smith v. Ford***, 472 So. 2d 1223 (1985, FL 1st Dist. Ct. App.)

The court held that the claimant was ineligible for workers' compensation benefits under the Florida law because she was a "domestic servant in a private home" which is excluded by Section 440.02(13)(c)1.

The deputy commissioner at the administrative level had determined the facts to be that the claimant's normal duties were both domestic and personal care of her employer in a private home. Reversing the lower administrative decision which held that her duties as a "personal or home attendant" at least 50 percent of the time afforded her coverage under the Florida law, the Court in this decision reversed and ruled that the claimant's duties result in her being a domestic servant in a private home, regardless of the mixture of duties which included those of a personal attendant which arguably were non domestic.

The Court cited the intent of the workers' compensation law, as articulated by Larson in his treatise, that the costs be placed on the industry involved and ultimately on the consumer through the medium of insurance, whose premiums are passed on in the cost of the product. Citing Larson, it appeared willing to strictly construe the exclusion from coverage in the Florida law because of the difficulty facing householders in determining whether and to what extent they face liability when directly hiring workers' to perform tasks in their households, as opposed to in their trades or businesses.

## Maryland

***Nationwide Ins. Co. v. Rhodes***, 732 A. 2d 388, 127 Md. App. 231 (1999) (Exerpt)

The court held that a homeowners insurer had no duty to defend a claim for workers' compensation coverage because the household employer's policy it issued excluded any potentiality for workers' compensation liability. The claim involved a home health aide.

Interestingly, the homeowner's insurer *did* defend the policyholder against a negligence claim for the same injuries brought in tort. However, the insurer refused to defend a workers' compensation claim that ultimately succeeded, the latter claim resulting in coverage under the Maryland Uninsured Workers' Compensation Fund because the household employer did not carry workers' compensation insurance.

The excerpt from this case is instructive insofar as it discusses the many potential areas of coverage for injuries to someone performing domestic services or personal assistance in a private home directly for the household employer. There were potential claims in tort, workers' compensation and contractually under the Medical Payments to Others section of the household employers policy. In this case dealing with a home

health aide, coverage was ultimately found under Maryland workers' compensation and, more specifically, in the Maryland Uninsured Workers' Compensation Fund.

This case deals with the obligations of the homeowner's insurer to defend a household employer against a workers' compensation brought by a directly employed home health aide. It was decided *after* it was determined by another court that there was coverage under Maryland workers' compensation so it does not go into any detail about the basis for that underlying finding.

Another interesting sidelight of this case is that it illustrates that, aside from actual liability and coverage, whole cases can involve the liability for the legal costs incurred to determine where that coverage and liability lies. This duty to defend against liability and coverage is a little recognized but very significant coverage afforded in insurance policies. Household employers do not want to incur this cost any more than the cost of insurance or ultimate liability but it should be addressed.

## Nebraska

***Dunagan v. Folkers***, Nebraska Workers' Compensation Court, Doc: 195 No: 2116, 1996

This decision addressed the issue of whether a "private duty nurse" was a "household domestic servant" and therefore exempt from coverage under the Nebraska Workers' Compensation Act. The Court found that the injured plaintiff devoted most of her time to the special needs of a quadriplegic patient in her private home although some of plaintiff's time was spent performing household tasks such as cleaning, cooking, laundry and child care for another. It also noted that the worker was injured while transferring the patient from her wheelchair, a duty within her function as a nurses assistant. The Court cited the oft-stated rule of construction that the Workers' Compensation Act should be liberally construed, and exceptions strictly construed, in order to obtain the beneficent purposes of the Act. The Nebraska Court looked to decisions in Oklahoma, *Nelson v. Bradshaw*, 791 P.2d 485 (Okl. App. 1990), California, *McCallister v. Workers' Compensation Appeal Board*, 61 Cal. App. 3rd 524, 132 Cal. Rptr. 527 (1976) and Pennsylvania, *Viola v. Workmen's Compensation Appeal Board*, 549 A. 2d 1367 (Penn. 1988) to find coverage in close factual questions. The Court embraced Larson's treatise argument that "Even if the employment is within a private household, it may be distinguishable from domestic service if its essence is not that of performing household duties, but is rather that of practical nursing--for example, the care of an elderly invalid." The Court was not swayed by the fact that the injured worker was placed in the private home by an agency. Neither was the Court persuaded by the argument that the household employers were not engaged in a "trade, business profession or vocation." Instead, the Court found that they employed several licensed nurses and nurse care providers, withheld taxes and social security, provided vacation time and had an employer ID number; the Court said that they were in the "business of providing the services necessary to maintain [the patient's] quality of life."

It is not surprising that the Court found that the services at issue in this case were more those of a practical nurse than a household domestic servant under the facts presented to it. However, it is somewhat surprising that the Court found that the frail elder and her relative who hired people to care for the frail elder were in a business and, therefore, were required to provide workers' compensation coverage.

*Pettit v. State Of Nebraska Department of Social Services*, 249 Neb. 666 (1996, SC, No. S-94-797)

The issue in this case was whether Donna Pettit, a chore provider of an aged and disabled individuals who received services under the Nebraska Medicaid Waiver Program was an employee of the Nebraska Department of Social Services (DSS) when she injured her lower back while providing chore services. The worker had been engaged to provide personal assistance services by a Medicaid waiver recipient. State DSS staff had informed Pettit that she was an independent contractor and that she would not receive sick leave, vacation leave or insurance. Staff further informed Pettit that the Medicaid waiver recipient was her employer and that she was not covered by workers' compensation. Pettit received an IRS Form W-2 that reflected withholding for FICA by DSS (acting as the recipient's agent under Section 3504 of the IRS code and IRS Revenue Procedure 80-4).

The Workers' Compensation Court found that Pettit did not prove that she was a DDS employee. Upon appeal, the Nebraska Court of Appeals reversed the Workers' Compensation Court and held that, as a matter of law, Pettit was a DSS employee when she was injured (*Pettit v. State* 95 NCA No. 28, case No. A-94-797 (not designated for permanent publication). The Court found that the record failed to reflect that there was a clear inference as to whether Pettit was an employee or an independent contractor when she was injured. It held that there was sufficient competent evidence in the record to support the Workers' Compensation Court's determination that Pettit was not an employee of DSS. The Nebraska Supreme Court reversed the holding of the Court of Appeals.

This case did not address any potential liability due to work place injury for the Medicaid waiver recipient as the common law employer of the chore provider. It only finds that the State is not the employer of the chore worker. Facts in the case include DSS staff informing Pettit that the Poels (Medicaid recipient) were her employer and "boss." In addition, Pettit received an IRS Form W-2 from the State, as employer agent for the Poels not an IRS Form 1099. However, potential liability for the Medicaid recipient related to work place injury appears to be minimal since Missouri workers' compensation law exempts employers with fewer than five workers and employers of domestic service workers from the law. If the worker truly performs only chore-related duties, he or she would fall under the state's definition of domestic service. However, if the chore worker performed also personal assistance-related tasks, final determination of whether the worker falls under the domestic service employment classification would be based on the results of a workers' compensation claims appeal decision

## **Nevada**

***Sullivan v. Second Judicial District Court***, 331 P. 2d 602, 74 Nev. 334 (1958, S.Ct.)

This case involved the sole issue of *voluntary* coverage under Nevada Industrial Insurance (that is, workers' compensation insurance) for a nurse employed directly by a household employer. More specifically, the case concerned voluntary coverage for two nurses when the household employer had voluntarily elected coverage for three domestic servants but failed to elect coverage for the nurses. Did the election for the domestic servants constitute acceptance of the Nevada law for all of the household employer's employees, including the two nurses?

It was admitted in pleadings that the nurses were employees of the household employer and coverage under the Nevada workers' compensation was compulsory as to them. Domestic servants are expressly excluded from the law although an employer can voluntarily elect coverage for them. The Court had to decide whether a voluntary election as to domestic servants (which the household employer in this case made) constituted acceptance of the law as to nurses he also employed directly in his household. Procedurally, this issue had to be resolved to determine whether the claimant nurse could continue to proceed in his action in tort for negligence; under Nevada law, an injured employee can proceed in tort if the employer fails to provide coverage where it is required. The court held that the workers' compensation that was admittedly required for the nurse was *not* accepted by the household employer by virtue of his voluntary election to cover the domestic servants, therefore the nurse could continue to proceed with his tort action against the household employer/employer.

This case illustrates the interplay between the workers' compensation system and the tort system. A finding of exclusion or non-coverage in one can open up remedies in the other for the injured worker and corresponding liabilities for the household employer/employer.

## **New Hampshire**

***Appeal of Richard Routhier***, 143 N.H. 404, 725 A.2d 665 (NH S. Ct., 1999)

This case involved whether a sole proprietor of a cleaning business was entitled to workers' compensation benefits under mandatory household employers insurance coverage of domestics under the New Hampshire workers' compensation law or, alternatively, under the language of the household employers insurance policy affording the mandatory coverage. The petitioner had been injured when he fell from a ladder after washing an outside window at a private household. The New Hampshire Supreme Court upheld the New Hampshire Compensation Appeals Board decision that the injured plaintiff was not entitled to workers' compensation benefits.

The New Hampshire Supreme Court analyzed the language of RSA 281-A:6, which requires all comprehensive personal liability, tenant's and household employer's insurance policies in New Hampshire provide workers' compensation insurance covering domestics. The petitioner argued that he was a domestic because he was performing household duties and maintenance for a household employer at the time of his injury. The household employer's insurance carrier responded that the petitioner was not a domestic because he was not an employee of the household employer. Petitioner agreed that he was not an employee but countered that the statute negated the usual statutory requirement that the injured party be an employee. The Supreme Court disagreed with petitioner.

The petitioner caused the Court to look closely at legislative history that demonstrated that at least one state senator assumed that coverage of domestics would extend to "individuals hired on a very short term basis who are injured while working around the house, mowing the lawn, washing windows and so forth." Absent more formal legislative history, however, the Court found that a domestic must be an employee of the household employer to receive workers' compensation benefits. The Court did, however, encourage the legislature to define the term domestic rather than require courts to define it on a case-by-case basis.

The Court also analyzed the language of the household employer's insurance policy. It found that the policy language, like the statute itself, required that the injured party be an employee in order to receive workers' compensation coverage. The petitioner did not contest that he was not an employee of the household employer so there was no coverage.

## **New York**

***McCrorry v. Thomas***, 40 Misc. 2d 904, 244 N.Y.S. 2d 111 (S. Ct., Kings County 1963)

This case involved injury to a licensed practical nurse while rendering services in a private home. The Court dismissed the injured LPN's claim based on failure to provide workers' compensation coverage because there was no evidence that the relationship of master-servant existed which is a pre-requisite to coverage under the Act. Quoting another New York decision, it said "a trained nurse called in on a special case is not in the service or the servant of the employer. She is a professional person like a physician, employed to exercise her calling to the best of her ability according to her own discretion." This case points out the critical distinction in employment relationship that can arise when the injured party is operating under a professional license.

## Oklahoma

***Nelson v. Bradshaw***, 791 P. 2d 485, 1990 Ok. Civ. App. 29 (1990)

This case involved an injured worker who testified that she was hired to provide services to an individual in his home "in a nursing capacity" despite the fact that she also performed incidental household chores. The Court found that out of state legal authority was both scarce and in conflict on the issue of whether a nurse such as the injured worker in this case was a domestic servant. The Oklahoma Court did not think that the Oklahoma legislature contemplated a person engaged in practical nursing for which a professional license is required to be the same as a domestic servant. Noting that any employment is covered under the Oklahoma Workers' Compensation Act unless it is specifically excluded, the Court found that the claimant's employment as a private or practical nurse was not excluded by the Oklahoma Workers' Compensation Act exception for domestic servants.

## Oregon

***Gunter v. Mersereau***, 7 Ore. App. 470; 491 P. 2d205 (Ore. App. Ct., 1971)

This appeal, in the words of the Court, raised the sole issues of whether a person employed to care for an invalid in the invalid's home comes within the exclusion from workmen's compensation coverage for "domestic servants." The injured worker cared for a stroke victim who required round-the-clock care involving food preparation and clean-up, administration of medication, and assistance with bathing, dressing and transferring. The worker injured her back while transferring the person from her wheelchair. The Court rejected the claimant's argument that she was not a domestic servant because domestic service connotes care of the home rather than the person. In addition, the Court rejected the claimant's argument that occasional administration of medication changed the nature of her duties to those of a nurse's aide rather than a domestic servant. "The true test is the nature of the work actually done" said the Court as it affirmed the lower court holding that the domestic servant exclusion applied to her based on the work she actually performed so that coverage was denied.

***Kerns v. Guido-Lee***, 813 P. 2d 578, 107 Or. App. 721 (1991)

At issue in this case was the exclusion from Oregon workers' compensation of a housekeeper employed by a referral service under a former version of the Oregon law that excluded domestic servants without qualifying the nature of the employer. The housekeeper was paid by the household employers but paid a portion of the money to the employer agency that was the defendant in this case.

The Court strictly construed the statutory exclusion that applied at the time, noting that the Oregon legislature had limited the exclusion for agricultural workers with the phrase "in or about the private home of the person employing the worker," whereas the



domestic servant exclusion had no similar qualifier. The Court concluded that the legislature clearly intended that the exclusion for domestic servants apply to the entire class of workers regardless of the identity of their employer.

As noted above, the Oregon legislature later amended the domestic servant exclusion of apply only to service "by private employment contract." As in the case described in the digest above, presumably the outcome of this case would be different if it arose under the new statute.

**Matter of Lewis**, WCB Case No. 91-10026 (Oregon Workers' Compensation Board, 1992)

This administrative decision by the Oregon Workers' Compensation Board followed the reasoning in *Kerns v. Guido-Lee*, 813 P. 2d 578, 107 Or. App. 721 (1991) and held that a former Oregon workers' compensation law exclusion for a "domestic servant in or about a private home" applied because of the nature of the work regardless of the identity of the persons arranging for, supervising, controlling or benefiting from the service. The underlying facts are not fully developed in the reported decision, however, a footnote alludes to the injured claimant as one who "works for an employer engaged for profit in the business of housekeeping." One can infer from this description, that the injured worker was employed by a housekeeping agency, not directly by the household employer. The Board concluded that the nature of the employer was irrelevant to the exclusion and the employee was excluded from workers' compensation because of the nature of the work as a domestic servant in a private home.

This a very strict and draconian reading of the then-applicable Oregon statute. One gleans from Larson's treatise that the domestic service exclusion *is* designed to protect the household employer who directly employs help in his/her home rather than the agency that employs and places employees in private homes for a fee.

Note that the applicable provision of the law (ORS Section 656.027 (1)) was subsequently amended and now defines domestic servant to mean "any worker engaged in household domestic service by private employment contract, including, but not limited to, home health workers." (Underline added.) Presumably, this would change the result in a case involving similar facts that arose today.

**McFarland v. SAIF Corporation**, 89 Ore. App. 184; 748 P. 2d 150 (Ore. App. Ct., 1988)

This Court of Appeals decision involved a worker injured while employed as a domestic servant in a household job that she got through the OR Department of Human Resources Division of Senior Services (the "Division"). The Court found that the duties performed were those of a domestic servant – meal preparation and clean-up, assisting the individual with bathing, dressing, eating and positioning in bed – regardless of the claimant's certification as a nurse's aide. The Court also cited a provision in the law applicable at the time that said domestic servants of persons receiving public assistance

from the Division were not subject to the State's workers' compensation law even if the workers were paid directly by the Division (as the injured worker was) rather than by the person receiving the services. The Court concluded that the Board had not erred in its underlying decision by denying workers' compensation coverage for the claim.

## **Pennsylvania**

***Viola v. Workmen's Compensation Appeal Board***, 549 A. 2d 1367, 121 Pa. Commw. 47 (1988)

This case involved a worker injured while employed by an individual to care in his home for his wife who was disabled and confined to a wheelchair. The evidence showed that the injured worker did not serve the needs of the household, rather, her duties related solely to the unique needs of the wife who was disabled. In this case, the injured worker was found not to have performed housework nor domestic or maid services. The Court held that because the injured worker's job involved duties similar to a nurse's aide and did not involve household duties, she was not an excluded domestic servant.

The Court struggled to find coverage for the injured worker in this case, looking for an employment relationship that would afford that coverage where the relationship between the recipient employer and worker would have been excluded as domestic service. In a conversation with State Workmen's Insurance Fund (SWIF) staff, she strongly disagreed with the decision of the Workmen's Compensation Appeal Board in this case. She reported that domestic service covers a worker providing chore/personal assistance services to an elder or person with a disability in his/her home, regardless of the work performed for the general household. SWIF staff also reported that the employer was allowed to buy workers' compensation insurance coverage through the SWIF's domestic service exemption policy.

***Dorothy Stock v. Abilities in Motion***, PA Department of Labor and Industry Bureau of Workers' Compensation Claims Settlement (August 20, 2001)

This case is a settlement that involved a program participant of the Pennsylvania Attendant Care Program, a Center for Independent Living (Abilities in Motion) that acts as the fiscal intermediary for the program participant and a personal care worker who reported being injured on the job. Abilities in Motion requires that all program participants participating in the self-directed portion of the PA Attendant Care Program purchase and have a current workers' compensation insurance policy (domestic service exemption policy) for their personal care workers either through a private insurer or the SWIF. Abilities in Motion will not pay any wages to a personal care worker hired by the program participant until a program participant has workers' compensation coverage for his or her workers. The program participant in this case had a current and fully executed workers' compensation policy at the time the claimant (Dorothy Stock) reported being

injured (back sprain) as a result of assisting the program participant with activities of daily living.

The claimant lived with her father. He owned his own home and had homeowner's insurance. At the time of the injury, the father thought the worker's claim would go against his homeowner's insurance and was afraid his homeowner's insurance would be cancelled as a result of the claim. For some reason, he did not understand that his daughter was fully covered through her own, Domestic Service Exemption Policy obtained through the SWIF.

The claimant retained an attorney and made a claim against Abilities in Motion's workers' compensation policy claiming that the organization was her employer. Abilities In Motion countered this claim by saying it was just the fiscal intermediary for the program participant for payroll purposes and that the program participant was the employer of the claimant. Thus, the claim should be processed against the program participant's executed workers' compensation insurance policy.

Two things went against Abilities in Motion in this decision. First, Abilities in Motion provides direct care services in addition to fiscal intermediary services. As a result, the hearing officer highlighted their direct care employer status. Second, the program participant, on direct

examination, reported that she was not her worker's employer even though she directed and controlled all aspects of her workers' activities with the exception of payroll.

The hearing officer then passed over the consumer's executed workers' compensation insurance policy and held that Abilities in Motion was the employer of the claimant for worker's compensation and the claim should be processed against Abilities in Motion's workers' compensation insurance policy. A settlement was agreed to, however, the terms were a bit peculiar. First, the injured worker had to agree to voluntarily resign from employment and execute a document evidencing the worker's intent to resign effective immediately, waiving any rights, remedies and/or causes of action to which the worker may be entitled under the Americans with Disabilities Act. The Agreement also could not be construed as an admission of liability on the part of Abilities in Motion or their insurer. Finally, the claimant had to keep the settlement confidential.

This case emphasizes the need for fiscal intermediaries to clearly define their roles and responsibilities and not to perform any activities that would give the perception that they are the employer of an individual's personal care worker. In addition, individuals enrolled in a self-directed support service program such as the PA Attendant Care Program, and their representatives, should be thoroughly educated regarding their roles and responsibilities related to the personal care workers they recruit, hire and manage and the workers' compensation insurance coverage they have. Finally, the PA Workers' Compensation Hearing Officers should be educated regarding the role and responsibilities of fiscal intermediaries versus an employer of direct care workers.

***Community Resources for Independence, Erie PA, Settlement with the PA Department of Labor and Industry Bureau of Workers' Compensation, (2001).***

This case is a settlement that involved a program participant of the PA Attendant Care Program, a Center for Independent Living (Community Resources for Independence that acts as the fiscal intermediary for a participant in the PA Attendant Care Program and a personal care worker who reported being injured on the job.

Community Resources for Independence (CRI) requires all program participants participating in the self-directed portion of the PA Attendant Care Program purchase and have a current workers' compensation insurance policy (domestic service exemption policy) for their personal care workers either through a private insurer or the SWIF before CRI will pay any wages to a personal care worker hired by the program participant. The program participant in this case had a fully executed workers' compensation insurance policy. The worker filed a claim against CRI rather than the program participant. The hearing officer, passed over the program participant's workers' compensation policy and allowed the claim to be made against CRI's policy even though CRI made the case that they were the program participant's fiscal intermediary. CRI staff reported that during the hearing the hearing officer did not understand the concept of a fiscal intermediary and the IRS designation of being an agent on behalf of the common law employer (the program participant) and made it clear that he was confused. The hearing officer also demonstrated his bias against persons with disabilities by stating he did not understand how a person with a disability could ever be considered an employer. Finally, CSRI workers' compensation insurance carrier made very little effort to argue CSRI's position. Once again, this case emphasizes the importance of fiscal intermediaries clearly articulating and executing its role and responsibility as the program participant's agent rather than the common law employer of the personal care workers' the program participant recruits and hires directly.

As mentioned in the case above, the Pennsylvania Workers' Compensation hearing officers should be educated regarding the role and responsibilities of Fiscal/Employer Agents versus an employer of personal assistance service workers.

## **Texas**

***Finch v. Texas Employers' Insurance Association*, 564 S.W. 2d 807 (5th Dist. Ct. Civ. App., 1978)**

This case involved a workers' compensation award to a paraplegic husband who was injured in the course of his employment. The principal issue was the amount of the award to him for the value of certain nursing services rendered by his wife. A lower court jury had ordered the couple \$25 per month for the wife's nursing services after the insurer refused to pay anything under its original settlement wherein it had agreed to pay all medical and hospital expenses incurred by the husband as a result of his work

injury. This court rejected the couple's argument that the lower court jury should have included the value of the wife's usual domestic services in awarding an amount for her nursing services to the husband. This Court upheld the lower court's jury instruction that permitted the jury to weigh the evidence and determine how much of the wife's services were extraordinary services rendered because of the husband's disability (compensable nursing services) and how much were services usually rendered as part of the marital obligation (non-compensable). This Court could not say that the lower court jury award of \$25 per month was against the great weight and preponderance of the evidence, therefore it affirmed the decision.

This case is interesting insofar as it illustrates the difficulty of determining an appropriate amount to compensate a spouse who provides services to a work-injured spouse. In this case, there was a distinction between extraordinary nursing services and usual domestic services that were viewed as part of a marital obligation.

Note that this case did not involve injury to a person providing domestic service, personal or physical assistance. The injured husband worked on an oil rig. As stated above, the issues in this case revolved around the central issue of the value of certain services provided to him by his wife.

## **Washington State**

***Linda J. Bromley***, Docket Nos. 93 3892 & 93 5100; Claim No. N-071072; Washington State Board of Industrial Insurance Appeals (1995).

The injured worker in this case was providing home care service to a frail elder in her private home. The elder was a program participant in the Washington State Medicaid Community Options Entry System (COPES) Program. Under the COPES Program a program participant has the choice to either recruit and hire an individual home care provider or receive services provided by a contracted home agency. The choice of provider is entirely up to the program participant consistent with federal requirements that also require that payment be made directly to the provider. All COPES Program providers sign a written agreement that explicitly states that the contractor is NOT an employee of the Department of Social and Health Services (the "Department") and will not file any claims as a civil service employee, including workers' compensation claims. Nevertheless, the injured worker contended that she was hired and employed by the Department and that would allow her to avoid the domestic service exclusion that would otherwise apply if her employer were the elderly person. The Department contended that it lacked authority to be the injured worker's employer and, alternatively, it did not exercise sufficient control over the injured worker for her to believe that she was an employee of the Department. The Judges found, based on their review of the facts, that the injured worker could not have reasonably believed that she was an employee of the Department. A strongly worded dissent agreed with the outcome, but argued that cases like this should not turn in the belief of the injured worker; rather, they should be decided solely on the basis that the Department lacks

statutory authority to become an employer under these circumstances. The majority rejected the dissenting approach and ruled on the basis of the injured worker's reasonable belief about who is the employer, a basis affirmed in the *Odell B. Henderson* case decided by the Board later that same year (see below).

***Odell B. Henderson***, Docket No. 93 4609; Claim No. N-390500, Washington State Board of Industrial Insurance Appeals (1995)

This administrative decision involved the exclusion from coverage under the Washington Workers' Compensation Law for "any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed 40 or more hours a week in such employment." The injured worker contended that she was employed by the Washington Department of Social and Health Services that would allow her to avoid the domestic servant exclusion. The Judges found that the injured worker's reasonable belief that she was an employee of the state agency was a fact material to the existence of an employment relationship with the state agency. The Judges remanded the case to the hearing process for a factual determination of whether the injured worker's belief was reasonable.

***Everist v. Department of Labor and Industries***, 789 P. 2d 760, 57 Wn. App. 483 (Wash. Ct. of App. Div. Two 1990)

The injured worker in this case worked as an in-home helper for a husband and wife although her primary responsibility was caring for the wife who was disabled. The Court discusses two traditional reasons for excluding domestic servants. These included: 1) where a non-business entity is an employer, as is often the case with domestic service, the assumption that the costs of workers' compensation are passed on to the ultimate consumers of the employer's product fails, and 2) given the variety and number of different types of workers hired by household employers, it would unduly increase the systematic administrative costs and unduly increase the financial and administrative burdens on household employers. The Court cited decisions in other jurisdictions as holding that a person charged with performing domestic duties is a domestic servant even though a significant percentage of the person's activities involve care-taking for a particular individual in the household. The Court liberally applied the state's domestic servant exclusion to find that the injured worker was excluded as a domestic servant because she performed duties traditionally performed by a domestic servant. The Court noted that the holding comports with the reasons mentioned above underlying the domestic servant exclusion.

## **West Virginia**

***Weatherford v. Arter***, 135 W. Va. 391, 63 S.E. 2d 572 (S. Ct. of Appeals 1951)

This case concerned a person injured while nursing and attending to a sick husband in a private home. The Supreme Court of Appeals focused on the provision in

the West Virginia Act that defines employers as "All persons, firms, associations and corporations regularly employing other persons for the purpose of carrying on any form of industry or business in this State." It found that the terms "industry" and "business" as used in the quoted language relate to an occupation or employment engaged in for the purpose of obtaining a livelihood or for profit or gain, and that neither word embraces or applies to a residence occupied by a person as a home. Therefore, the defendant in the case was not required to provide coverage to the injured worker. The Court said that the purpose of the Workmen's Compensation Statute in West Virginia is to require industry to bear the burden of injury to employees and the conduct of a home is not industry or business within the meaning of the statute. Although the question of domestic service had been raised in earlier proceedings, it was not addressed in this case.

## Wisconsin

***Joyce Ambrose (Applicant) v Harley Vandever Family Trust (Employer) and Northwestern National Insurance Company (Insurer)***, WI Workers' Compensation Decision, Claim No. 86-39393 (December 14, 1988)

The issue of this case is whether the applicant, Joyce Ambrose, was an "employee" of the respondents, Vandever Family Trust or Marine Trust Company within the meaning of section 102.07(4), Stats.

The applicant sustained injuries on December 10, 1983, when she slipped and fell in the home of her sister, who suffered from a disabling disease. In his last will and testament, the applicant's father established the Vandever Family Trust, which provides for the continuing care of the applicant's disabled sister. Marine Trust Company was the trustee on December 10, 1983. The applicant attempted to obtain workers' compensation coverage for her fall through Marine Trust Company's Insurance Carrier, Northwestern National Insurance Company.

Neither the statutes nor any Wisconsin case law provides a definition of domestic servant. The Commission concluded that a reasonable interpretation of the term "domestic servant" would not include an individual who is hired to provide primary care to a person with a disability. The Commission found this to be true even though the primary care giver may assist in the preparation and clean up of meals, because such activities would be incidental to the primary care duties. This interpretation is in accord with the holding of a California Court of Appeals case that addressed a similar issue, ***Mc Callister v. Worker's Compensation Appeals Board***, App., 132 Cal. Rptr., 527 (1976). The Commission also believed it was in accord with a long-standing admonition of the WI Supreme Court that worker's compensation statutes must be liberally construed in favor of including all services that can reasonably be said to come within the statute (See ***Grant County Service Bureau, Inc. v. Industrial Commission***, 25 Wis. 2d 579, 52, 131 N.W. 2d 293 (1964)). If the applicant had been hired for the specific purpose of performing regular cooking, cleaning or other duties commonly associated with the meaning of the term "domestic servant," her employment would have come

within the exclusion of section 102.07(4), Stats. The Commission believed she was employed exclusively as a primary care giver for her disabled sister, not as a cook, cleaning person or other form of domestic servant. However, it is believed that the Commission missed the fact that the state uses two classification codes (0908 and 0913) for domestic service that specifically include “ cook, housekeeper, laundry worker, butler, companion, nurse and babysitter. Companion and nurse services would certainly cover the tasks performed by the applicant but the Commission failed to recognize this.

The question remaining for the Commission was, who was the employer of the applicant, the Vandever Family Trust or the sister (e.g., what was the employer – employee relationship)? The primary test used by the Commission for determining the existence of an employer –employee relationship is whether the alleged employer has the right to control the details of the work, and among the secondary test to be considered are: (1) the direct evidence of the exercise of the right of control; (2) the method of payment compensation, (3) the furnishing of equipment or tools for the performance of work; and (4) the right to fire or terminate the relationship (See **Kress Packing Company v. Kottwitz**, 61 Wis. 2d 175, 182, 212 N. W. 2d 97 (1973)). The Commission found that the sister administered her own affairs and at all time she reserved the right to control the details of the applicant’s employment. She hired the applicant, arranged for her payment by requesting and authorizing wages from the Trust, and retained the right to terminate the employment relationship. The Trust merely acted as conservator and manager of the trust funds. The Commission found that neither the Trust nor Marie Trust Company was the applicant’s employer. The Commission dismissed the case against Vandever Family Trust and Marine Trust Company. However, this would not preclude the applicant from filing an application naming her sister as the employer.

**Shirley Nickell (Applicant) v. County Kewaunee Other, (Employer) and Firemans Fund Insurance of Wisconsin (Insurer)**, WI Workers’ Compensation Decision Claim No. 94064155.

The main legal issue in this case was whether the relationship of employee and employer exists and between which parties (e.g., the applicant and the county or the applicant and the program participant, Ms Kostichka. The domestic service exception would only apply if the applicant’s “employer’ was Ms Kostichka and not the county.

The record indicated that some eligible program participants under the Community Options Program choose their own personal care workers and then apply to the county for payment. In this case, Ms. Kostichka had chosen the applicant’s predecessor but when that worker left, she simply asked the county for a referral. In addition, the applicant herself went to the county to find placement as a personal care worker, and the county required her to be trained, and placed her in assignments with many different eligible program participants over a period of several years, and the county employs individuals to act as supervisor of personal care workers. In addition, the applicant’s rate of pay was established by the county, and she was paid, through a fiscal intermediary, from funds it received from the county. The Commission found that while it is true that



the personal care workers are paid through a fiscal intermediary, they are paid by a single check with fund the fiscal intermediary receives from the county, regardless of the number of eligible program participants to who the worker provides services. Further the county itself selected the fiscal intermediary for Ms Kostichka and numerous other eligible individuals.

The applicant testified that the county instructed her to do whatever the eligible program participants wanted her to do. Moreover, the county's witness testified that the county would not fire the personal care workers. In addition, the county did not provide equipment or tools to the applicant, though that would hardly be expected under this arrangement.

Finally, the legislature enacted changes to the state unemployment compensation law to establish a statutory scheme designed to exclude counties from the definition of "employer" under unemployment compensation law, while ensuring that unemployment taxes or contributions would be made by fiscal intermediaries on behalf of the eligible program participant (See sections 46.27(5)(l) and 108.02 (13)(k), Stats. Prior to the changes, the Commission consistently concluded that counties were the employers for unemployment purposes, of personal care workers or similar workers providing services to eligible program participants under the Community Options Program. No similar changes have been enacted into the workers' compensation statutes.

This case considers the petition and positions of the parties, and it reviewed the evidence submitted by the Administrative Law Judge (ALJ). Based on its review, the Commission agreed with the ALJ decision that the county is the applicant's employer under sec. 102.07(1), Stats., and that the domestic servant exclusion under sec. 102.07(4)(b), Stats., does not apply. Thus the county is liable for payment of workers' compensation benefits and medical expense.

***Winkler v. Smith***, Claim No. 1998059089, Wis. Labor and Industry Review Commission, (2000).

This administrative decision involved a worker injured in the course of performing various "companion" services for an Alzheimer's patient in the patient's home. The dispositive issue in the Commission's decision was whether the injured worker was an employee as the term was used in the Wisconsin workers' compensation law. Relying on typical employment standards (e.g. direction and control) articulated in *Kress Packaging Co. v. Kottwitz*, 61 Wis. 2d 175 (1973) the Commission found that the worker was an employee and would be covered unless one of two exceptions in the Wisconsin law applied; (1) domestic servant or (2) a person whose employment is not in the trade, business, profession or occupation of the employer, unless the employer opts to voluntarily cover them. Citing dicta in two of its other decisions but with little other discussion, the Commission found that a person providing personal care to a person with a functional disability is not a domestic servant. It went on, however, to find that an invalid or a relative arranging for health care has not developed or established a trade, business, occupation or profession, even if they frequently hired the same individuals to

provide the health care. Therefore, the Commission concluded that the injured worker was not an employee and hence was not entitled to workers' compensation coverage.

This case, like the Florida case discussed earlier (*Smith v. Ford*), relies on an exclusion that recognizes the difficulty household employers face knowing when and to what extent they face potential liability if they hire persons to perform services for them in their private homes as opposed to their trades or businesses.

## APPENDIX D. TABLES

<b>TABLE 1: Workers' Compensation Laws and Coverage Requirements for Domestic Service Employment by Jurisdiction</b>				
Jurisdiction	Workers' Compensation Law Citation	Type of Law Compulsory or Elective	Extent of Compulsory for Domestic Service Employers	If Exempt, Can Domestic Service Employer Voluntarily Provide Coverage?
AL	Code of Alabama 1975- Articles 1-13, Sections 25-5-1 – 25-5-340	Compulsory	Exempt	Yes
AK	Chapter 23.30- Alaska Labor and Workers' Compensation	Compulsory	Any domestic worker except part-time babysitters, cleaning persons, harvest help, and similar part-time or transient help.	Yes
AZ	Arizona Revised Statutes- Title 23, Chapter 6, Article 1, Scope of WC Section 900	Compulsory	Exempt	Yes
AR	Title 11, Labor and Relations, Chapter 9	Compulsory	Exempt	Yes
CA	Division 4, Sections 3200-6208 of the California Labor Code	Compulsory	Any domestic workers, including one who cares for an supervises children, employed 52 hours or more, or who earned \$100 or more, during 90 calendar days exposing such worker to the hazards of an occupational disease. Excludes workers employed by a parent, spouse or child.	Yes
CO	Title 8, Articles 14.5, 40-47 & 55 of the Colorado Revised Statutes	Compulsory	Any domestic worker employed 40 or more hours per week or five or more days per week by one employer.	Yes
CT	Chapter 568, Sections 31-275 through 31-355a- Connecticut General Statutes	Compulsory	Any domestic worker employed more than 26 hours per week by one employer.	Yes
DE	Title 19, Chapter 23- Delaware Code	Compulsory	Any household worker who earns \$750 or more in any three-month period from a single private home or household.	Yes
DC	D.C. Law 3-77	Compulsory	Domestic workers employed by the same employer at least 240 hours during a calendar year.	Yes
FL	Title XXXI, Chapter 440- Florida Statutes	Compulsory	Exempt	Yes
GA	Title 34, Chapter 9 of the Unannotated Georgia Code	Compulsory	Any employer, including those that engage inside domestic service workers employing three (3) or more full or part-time workers.	Yes
HI	Chapter 386 of the Hawaii Revised Statutes, Workers' Compensation Law	Compulsory	Any worker employed solely for personal, family or household purposes whose wages are \$225 or more during the current calendar quarter and during each completed calendar quarter of the preceding 12-month period.	Yes
ID	Title 72, Chapters 1-8 of the Idaho Code	Compulsory	Exempt	Yes
IL	820 ILCS 305	Compulsory	Any worker or workers employed for a total of 40 or more hours per week for a period of 13 or more weeks during a calendar year by any household or residence.	Yes

**TABLE 1 (continued)**

Jurisdiction	Workers' Compensation Law Citation	Type of Law Compulsory or Elective	Extent of Compulsory for Domestic Service Employers	If Exempt, Can Domestic Service Employer Voluntarily Provide Coverage?
IN	Title 22, Article 3 of the Indiana Code – Workers' Compensation Act	Compulsory	Exempt	Yes
IA	Chapter 85 of the Iowa Code – Workers' Compensation	Compulsory	Any employee working in or about a private dwelling (who is not a regular household member) whose earnings are \$1,500 or more during the 12 consecutive months prior to an injury. Workers who are either a spouse of the employer or relatives of either the employer or spouse residing on the premises of the employer are exempt.	Yes
KS	Chapter 44, Article 5 of the Kansas Statutes	Compulsory	Any domestic worker if the employer had a total payroll for the preceding calendar year of more than \$20,000 for all workers under his/her employ.	Yes
KY	Chapter 342 - Kentucky Revised Statutes	Compulsory	Two or more domestic workers regularly employed in a private home 40 or more hours a week. The law has no numerical exemption for general employment.	Yes
LA	Title 23, Chapter 10 - Louisiana Revised Statutes	Compulsory	Exempt	Yes
ME	Title 39A Enacted by PL 1991, c.885, PTA @ 8	Compulsory	Exempt	Yes
MD	Title 9, Article, Sec. 9-202 of the Annotated Code of Maryland	Compulsory	Any domestic worker whose earnings are \$750 or more in any calendar quarter from a private household. Domestic servants and their employers jointly may elect for the employee to be covered, even if the individual does not meet the earnings requirement.	Yes
MA	Chapter 152 of the MA General Laws – Workers' Compensation Act	Compulsory	Domestic workers employed 16 or more hours per week by an employer.	Yes
MI	Act 317 of 1969 – Workers' Disability Compensation Act of 1969	Compulsory	Any household domestic worker who is employed 35 or more hours per week or longer for 13 weeks or longer during the preceding 52 weeks.	Yes
MN	Chapter 176A of the Minnesota Statutes	Compulsory	Any domestic worker who earns \$1,000 or more in any three-month period or who has earned \$1,000 or more in any three-month period of the previous year from the same single, private household.	Yes
MO	Chapter 287 of the Missouri Revised Statutes – Workers' Compensation Law	Compulsory	Exempt	Yes
MS	Title 71, Chapter 3 of the MS Code – Workers' Compensation	Compulsory	Exempt	Yes
MT	Title 39, Chapter 71 of the Montana Code Annotated 2001	Compulsory	Exempt	Yes

<b>TABLE 1 (continued)</b>				
<b>Jurisdiction</b>	<b>Workers' Compensation Law Citation</b>	<b>Type of Law Compulsory or Elective</b>	<b>Extent of Compulsory for Domestic Service Employers</b>	<b>If Exempt, Can Domestic Service Employer Voluntarily Provide Coverage?</b>
NE	Section 48-101 to Section 48-1, 118 of the Nebraska Revised Statutes	Compulsory	Exempt	Yes
NV	Title 53 Chapter 616A-D of the Nevada Statutes	Compulsory	Any person engaged in household domestic service including a cook, housekeeper, maid companion, babysitter, chauffeur or gardener is exempt.	N/A
NH	Title XXIII, Chapter 281-A of the New Hampshire Revised Statutes	Compulsory	All domestic service workers are covered under the law.	N/A
NJ	NJSA Title 34 – Labor and Workmen's Compensation	Compulsory	All domestic service workers are covered under the law.	Yes
NM	Chapter 52 of the New Mexico Statutes	Compulsory	Exempt	Yes
NY	Chapter 67 of the Consolidated Laws of New York State – Workers' Compensation Law	Compulsory	Any domestic worker employed (other than those on a farm) by the same employer for a minimum of 40 hours per week.	Yes
NC	Chapter 97 of the North Carolina Statutes	Compulsory	Domestic service workers if employer employs more than 10 full-time non-seasonal laborers.	Yes
ND	Title 65 of the North Dakota Century Code – Workers' Compensation	Compulsory	Exempt	Yes
OH	Title 41, Chapter 4123 of the Ohio Revised Code Ann.	Compulsory	Any domestic worker who earns \$160 or more in any calendar quarter from one employer.	Yes
OK	Title 85 of the Oklahoma Statutes – Workers' Compensation Law	Compulsory	Any domestic worker if the employer had a gross annual payroll in the preceding calendar year of \$10,000 or more for such workers.	Yes
OR	Chapter 656 of the Oregon Revised Statutes – Workers' Compensation	Compulsory	Exempt	Yes
PA	Act of 1915, P.L. 736, no. 338, as amended – PA Workmen's Compensation Act	Compulsory	Exempt	Yes
RI	Title 28, Chapter 28-29 of the Rhode Island Code, Workers' Compensation	Compulsory	Exempt	Yes
SC	Title 42 of the 2002 South Carolina Code of Laws – Workers' Compensation	Compulsory	Employers with four or more domestic workers whose annual payroll during the previous calendar year \$3,000 or more.	Yes
SD	Title 62 of the South Dakota Codified Laws and Constitution – Workers' Compensation	Compulsory	Any domestic service worker employed more than 20 hours in any calendar week and for more than 6 weeks in any 13-week period.	Yes
TN	Title 50, Chapter 6 of the Tennessee Code	Compulsory	Exempt	Yes

<b>TABLE 1 (continued)</b>				
<b>Jurisdiction</b>	<b>Workers' Compensation Law Citation</b>	<b>Type of Law Compulsory or Elective</b>	<b>Extent of Compulsory for Domestic Service Employers</b>	<b>If Exempt, Can Domestic Service Employer Voluntarily Provide Coverage?</b>
TX <sup>1</sup>	Chapter 401, Title 5 of TX Labor Code	Elective	Only state to allow employers to choose whether or not to provide coverage (§ 406.002-Coverage Generally Elective). However, public employers and employers that enter into a building or construction contract with a governmental entity must provide coverage. TX Compensation Commission Manual specifically exempts domestic or casual workers engaged in employment that is incidental to a personal residence from coverage.	Yes
UT	Utah Code, Title 34A, Chapter 02 – Worker's Compensation Act	Compulsory	Any domestic worker regularly employed for 40 or more hours per week by the same employer.	Yes
VT	Title 21, Chapters 9 and 11 of the Vermont Statutes – Employer's Liability and Workers' Compensation	Compulsory	Exempt	Yes
VA	Title 65.2 of the Code of Virginia – Workers' Compensation	Compulsory	Exempt	Yes
WA	Title 51, RCW Industrial Insurance	Compulsory	Employers with two or more domestic workers if regularly employed in a private home 40 or more hours per week. Law has no numerical exemption for general employment.	Yes
WV	Chapter 23 of the WV Code– Workers' Compensation	Compulsory	Exempt	Yes
WI <sup>2</sup>	Chapter 102, Wis. Stats.– Workers' Compensation Act of Wisconsin	Compulsory	Exempt	Yes
WY <sup>3</sup>	Title 27, Chapter 14 Sections 101-805	Compulsory	Exempt	Yes
AS	Title 32, Chapters 4-6 – Workers' Compensation – General Provisions and Administration	Compulsory	Any employer, regardless of business or private home with three or more employees.	Yes
GU	Guam Workers' Compensation Law – PL 1-80	Compulsory	Exempt	Yes
NN <sup>4</sup>	Navajo Nation Law – 15NNC Sections 1001-1048	Compulsory	N/A	N/A
NMI	PL 6-33/9-33 – Workers' Compensation Law	Compulsory	Household maids, yard maintenance and residential farmers are exempt.	Yes
PR	Act No. 45 – Workers' Accident Compensation Act	Compulsory	Any domestic worker regularly employed by the same employer.	Yes

<b>TABLE 1 (continued)</b>				
<b>Jurisdiction</b>	<b>Workers' Compensation Law Citation</b>	<b>Type of Law Compulsory or Elective</b>	<b>Extent of Compulsory for Domestic Service Employers</b>	<b>If Exempt, Can Domestic Service Employer Voluntarily Provide Coverage?</b>
VI	Title 24 Chapter 11 of the Virgin Islands Code – Workers' Compensation Administration	Compulsory	Exempt	Yes
<p><b>SOURCE:</b> U.S. Dept of Labor Office of Workers' Compensation Programs and State and Territory Workers' Compensation Laws.</p> <ol style="list-style-type: none"> <li>1. Texas provides for mandatory workers' compensation coverage under Title 25 of the State statutes regarding rules and regulations for "Carriers" (Article 911-A, Sec. II, Motor Bus Transportation and Regulations by the Railroad Commission).</li> <li>2. WI Labor Review Commission (LIRC) does not consider home-care providers (description similar to personal care workers) as domestic service under the State's workers' compensation (WC) law. Although the law does not define home-care providers, LIRC considers them exempt from the WC law because they "do not provide services as a part of the trade, business, occupation or profession of the recipient of services." Employers of home-care providers may elect to provide WC coverage.</li> <li>3. Wyoming law is compulsory for all employers engaged in extra-hazardous occupations and elective for all other occupations.</li> <li>4. Navajo Nation Statute only provides workers' compensation insurance coverage to Navajo Nation Government and enterprises. It does not cover private employers such as household employers. They would have purchase workers' compensation insurance from a private carrier or through AZ insurer of last resort or Assigned Risk Plan.</li> </ol>				

<b>TABLE 2: Workers' Compensation Insurance Requirement, Self-Insurance and Penalties for Insure by Jurisdiction</b>			
<b>Jurisdiction</b>	<b>Workers' Compensation Insurance<sup>1</sup></b>	<b>Self-Insurance</b>	<b>Penalties for Failure to Insure</b>
AL	Required	Individual and Group	Fine not less than \$100 or more than \$1,000. Employers may be enjoined from doing business and liable to suit with defenses abrogated and double the amount of compensation.
AK	Required	Permitted	Class B or C felony (up to 1 year imprisonment, \$10,000 fine or both). Board may enjoin use of labor. Employer liable to suit with defenses abrogated, and employer negligence presumed proximate cause of injury. Individuals in charge of corporation personally liable for compensation.
AZ	Required	Individual and Group	Employer liable to suit with defense abrogated. \$500 civil penalty plus a 10% penalty on all claims expenses. Award paid by Special Fund. Injunction against doing business in the state.
AR	Required	Individual and Group <sup>2</sup>	Fine up to \$10,000 or Class D Felony; employer liable to suit with defenses abrogated. Possibly enjoined from engaging in further employment.
CA	Required	Individual and Group	The failure to secure the payment of compensation, as required by one who knew, or because of his or her knowledge or experience should be reasonably expected to have known, of the obligation to secure the payment of compensation, is a misdemeanor punishable by imprisonment in the county jail for up to one year, or by a fine of up to ten thousand dollars (\$10,000) or both imprisonment and fine. Employer may be enjoined from doing business. Mandatory penalty upon issuance of stop order is a misdemeanor; penalty is up to \$10,000, imprisonment up to 60 days, or both. \$500 penalty for failure to respond to Director's inquiry. Upon final adjudication of a claim, the uninsured employer shall be assessed: (a) in non-compensable cases, \$2,000 per employee employed at the same time of injury, or (b) in compensable cases, \$10,000 per employee employed. The maximum shall be \$100,000. Payments are credited to the Uninsured Employer Fund of the State Treasury.
CO	Required	Individual Company and Group	Compensation increase of 50% or employer liable to suit with defenses abrogated (at option of employee). Employer may also be enjoined from doing business or fined up to \$500 per day for failing to insure, not to exceed the annual premium.
CT	Required	Permitted	Fine of not more than \$50,000 for failure to insure. Employer may be enjoined from entering into any contracts of employment.
DE	Required	Individual and Group	Fine of \$1 per day per employee (minimum of \$25/day); if default, continues for 30 days employer may be enjoined from doing business. Employer liable to suit with defenses abrogated.
DC	Required	Permitted	Civil fine of not less than \$1,000 and not more than \$10,000.
FL	Required	Individual and Group <sup>3</sup>	Fine of \$,1000 or twice the amount the employer would have paid during periods it illegally failed to secure coverage in the preceding 3-year period, whichever is greater. Failure to provide coverage is deemed an immediate and serious danger to public health, safety, or welfare sufficient to justify stop-work order issuance and \$100 daily penalty until compliance is achieved. Subject to prosecution for third degree felony for knowingly failing to secure coverage if required.
GA	Required	Individual and Group	Misdemeanor. Compensation may be increased 10% plus attorneys fees. Penalty up to \$5,000 per violation.



<b>TABLE 2 (continued)</b>			
<b>Jurisdiction</b>	<b>Workers' Compensation Insurance<sup>1</sup></b>	<b>Self-Insurance</b>	<b>Penalties for Failure to Insure</b>
HI	Required	Individual and Group	\$250 or \$10 per employee per day during default, whichever is greater. Employer may be enjoined from doing business.
ID	Required	Permitted	Misdemeanor. Employer may be liable for penalty of \$2 per day per employee or \$25 per day, whichever is greater, for each day failure continues. May be enjoined from doing business. Additional penalties include \$500 for the second violation and \$1,000 for subsequent violations.
IL	Required	Individual and Group	Fine up to \$500 for each day's default. Minimum penalty \$10,000. Employer liable to suit, also corporate officers, directors, partners, members of limited liability company upon finding of knowing and willful refusal or failure to comply, if employer does not pay penalty.
IN	Required	Permitted <sup>4</sup>	Class A infraction – maximum fine \$10,000. Uninsured employer may be liable for medical and legal expenses, plus double compensation and may be enjoined from doing business.
IA	Required	Individual and Group	Employer liable to suit with defenses abrogated and presumption of negligence of employer. Employer is liable to penalty of up to \$100 per day and may be enjoined for further noncompliance. A temporary or permanent writ of injunction may be ordered enjoining an employer from operating without insurance or self-insurance coverage.
KS	Required	Individual and Group	Employer liable to suit. Penalty may be double the amount the premium would have been or \$25,000, whichever is greater.
KY	Required	Individual and Group	Failure to secure payment of compensation – claimant may claim compensation and bring action at law or in admiralty with employer's common law defenses abrogated. Employer may be enjoined from doing business. With respect to employers who fail to maintain workers' compensation insurance coverage on their employees, each employee of the employer and each day of noncompliance shall constitute a separate offense for purposes of determining the fine/penalty. Employer is subject to criminal penalty including a fine of \$100 to \$1,000 or imprisonment for 30 to 180 days or both.
LA	Required	Individual and Group	Compensation increased 50% and civil fine up to \$10,000 (\$250 for first offense and \$500 for each additional employee). Employer may be enjoined from doing business. Willful failure to insure is a felony, and is subject to a criminal fine up to \$10,000 and one year at hard labor. Willful misrepresentation is a felony subject to a criminal fine up to \$10,000 and 10 years at hard labor.
ME	Required	Individual and Group	Employer liable for civil penalty of up to \$10,000, or an amount equal to 108% of the premium, calculated using Maine Employers' Mutual Insurance Company's Standard Discounted Standard Premium, that should have been paid during the period the employer failed to secure coverage, whichever is larger, payable to Employment Rehabilitation Fund. Corporate employers subject to revocation or suspension or authority to do business. Class D crime. Employer liable to suit with defenses abrogated.
MD	Required	Individual and Group <sup>5</sup>	Assessment against uninsured employers of at least \$150 but not exceeding \$500 and 15% of any award made in the claim not to exceed \$2,500. Non-Insured Employer guilty of misdemeanor and upon conviction subject to fine not to exceed \$5,000 or one year imprisonment or both. Employer also liable to suit and with defenses abrogated. Other insurer assessed to pay unpaid claims of insolvent insurer payable into Uninsured Employers' Fund.

<b>TABLE 2 (continued)</b>			
<b>Jurisdiction</b>	<b>Workers' Compensation Insurance<sup>1</sup></b>	<b>Self-Insurance</b>	<b>Penalties for Failure to Insure</b>
MA	Required	Individual and Group	Fine of not more than \$1,500 or imprisonment for not more than 1 year, or both; employer liable to suit with defenses abrogated. Civil penalties for failure to insure include: stop-work orders, debarred from state and municipal contracts, and a \$100 per day fine for each day employer operates after stop-work order.
MI	Required	Individual and Group	Fine of not more than \$1,000 per day or imprisonment for not more than 6 months, or both; employer liable for damages.
MN	Required	Individual and Group	Penalty of up to \$1,000 per employee per week during which the employer was not in compliance. Employer may be enjoined from further employment. Intentional compliance is a gross misdemeanor. Employer liable to suit with some defenses abrogated. Additional penalty of \$2,000 is assessed if information reported to obtain business license or permit is false.
MS	Required	Individual and Group <sup>6</sup>	Fine of up to \$1,000 or 1 year imprisonment or both, civil penalty up to \$10,000. Employer also liable to suit with defenses abrogated.
MO	Required <sup>7</sup>	Individual and Group	Employer liable to suit with defenses abrogated. Worker may receive medical and/or death benefits out of Second Injury Fund and employer is liable for an amount equal to twice the annual estimated premium of employer or \$25,000, whichever is greater. Failure to insure is a Class A misdemeanor, prosecution by the Attorney General. Policy is required to obtain a business license.
MT	Required	Individual and Group <sup>8</sup>	Employer enjoined from doing business. Double amount of unpaid premiums assessed as penalty (minimum \$200). Employer liable for all benefits paid, or to be paid to injured worker. Employer automatically negligent if no coverage obtained. Penalties payable to Uninsured Employers' Fund.
NE	Required	Permitted <sup>9</sup>	Employer liable to suit with defenses abrogated and may be subject to any one or more of the following: enjoinder from doing business in NE until compliance is secured; imprisonment for not more than 1 year; penalty of not more than \$1,000 for each violation. Each day of continued failure to secure payment of compensation constitutes a separate violation.
NV	Required	Individual and Group	An employer who fails to obtain or maintain coverage is liable to suit by the injured employee or his dependents; if the injured employee elects to be covered by the Uninsured Employers' Claim Fund, the employer is liable for claim costs, administrative fees, interest, attorney's fees and costs, and an 'administrative fine of not more than \$10,000.' The employer's business may be closed; employer is liable for a penalty equal to the premiums that would have been owed for the period of non-insurance but not to exceed 6 years and interest. A first offense is generally a misdemeanor; however, if an employee in the course and scope of employment suffers 'substantial bodily harm' or is killed during the period of non-coverage, it is a category C felony, punishable by imprisonment between 1 and 5 years and a fine between \$1,000 and \$50,000. A second failure to provide or maintain insurance coverage is a category C felony.
NH	Required	Individual and Group	Penalty of \$2,500 plus \$100 per employee per day. Employer may be enjoined from doing business and injured worker may sue for damages. Employer shall be guilty of a misdemeanor.

**TABLE 2 (continued)**

Jurisdiction	Workers' Compensation Insurance <sup>1</sup>	Self-Insurance	Penalties for Failure to Insure
NJ	Required <sup>10</sup>	Permitted	Uninsured employers are subject to a disorderly person's offense, an initial penalty of \$1,000 as well as an assessment of 15% of any award, of which the amount of the assessment is not to exceed \$5,000. Willful failure to provide insurance is a crime of the fourth-degree. An assessment of \$1,000 may be imposed for every 10-day period that insurance is not provided.
NM	Required	Individual, Group and Pools <sup>11</sup>	Employer may be enjoined from doing business and fined up to \$1,000 for each instance of non-compliance.
NY	Required	Individual and Group	Fine of \$500 to \$2,500 or imprisonment for up to 1 year, or both, with fines to \$7,500 for repeated offenses. Employer liable to suit with certain special defenses abrogated. Additional fine of \$250 for each 10-day period of no coverage, or a sum not to exceed 2% of payroll for period of no coverage. <sup>12</sup>
NC	Required	Individual and Group <sup>13</sup>	Misdemeanor punishable by penalty of \$1.00 per day per employee (maximum \$100, minimum \$50 per day), imprisonment, or both. Employer liable to suit with common law defenses abrogated.
ND	Required in State Fund	Not permitted	Class A Misdemeanor. If the difference is more than \$500 it is a class C felony. \$2,000 fine plus 3 times the difference between premium paid & amount that should have been paid. Uninsured employer liable for damages for injuries or death and cannot avail himself/herself of common law defense. Employer may be enjoined from employing uninsured workers.
OH	Required in State Fund	Permitted	Minor misdemeanor – fine up to \$100. If willful, second-degree misdemeanor – fine up to \$750, imprisonment up to 90 days, or both. Employer may be enjoined from doing business. Employer is also liable to suit with defenses abrogated.
OK	Required	Individual and Group	Civil penalties are a fine up to \$250 per employee for first offense, up to \$1,000 per employer for second offense, with the maximum fine for all violations being \$10,000. Criminal penalty is conviction of misdemeanor subject to a fine of not more than \$1,000 or up to 6 months in jail, or both. The Commissioner of Labor can issue a cease-and-desist order against an employer who is cited for 2 offenses of failing to obtain workers' compensation insurance.
OR	Required	Individual and Group	Employer is liable to suit with defenses abrogated. Enjoined from hiring workers. Liable for payment of all claims plus administrative costs. Minimum fine of \$1,000 for first violation or twice the amount of premium evaded, whichever is greater, to \$250 per day for subsequent violations; additional fines to \$5,000 based on extent of injury.
PA	Required	Permitted	It is a third-degree misdemeanor offense for an employer not to carry workers' compensation insurance. Fines of up to \$2,500 and/or one year in prison for each day of non-coverage can be imposed for noncompliance with the law. If the failure to insure is intentional, the offense is considered a third degree felony with fines of up to \$15,000 and 7 years in prison per day of non-coverage. Any party may file a criminal complaint against an uninsured party with the county district attorney's office.
RI	Required	Individual and Group	Misdemeanor. Fine of \$500 to \$1,000 per day of noncompliance and/or imprisonment for one year. Corporate officers liable personally.
SC	Required	Individual and Group	If employer fails to insure, fine of 10 cents a day per employee (maximum \$50, minimum \$1 per day). Employer liable to suit with defenses abrogated. Willful failure to insure is misdemeanor punishable by fine of \$100 to \$1,000, or imprisonment of 30 days to 6 months, or both.

<b>TABLE 2 (continued)</b>			
<b>Jurisdiction</b>	<b>Workers' Compensation Insurance<sup>1</sup></b>	<b>Self-Insurance</b>	<b>Penalties for Failure to Insure</b>
SD	Required	Individual	Employer liable to suit for damages or double compensation and medical care as benefits.
TN	Required	Individual and Group	Administrative fine of \$5,000 for every 30 days of willful refusal and noncompliance. Employers may be penalized 25% of medical costs in cases of bad faith failure or late payments.
TX	Required <sup>14</sup>	Permitted <sup>15</sup>	Employer liable to suit with defenses abrogated.
UT	Required	Permitted	Minimum fine of \$1,000 but not more than 3 times the premium employer would have paid during period of noncompliance. Employer liable to suit with defenses abrogated. Costs and attorney's fees in civil suit. Employers and officers guilty of a misdemeanor. Employer liable for all compensation paid from Uninsured Employers' Fund plus interest, costs, and attorney's fees.
VT	Required	Permitted	Failure to secure compensation – fine up to \$50 per day, up to maximum of \$5,000. Fine increases to \$150 per day 5 days after notice by Commissioner.
VA	Required	Individual and Group	Civil Penalties of \$500 to \$5,000. Employer liable to suit with certain defenses abrogated and may be enjoined from doing business. Intentionally uninsured employer commits Class 2 misdemeanor.
WA	Required in State Fund	Permitted <sup>16</sup>	Claim cost penalty equals 50% to 100% of the cost of the injury; unregistered penalty = \$500 or twice the unpaid premium, whichever is greater.
WV	Required	Permitted Through State Fund Approval	Employer liable to suit with defenses abrogated; all past premium taxes, interest and penalties may be enjoined from doing business in the state; Willing failure or false reporting is a felony with imprisonment up to 10 years and fine of \$2,500 to \$10,000.
WI	Required	Permitted	Fine of twice the amount of premium not paid during an uninsured time period or \$750, whichever is greater. Under certain circumstances, an employer can be subject to a penalty of \$100 for each day that he/she is uninsured up to 7 days. Employer may be restrained from doing business pending compliance. Employer is liable for all benefits awarded on uninsured claims.
WY	Required	Permitted if Work is Determined Not to be Extra-Hazardous <sup>17</sup>	Fine of not more than \$750 for first conviction; fine of not more than \$10,000 for second conviction or subsequent convictions, plus 0.02% interest per month or \$50 per month, whichever is greater, on unpaid balance. Employer may be enjoined from doing business and liable to suit with defenses abrogated.
AS	Required	N/A	
GU	Required	Not Permitted	Uninsured employers may be sued at law or in admiralty. Insured employer liability is exclusive for contribution among joint tortfeasors against the employer.
NN	Required	N/A	
NMI	Required	N/A	
PR <sup>18</sup>	Required in Territorial Fund	Not Permitted	Misdemeanor, fine of \$1,000 maximum, or imprisonment for not more than 6 months, or both. Employer liable to suit with defenses abrogated. Penalty 30% of compensation (minimum \$10.00). Detention of construction work.

**TABLE 2 (continued)**

Jurisdiction	Workers' Compensation Insurance <sup>1</sup>	Self-Insurance	Penalties for Failure to Insure
VI	Required in Territorial Fund	Not Permitted	Employer liable for compensation and expenses plus penalty equal to 30% of compensation and expenses. Employer liable to suit with defenses abrogated. Fine up to \$500 or imprisonment up to 6 months, or both. Interest on premiums in default. Employer may be enjoined from doing business
<p><b>SOURCE:</b> U.S. Chamber of Commerce Statistical Research Center, <i>2002 Analysis of Workers' Compensation Laws</i></p>			
<ol style="list-style-type: none"> <li>1. Requirement for employers considered to be "covered employers" in accordance with the jurisdiction's workers' compensation law.</li> <li>2. Arkansas- Municipalities with populations of more than 7,000 may self-insure on individual or group basis.</li> <li>3. Florida - Application for workers' compensation coverage under a group self-insurance fund must contain the following statement: "This is a fully assessable policy. If the fund is unable to pay its obligations, policyholders must contribute on a pro rata earned premium basis the money necessary to meet any unfilled obligations."</li> <li>4. Indiana - Except as to state and political subdivisions, banks, trust companies, and savings and loan associations. These entities are self-insured by statute.</li> <li>5. Maryland - Eligibility for group self-insurance is limited to countries, municipalities, Board of Education, Community Colleges, and certain private employers.</li> <li>6. Mississippi - All self-insurers must be members of the MS Workers' Compensation Self-Insurer Guaranty Association.</li> <li>7. Missouri - Employers engaged in mining must insure only to the extent of the maximum liability for 10 deaths in one accident.</li> <li>8. Montana - Private employers and public entities, other than state agencies, may establish individual or group self-insurance funds.</li> <li>9. Nebraska - Group self-insurance permitted for any two or more public agencies</li> <li>10. New Jersey - Statutory presumption of compulsory inclusion in every contract of hire since July 4, 1911. Coverage may be terminated by either party upon notice in writing prior to any accident. Permits ten (10) or more employers licensed by the State as hospitals to group self-insure.</li> <li>11. New Mexico - Group means a not-for-profit unincorporated association consisting of two or more public hospital employers or private employers, which are engaged in the same or similar type of business.</li> <li>12. New York - President, secretary and treasurer of a corporation are criminally liable for their failure to obtain coverage and are personally liable for penalties. Corporate officer who failed to obtain insurance is ineligible for benefits out of Uninsured Employers' Fund for self, surviving spouse, or dependents.</li> <li>13. North Carolina - All individual and group self-insurers must be members of North Carolina Self-Insurance Guaranty Association as a condition of authority to self-insure.</li> <li>14. Texas - If the employer accepts.</li> <li>15. Texas - Except for state and political subdivisions. Self-Insurance is permitted upon Commission's approval of each inquiry.</li> <li>16. Washington State - Group self-insurance permitted for school districts and hospitals.</li> <li>17. Wyoming - Coverage is compulsory for 'extra hazardous' industries and occupations only. Private insurers are allowed to write coverage for industries and occupations not considered extra hazardous, however, only the state fund is allowed to provide immunity to lawsuit by injured workers.</li> <li>18. Puerto Rico - Figures for Puerto Rico could not be verified at the time of publication; Information taken from the 2001 Analysis.</li> </ol>			

<b>TABLE 3: Voluntary Workers' Compensation Insurance Market by Jurisdiction</b>					
<b>Jurisdiction</b>	<b>Estimated Number of Private WC Insurance Carriers<sup>1</sup></b>	<b>Level of Access to Voluntary Market for Domestic Service Employers<sup>2</sup></b>	<b>Is an Agent/Producer Required For a Domestic Service Employer to Access Voluntary Market?<sup>3</sup></b>	<b>Competitive Pricing</b>	<b>Administered Pricing</b>
AL	202	Low	Recommended	X	
AK	195	Low	Recommended	X	
AZ	283	Moderate	No	X	X
AR	420	"Nonexistent"	No	X	
CA	300+	Domestic service policies are not written in the voluntary market.	Recommended	X	
CO	758	Low	Recommended	X	
CT	337	Low	Recommended	X	
DC	80+	Low	No	X	
DE	297	Low	Recommended	X	
FL	583	"Nonexistent"	Yes		X
GA	353	Low	No	X	
HA	216	Low	Recommended	X	
ID	270+	Moderate	No		X
IL <sup>3</sup>	385	Low	No	X	X
IN <sup>4</sup>	666	Low	Recommended	X	X
IA	240+	Low	Recommended		X
KS	349	Low	Yes	X	
KY	562	Low	Yes	X	
LA	N/A <sup>5</sup>	Moderate	Recommended	X	
ME	208	Moderate	No	X	
MD	534	Low	No <sup>6</sup>	X	
MA	13	Low	Yes		X
MI	220	Low	Recommended	X	
MN	1,000+	Low	Recommended	X	
MS	278	Low	No	X	
MO	260+	Low	Recommended	X	
MT	247	Not Reported	No	X	
NE	335	Low	Recommended	X	
NV <sup>3</sup>	240+	Low	Recommended	X	X
NH	200+	"Nonexistent"	Recommended	X	
NJ	450 <sup>7</sup>	Low	Recommended		X
NM	220	"Nonexistent"	No	X	
NY	800	Low	Recommended		X
NC	n/a	"Nonexistent"	Recommended	X	
ND	No private market				
OH	No private market				
OK	239	Low	Recommended	X	
OR	423	Low	Requirement varies by private carrier. The SAIF does not require the use of an agent.	X	
PA	368	Low	Recommended	X	
RI	20	Low	Recommended	X	
SC	240	Low	Recommended	X	
SD	567	Low	No	X	
TN	300+	Low	Recommended	X	
TX	350+	"Not Reported"	Yes	X	
UT	150+	Low	Recommended	X	
VT	206	Low	No	X	
VA	523	Low	Recommended	X	
WA	No private market				
WV	No private market				
WI	300	Low	Recommended		X
WY	No private market				
AS	2	Low	No	X	
GU <sup>8</sup>	10	Low	No	X	
NMI <sup>8</sup>	34	Moderate	No	X	

**TABLE 3 (continued)**

Jurisdiction	Estimated Number of Private WC Insurance Carriers <sup>1</sup>	Level of Access to Voluntary Market for Domestic Service Employers <sup>2</sup>	Is an Agent/Producer Required For a Domestic Service Employer to Access Voluntary Market? <sup>3</sup>	Competitive Pricing	Administered Pricing
NN	N/A <sup>9</sup>				
PR	No private market				
VI	No private market				
<ol style="list-style-type: none"> <li>1. Estimated number of insurance companies authorized to write workers' compensation policies as reported by state agency staff or agency web site.</li> <li>2. As reported by state agency staff.</li> <li>3. As reported by state agency staff. The requirement often can vary by insurance carrier within a state's voluntary market.</li> <li>4. NCCI reported that IN, IL and NV use both administered pricing and competitive pricing methods.</li> <li>5. State reported 1,355 insurance companies authorized to write casualty insurance policies but could not break out those that wrote workers compensation.</li> <li>6. MD Injured Workers' Insurance Fund staff reported that agents could act as a barrier to residual market if he/she process a household employer's policy with a voluntary carrier because the fee they receive (e.g., often \$15-20/policy) too low to cover the paperwork burden and related expense.</li> <li>7. Approximately 350 are insurance carriers authorized to write standard workers' compensation insurance policies and approximately 100 are household insurance carriers who write the workers' compensation homeowner's endorsement for domestic service workers.</li> <li>8. State agency staff reported that they did not know of any case where a household employer has purchased a workers' compensation insurance policy.</li> <li>9. Individual household employers can not access workers' compensation insurance through the Nation. They must obtain workers' compensation insurance through the AR voluntary or residual markets.</li> </ol>					

**TABLE 4: Residual Market Minimum Premiums for Domestic Service Classification  
Codes by Jurisdiction**

Jurisdiction	Residual Market Administrator	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
AL	NCCI <sup>1</sup>	Per capita	Per capita	3/01/03	\$492.00	\$469.00	\$750.00	\$750.00	
AK	NCCI	Per capita	Per capita	1/01/03	\$172.0	\$155.00	\$500.00	\$482.00	
AR	NCCI	Per capita	Per capita	7/01/03	\$348.00	\$325.00	\$610.00	\$509.00	
AZ	NCCI	Per capita	Per capita	10/01/02	\$170.00	\$125.00	\$328.00	\$517.00	
CA	California State Compensation Insurance Fund	Per \$100 payroll	0910(A)- Per household policy; 0913(A)- Per capita	7/01/03	Not used	Not used	Not used	Not used	0910(A)-\$200 (Occasional); 0913(A)-\$200 (Full-time)
CO	Pinnacol Insurance Company	Per capita	Per capita	12/01/03	\$419.00	\$466.00	\$710.00	\$514.00	
CT	NCCI	Per capita	Per capita	1/01/03	\$439.00	\$324.00	\$722.00	\$669.00	
DE	Delaware Compensation Rating Bureau	Per capita	Per capita	6/01/03	\$328.00	\$333.00	\$515.00	\$591.00	
DC	NCCI	Per capita	Per capita	11/01/02	\$407.00	\$409.00	\$750.00	\$676.00	
FL	Florida Workers' Compensation Joint Underwriting	Per capita	Per capita	4/01/03	\$664.00	\$584.00	\$1,650.00	\$1,542.00	
GA	NCCI	Per capita	Per capita	4/01/01	\$265.00	\$287.00	\$510.00	\$472.00	
HI	Hawaii Employers Mutual Insurance Company	Per capita	Per capita	7/03/03	\$650.00	\$650.00	\$650.00	\$650.00	
ID	NCCI	Per capita	Per capita	1/01/03	\$206.00	\$150.00	\$300.00	\$227.00	
IL	NCCI	Per capita	Per capita	1/01/03	\$458.00	\$368.00	\$750.00	\$644.00	
IN	NCCI	Per capita	Per capita	1/01/03	\$347.00	\$309.00	\$487.00	\$381.00	
IA	NCCI	Per capita	Per capita	1/01/03	\$352.00	\$324.00	\$550.00	\$550.00	
KS	NCCI	Per capita	Per capita	1/01/03	\$301.00	\$283.00	\$578.00	\$433.00	
KY	Kentucky Employers' Mutual Insurance Company	Per capita	Per capita	1/01/03	\$326.00	\$353.00	\$853.00	\$656.00	
LA	Louisiana Workers' Compensation Corporation	Per capita	Per capita	6/30/03	\$188.45	Not used	Not used	\$770.57	
ME <sup>2</sup>	Maine Employers Mutual Insurance Company	Per capita	Per capita	3/17/03	\$391.00	\$342.00	\$623.00	\$542.00	
MD	Injured Workers' Insurance Fund	Per \$100 of payroll	Per household policy	1/01/03	Not used	Not used	\$175.00	\$175.00	
MA	Workers' Compensation Rating and Inspection Bureau of Massachusetts	Per \$100 of payroll	Per household policy	7/1/01	Not used	Not used	Not used	Not used	0918-\$170
MI	Compensation Advisory Organization of Michigan	Per capita	Per capita	1/01/03	\$418.00	\$430.00	\$734.00	\$735.00	
MN	Minnesota Workers' Compensation Insurance Association	Per capita	Per capita	4/01/03	\$419.00	\$251.00	\$2,480.00	\$745.00	
MS	NCCI	Per capita	Per capita	3/01/03	\$434.00	\$426.00	\$750.00	\$750.00	
MO	Travelers Insurance Company	Per capita	Per capita	7/01/03	\$401.00	\$356.00	\$750.00	\$602.00	



**TABLE 4 (continued)**

Jurisdiction	Residual Market Administrator	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
MT	State Compensation Insurance Fund	Per \$100 of payroll	Per household policy	7/01/03	Not used	Not used	Not used	Not used	9015-\$304.12
NE	Travelers Insurance Company	Per capita	Per capita	2/01/03	\$410.00	\$363.00	\$750.00	\$600.00	
NV	NCCI	Per capita	Per capita	7/01/00	Not used	Not used	Not used	Not used	0001-\$750; 0002-\$432
NH	NCCI	Per capita	Per capita	1/01/03	\$553.00	\$378.00	\$709.00	\$750.00	\$3.00/policy/year - Homeowner's / Tenant's Endorsement for Domestic Service <sup>3</sup>
NJ <sup>4</sup>	New Jersey Compensation Rating & Inspection Bureau	Per household for part-time help (standard WC & homeowner policy); Per capita for full-time help std & homeowner policies	Per household for part-time help (standard WC & homeowner policy); Per capita for full-time help std & homeowner policies	01/01/03			State-specific code: \$76.00-Std WC Policy for 1 <sup>st</sup> worker, \$60 for each additional worker; \$61.00 - Home-Owner's Policy 1 <sup>st</sup> worker, \$60 for additional worker.	State-specific code: \$76.00-Std WC Policy for 1 <sup>st</sup> worker, \$60 for each additional worker; \$61.00 - Home-Owner's Policy 1 <sup>st</sup> worker, \$60 for additional worker.	0910 – (Occasional) State-specific code- \$16.00 for standard WC policy; \$1.00 for homeowner's policy.
NM	NCCI	Per capita	Per capita	7/01/03	\$395.00	\$395.00	\$750.00	\$468.00	
NY <sup>5</sup>	New York State Insurance Fund	Per capita	Per capita	2/24/03	\$130.88	\$160.26	\$700.40	\$494.74	
NC	North Carolina Rating Bureau	Per capita	Per capita	4/01/03	\$368.00	\$350.00	\$850.00	\$600.00	
OK	CompSource Oklahoma	Per capita	Per capita	2/01/02	\$258.00	\$252.00	\$350.00	\$350.00	
OR	NCCI	Per \$100 payroll	Per household policy	1/01/03					8989-\$500.00
PA	State Workmen's Insurance Fund	Per capita	Per capita	4/01/03	\$253.00	\$266.00	\$405.00	\$505.00	
RI	The Beacon Mutual Insurance Company	Per capita	Per capita	11/01/98	\$243.00	\$234.00	\$367.00	\$358.00	
SC	NCCI	Per capita	Per capita	12/01/01	\$301.00	\$292.00	\$495.00	\$432.00	
SD	NCCI	Per capita	Per capita	7/01/03	\$290.00	\$279.00	\$759.00	\$496.00	
TN	Aon Risk Services	Per capita	Per capita	3/01/03	\$328.00	\$321.00	\$610.00	\$733.00	
TX	Texas Workers' Compensation Insurance Fund	Per capita/ Per \$100 Payroll	Per capita/ Per \$100 Payroll	1/01/03	Not used	Not used	Not used	No rate available	0923 – TX specific – per \$100 payroll 0913 – TX specific - per capita
UT <sup>6</sup>	Workers' Compensation Fund of Utah	Per capita	Per capita	12/01/02	\$400.00	\$400.00	\$400.00	\$400.00	
VT	NCCI	Per capita	Per capita	4/01/03	\$349.00	\$363.00	\$750.00	\$644.00	
VA	NCCI	Per capita	Per capita	4/01/03	\$290.00	\$320.00	\$535.00	\$450.00	
WI	Wisconsin Compensation Rating Board	Per capita	Per capita	7/01/02	\$405.00	\$325.00	\$658.00	\$672.00	

**TABLE 4 (continued)**

Jurisdiction	Residual Market Administrator	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
AS <sup>7,8</sup>	National Pacific Insurance Company	No involuntary market							
GU <sup>7,8,9</sup>	Guam Insurance Commission, Division of Tax and Revenue	No involuntary market							
NN	Navajo Nation	No access to WCI for domestic service employers in Nation							
NMI <sup>7,8</sup>	Northern Mariana Islands Retirement Fund, Workers' Compensation Division	No involuntary market							

**SOURCE:** NCCI and State Residual Market Administrative Organizations.

1. NCCI stands for National Council on Compensation Insurance
2. Maine allows tier rating (e.g., deviations from standard rates).
3. State agency and insurers reported that the homeowner's/tenant's endorsement should only apply to occasional (not full-time) domestic service workers. However, the statute is silent on this. Persons with disabilities that hire a personal assistance worker can not consider their worker under the domestic service (Title XXIII, Section 281-A:6) and can not take advantage of the homeowner's/tenant's endorsement for workers' compensation coverage option.
4. Domestic service employers may also access WCI for occasional workers through a mandatory homeowners/renters insurance endorsement. Premium is \$1.00/policy/year. Occasional workers may also be covered through a standard policy under code 9010 for \$16.00/year.
5. The minimum premium includes the terrorism assessment charge.
6. Utah allows tier rating and the State Insurance Fund uses three tiers, Nonstandard, Standard and Preferred. A household employer would fall into the nonstandard tier if he/she was a new employer or had a 100% loss ratio. The only way a household employer can get into the preferred tier is if he/she has a loss ratio of 50% or less.
7. American Samoa, Guam, and the Commonwealth of Northern Mariana Islands all use the per \$100 payroll method to establish rates and the per household method to establish premiums. No rate information was available, however, in American Samoa it was estimated that a premiums in the voluntary market would be approximately ½% of inside workers' and 1% of outside workers' annual wages.
8. American Samoa and the Commonwealth of Northern Mariana Islands do not use classification codes of any kind. They determine employer status for rating purposes on a case-by-case basis.
9. Effective 8/03 Guam has adopted the NCCI codes 0909, 0912 and 0913. Minimum voluntary market premiums are #36.00, \$36.00, and \$28.00, respectively and these minimum are the premiums when the employer has no payroll.

TABLE 5: Administered Pricing Minimum Premiums for Domestic Service Classification Codes by Jurisdictions <sup>1</sup>								
Jurisdiction	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
AZ <sup>1</sup>	Per capita	Per capita	10/1/02	\$131.00	\$96.00	\$252.00	\$398.00	
FL	Per capita	Per capita	4/1/03	\$427.00	\$371.00	\$750.00	\$750.00	
ID	Per capita	Per capita	1/1/03	\$193.00	\$150.00	\$300.00	\$211.00	
IL <sup>2</sup>	Per capita	Per capita	1/1/03	\$421.00	\$343.00	\$750.00	\$555.00	
IN <sup>2</sup>	Per capita	Per capita	1/1/03	\$347.00	\$309.00	\$487.00	\$381.00	
IA	Per capita	Per capita	1/1/03	\$330.00	\$307.00	\$515.00	\$513.00	
MA <sup>3</sup>	Per capita	Per capita	7/1/01	\$134.00	\$141.00	\$233.00	\$668.00	0918 - \$170.00
	Per \$100 payroll	Per household policy						
NJ <sup>4</sup>	Per household policy (Part-time help std and homeowner's policies); Per capita (Full-time help std and homeowner's policies).	Per household policy (Part-time help std and homeowner's policies); Per capita (Full-time help std and homeowner's policies).	1/1/03	Not used	Not used	State-specific code: \$76.00-Std WC Policy for 1 <sup>st</sup> worker, \$60 for each additional worker; \$61.00 - Home-Owner's Policy 1 <sup>st</sup> worker, \$60 for add worker.	State-specific code: \$76.00-Std WC Policy for 1 <sup>st</sup> worker, \$60 for each additional worker; \$61.00 - Home-Owner's Policy 1 <sup>st</sup> worker, \$60 for add worker.	0910 – (Occasional) State-specific code- \$16.00 for standard WC policy; \$1.00 for homeowner's policy.
NY <sup>5</sup>	Per capita	Per capita	2/24/03	\$130.88	\$160.26	\$700.40	\$494.74	
NV <sup>2</sup>	Per capita	Per capita	7/1/00	Not used	Not used	Not used	Not used	0001-(Full-time)\$693.00; 0002(Occasional)-\$340.00
WI	Per capita	Per capita	7/1/02	\$405.00	\$325.00	\$658.00	\$672.00	

**SOURCE:** NCCI and State Insurance/Rating Agencies.

- States that use administered pricing typically have one rate per classification code that all carriers must use.
- NCCI reported that Illinois, Indiana, and Nevada use both competitive and administered pricing mechanism for establishing rates for the voluntary WC markets.
- MA uses the per capita approach to establish rates for classifications 0908, 0909, 0912 and 0913 and uses a per \$100/payroll approach to establish rates for classification 0918.
- NJ does not have minimum premiums, the information reported is actual premiums.
- The minimum premiums include the terrorism assessment charge.

**TABLE 6: State Insurance Fund Minimum Premiums for Domestic Service Classification  
Codes by Jurisdiction**

Jurisdiction	State Insurance Fund	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
AZ <sup>1</sup>	AZ State Compensation Fund	Per capita	Per capita	10/01/02	\$131.00	\$96.00	\$252.00	\$398.00	
CA	CA State Compensation Insurance Fund	Per \$100 payroll	0910(A)- Per household policy; 0913(A)- Per capita	7/01/03	Not used	Not used	Not used	Not used	0910(A) (Occasional) -\$200;  0913(A) (Full-time) - \$200
ID <sup>1</sup>	Idaho State Insurance Fund	Per capita	Per capita	1/01/03	\$193.00	\$150.00	\$300.00	\$211.00	
MD	MD Injured Workers' Insurance Fund	Per \$100 payroll	Per household policy	1/01/03	Not used	Not used	\$175.00	\$175.00	
MT	Montana State Fund	Per \$100 payroll	Per household policy	7/01/03	Not used	Not used	Not used	Not used	9015-\$304.12
NY <sup>2</sup>	NY State Insurance Fund	Per capita	Per capita	2/24/03	\$130.88	\$160.26	\$700.40	\$494.74	
ND	ND Workers' Compensation Bureau	Per \$100 payroll	Per household policy	7/01/03	Not used	Not used	Not used	Not used	9002 - \$327.00
OH	OH Bureau of Workers' Compensation	Per \$100 payroll	Per household policy	7/01/03	Not used	Not used	Not used	Not used	8989-\$10.00 <sup>3</sup>
OK	OK State Insurance Fund	Per capita	Per capita	2/01/02	\$258.00	\$252.00	\$350.00	\$350.00	
PA	PA State Workmen's Insurance Fund	Per capita	Per capita	4/01/03	\$253.00	\$266.00	\$405.00	\$505.00	
UT <sup>4</sup>	Workers' Compensation Fund of Utah	Per capita	Per capita	12/01/02	\$400.00	\$400.00	\$400.00	\$400.00	
WA	WA Industrial Insurance State Fund	Per hour worked	Per household policy	01/01/03	Not used	Not used	Not used	Not used	6510 – no minimum premium, hourly comp rate of \$0.7744/hr
WV	WV Workers' Compensation Fund	Per \$100 payroll	Per household policy	7/01/03	Not used	Not used	Not used	Not used	8828 - \$25.00 <sup>5</sup>
WY	WY Workers' Compensation Fund	N/A <sup>6</sup>							
PR	Puerto Rico State Insurance Fund	Per \$100 of payroll	Per household policy	7/01/02	Not used	Not used	Not used	Not used	0912-011 PR specific - \$65.00 <sup>7</sup>
VI	Virgin Islands Division of Government Insurance	Per \$100 of payroll	Per household policy	1/1/97	Not used	Not used	Not used	Not used	0405 VI-specific - \$25.00 <sup>8</sup>

1. The minimum premiums are the administrative pricing minimum premiums quoted by State.
2. The minimum premiums include the terrorism assessment charge.
3. This is the minimum premium administrative cost in the absence of a premium. No other minimum premium applied. The blended rate for class 8989 is \$4.4457/\$100.
4. Utah allows tier rating and the State Insurance Fund uses three tiers, Nonstandard, Standard and Preferred. A household employer would fall into the nonstandard tier if he/or she was a new employer or if he/she had a 100% loss ratio. The only way a household employer can get into the preferred tier is if he/she has a loss ratio of 50% or less.
5. This represents the minimum premium for an employer who has not payroll.
6. WY does not write workers' compensation policies for domestic service workers.
7. Premium would be the \$65/minimum premium or \$3.75/\$100 of payroll, whichever is greater. The minimum premium reflects an employer with no payroll.
8. VI has a maximum premium that can not exceed \$8,424 per employee per year and the minimum premium is \$25 (for employer with no payroll) for classification 0405, effective 1/1/97.

<b>TABLE 7: Inclusion of Domestic and Personal Assistance Service Workers and the Treatment of Family Members as Covered Workers in Workers' Compensation Laws by Jurisdiction</b>					
<b>Jurisdiction</b>	<b>Is Domestic Service Defined in Law?</b>	<b>Is Domestic Service Defined by Classification Code(s) (List Codes)?</b>	<b>Are Personal Assistance Workers Included in Definition of Domestic Service?</b>	<b>If Not, How are Personal Assistance Workers Classified?</b>	<b>Are Family Members Considered "Covered" Workers?</b>
AL	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported they "appear to." No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes <sup>1</sup>
AK	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes <sup>1</sup>
AZ	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "could not say." No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes <sup>1</sup>
AR	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation staff reported "yes," as long as they are hired by the household employer and perform their work in and around the private home. No specific cite in law or classification codes. Final determination based on result of a workers' compensation claims appeal.	N/A	Yes <sup>1</sup>
CA	No	State-specific codes: 0910(A), 0913(A)	Workers' compensation staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	No. Employers are specifically exempted from covering employees if they are a parent, spouse or child.
CO	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation staff reported they were unsure. No specific cite in law or classification code. Final determination would be based on result of a workers compensation claim appeal decision.	N/A	Yes <sup>1</sup>

**TABLE 7 (continued)**

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
CT	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation staff reported it appears to. No specific cite in law or classification code. Final determination would be based on result of a workers compensation claim appeal decision.	N/A	§31-275(9)(b)(iii) (exempt employees) if, in any contract of insurance, the wages or salary of a member of the employers family dwelling in his house is included in the payroll on which the premium is based, then that person shall, if he sustains an injury arising out of and in the course of his employment, be deemed an employee and compensated in accordance with the provisions of this chapter.
DE	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation staff reported, "yes" as long as the services are being provided for a household employer and not provided by an agency or vendor. No specific cite in law or classification code. Final determination based on result of a workers' compensation appeal decision.	N/A	Yes <sup>1</sup>
DC	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation staff reported "it appears to." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
FL	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes <sup>1</sup>
GA	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes <sup>1</sup>
HI	Yes	NCCI codes: 0908, 0909, 0912, 0913	Yes, Hawaii workers' compensation law §381-6 specifically includes attendant care and day care services under the domestic service definition. <sup>2</sup>	N/A	Exempt from coverage but employers may elect to cover.

**TABLE 7 (continued)**

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
ID	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Exempt from coverage but employer may elect to cover.
IL	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "it appears to." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
IN	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes," No specific cite in law or classification code(s). Final determination would be based on result of a workers claim appeal decision.	N/A	Yes <sup>1</sup>
IA	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "we believe so." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Not when the relative is a member of the household (Code 2003 §85.1. "Member of the household" is defined to be the spouse of the employer or relative of either the employer or spouse residing on the premises of the employer (e.g., parents, brother, sister, child, and stepchild). Staff was not sure if the employer could elect to provide coverage.

**TABLE 7 (continued)**

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
KS	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes, but K.S.A. §44-404(a)(2) states that any employment, other than those employments stated in statute, wherein the employer had a total gross payroll for the preceding calendar year of not more than \$20,000 for all employees and wherein the employer reasonably estimates that such employer will not have a total gross annual payroll for the current calendar year of more than \$20,000 for all employees, except that no wages paid to an employee who is a member of the employer's family by marriage or consanguinity shall be included in total gross annual payroll of such employer for workers' compensation purposes.
KY	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
LA	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification code(s). Final determination would be based on result of a WC claim appeal decision.	N/A	Yes <sup>1</sup>
ME	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes, activities of daily living would be included under the nurse category." <sup>4</sup> No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes, but Title 39-A§102(1)(4) states that the parent, spouse, or child of a sole proprietor, partner, or bona fide owner of 20% of the voting stock may waive in writing all the benefits provided by workers' compensation.



**TABLE 7 (continued)**

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
MD	No	NCCI codes: 0912, 0913	Workers' compensation staff reported "yes, under code 0913. This includes occasional driving but not medication administration." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
MA	No	NCCI codes: 0908, 0909, 0912, 0913 State specific code 0918 <sup>5</sup>	Not defined in law but clearly defined in employment classification code 0918.	N/A	Yes <sup>1</sup>
MI	Yes <sup>6</sup>	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation staff reported "it appears to." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	No <sup>7</sup>
MN	Yes <sup>8</sup> (Household worker)	NCCI codes: 0908, 0909, 0912, 0913	No, MN Statutes 2002 § 176 subd. 9(17) states that a worker who provides in-home attendant care services to a physically disabled person and who is paid by the Department of Human Services for services renders is considered an employees of State and not the person with the disability. <sup>9</sup>	N/A	Yes <sup>1</sup>
MS	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
MO	No	NCCI codes: 0908, 0913	Workers' compensation agency staff reported "yes under nurse category." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Domestic service workers are exempt, including paid family members, but employers may elect coverage <sup>10</sup>
MT	No	State-specific codes: 0915	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>

**TABLE 7 (continued)**

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
NE	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported they believe it does regardless of occasional driving. No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
NV	Yes <sup>11</sup>	State specific codes: 0001, 0002	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
NH	Yes <sup>12</sup>	NCCI codes: 0908, 0909, 0912, 0913 <sup>13</sup>	No <sup>14</sup>	N/A	Yes <sup>1</sup>
NJ	No	NCCI codes: 0912, 0913	Workers' compensation agency staff reported "yes but a worker who does occasional driving should be considered as an "out-servant." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
NM	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "it appears to." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
NY	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
NC	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	Yes	Yes <sup>1</sup>
ND	No	State specific codes: 9002	Yes, personal assistance workers are specifically cited in classification code 9002. <sup>15</sup>	N/A	No. A spouse or child under the age of 22 of an employer are not considered to be an employee. <sup>16</sup>

**TABLE 7 (continued)**

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
OH	No	State specific codes: 8989	Workers' compensation agency staff reported "it appears to." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
OK	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes if working for a household employer in and around a residence." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	An employer with five or less employees, all of whom are related by blood or marriage to the employer, will be exempt from the Workers' Compensation Act. <sup>3</sup>
OR	Yes <sup>17</sup>	State specific codes: 8989	Workers' compensation agency staff reported "it appears to." No specific cite in classification code 8989 to home health workers." Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
PA	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes but not sure how to handle occasional driving." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision. <sup>18</sup>	N/A	Yes <sup>1</sup>
RI	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
SC	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>

**TABLE 7 (continued)**

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
SD	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
TN	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation staff reported "yes, as long as the worker is not professionally trained." No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes <sup>1</sup>
TX	No	State specific codes: 0913, 0923	Workers' compensation agency staff reported "yes as long as working for household employer." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision. <sup>19</sup>	N/A	Yes <sup>1</sup>
UT	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported, "yes," but, when there is driving involved, the worker would have to be classified in the highest rating class.(0909 or 0912). No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
VT	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes," but, if the PCA drives at any time, then the employer is required to provide coverage. No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Members of the employer's family dwelling in his house are not considered to be employees. However, if their wages or salaries are included in the payroll upon which the WC premium is based then such persons are deemed employees and compensated accordingly. <sup>20</sup>
VA	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>

**TABLE 7 (continued)**

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
WA	No	State-specific codes: 6510-00	Workers' compensation agency staff reported "yes," however unclear. There is a classification code 651-00 Chore Services, that includes many of the tasks performed by personal care workers. However, the code states its for "establishments" that provide these services and not household employers hiring their workers directly. Final determination would be based on result of a WC claim appeal decision.	6511-00 (Chore Services – the definition reflects many of the tasks performed by a personal care worker, however, the employer is an establishment rather than a household employer.	Yes <sup>1</sup>
WV	No	State specific codes: 8828	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
WI	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' Compensation Division has developed a policy that separates personal assistance workers from general "domestics" called "home care provider." Household employers hiring their own home care providers would fall into the domestic service code for rating purposes. They have not created a separate rating code because they don't believe the group is large enough to generate reliable loss information. <sup>21</sup> Home care providers hired by household employers are exempt from the State's WC law because the worker's employment is not in a trade, business, profession or occupation of the employer.	See footnote 18	Yes <sup>1</sup>
WY	State has mandatory exemption for domestic service.	N/A	N/A	N/A	N/A

**TABLE 7 (continued)**

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
AS	No	Do not use classification codes per se; develop classification per employer group based on employer-specific information.	No	Determined on an employer-specific basis.	Yes <sup>1</sup>
GU	No	NCCI codes: 0909, 0912, 0913	Workers' compensation agency staff reported "it appears to." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>22</sup>
NMI	No	NMI does not use codes. Determine on case by case basis.	Workers' compensation staff reported they would compute a premium for a personal assistance worker on a case-by-case basis.		Yes <sup>1</sup>
NN	N/A	N/A	N/A	N/A	N/A
PR	No	PR specific code: 0912-011	Yes <sup>23</sup>	N/A	Yes <sup>1</sup>
VI	No	VI specific code: 0405	Workers' compensation agency staff reported "possibly under nurse category." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes <sup>1</sup>
<ol style="list-style-type: none"> <li>1. The WC law is silent regarding the status of family members as covered employees. For the purpose of this report, they may be covered at the discretion of the employer.</li> <li>2. Hawaii Workers Compensation Law §381-1 (6) Domestic, which includes attendant care, and day care services authorized by the department of human services under the Social Security Act, as amended, performed by an individual in the employ of a recipient of social service payments.</li> <li>3. Both OWCA and LA WC Corp staff though that they might represent more risk than what is traditionally considered under 0908-0913</li> <li>4. Staff reported that occasional driving would require a driver standard exception code added to policy. If worker administers medications, he/she is not a domestic servant.</li> <li>5. MA implemented a new domestic service classification code for personal assistance workers - 0918 (See Appendix A).</li> <li>6. Michigan Workers Compensation Act §418.118 (3) A household servant or domestic as used in this act means a person who engages in work or activity relating to the operation of a household and its surroundings whether or not he resides therein.</li> <li>7. Michigan WC Act §118 (1) No household domestic servant shall be considered an employee if the person is a wife, child, or other member of the employer's family residing in the home, and no household employer shall be deemed a statutory principal within the meaning of section 171 for the purposes of this section.</li> <li>8. Minnesota Statutes 2002 §176 subd. 21 "Household worker" means one who is a domestic, repairer, groundskeeper, or maintenance in, for, or about a private home for, or about a private home or household, but the term shall not include independent contractors nor shall it include persons performing labor for which they may elect workers' compensation under §176.041, subdivision 1a.</li> </ol>					

**TABLE 7 (continued)**

9. Minnesota Statutes 2002 §176 subd. 9 (17) a worker who renders in-home attendant care services to a physically handicapped person, and who is paid directly by the commissioner of human services for these services, shall be an employee of the state within the meaning of this subdivision, but for no other purpose. The workers' compensation language is reflective of the MN Unemployment Insurance Law Section 268.035 Definitions subd. 14(5) that states: "Employer means any of the following.....any nonprofit organization or government agency providing or authorizing the hiring of home workers, personal care attendants, or similar worker whether the organization or agency pays the employee directly or provides funds to the recipient of the service to pay for the services."
10. Missouri Revised Statutes §287.030 Employer Defined: (3) Any of the above-defined employers must have five or more employees to be deemed an employer for the purposes of this chapter unless election is made to become subject to the provisions of this chapter as provided in subsection 2 of section 287.090...An employee who is a member of the employer's family within the third degree of affinity or co-sanguinity shall be counted in determining the total number of employees of such employer. Domestic service workers, including paid family members, are exempt. But household employers may elect workers' compensation insurance coverage for these workers.
11. NRS §616B.032 For purposes of determining a homeowner's insurance policy, "Domestic worker" is a person who is engaged exclusively in household or domestic service performed inside or outside of a person's residence. The term includes, without limitation, a cook, housekeeper, maid, companion, babysitter, chauffeur or gardener.
12. RSA §281-A:2 Definitions, V-a "Domestic", "Domestic employee", or "domestic worker" means a person performing domestic services in a private residence of the employer, where the employer is an individual, family, local college club, or local chapter of a college fraternity or sorority and not an agency or other entity engaged in the business of providing domestic workers to the public and the person is not defined as an independent contractor under RSA 281-A:2, V-b (a) "Domestic labor" or "domestic services" means the performances of such duties as housekeeping, childcare, gardening, handy person work, and serving as a companion or caregiver for children or others who are not physically or mentally infirm. (b) "Domestic labor" or "domestic services" shall also include the services rendered by paid roommates or live-in companions who provide fellowship, care, and protection for persons who because of advanced age, or physical or mental infirmity cannot care for their own needs, regardless of whether the paid roommate or companion is employed by an agency or entity other than the person using such services
13. The state uses NCCI classification codes for domestic service but they do not match the statutory definition of domestic service.
14. A person with a disability can not classify their personal assistance worker under domestic service but state insurance department staff could not say what classification the personal assistance worker would fall under.
15. Domestic service classification includes "those individuals performing home help services or providing personal assistance or home care for persons who are convalescent, aged, or acutely or chronically ill or disabled.
16. North Dakota Century Code 65-01-02. Definitions (17)(b)(3) For purposes of this paragraph and section 65-07-01, "child" means any legitimate child, stepchild, adopted child, foster child, or acknowledged illegitimate child. But employers may elect coverage by obtaining an optional policy, standard policy not available. Premium for optional policy is the maximum rate for the rate class.
17. ORS 656.026(1) A worker employed in or about a private home. For the purposes of this subsection, "domestic servant means any worker engaged in household domestic service by private employment contract, including, but not limited to, home health workers."
18. Pennsylvania State Workers' Insurance Fund reported that domestic service is not just "maids." It also includes "a person hired by another person to work inside the home." Representative from SWIF stated that this includes working for a disabled person in their home, doing their laundry, helping them with personal needs, making them meals, etc." In *Viola v. Workmen's Compensation Appeals Board*, 549A. 2d 1367, 121 Pa. Commw. 47 (1988) the court found that the worker's duties were related solely to the unique needs of the disabled individual rather than the needs of the household and the duties were similar to a nurse aide and did not include household duties and held that the worker was not an exempt domestic servant.
19. Department of Insurance staff reported that as long as they were working for a household employer, personal care workers would fall under the domestic service classification.
20. Vermont Statutes §601(4)(D).
21. Home care provider tasks include providing primary-care to an individual such as helping walking, bathing, preparing meals and special diets, supervising use of medications and exercise therapy, and other duties commonly associated with the meaning of primary-care gives. Housekeeping duties should be incidental to primary-care duties.
22. Family members are "covered" if they are hired as a domestic service workers to work in the house of the employer and the worker does not reside in the same household as the employer.
23. Definition includes "attendants."

**TABLE 8: Workers' Compensation Administrative, Rating and Claims Appeal Agencies by Jurisdiction**

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
AL	Workers' Compensation Division AL Department of Industrial Relations Industrial Relations Building 649 Monroe Street Montgomery, AL 36131 (334) 242-2868 Fax: (334) 261-3143 <a href="http://www.dir.state.al.us/wc.htm">http://www.dir.state.al.us/wc.htm</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  AL Department of Insurance 201 Monroe Street Suite 1700 Montgomery, AL 36130 <a href="http://www.aldoi.org">http://www.aldoi.org</a>	Courts <sup>1</sup>
AK	Division of Workers' Compensation AK Department of Labor & Workforce Development P.O. Box 25512 Juneau, AK 99802-5512 (907) 465-2790 Fax: (907) 465-2797 <a href="http://www.labor.state.ak.us">http://www.labor.state.ak.us</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  Workers' Compensation Board AK Department of Labor P.O.Box 25512 M/S 0700 Juneau, Alaska 99802-5512 (907) 465-2790 Fax: (907) 465-2797 <a href="http://www.gov.state.ak.us/boards">http://www.gov.state.ak.us/boards</a>	Workers' Compensation Board AK Department of Labor & Workforce Development P.O. Box 25512 Juneau, AK 99802-5512 (907) 465-2790 Fax: (907) 465-2797 <a href="http://www.labor.state.ak.us/boards">http://www.labor.state.ak.us/boards</a>
AZ	Industrial Commission of Arizona 90 West Washington P.O. Box 19070 Phoenix, AZ 85005-9070 (602) 542-4411 <a href="http://www.ica.state.az.us">http://www.ica.state.az.us</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  AZ Department of Insurance 2910 North 44 <sup>th</sup> Street Suite 210 Phoenix, AZ 85018 (602) 912-8444 <a href="http://www.id.state.az.us">http://www.id.state.az.us</a>	Industrial Commission of Arizona 90 West Washington P.O. Box 19070 Phoenix, AZ 85005-9070 (602) 542-4411
AR	AR Workers' Compensation Commission 324 Spring Street P.O. Box 950 Little Rock, AR 72203-0950 (800) 622-4472, (501) 682-3930 Fax: (501) 682-2777 <a href="http://www.awcc.state.ar.us">http://www.awcc.state.ar.us</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  AR Insurance Department 1200 W. Third Street Little Rock, AR 77201 (501) 371-2600 (800) 282-9134 <a href="http://www.state.ar.us/insurance">http://www.state.ar.us/insurance</a>	AR Workers' Compensation Commission 324 Spring Street P.O. Box 950 Little Rock, AR 72203-0950 (800) 622-4472, (501) 682-3930
CA	State of California Division of Workers' Compensation 455 Golden Gate Ave., 9 <sup>th</sup> Floor San Francisco, CA 94102-3660 (415) 703-4600 <a href="http://www.dir.ca.gov/dwc">http://www.dir.ca.gov/dwc</a>  Department of Industrial Relations, Commission on Health and Safety and Workers' Compensation 455 Golden Gate Ave., 10 <sup>th</sup> Floor San Francisco, CA 94102 (415) 703-4220	Workers' Compensation Insurance Rating Board 525 Market Street, Suite 800 San Francisco, CA 94105	Workers' Compensation Appeals Board 455 Golden Gate Ave., Suite 9328 San Francisco, CA 94102-3660 (415) 703-4600 <a href="http://www.dirca.gov/WCAB/wcab.htm">http://www.dirca.gov/WCAB/wcab.htm</a>



**TABLE 8 (continued)**

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
CO	Division of Workers' Compensation 1515 Arapahoe Street Tower 2, Suite 500 Denver, CO 80202-2117 (800) 390-7936, (303) 318-8700 <a href="http://www.coworkforce.com/dwc">http://www.coworkforce.com/dwc</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  Department of Regulatory Agencies, Colorado Division of Insurance 1560 Broadway, Suite 850 Denver, CO 80202 (800) 930-3745, (303) 894-7499 <a href="http://www.dora.state.co.us/insurance">http://www.dora.state.co.us/insurance</a>	Industrial Claims Appeals Office Workers' Compensation 1515 Arapahoe Street Tower 2, Suite 350 Denver, CO 80202 (303) 894-2378
CT	CT Workers' Compensation Commission 21 Oak Street Hartford, CT 06106 (860) 493-1500 Fax: (860) 247-1361 <a href="http://www.wcc.state.ct.us">http://www.wcc.state.ct.us</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  CT Department of Insurance Property and Casualty Division P.O. Box 816 Hartford, CT 06142-0816 (860) 297-3800 Fax: (860) 566-7410 <a href="http://www.ct.gov/cid">http://www.ct.gov/cid</a>	CT Workers' Compensation Commission Compensation Review Board 21 Oak Street Hartford, CT 06106 (860) 493-1500
DE	DE Department of Labor Division of Industrial Affairs Office of Workers' Compensation 4425 North Market Street Wilmington, DE 19802 (302) 761-8200 <a href="http://www.delawareworks.com/division/industaffairs">http://www.delawareworks.com/division/industaffairs</a>	DE Compensation Rating Board One South Penn Square Widener Building; 6 <sup>th</sup> Floor Philadelphia, PA 19107 (302) 654-1435 Fax: (215) 564-4328 <a href="http://www.dcrb.com">http://www.dcrb.com</a>	DE Department of Labor Division of Industrial Affairs Industrial Accident Board 4425 North Market Street Wilmington, DE 19802 Accident Board
DC	DC Department of Employment Services Office of Workers' Compensation 77 P Street, NE, 2 <sup>nd</sup> Floor Washington, DC 20002 (202) 671-1000 <a href="http://www.does.ci.washington">http://www.does.ci.washington</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  DC Department of Insurance and Securities Regulation 810 First Street, NE, Suite 701 Washington, DC 20002 (202) 727-8000 <a href="http://www.dsr.dc.gov">http://www.dsr.dc.gov</a>	DC Department of Employment Services Office of Workers' Compensation 77 P Street, NE, 2 <sup>nd</sup> Floor Washington, DC 20002 (202) 671-1000
FL	FL Department of Financial Services Division of Workers' Compensation 301 Forrest Building 2728 Centerview Drive Tallahassee, FL 32399-0680 (850) 488-2514 Fax: (850) 922-6779 <a href="http://www.fdfs.com/wc">http://www.fdfs.com/wc</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  FL Financial Services Commission Office of Insurance Regulation 2000 East Gaines Street Tallahassee, FL 32399-0326 (850) 413-3140 <a href="http://www.fdfs.com">http://www.fdfs.com</a>	FL Department of Financial Services Division of Administrative Hearings Office of Judges of Compensation Claims P.O. Box 8000 Tallahassee, FL 32314-8000 (850) 487-1911 <a href="http://www.doah.state.fl.us/internet/">http://www.doah.state.fl.us/internet/</a> <a href="http://www.jcc.state.fl.us/jcc/default.cfm">http://www.jcc.state.fl.us/jcc/default.cfm</a>

**TABLE 8 (continued)**

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
GA	GA State Board of Workers' Compensation 270 Peachtree St, NW Atlanta, GA 30303-1299 (800) 533-0682, (404) 656-3875 Fax: (404) 656-7768 <a href="http://www.ganet.org/sbwc">http://www.ganet.org/sbwc</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  Office of the Commissioner of Insurance GA Rating Bureau Property and Casualty Unit 904 West Tower; Floyd Building Two Martin Luther King, Jr. Drive Atlanta, GA 30334 (404) 656-4449 <a href="http://www.gainsurance.org">http://www.gainsurance.org</a>	GA State Board of Workers' Compensation Appellate Division 270 Peachtree St, NW Atlanta, GA 30303-1299 (800) 533-0682, (404) 656-3875 Fax: (404) 656-7768
HI	HI Disability Compensation Division 830 Punchbowl Street, Room 209 Honolulu, HI 96813 (808) 586-9174 Fax: (808) 586-9219 <a href="http://dliir.state.hi.us">http://dliir.state.hi.us</a>	HI Insurance Bureau <sup>2</sup> 715 So King Street Suite 320 Honolulu, HI (808) 531-2771 (F) (808) 536-3516  HI Office of Commerce and Community Affairs Division of Insurance P.O. Box 3614 Honolulu, HI 96811 <a href="http://www.state.hi.us/dcca/ins">http://www.state.hi.us/dcca/ins</a>	HI Labor & Industrial Relations Appeals Board 888 Mililani Street, Room 400 Honolulu, HI 96813 (808) 586-8600 Fax: (808) 586-8613
ID	ID Industrial Commission P.O. Box 83720 Boise, ID 83720-0041 (208) 334-6000 <a href="http://www.state.id.us/iic">http://www.state.id.us/iic</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  ID Department of Insurance 700 West State Street P.O. Box 83720 Boise, ID 83720-0043 (208) 334-4250 <a href="http://www.doi.state.id.us">http://www.doi.state.id.us</a>	ID Industrial Commission P.O. Box 83720 Boise, ID 83720-0041 (208) 334-6000
IL	IL Industrial Commission 100 W. Randolph, Suite 8-200 Chicago, IL 60601 (312) 814-6500 <a href="http://www.state.il.us/agency/iic">http://www.state.il.us/agency/iic</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  IL Department of Insurance 320 W. Washington Street James R. Thompson Center Springfield, IL 62767-0001 (217) 782-4515 <a href="http://www.ins.state.il.us">http://www.ins.state.il.us</a>	IL Industrial Commission 100 W. Randolph, Suite 8-200 Chicago, IL 60601 (312) 814-6500
IN	Workers' Compensation Board of Indiana Government Center South 402 W Washington Street, W-196 Indianapolis, IN 46204 (317) 232-3808 <a href="http://www.state.in.us/workcomp">http://www.state.in.us/workcomp</a>	ID Compensation Rating Bureau (ICRB) <sup>3</sup> 5920 Castleway West Drive Indianapolis, IN 50400 (800) 622-4208 (317) 842-2800 (F) (317) 842-3717  IN Department of Insurance 311 W. Washington Street, Suite 300 Indianapolis, IN 46204-2787 (317) 232-2385	Workers' Compensation Board of Indiana Government Center South 402 W Washington Street, W-196 Indianapolis, IN 46204 (317) 232-3808

**TABLE 8 (continued)**

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
IA	Iowa Workforce Development Division of Workers' Compensation 1000 East Grand Avenue Des Moines, IA 50319-0209 (515) 281-5387 <a href="http://www.iowaworkforce.org/wc">http://www.iowaworkforce.org/wc</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  Iowa Insurance Division 330 Maple Street Des Moines, IA 50319-0065 (877) 955-1212	Iowa Workforce Development Division of Workers' Compensation 1000 East Grand Avenue Des Moines, IA 50319-0209 (515) 281-5387
KS	KS Department of Human Resources Division of Workers Compensation 800 SW Jackson St., Suite 600 Topeka, KS 66612-1227 (785) 206-1227 <a href="http://www.hr.state.ks.us/wc">http://www.hr.state.ks.us/wc</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  The KS Department of Insurance 420 SW 9 <sup>th</sup> Street Topeka, KS 66612-1678 (785) 296-3071	KS Workers' Compensation Appeals Board 800 SW Jackson; 14 <sup>th</sup> Floor Topeka, KS 66612-1227 (785) 296-8484
KY	Commonwealth of Kentucky Department of Workers' Claims 657 To Be Announced Avenue Frankfort, KY 40601 (800) 554-8601, (502) 564-5550 <a href="http://www.labor.ky.gov/dwc">http://www.labor.ky.gov/dwc</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  Commonwealth of Kentucky Department of Insurance 420 SW 9 <sup>th</sup> Street Topeka, KS 66612-1678 (785) 296-3071 <a href="http://www.doi.state.ky.us">http://www.doi.state.ky.us</a>	Commonwealth of Kentucky Department of Workers' Claims Workers' Compensation Board 1047 U.S. 127 South, Suite 4 Frankfurt, KY 40601 (502) 564-3070 ex 391
LA	LA Office of Workers Compensation Administration (OWCA) P.O. Box 94040 Baton Rouge, LA 70804-9040 (225) 342-7555 <a href="http://www.laworks.net">http://www.laworks.net</a>	LA Bureau of Insurance 1702 N 3 <sup>rd</sup> Street Baton Rouge, LA 70802 (225) 342-5203	LA Office of Workers Compensation Administration (OWCA) P.O. Box 94040 Baton Rouge, LA 70804-9040 (225) 342-7555
ME	ME Workers' Compensation Board 27 State House Station Augusta, ME 04333-0027 (207) 287-3751 <a href="http://www.state.me.us/wcb">http://www.state.me.us/wcb</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  ME Department of Professional and Financial Regulation Bureau of Insurance #34 State House Station Augusta, ME 04333-0034 (800) 300-5000, (207) 624-8475 <a href="http://www.state.me.us/pfr/ins">http://www.state.me.us/pfr/ins</a>	ME Workers' Compensation Board 27 State House Station Augusta, ME 04333-0027 (207) 287-3751 <a href="http://www.state.me.us/wcb">http://www.state.me.us/wcb</a>
MD	MD Workers' Compensation Commission 10 East Baltimore Street Baltimore, MD 21202-1641 (410) 864-5100 <a href="http://www.wcc.state.md.us">http://www.wcc.state.md.us</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  MD Insurance Administration 525 St. Paul Place Baltimore, MD 21202 (410) 468-2000 <a href="http://www.mdinsurance.state.md.us">http://www.mdinsurance.state.md.us</a>	MD Workers' Compensation Commission 10 East Baltimore Street Baltimore, MD 21202-1641 (410) 864-5100

**TABLE 8 (continued)**

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
MA	Commonwealth of Massachusetts Department of Industrial Accidents 600 Washington Street, 7 <sup>th</sup> Floor Boston, MA 02111 <a href="http://www.mass.gov/dia">http://www.mass.gov/dia</a>	The Workers' Compensation Rating and Inspection Bureau (WCRIB) of MA 101 Arch Street Boston, MA 02110 (617) 439-9030 Fax: (617) 439-6055 <a href="http://www.wcribma.org">http://www.wcribma.org</a>	Commonwealth of Massachusetts Department of Industrial Accidents 600 Washington Street, 7 <sup>th</sup> Floor Boston, MA 02111 <a href="http://www.mass.gov/dia">http://www.mass.gov/dia</a>
MI	Bureau of Workers' & Unemployment Compensation 7150 Harris Drive P.O. Box 30016 Lansing, MI 48909 (888) 396-5041 <a href="http://www.michigan.gov/bwuc">http://www.michigan.gov/bwuc</a>	Compensation Advisory Organization of Michigan P.O. Box 3337 Livonia, MI 48151-3337 (734) 462-9600 <a href="http://www.caom.com">http://www.caom.com</a>	MI Department of Consumer & Industry Services Workers' Compensation Appellate Commission 201 No. Washington Square P.O. Box 30468 Lansing, MI 48909-7968 (517) 334-9719 <a href="http://www.cis.state.mi.us/wkrcomp/wcac">http://www.cis.state.mi.us/wkrcomp/wcac</a>
MN	MN Department of Labor and Industry Workers' Compensation Division 443 Lafayette Road St. Paul, MN 55155 (651) 284-5018 or (800) 342-5354 <a href="http://www.doli.state.mn.us">http://www.doli.state.mn.us</a>	MN Workers' Compensation Insurers Association, Inc. (MWCIA) 7701 France Ave South; Suite 450 Minneapolis, MN 55435-3200 (952) 897-1737 (F) 952-987-6495 <a href="http://www.mwcia.org">http://www.mwcia.org</a>  MN Department of Commerce Insurance 85 7 <sup>th</sup> Place East, Suite 500 St. Paul, MN 55101 (651) 297-7161	MN Workers' Compensation Court of Appeals 405 Minnesota Judicial Center 25 Constitution Avenue St. Paul, MN 55155 (651) 296-6526 <a href="http://www.workerscomp.state.mn.us">http://www.workerscomp.state.mn.us</a>
MS	MS Workers' Compensation Commission 1428 Lakeland Drive Jackson, MS 39216 (601) 987-4200 <a href="http://www.mwcc.state.ms.us">http://www.mwcc.state.ms.us</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  MS Insurance Department 1001 Woolfolk State Office Bldg Jackson, MS 39201 (601) 359-3569 <a href="http://www.doi.state.ms.us">http://www.doi.state.ms.us</a>	MS Workers' Compensation Commission 1428 Lakeland Drive Jackson, MS 39216 (601) 987-4200
MO	MO Department of Labor and Industrial Relations Division of Workers' Compensation 3315 West Truman Blvd P.O. Box 58 Jefferson City, MO 65102-0058 (573) 751-4231, (888) 837-6069 <a href="http://www.dolir.state.mo.us/wc">http://www.dolir.state.mo.us/wc</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  MO Department of Insurance 301 West High Street P.O. Box 690 Jefferson City, MO 65102 (573) 751-4126 <a href="http://insurance.mo.gov">http://insurance.mo.gov</a>	MO Workers' Compensation Determinations Review Board P.O. Box 690 Jefferson City, MO 65102-0690 (573) 751-3365 (F) (573) 526-4839
MT	MT Department of Labor and Industry Workers' Compensation Regulation Bureau 1805 Prospect Avenue P.O. Box 8011 Helena, MT 59624-8011 (406) 444-2840 <a href="http://erd.dli.state.mt.us/workcompregs">http://erd.dli.state.mt.us/workcompregs</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  MT Insurance Department 8400 Helena Ave. Helena, MT 59601 (800) 332-6148	MT Workers' Compensation Court 1625 11 <sup>th</sup> Avenue Helena, MT 59624-0537 (406) 444-7794 <a href="http://wcc.dli.state.mt.us">http://wcc.dli.state.mt.us</a>

**TABLE 8 (continued)**

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
NE	NE Workers' Compensation Court P.O. Box 98908 Lincoln, NE 68509-8908 (402) 471-6468, (800) 599-5155 <a href="http://www.nol.org/home/wc">http://www.nol.org/home/wc</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  NE Department of Insurance Terminal Building 941 "O" Street, Suite 400 Lincoln, NE 68508-3639 (402) 471-2201 <a href="http://www.state.ne.us/home/ndoi">http://www.state.ne.us/home/ndoi</a>	NE Workers' Compensation Court P.O. Box 98908 Lincoln, NE 68509-8908 (402) 471-6468, (800) 599-5155 <a href="http://www.nol.org/home/wc">http://www.nol.org/home/wc</a>
NV	NV Division of Industrial Relations 400 West King Street, Suite 400 Carson City, NV 89703 (775) 684-7260 <a href="http://www.state.nv.us/b&amp;i/aiv">http://www.state.nv.us/b&amp;i/aiv</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  NV Division of Insurance 788 Fairview Drive, Suite 300 Carson City, NV 89701 (775) 687-4270	NV Division of Industrial Relations Department of Administrative Appeals Officer 400 West King Street, Suite 400 Carson City, NV 89703 (775) 684-7260 <a href="http://www.state.nv.us/b&amp;i/aiv">http://www.state.nv.us/b&amp;i/aiv</a>
NH	NH Department of Labor Workers' Compensation Division 95 Pleasant Street Concord, NH 03301 (603) 271-3176 <a href="http://www.state.nh.us/dol/wc">http://www.state.nh.us/dol/wc</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  NH Department of Insurance 56 Old Suncock Road Concord, NH 03301 (603) 271-7973 <a href="http://www.state.nh.us/insurance">http://www.state.nh.us/insurance</a>	NH Department of Labor Workers' Compensation Division Claims Division 95 Pleasant Street Concord, NH 03301 (603) 271-8318 <a href="http://www.state.nh.us/dol/wc">http://www.state.nh.us/dol/wc</a>
NJ	NJ Department of Labor Division of Workers' Compensation P.O. Box 381 Trenton, NJ 08625-0381 (609) 292-2414 Fax: (609) 984-2515 <a href="http://www.nj.us/labor/wc">http://www.nj.us/labor/wc</a>	NJ Compensation Rating and Inspection Bureau 60 Park Place Newark, NJ 07102 (973) 622-6014 Fax: (973) 622-6110 <a href="http://www.njcrib.com">http://www.njcrib.com</a>	NJ Department of Labor Division of Workers' Compensation P.O. Box 381 Trenton, NJ 08625-0381 (609) 292-2414 Fax: (609) 984-2515
NM	NM Workers' Compensation Administration P.O. Box 27198 Albuquerque, NM 87125-7198 (505) 841-6000 Fax: (505) 841-6009 <a href="http://www.state.nm.us/wca">http://www.state.nm.us/wca</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  NM Public Regulation Commission Insurance Division Workers' Compensation Bureau 1120 Paseo De Peralta P.O. Drawer 1269 Santa Fe, NM 87501 (505) 827-3978 <a href="http://www.nmprc.state.nm.us">http://www.nmprc.state.nm.us</a>	NM Workers' Compensation Administration Dispute Resolution Bureau P.O. Box 27198 Albuquerque, NM 87125-7198 (505) 841-6000 Fax: (505) 841-6009  NM Court of Appeals
NY	NYS Workers' Compensation Board 100 Broadway-Menands Albany, NY 12241 (518) 474-6670 Fax: (518) 473-1415 <a href="http://www.wcb.state.ny.us">http://www.wcb.state.ny.us</a>	NYS Compensation Insurance Rating Board (NCIRB) 200 E. 42 St. New York, NY 10017 (212) 697-3535 Fax: (212) 972-1393 <a href="http://www.nycirb.org">http://www.nycirb.org</a>	NYS Workers' Compensation Board, 100 Broadway-Menands Albany, NY 12241 (518) 474-6670 Fax: (518) 473-1415

**TABLE 8 (continued)**

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
NC	NC Industrial Commission 4319 Mail Service Center Raleigh, NC 27699-4319 (919) 807-2500 <a href="http://www.comp.state.nc.us/ncic">http://www.comp.state.nc.us/ncic</a>	NC Rating Bureau 5401 Six Forks Road Raleigh, NC 27609-4435 (919) 783-9790 Fax: (919) 783-7467 <a href="http://www.ncrb.org">http://www.ncrb.org</a>	NC Industrial Commission 4319 Mail Service Center Raleigh, NC 27699-4319 (919) 807-2500
ND	ND Workers' Compensation 500 Front Avenue Bismark, ND 58504-5685 (800) 777-5033 (701) 328-3800 (Fax) (701) 328-3820 <a href="http://www.ndworkerscomp.com">http://www.ndworkerscomp.com</a>	ND Workers' Compensation 500 Front Avenue Bismark, ND 58504-5685 (800) 777-5033 (701) 328-3800 (Fax) (701) 328-3820 <a href="http://www.ndworkerscomp.com">http://www.ndworkerscomp.com</a>	ND Workers' Compensation 500 Front Avenue Bismark, ND 58504-5685 (800) 777-5033 (701) 328-3800 (Fax) (701) 328-3820 <a href="http://www.ndworkerscomp.com">http://www.ndworkerscomp.com</a>
OH	OH Bureau of Workers' Compensation 30 West Spring Street Columbus, OH 43125-2256 (614) 644-6292, (800) 644-6292 <a href="http://www.ohiobwc.com">http://www.ohiobwc.com</a>	OH Bureau of Workers' Compensation 30 West Spring Street Columbus, OH 43125-2256 (614) 644-6292, (800) 644-6292 <a href="http://www.ohiobwc.com">http://www.ohiobwc.com</a>	Industrial Commission of Ohio 30 West Spring Street Columbus, OH 43215-2256 (614) 466-6136, (800) 521-2691 <a href="http://www.ohioic.com">http://www.ohioic.com</a>
OK	OK Department of Labor Workers' Compensation Enforcement Division 4001 N Lincoln Blvd Oklahoma City, OK 73105 (405) 528-1500 <a href="http://www.okdol.state.ok.us/workcomp">http://www.okdol.state.ok.us/workcomp</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  OK Insurance Department Property & Casualty Rates Division 2401 NW 23 <sup>rd</sup> , Suite 28 Oklahoma City, OK 73107 (405) 521-3681 <a href="http://www.oid.state.ok.us">http://www.oid.state.ok.us</a>	OK Workers' Compensation Court 1915 North Stiles Ave Oklahoma City, OK 73105 (405) 522-8600 <a href="http://www.owcc.state.ok.us">http://www.owcc.state.ok.us</a>
OR	OR Department of Consumer & Business Services Workers' Compensation Division 250 Winter Street, NE, Room 27 Salem, OR 97391-3879 (503) 947-7810, (800) 452-0288 Fax: (503) 947-7514 <a href="http://www.cbs.state.or.us">http://www.cbs.state.or.us</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  OR Insurance Division 30 Winter Street, NE Salem, OR 97301 (503) 378-4100 <a href="http://www.cs.state.or.us/external/ins">http://www.cs.state.or.us/external/ins</a>	OR Workers' Compensation Board 2601 25 <sup>th</sup> Street, SE Salem, OR 97302-1282 (503) 378-3308 <a href="http://www.cbs.state.or.us/wcb">http://www.cbs.state.or.us/wcb</a>
PA	PA Department of Labor and Industry Bureau of Workers' Compensation 1171 South Cameron Street, Room 324 Harrisburg, PA 17104-4447 (717) 772-4447	PA Compensation Rating Bureau Widener Building, 6 <sup>th</sup> Floor One So Penn Square Philadelphia, PA 19107-3577 (215) 568-2371 <a href="http://www.pcrb.com">http://www.pcrb.com</a>	PA Workmen's Compensation Appeals Board 1171 South Cameron Street Room 305 Harrisburg, PA 17104-2511 (717) 783-7878
RI	RI Department of Labor and Training Division of Workers' Compensation 1511 Pontiac Avenue Building 69, 2 <sup>nd</sup> Floor Cranston, RI 02920-0942 (401) 462-8100 <a href="http://www.dlt.state.ri.gov/wc">http://www.dlt.state.ri.gov/wc</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  RI Department of Business Regulation, Division of Insurance 233 Richmond Street Providence, RI 02903 (401) 222-2223	RI Workers' Compensation Court One Dorrance Plaza Providence, RI 02903 (401) 458-5000

**TABLE 8 (continued)**

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
SC	SC Workers' Compensation Commission 1612 Marion Street Columbia, SC 29201 (803) 896-5800 <a href="http://www.wcc.state.sc.us">http://www.wcc.state.sc.us</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  SC Department of Insurance 300 Arbor Lake Drive Suite 1200 Columbia, SC 29223 (803) 737-6160 <a href="http://www.doi.state.sc.us">http://www.doi.state.sc.us</a>	SC Workers' Compensation Commission Judicial Division 1612 Marion Street Columbia, SC 29201 (803) 896-5800
SD	SD Department of Labor Division of Labor and Management Kneip Building, 3 <sup>rd</sup> Floor 700 Governors Drive Pierre, SD 57501-2291 (605) 773-2291 Fax: (605) 773-4211 <a href="http://www.state.sd.us/dol/dlm">http://www.state.sd.us/dol/dlm</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  SD Department of Revenue Division of Insurance 118 W Capitol Pierre, SD 57501 (605) 773-3563 <a href="http://www.state.sd.us/drr">http://www.state.sd.us/drr</a>	SD Department of Labor Division of Labor and Management Kneip Building, 3 <sup>rd</sup> Floor 700 Governors Drive Pierre, SD 57501-2291 (605) 773-2291 Fax: (605) 773-4211 <a href="http://www.state.sd.us/dol/dlm">http://www.state.sd.us/dol/dlm</a>
TN	TN Department of Labor and Workforce Development Workers' Compensation Division 710 James Robertson Parkway Gateway Plaza, 2 <sup>nd</sup> Floor Nashville, TN 37243-0665 (615) 532-4812 <a href="http://www.state.tn.us/labor-wfd">http://www.state.tn.us/labor-wfd</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  TN Department of Commerce and Insurance Division of Insurance Davy Crockett Tower, Suite 500 Nashville, TN 37243-0565 (615) 741-6997 <a href="http://www.state.tn.us/commerce">http://www.state.tn.us/commerce</a>	Courts <sup>1</sup>
TX	TX Workers Compensation Commission Southfield Building 4000 S IH-35 Austin, TX 78704-7491 (512) 804-4000 <a href="http://www.twcc.state.tx.us">http://www.twcc.state.tx.us</a>	TX Department of Insurance P.O. Box 149104 Austin, TX 78714-9104 (512) 322-3490, (800) 578-4677 <a href="http://www.tdi.state.tx.us">http://www.tdi.state.tx.us</a>	TX Workers Compensation Commission Southfield Building 4000 S IH-35 Austin, TX 78704-7491 (512) 804-4000
UT	UT Labor Commission 160 East 300 Street South, 3 <sup>rd</sup> Floor Salt Lake City, UT 84111 (801) 530-6800 <a href="http://www.laborcommission.utah.gov">http://www.laborcommission.utah.gov</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  UT Insurance Department State Office Building Room 3110 Salt Lake City, UT 84114-6901 (801) 538-3805 <a href="http://www.insurance.utah.gov">http://www.insurance.utah.gov</a>	UT Labor Commission Workers' Compensation Appeals Board 160 East 300 Street South, 3 <sup>rd</sup> Floor Salt Lake City, UT 84111 (801) 530-6800

**TABLE 8 (continued)**

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
VT	VT Department of Labor and Industry Workers' Compensation Division National Life Building Drawer 20 Montpelier,  VT 05620-3401 (802) 828-2286 <a href="http://www.state.vt.us/labind">http://www.state.vt.us/labind</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  VT Department of Banking and Industry 89 Main Street, Drawer 20 Montpelier, VT 05620-3101 (802) 828-3301 <a href="http://www.bishca.state.vt.us">http://www.bishca.state.vt.us</a>	VT Department of Labor and Industry Workers' Compensation Division National Life Building Drawer 20 Montpelier, VT 05620-3401 (802) 828-2286 <a href="http://www.state.vt.us/labind">http://www.state.vt.us/labind</a>
VA	VA Workers' Compensation Commission 1000 DMV Drive Richmond, VA 23220 (804) 367-8600, Fax: (804) 367-9740 <a href="http://www.vwc.state.va.us">http://www.vwc.state.va.us</a>	NCCI <sup>1</sup> 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 <a href="http://www.ncci.com">http://www.ncci.com</a>  Commonwealth of Virginia State Corporation Commission Bureau of Insurance Tyler Building 1300 E. Main Street Richmond, VA 23219 (804) 371-9185, (800) 552-7945 <a href="http://www.wcc.state.va.us">http://www.wcc.state.va.us</a>	VA Workers' Compensation Commission 1000 DMV Drive Richmond, VA 23220 (804) 367-8600 Fax: (804) 367-9740 <a href="http://www.vwc.state.va.us">http://www.vwc.state.va.us</a>
WA	Washington State Department of Labor and Industry Insurances Services Division 7273 Linderson Way, SW Tumwater, WA 98501-5414 (360) 902-5800, (800) 831-5227 <a href="http://www.lni.wa.gov">http://www.lni.wa.gov</a>	Washington State Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501 (360) 725-7080 <a href="http://www.insurance.wa.gov/oic">http://www.insurance.wa.gov/oic</a>	Board of Industrial Insurance Appeals, 2430 Chandler Court, SW P.O. Box 42401 Olympia, WA 98504-2401 (360) 753-9646, (800) 442-0447 (F) (360) 586-5611 <a href="http://www.wa.gov/biia">http://www.wa.gov/biia</a>
WV	West Virginia Bureau of Employment Programs Workers' Compensation Division P.O. Box 3824 Charleston, WV 25338-3824 (304) 926-5048, (800) 628-4265 <a href="http://www.state.wv.us/bep/wc">http://www.state.wv.us/bep/wc</a>	West Virginia WC Fund 4700 MacCorkle Ave, SE Charleston, WV 25304 (800) 628-4265 or (304) 926-5000 <a href="http://www.state.wv.us/bep">http://www.state.wv.us/bep</a>	Bureau of Employment Programs Workers' Compensation Appeal Board P.O. Box 2628 Charleston, WV 25329-2628 (304) 558-3375 (F) (304) 558-1322 <a href="http://www.state.wv.us/bep/AppBd/default.htm">http://www.state.wv.us/bep/AppBd/default.htm</a>  Office of Judges P.O. Box 2233 Charleston, WV 25328-2233 (304) 558-1686 <a href="http://www.state.wv.us/bep/oj">http://www.state.wv.us/bep/oj</a>
WI	WI Department of Workforce Development Worker's Compensation Division Room C100 201 E. Washington Ave Madison, WI 53703 (608) 266-1340 <a href="http://www.dwd.state.wi.us/wc">http://www.dwd.state.wi.us/wc</a>	WI Compensation Rating Bureau P.O. Box 3080 Milwaukee, WI 53201-3080 (262) 796-4540 Fax: (262) 796-4400 <a href="http://www.wcrb.org">http://www.wcrb.org</a>  State of WI Office of the Commissioner of Insurance 125 South Webster Street Madison, WI 53702 (608) 266-3585 (800) 236-8517	WI Labor & Industry Review Commission (LIRC) P.O. Box 8126 Madison, WI 53708-8126 3319 West Beltline Highway Madison, WI 53708-8126 (608) 266-9850 (F) (608) 267-4409 <a href="http://www.dwd.state.wi.us/lirc">http://www.dwd.state.wi.us/lirc</a>
WY	Wyoming Workers' Safety and Compensation Division 1510 E. Pershing Blvd Cheyenne, WY 82002 (307) 777-7441 <a href="http://wydoe.state.wy.us">http://wydoe.state.wy.us</a>		State Hearing Examiners or Medical Commission



**TABLE 8 (continued)**

<b>Jurisdiction</b>	<b>Workers' Compensation Administrative Agency</b>	<b>Workers' Compensation Rating Agency</b>	<b>Workers' Compensation Claims Appeal Agency</b>
AS	Workmen's Compensation Commission, Office of the Governor Pago Pago, AS 96799 011-684-633-4485		Workmen's Compensation Commission, Office of the Governor Pago Pago, AS 96799 011-684-633-4485
GU	Department of Labor Workers' Compensation Commission 108 "E" Street Tiyán, Guam 96913 (671) 647-0150	Guam Insurance Commission Division of Tax and Revenue P.O. Box 2307 GMF, Guam 96921 (671) 475-1816	Department of Labor Workers' Compensation Commission 108 "E" Street Tiyán, Guam 96913 (671) 647-0150
NN	Workers' Compensation Program P.O. Box 2489 Window Rock, AZ 86515 (928) 871-6389		
NMI	Commonwealth of the Northern Mariana Islands Workers' Compensation Commission P.O. Box 501247 Saipan, MP 96950 (670) 664-8026	Commonwealth of the Northern Mariana Islands Banking and Insurance Office Caller Box 1007 Saipan, MP 96950 (670) 664-3000	Commonwealth of the Northern Mariana Islands Workers' Compensation Commission P.O. Box 501247 Saipan, MP 96950 (670) 664-8026
PR	Industrial Commissioner's Office G.P.O Box 364466 San Juan, PR 00936 (787) 783-3808	PR State Insurance Fund G.P.O. Box 5028 San Juan, Puerto Rico 00936 (787) 767-4681	Industrial Commissioner's Office G.P.O Box 364466 San Juan, PR 00936 (787) 783-3808
VI	Department of Labor Workers' Compensation Division 3012 Vitracó Mall, Golden Rock Christiansted St. Croix, VI 00820-4666 (809) 692-9390	VI Department of Finance Division of Insurance 2314 Kronprindsens Gade St Thomas, VI 00802 (340) 774-450-Sec 9	VI Department of Labor Division of Hearings and Appeals 3012 Vitracó Mall, Golden Rock Christiansted St. Croix, VI 00820-4666 (809) 692-9390
<ol style="list-style-type: none"> <li>1. AI and TN use the State Courts to hear workers' compensation appeals.</li> <li>2. NCCI reports that HI is an NCCI state. However, they have a rating bureau that uses NCCI information to develop rate filings that are reviewed and approved by the HI Division of Insurance.</li> <li>3. NCCI reports that IN is an NCCI state, however, the state has a rating bureau that uses NCCI information to develop rate filings that are reviewed and approved by the IN Department of Insurance.</li> </ol>			

<b>TABLE 9: Top Twenty Five Commercial Workers' Compensation Insurers (2002)</b>		
<b>Insurer Group</b>	<b>2002 Worker's Compensation Insurance Premiums</b>	<b>Percent to Total Premiums</b>
State Compensation Fund of California	\$5,492,547	18.5%
Liberty Mutual Insurance Companies	3,807,507	12.3
American International Group	3,135,134	10.6
Zurich/Farmers Group	2,107,534	7.1
Travelers PC Group	1,533,078	5.1
Hartford Insurance Group	1,495,662	5.0
CNA Insurance Companies	1,438,229	4.8
Kemper Insurance Companies	1,350,448	4.5
Royal & Sun Alliance	1,179,654	4.0
St. Paul Companies	956,767	3.2
Ace INA Group	723,660	2.4
Everest Reinsurance US Group	634,949	2.1
Texas Mutual Insurance Group	609,064	2.0
Zenith National Insurance Group	581,653	2.0
Chubb Group of Insurance Companies	578,267	2.0
HDI US Group	521,154	1.8
WR Berkeley Group	508,514	1.7
Pinnacol Assurance Group	475,328	1.6
Aon Corporation Group	396,575	1.3
Fairfax Financial (U.S.) Group	393,767	1.3
PMA Capital Insurance Group	390,081	1.3
Accident Fund Insurance Company	368,117	1.2
Greater American P&C Group	362,666	1.2
FCCI Insurance Group	341,223	1.1
Old Republic General Group	337,251	1.1
<b>SOURCE:</b> A.M. Best Co, <i>Best's Review</i> , August 2003, p.81.		

<b>TABLE 10: State Insurance Funds and Pricing Methods by Jurisdiction</b>						
<b>Jurisdiction</b>	<b>State Insurance Fund Competitive or Exclusive</b>	<b>Level of Access for Domestic Service Employers<sup>1</sup></b>	<b>Number of Voluntary Carrier Refusals Need to Access State Insurance Fund<sup>2</sup></b>	<b>Is an Agent Required to Access State Insurance Fund?</b>	<b>Competitive Pricing</b>	<b>Administered Pricing</b>
AZ	Competitive	Moderate	None	No		X
CA	Competitive	High <sup>3</sup>	None	Optional	X	
ID	Competitive	Moderate	None	Recommended	X	
MD	Competitive	Moderate	None	No	X	
MT	Competitive	Moderate	Two Declination Letters	Recommended	X	
NY	Competitive	Moderate	None	No		X
ND	Exclusive	High	N/A	N/A	N/A	N/A
OH	Exclusive	High	N/A	N/A	N/A	N/A
OR	Competitive	Moderate	None	No	X	
PA	Competitive	High <sup>4</sup>	None	No	X	
UT	Competitive	Moderate	None	No	X	
WA	Exclusive	High	N/A	N/A	N/A	N/A
WV	Exclusive	High	N/A	N/A	N/A	N/A
WY	Exclusive	None <sup>5</sup>	N/A	N/A	N/A	N/A
PR	Exclusive	High	N/A	N/A	N/A	N/A
VI	Exclusive	High	N/A	N/A	N/A	N/A

1. As reported by state agency staff.
2. A refusal is documented by obtaining a declination letter.
3. Household employers can only purchase workers' compensation insurance through the State Compensation Insurance Fund (SCIF).
4. PA State Workmen's Insurance Fund has the Domestic Service Exemption Policy that is specific to domestic service workers.
5. WY does not allow household employers to purchase workers' compensation for their domestic service workers from the State Insurance Fund because they are exempt from the state's workers' compensation law.

<b>TABLE 11: Residual Workers' Compensation Insurance Market by Jurisdiction</b>							
<b>Jurisdiction</b>	<b>Assigned Risk Plan (ARP) and Administrator</b>	<b>Number of Voluntary Carrier Refusals Needed to Access ARP1</b>	<b>In an Agent/ Producer Required to Access ARP?</b>	<b>Market/ Insurer of Last Resort (M/ILR)/ Administrator2</b>	<b>Number of Voluntary Carrier Refusals Needed to Access M/ILR</b>	<b>Is an Agent/ Producer Required to Access M/ILR?</b>	<b>Reinsurance Mechanism</b>
AL	Yes/NCCI <sup>3</sup>	Two declination letters	Yes	None			NWCRP <sup>4</sup>
AK	Yes/NCCI	Two declination letters	Recommended	None			NWCRP
AZ	Yes/NCCI	Three declination letters, including one from the State Compensation Fund	Recommended	Yes/State Compensation Insurance Fund	None	No	NWCRP
AR	Yes/NCCI	Two declination letters	Yes	None			NWCRP
CA	None			Yes/State Compensation Insurance Fund	None	Optional	None
CO	None			Yes/Pinnacle Insurance Company	None	No	None
CT	Yes/NCCI	Two declination letters. For policy renewals, one must be from current carrier.	Yes	None			NWCRP
DE	Yes/Delaware Compensation Rating Bureau	Two declination letters for a new policy. For a policy renewal, one declination letter is required from the current carrier and two other carriers.	Recommended	None			NWCRP
DC	Yes/NCCI	Two declination letters	Yes <sup>5</sup>	None			NWCRP
FL	Yes/Florida Workers' Compensation Joint Underwriting Association, Inc <sup>6</sup>	Two declination letters	Yes				None
GA	Yes/NCCI	Four declination letters	Yes	None			NWCRP
HI	None			Yes/Hawaii Employers' Mutual Insurance Company	None	Recommended	None
ID	Yes/NCCI	Three declination letters; one from State Fund	Yes	Yes/Idaho State Insurance Fund	None	Recommended	NWCRP
IL	Yes/NCCI	Two declination letters	Yes	None			NWCRP
IN	Yes/IN Compensation Rating Bureau	Three declination letters	Yes	None			NWCRP

**TABLE 11 (continued)**

Jurisdiction	Assigned Risk Plan (ARP) and Administrator	Number of Voluntary Carrier Refusals Needed to Access ARP <sup>1</sup>	In an Agent/ Producer Required to Access ARP?	Market/ Insurer of Last Resort (M/ILR)/ Administrator <sup>2</sup>	Number of Voluntary Carrier Refusals Needed to Access M/ILR	Is an Agent/ Producer Required to Access M/ILR?	Reinsurance Mechanism
IA	Yes/NCCI	Two declination letters	Yes	None			NWCRP
KS	Yes/NCCI	Three declination letters	Yes	None			NWCRP
KY	None			Yes/Kentucky Employers' Mutual Insurance Company	None	Yes	None
LA	None			Yes/LA Workers' Compensation Corporation	None	Yes	None
ME	None			Yes/Maine Employers' Mutual Insurance Company	None	Not required, but recommended	None
MD				Yes/MD Injured Workers' Insurance Fund	None	No <sup>7</sup>	None
MA	Yes/Workers' Compensation Rating Bureau of MA	Two declination letters	Yes	None			MA Pool
MI	Yes/Compensation Advisory Organization of MI	None	No	None			MI WC Placement Facility
MN	Yes/MN Workers' Compensation Insurers' Assoc.	One declination letter	Yes	Yes/MN State Fund Mutual Company <sup>3</sup>	None	Yes	MN AR Pool
MS	Yes/NCCI	Two declination letters	Yes	None			MS AR Pool
MO				Yes/Travelers Insurance Company <sup>9</sup>  Missouri Mutual Insurance Company <sup>10</sup>	None  None	Recommended  Recommended	Alternative <sup>11</sup>  N/A
MT	None			Yes/Montana State Fund	Two refusals; one can be a non-renewal of coverage from current insurer	Recommended	None
NE	None			Yes/Travelers Insurance Company	None	No	Alternative
NV	Yes/NCCI	Two declination letters	Yes	None			NWCRP
NH	Yes/NCCI	Two declination letters	Yes	None			NWCRP
NJ	Yes/ NJ Compensation and Rating Bureau	Three declination letters	Yes	None			NWCRP
NM	Yes/NCCI	Two declination letters	Yes	Yes/New Mexico Mutual Casualty Company	None	No	NM AR Pool
NY	None			Yes/New York State Insurance Fund	None	No	None
NC	Yes/ NC Rating Bureau	None	No	None			NWCRP
ND	None			None			None
OH	None			None			None
OK	None			Yes/Compsource OK	None	No	None

**TABLE 11 (continued)**

Jurisdiction	Assigned Risk Plan (ARP) and Administrator	Number of Voluntary Carrier Refusals Needed to Access ARP <sup>1</sup>	In an Agent/ Producer Required to Access ARP?	Market/ Insurer of Last Resort (M/ILR)/ Administrator <sup>2</sup>	Number of Voluntary Carrier Refusals Needed to Access M/ILR	Is an Agent/ Producer Required to Access M/ILR?	Reinsurance Mechanism
OR	Yes/NCCI	One declination letter <sup>12</sup>	Yes	Yes/SAIF	None	No	NWCRP
PA	None			Yes/State Workmen's Insurance Fund	None	No	None
RI	None			Yes/Beacon Mutual Insurance Company	Recommended	Recommended	None
SC	Yes/NCCI	Two declination letters	Yes	None			Alternative
SD	Yes/NCCI	Two declination letters	Yes	None			NWCRP
TN	Yes/Aon Risk Services	Two declination letters. For a policy renewal, one must be from current carrier.	Recommended	None			Alternative
TX	None			Yes/Texas Mutual Insurance Co.	None	No	None
UT	None			Yes/Workers Compensation Fund of Utah	None	No	None
VT	Yes/NCCI	Two declination letters	Yes	None			NWCRP
VA	Yes/NCCI	Two declination letters	Yes	None			NWCRP
WA	None			None			None
WV	None			None			None
WI	Yes/WI Rating Bureau	None	No	None			WI WC Insurance Pool
WY	None			None			None
AS	None			None			None
GU	None			None			None
NMI	None			None			None
NN	None for household employers of domestic service workers			None for household employers of domestic service workers			N/A
PR	None			None			None
VI	None			None			None

1. A refusal is documented through the receipt of a declination letter from an insurance carrier.
2. Competitive State Insurance Funds were included in the residual market as a "market/insurer of last resort" since a number of states with competitive state insurance funds also have a assigned risk plan. In addition, some are the residual market in a number of states.
3. NCCI stands for National Compensation Commission
4. NWCRP stands for National Workers' Compensation Reinsurance Pool
5. Workers' compensation agency staff reported the requirement to use an agent is a barrier to obtaining insurance because the agent has no incentive to process a policy for a household employer because their compensation is low (e.g., \$15-20 administrative fee/policy) and the paperwork burden and cost is significant.
6. As the "market of last resort" in Florida, the JUA processes the applications from employers and then assign them to their third party administrator, Travelers Insurance Company, for processing.
7. MD Injured Workers' Insurance Fund staff reported that agents could act as a barrier to residual market if he/she has no incentive to represent the household employer
8. Representative at the organization reported that although they focus on small to medium sized employers they probably would not write a policy for a household employer and that an agent (which is required to access insurance through organization) probably would not approach them with an application, they would go right to the State's Assigned Risk Plan.
9. Travelers' is the agent, administrator and service carrier for the residual market in MO.
10. Missouri Mutual Insurance Company was created to provide workers' compensation insurance to small businesses acting as the "default" voluntary carrier in the State.

**TABLE 11 (continued)**

11. Travelers' Insurance Company assumes all of the risk up to a 100% loss ratio. If the loss ratio exceeds 100%, the balance is spread over all voluntary carriers in the state.
12. A refusal from the SAIF meets requirement.

<b>TABLE 12: Availability of Workers' Compensation Insurance Through Homeowner's Insurance by Jurisdiction</b>				
<b>Jurisdiction</b>	<b>WC Insurance Available Through Homeowners' Endorsement Option Yes/No</b>	<b>NCCI WC Endorsement Filed for Use<sup>1</sup> Yes/No</b>	<b>NCCI WC Endorsement Being Used Yes/No</b>	<b>Description of Coverage and Cost</b>
AL	No <sup>2</sup>	Yes	No	See footnote 2.
AK	No	Yes	No	N/A
AZ	Yes	Yes	Yes	No specific coverage or rate information available.
AR	No	Yes	No	N/A
CA	Yes	No	No	Section 11590 of the CA State Insurance Code mandates the availability of a WC endorsement for homeowner insurance policies for domestic service workers. Carriers submit their rating for this endorsement to the State's Department of Insurance for approval. Carriers may modify the WC endorsement and the criteria for coverage (e.g., define number of hours works in order to be covered). The cost of the endorsement varies by carrier.
CO	Yes	Yes	State insurance agency staff could not confirm.	Coverage is for part-time/occasional workers. Insurers can modify endorsement to provide more coverage than insurance law requires. No rate information available.
CT	Yes	Yes	Yes	No specific coverage or rate information available.
DE	No	Yes	No	N/A
DC	Yes <sup>3</sup>	Yes	Yes <sup>4</sup>	No specific coverage or rate information available.
FL	No	Yes	No	N/A
GA	No	Yes	No	N/A
HI	Yes <sup>5</sup>	Yes	No	No specific coverage or rate information available.
ID	Yes	Yes	Yes <sup>6</sup>	No specific coverage or rate information available.
IL	Yes	Yes	Yes <sup>7</sup>	No specific coverage or rate information available.
IN	Yes	Yes	State insurance agency staff could not confirm.	Staff reported some homeowner's insurance policies contain a contingent workers' compensation rider that covers amounts awarded under workers' compensation law. No specific coverage or rate information available.
IA	Yes	Yes	State insurance agency staff could not confirm.	No specific coverage or rate information available.
KS	No	Yes	No	N/A
KY	No	Yes	No	N/A
LA	Yes	Yes	Yes	No specific coverage or rate information available.
ME	No <sup>8</sup>	Yes	No	N/A
MD	No	Yes	No	N/A
MA	No	Yes	No	N/A
MI	No	Yes	No	N/A
MN	No	No	No	N/A
MS	Yes	Yes	Yes <sup>9</sup>	No specific coverage or rate information available.
MO	No	No	No	N/A
MT	Yes	Yes	No	No specific coverage or rate information available.
NE	No	Yes	No	N/A



**TABLE 12 (continued)**

Jurisdiction	WC Insurance Available Through Homeowners' Endorsement Option Yes/No	NCCI WC Endorsement Filed for Use <sup>1</sup> Yes/No	NCCI WC Endorsement Being Used Yes/No	Description of Coverage and Cost
NV	Yes	Yes	No	Title 53, Chapter 616B, Section 32 of the Nevada Revised Statutes permits a private carrier to provide industrial insurance (workers' compensation) as part of a homeowner's policy to a person who employs a domestic service worker. A covered domestic service worker is defined as an individual who is employed more than 20 hours per week or earns \$150/ month if he/she is not employed more than 20 hours per week. Private carriers may, with the approval of the commissioner, determine and fix the premium rates.
NH	Yes <sup>10</sup>	Yes	Yes	Title XXII, Section 281-A:6 of the New Hampshire Insurance law mandates that all insurance companies authorized to provide comprehensive personal liability, tenant's or homeowner's insurance must, provide workers' compensation insurance covering domestics. \$3.00 rider for homeowners' policies provides coverage for incidental domestic service workers.
NJ	Yes <sup>11</sup>	No	No	PL 1979, c.380 mandates the provision of comprehensive personal liability (workers' compensation) coverage for domestic service on every homeowner's or tenant's policy. Coverage is for occasional workers and the premium is \$1.00/policy /year. Employers must inform their carrier if they employ one or more full-time domestic service workers. Premium for full-time domestic coverage is \$1 + \$60 for each full-time worker employed/policy/year.
NM	State insurance agency staff could not confirm.	Yes	No	N/A
NY	Yes <sup>12</sup>	No	No	NY Insurance Law @3420(j) requires that every insurance policy that provides comprehensive personal liability insurance on a one-, two-, three- or four-family owner-occupied dwelling, make available compensation coverage for employees who work less than 40 hours in and about the residence if, and only if, they are employees for whom compensation insurance must be provided. Premium information not available.
NC	No	Yes	No	N/A
ND	Yes	No	No	No specific coverage or rate information available.
OH	No	No	No	N/A
OK	No	Yes	No	N/A
OR	No	Yes	No	N/A
PA	No	Yes	No	N/A
RI	No	Yes	No	N/A
SC	No	Yes	No	N/A
SD	Yes	Yes	Yes	No specific coverage or rate information available.
TN	No	Yes	State insurance agency staff could not confirm.	N/A
TX	No	No	No	N/A
UT	No	Yes	No	N/A
VT	No	Yes	No	N/A
VA	Yes	Yes	No	No specific coverage or rate information available.
WA	No	No	No	N/A
WV	No	No	No	N/A

**TABLE 12 (continued)**

Jurisdiction	WC Insurance Available Through Homeowners' Endorsement Option Yes/No	NCCI WC Endorsement Filed for Use <sup>1</sup> Yes/No	NCCI WC Endorsement Being Used Yes/No	Description of Coverage and Cost
WI	No	Yes	No	N/A
WY	No	No	No	N/A
AS	Yes	No	No	No specific coverage or rate information available. Household employer must request that the workers' compensation insurance endorsement be added to his/her homeowner's insurance policy.
GU	No	No	No	N/A
NMI	Yes	No	No	No specific coverage or rate information available.
NN	No	No	No	N/A
PR	No	No	No	N/A
VI	No	No	No	N/A
<ol style="list-style-type: none"> <li>1. NCCI Endorsement WC 00 03 12, Voluntary Compensation and Employers Liability Coverage for Residence Employees, (ed. 4/84) is designed to be used with ISO homeowner's policies, comprehensive personal liability or other policies that provide similar personal liability coverage. The endorsement provides voluntary compensation and employers liability coverage for domestic workers in a state in which they are not included and cannot be brought within the workers' compensation law.</li> <li>2. There is no homeowners insurance option but employers, including householders, have the option of buying an Alternative Workers' Compensation Plan. This is a commercial insurance purchased in the voluntary market consisting of any combination of life, disability, accident, health, or other insurance provided that the coverage insures without limitation or exclusion any of the workers' compensation benefits as defined in the State workers' compensation law.</li> <li>3. But state workers' compensation agency staff said no insurers write these endorsements.</li> <li>4. It is on file, but District workers' compensation staff has reported that they don't know of any insurers who write the endorsement.</li> <li>5. State insurance agency staff reported that they do not know of any carrier that writes such an endorsement and believes they would be hesitant to do so.</li> <li>6. Idaho Insurance Department staff reported that only two carriers have ever filed rates for this endorsement.</li> <li>7. IL workers' compensation agency staff reported that they have seen homeowner/renter's policies include WC, they could not confirm whether these policies used NCCI's endorsement per se.</li> <li>8. Maine Division of Insurance staff reported that there is no state law that allows or prohibits the sale of these policies and knows of no insurers that sell them. MEMIC staff reported that this was not an option in Maine.</li> <li>9. Staff indicated that though this option exists, few if any insurers write such policies. In addition, the state allows insurers to modify the NCCI endorsement.</li> <li>10. Title XXIII Section 281-A:6 requires that all insurance companies authorized to provide comprehensive personal liability, tenant's or homeowner's insurance in NH, must, in connection with such insurance, provide workers' compensation insurance for domestics unless the employer has a separate policy for worker's compensation covering domestics. However, this option is not available to persons with disabilities who hire persons to provide chore and personal supports because they can not consider their workers under the state's definition of domestic service (Title XXIII, Section 281-A:2 V-b(a). he/she can not consider his/her worker a domestic service worker and the homeowner's policy would not apply to them.</li> <li>11. State mandates that all homeowners insurance policy must include an endorsement to cover workers' compensation insurance for occasional domestic service workers.</li> <li>12. The homeowner's insurance option does not cover occasional workers who are exempt from the State's workers' compensation law. Occasional domestic service workers are exempt from the State's workers' compensation law and so would not be covered under the homeowner's provision.</li> </ol>				

<b>TABLE 13: Issues and Challenges Reported by State Workers' Compensation Agency and Insurance Carrier Staff Regarding the Administration of Workers' Compensation Systems and Providing Insurance for Domestic and Personal Assistance Service Workers by Jurisdiction</b>	
<b>Jurisdiction</b>	<b>Issues and Challenges Reported by State Workers' Compensation Agency and Insurance Carrier Staff Regarding the Administration of Workers' Compensation Systems and Providing Insurance for Domestic and Personal Assistance Service Workers by Jurisdiction</b>
AL	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Insurance carriers in the voluntary market may not always be willing to write policies for household employers."</li> <li>• "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
AK	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• Medical costs have increased around 15 percent a year for the past 15 years.</li> <li>• The insurance industry in Alaska, as well as the general population, is not very large, making it difficult to spread risk.</li> <li>• The size of claims have continued to escalate, as have the length of time between the start of proceedings and eventual ruling.</li> <li>• It is difficult for household employers to purchase workers' compensation insurance through the voluntary market.</li> <li>• "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
AZ	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Carriers have little financial incentive to write workers' compensation insurance policies for small employers (domestic employers) due to small premiums and perceived high risk exposure."</li> <li>• "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
AR	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Insurers do not have any financial incentive to write workers' compensation insurance policies for household employers due to small premiums and perceived high risk exposure." "The voluntary market for domestic service employers is 'non-existent.'"</li> <li>• "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
CA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "The only way to provide workers' compensation insurance for domestic service employees outside of a homeowners' insurance policy is through the residual market (SCIF)."</li> <li>• "Workers who are hired by their spouse, parent or child may never be covered by workers' compensation insurance either through the residual market or through a homeowners' policy."</li> <li>• "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
CO	Issue/challenge reported, "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."
CT	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Carriers have little financial incentive to write workers' compensation insurance policies for small employers (domestic employers) due to small premiums and perceived high risk exposure."</li> <li>• "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>

**TABLE 13 (continued)**

Jurisdiction	Issues and Challenges Reported by State Workers' Compensation Agency and Insurance Carrier Staff Regarding the Administration of Workers' Compensation Systems and Providing Insurance for Domestic and Personal Assistance Service Workers by Jurisdiction
DE	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "The residual workers' compensation insurance market has grown substantially for all employer/worker classifications over the past five years with the tightening of the voluntary workers' compensation insurance market. It is difficult for any employer to get workers' compensation insurance through the voluntary market."</li> <li>• "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
DC	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Workers' compensation premiums for domestic service employers are small and agents/producers do not have any incentive to write and submit applications to carriers because the agent only get \$15-20 per policy. Agents feel they don't receive enough to cover cost of paperwork."</li> <li>• "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
FL	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Insurers have no incentive to write workers' compensation insurance policies for household employers due to small premiums and perceived high risk of exposure. The voluntary market for domestic service employers is 'non-existent'."</li> <li>• "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
GA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Insurers do not have a strong incentive to write workers' compensation insurance policies due to the small premiums, significant level of paperwork and perceived high risk of injury."</li> <li>• "Employers who wish to access the residual market must obtain <i>four</i> refusals from voluntary insurers."</li> <li>• "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
HI	<p>Issue/challenge reported:</p> <ul style="list-style-type: none"> <li>• "A significant challenge is educating domestic service employers of their responsibility to provide workers' compensation insurance coverage for their workers."</li> </ul>
ID	<p>Issue/challenge reported: "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</p>
IL	<p>Issue/challenge reported: "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</p>
IN	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "The process of obtaining workers' compensation insurance is complicated, the premiums are expensive, and private insurers are reluctant to write individual workers' compensation policies for such a limited class."</li> <li>• "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
IA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Private insurers are hesitant to write new workers' compensation insurance policies for any category in the current economic climate."</li> <li>• "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>

**TABLE 13 (continued)**

<b>Jurisdiction</b>	<b>Issues and Challenges Reported by State Workers' Compensation Agency and Insurance Carrier Staff Regarding the Administration of Workers' Compensation Systems and Providing Insurance for Domestic and Personal Assistance Service Workers by Jurisdiction</b>
KS	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Insurers are hesitant to write new workers' compensation insurance policies in the current insurance climate.</li> <li>● "Very few domestic employers have ever purchased workers' compensation insurance in Kansas so it is difficult to make a fair assessment of the situation/risk."</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
KY	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "It is virtually impossible for household employers to obtain coverage in the voluntary market."</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
LA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "It is difficult to have workers' compensation rates be affordable and keep claims at a level acceptable to private insurers."</li> <li>● "Private insurers may not be willing to write policies for employers with only 1-3 employees so household employees may need to access workers' compensation insurance through the residual market that costs more."</li> <li>● "It is unclear what class personal assistance workers fall under in Louisiana." "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> <li>● There might be a higher risk of injury for personal assistance workers than for "traditional" domestic workers so the 0908-0913 NCCI classes may not always be appropriate.</li> </ul>
ME	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Maine Employers' Mutual Insurance Company (MEMIC) has experienced significant losses related to household employers who have purchased workers' compensation for domestic service workers."</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
MD	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Agents/producers might not have an incentive to represent some small businesses, such as household employers, due to significant paperwork burden and associated costs and low administrative fees. An agency/producer could act as a barrier to the workers' compensation insurance market."</li> <li>● If agent/producer does not know workers' compensation insurance issues, this could be a barrier to accessing insurance for the household employer and possibly be more costly.</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>

**TABLE 13 (continued)**

Jurisdiction	Issues and Challenges Reported by State Workers' Compensation Agency and Insurance Carrier Staff Regarding the Administration of Workers' Compensation Systems and Providing Insurance for Domestic and Personal Assistance Service Workers by Jurisdiction
MA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Per capita-based premiums are problematic because it is difficult to estimate the number of workers working at the consumer's residence at any given period of time due to significant worker turnover. This type of premium represents a high level of administrative effort and expense for the insurer and the consumer-employer."</li> <li>● "Per payroll-based premiums cover all workers in the class working at the residence thus reducing the administrative burden and possibly the costs for the insurer and the consumer-employer. However, the per payroll method could under estimate the risk of worker injury for the insurer (e.g., if a household employer has one worker with a payroll of \$10,000, and is replaced by two workers at the same payroll amount, the potential risk of injury is more for two workers than one but the premium may not fully reflect the increase).</li> <li>● "It is important that the employment classification code accurately reflects the risk of workplace exposure for the group. The domestic service classes 0908 and 0913 (part-time and full-time in-servants) do not accurately reflect the activities of personal assistance workers. That is why MA developed and implemented Class 0918 for personal assistance workers."</li> <li>● It is important to find a way to streamline the administrative process for writing, renewing and invoicing workers' compensation policies for large numbers of household employers (e.g., that may be enrolled in a self-directed support service program). A Fiscal Employer Agent (FEA) can facilitate these activities and MA FEAs do. For example, Atlantic Charter bulk invoices the FEAs (e.g., one bill issued by insurer to FEA that represents all of the policies for the consumers that the FEA represents) can reduce administrative paperwork and related expenses."</li> <li>● "There may be a minimum number of household employers that a voluntary carrier would need to write policies for in order provide the insurer with an adequate financial incentive to write workers compensation policies for this classification group." The MA insurance agent for the MA Personal Care Attendant Program reported a minimum number might be 3,600 polices that reflect \$1.3 million in premiums. The MA Program served approximately 10,000 consumer-employers in 2002.</li> <li>● So far claims have been low. In 2002, Atlantic Charter received approximately \$2.5 million in premiums, processed 68 claims and paid out \$200-300,000 in benefits to injured workers.</li> <li>● This year was the first year that the State Rating Bureau had a significant database on losses for classification code 0918 to determine rates. It was anticipated that the rates for code 0918 would go down. Instead they went up \$0.10. The should be Rating Bureau should be asked to demonstrate how they computed a rate increase for 0918 with such good loss experience information available to them.</li> <li>● It is important that the insurer receive Wage Statements from employers that accurately report 52 weeks of wages prior to a workers injury so that the insurer can compute accurate benefits payments. Consumer-employers in self-directed support service programs need to rely on the FEA to complete the Wage Statements and submit them to the insurer and FEA staff need to be aware of the importance of accurate and timely Wage Statements."</li> <li>● Unlike other employment groups, personal assistance workers often work part-time for more than one employer. A personal assistance worker who has one or more concurrent employers must report all employment to the insurer in order for the worker to receive the proper workers compensation benefit if he/she is injured. To count in wage calculations, the concurrent employer must have workers compensation insurance and not pay the worker under the table. This is not an issue in MA since all personal assistance workers have employment taxes filed for them by the FEA and all consumer-employers have workers compensation insurance coverage. FEAs can facilitate the collection of wages from concurrent employers for personal assistance workers.</li> </ul>

**TABLE 13 (continued)**

<b>Jurisdiction</b>	<b>Issues and Challenges Reported by State Workers' Compensation Agency and Insurance Carrier Staff Regarding the Administration of Workers' Compensation Systems and Providing Insurance for Domestic and Personal Assistance Service Workers by Jurisdiction</b>
MI	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Private insurers do not have a financial incentive to write workers' compensation insurance policies for household employers."</li> <li>• "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
MN	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "The voluntary workers' compensation insurance market in MN is "hard." Insurance carriers are very particular regarding what groups they write policies for. The residual market has grown substantially from \$20 – 30 million over the past couple of years."</li> <li>• Individuals who have a disability and receive public assistance can not be considered the employer in MN according to State Unemployment laws.</li> </ul>
MS	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "The voluntary insurers do not have an incentive to write policies for household employers because, one large claim can exceed the premiums collected from a domestic service employer."</li> <li>• "Insurers who write homeowners'/renters' insurance policies are reluctant to write endorsements for workers' compensation coverage for domestic service workers."</li> <li>• "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
MO	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Workers' compensation insurance rates in the State are high, despite the presence of a competitive market."</li> <li>• "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
MT	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "It is difficult to verify that the household employees are only performing the duties they're supposed to under the classification."</li> <li>• "There have been very few claims from domestic service workers, making it difficult to compile meaningful data."</li> <li>• "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
NE	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Voluntary insurance carriers appear to be limiting what worker/employer classification codes they are willing to write policies for. More employers are obtaining workers' compensation insurance through the residual market."</li> <li>• "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
NV	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
NH	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>• "Classification codes for domestic service workers do not match the statutory definition."</li> <li>• "Employers are statutorily obliged to provide workers' compensation coverage for domestic service workers, but there does not appear to be a classification code for domestic service workers who work for persons with disabilities."</li> <li>• "The voluntary market for household employers is 'non-existent.'"</li> <li>• "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>

**TABLE 13 (continued)**

<b>Jurisdiction</b>	<b>Issues and Challenges Reported by State Workers' Compensation Agency and Insurance Carrier Staff Regarding the Administration of Workers' Compensation Systems and Providing Insurance for Domestic and Personal Assistance Service Workers by Jurisdiction</b>
NJ	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● The insurance agent that is facilitating the workers' compensation insurance policies for the NJ Personal Preference Program reported that getting consumers to renew their policies on a regular basis is problematic and represents a lot of work for agency staff that is not reflected in the consumers' premiums. They given notice to the State that they will no longer be the insurance agent for the Program. Fiscal Employer Agents should be responsible for the renewal process on behalf of the consumer-employer.</li> <li>● "Voluntary insurers are not willing to write policies for household employers due to small premiums and perceived high risk of exposure."</li> <li>● In the three years that the Personal Preference Program has been serving consumer-employers (approximately 500), there have been no workers' compensation claims filed.</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
NM	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "The voluntary market is not willing to write policies for personal assistance workers. The market is 'non-existent' for household employers."</li> <li>● "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
NY	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Insurance carriers do not 'deal' with the domestic service classification very often. State agency has not received any issues/challenges from insurers regarding the classification."</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
NC	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Carriers are increasingly reluctant to write policies for small employers in high risk categories like domestic service workers."</li> <li>● "The voluntary market is 'non-existent' for household employers."</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
ND	<p>No issues/challenges reported.</p>
OH	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Occasional users of domestic services should not be allowed to avoid tort liability at a cost unfairly low for the employer and, because of low premiums, unreasonably high to the State workers' compensation insurance system."</li> <li>● "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
OK	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Voluntary workers' compensation insurance market is tightening for all classifications and insurers are less willing to write policies for domestic service employers. More employers are accessing insurance through the residual market."</li> <li>● "Workers' compensation premiums for domestic service employers are small. One claim can 'eat up' all of the premium that the insurer receives, and in some cases, an insurer may never recover the full cost of the claim through the receipt of premiums."</li> <li>● "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>



**TABLE 13 (continued)**

<b>Jurisdiction</b>	<b>Issues and Challenges Reported by State Workers' Compensation Agency and Insurance Carrier Staff Regarding the Administration of Workers' Compensation Systems and Providing Insurance for Domestic and Personal Assistance Service Workers by Jurisdiction</b>
OR	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "In the case of foster care providers, if a home health agency has five or fewer clients registered with the Department of Human Services at a foster care site, the agency does not have to provide workers' compensation insurance for the workers. Agency can have a chain of foster care sites and not have to provide insurance. This is problematic for workers and a concern of the State and labor unions. There has been proposed legislation to address this issue but it hasn't gotten anywhere."</li> <li>● "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
PA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● The State Workmen's Insurance Fund (SWIF) staff reported that the Workmen's Compensation Appeals Board was not interpreting the definition of domestic service correctly in the Viola case. "Domestic service is not just a maid. It also includes working for a disabled person in their home, doing laundry, cleaning and meal preparation and helping them with personal needs."</li> <li>● "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
RI	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Voluntary workers' compensation insurance market getting very "tight" for all employers. Not many insurers are offering credits."</li> <li>● "Insurance carriers do not immediately think about domestic service employers since they are exempt from the workers' compensation law."</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
SC	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Figuring out if the worker is an employer or an independent contractor is a big issue related to classifying workers in the State."</li> <li>● "Voluntary insurers are less willing to write policies for household employers due to small premiums. State is seeing more household and other small employers coming to the residual market to obtain workers' compensation insurance coverage."</li> <li>● "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
SD	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Insurance carriers are increasingly apprehensive about writing new workers' compensation insurance policies especially for small/household employers. As a result, the number of employers accessing insurance through the residual market has been on the rise in recent years."</li> <li>● "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>

**TABLE 13 (continued)**

<b>Jurisdiction</b>	<b>Issues and Challenges Reported by State Workers' Compensation Agency and Insurance Carrier Staff Regarding the Administration of Workers' Compensation Systems and Providing Insurance for Domestic and Personal Assistance Service Workers by Jurisdiction</b>
TN	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Determining who is a domestic service worker and who is not. Generally, professionally trained individuals are not considered domestic service workers."</li> <li>● "Some domestic service employers are involved in other business activities that include employees and they may have domestic service workers work in both areas. This needs to be clarified in all cases where it applies."</li> <li>● Voluntary insurance carriers are reluctant to cover domestic service employers due to small premiums and perceived high risk of exposure."</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
TX	<p>Issue/challenge reported: "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</p>
UT	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
VT	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Voluntary insurers concerned about the potential risks for worker injury related to domestic service workers."</li> <li>● "Insurers are also worry about the administrative burden and expense of writing policies, managing renewals and processing claims for 1,000 small household employers with what insurers consider low premiums and moderate to high potential risk of injury."</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
VA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● The State Workers' Compensation Agency considers domestic service workers as independent contractors, contrary to IRS' position. They also said they don't think workers' compensation premiums are high.</li> <li>● "Voluntary insurers have a problem writing policies for small employers (1-3 workers). Premiums are low but risk of worker injury is high."</li> <li>● "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
WA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Workers' compensation insurance rates are going up for all employer/worker classifications but State Fund has been able to remain solvent."</li> <li>● "Small domestic service premiums do not always cover losses and could jeopardize the solvency of the Fund."</li> <li>● "State uses per hours worked-based premiums rather than per capita or per payroll. This method more accurately predicts the risk of injury (e.g., more hours worked the greater the possibility of workplace injury) while reducing the administrative burden and costs for employers and the State Fund."</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
WV	<p>Issue/challenge reported: "The final determination of whether a personal assistance worker falls in the domestic service classification code for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</p>

**TABLE 13 (continued)**

Jurisdiction	Issues and Challenges Reported by State Workers' Compensation Agency and Insurance Carrier Staff Regarding the Administration of Workers' Compensation Systems and Providing Insurance for Domestic and Personal Assistance Service Workers by Jurisdiction
WI	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● Personal assistance services are not considered domestic service by the State's workers' compensation division or the WI Labor &amp; Industry Review Commission. They are called home care providers. However, for rating purposes, home care providers hired by a household employer are rated under the 0908 and 0913 domestic service code. "The pool of employers under that hire personal assistance workers is not large enough to generate adequate loss information need to develop workers' compensation insurance rates for this group of employers."</li> <li>● Under Section 102.07(4)(a) of the State's workers' compensation law, domestic service specifically exempt from the State's workers' compensation law and home care providers hired by household employers are exempt because the home care provider is not in the trade, business, profession or occupation of the employer. Household employers may elect to cover both types of workers under the law, and "we wish that all employers would." "We particularly would like to see the Department of Family Services cover individuals enrolled in the self-directed personal assistance programs the counties are currently operating."</li> <li>● Workers' compensation insurance used to be affordable (e.g., in the \$200/policy range). It has gone up significantly in the past few years. Now it is expensive and the per capita approach used to estimate rates can result in significant premiums for individuals who hire multiple personal assistance workers."</li> </ul>
WY	<p>No issues or challenges reported except for the fact that domestic service workers may not elect to purchase workers' compensation insurance for their domestic service workers including personal care workers.</p>
AS	<p>Issue/challenge reported: "Making sure that employers obtain the required coverage. There are at least 800 employers in the jurisdiction and Northern Pacific Insurance (NPI) writes 80 percent of the policies. However, NPI only manage 260 policies currently. The Government needs a full time inspector to make sure employers are obtaining the required insurance."</p>
GU	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Not having enough staff to administer the jurisdiction's workers' compensation insurance act, in particular, not having enough inspectors to make sure that employers have the proper coverage for their workers."</li> <li>● Workers' Compensation Agency staff does not know of a case where a household employer has purchased workers' compensation insurance for their domestic worker.</li> <li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li> </ul>
NN	<p>Issue/challenge reported: a household employer may not purchase workers' compensation insurance through the Nation. Household employers must buy workers' compensation insurance policies from an AZ voluntary carrier or through the State's residual market.</p>
NMI	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Obtaining accurate reporting of domestic service workers' actual duties and hours worked. Classification code may not always reflect the actual duties performed or hours worked."</li> <li>● Workers' Compensation Agency staff does not know of a case where a household employer has purchased workers' compensation insurance for their domestic worker.</li> </ul>
PR	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> <li>● "Getting employers to obtain the correct amount of workers' compensation insurance. Many have only the minimum policy of \$65/year (which is the premium when you do not have employees but want coverage if you do) and have a lot of workers."</li> <li>● "The legislature is considering passing legislation that would allow housewives to be covered for workers' compensation insurance through the State Fund. The initiative has not been successful to date."</li> </ul>

**TABLE 13 (continued)**

<b>Jurisdiction</b>	<b>Issues and Challenges Reported by State Workers' Compensation Agency and Insurance Carrier Staff Regarding the Administration of Workers' Compensation Systems and Providing Insurance for Domestic and Personal Assistance Service Workers by Jurisdiction</b>
VI	<ul style="list-style-type: none"><li>● Issues/challenges reported:</li><li>● "Getting employers to obtain the proper level of coverage for their workers. Very few household employer elect to cover their domestic service workers."</li><li>● "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."</li></ul>

# **ACCESSING WORKERS' COMPENSATION INSURANCE FOR CONSUMER-EMPLOYED PERSONAL ASSISTANCE SERVICE WORKERS: ISSUES, CHALLENGES AND PROMISING PRACTICES**

## Files Available for This Report

### Main Report

HTML: <http://aspe.hhs.gov/daltcp/reports/paswork.htm>

PDF: <http://aspe.hhs.gov/daltcp/reports/paswork.pdf>

### Appendices

HTML: <http://aspe.hhs.gov/daltcp/reports/paswork.htm#appendA>

PDF: <http://aspe.hhs.gov/daltcp/reports/paswork-append.pdf>