

STATE WORKERS' COMPENSATION LAWS  
IN EFFECT ON JANUARY 1, 2004  
COMPARED WITH THE 19 ESSENTIAL RECOMMENDATIONS  
OF THE NATIONAL COMMISSION  
ON STATE WORKMEN'S COMPENSATION LAWS

Prepared from information available January 1, 2004, to the:  
U. S. Department of Labor  
Employment Standards Administration  
Office of Workers' Compensation Programs  
Division of Planning, Policy and Standards  
Branch of Planning, Policy and Review  
GLENN A WHITTINGTON  
Chief

The following tables compare State laws in effect January 1, 2004, with the National Commission's 19 essential recommendations.

Table 1 summarizes the total number of essential recommendations met by each State law. Tables 2, 3, and 4 show State-by-State breakdowns for recommendations relating, respectively, to coverage, income benefits, and medical benefits. An "X" means that the law meets the recommended standard. A "-" means that the law does not meet the recommended standard. "NA" means that data were not available.

Table 5 shows the actual dollar amount of maximum weekly benefit levels regarding R3.8, R3.15, and R3.23.

A supplement, entitled "Pending Changes", shows legislation enacted by January 1, 2004, which will newly meet, or approach meeting, an essential recommendation on an effective date later than January 1, 2004.

The essential recommendations are reproduced on page 9.

TABLE 1. SUMMARY OF STATE TOTALS

(NOTE: The possible total score is 988, or 19 recommendations multiplied by 52 jurisdictions for which data were available. The current total of 667.25 represents 67.54% of the possible total.)

State	Total	Coverage	Benefits	Medical
Total	667.25			
Average	12.83			
Alabama	13.00	4.00	7.00	2.00
Alaska	14.25	3.50	8.75	2.00
Am Samoa	NA	NA	NA	NA
Arizona	13.00	5.50	5.50	2.00
Arkansas	7.50	2.50	4.00	1.00
California	12.00	6.00	5.00	1.00
Colorado	12.75	5.00	5.75	2.00
Connecticut	14.00	3.50	8.50	2.00
Delaware	12.00	4.00	6.00	2.00
Dist of Columbia	15.75	6.00	7.75	2.00
Florida	9.75	3.50	6.25	-0-
Georgia	8.75	2.50	4.25	2.00
Guam	NA	NA	NA	NA
Hawaii	14.75	6.00	7.75	1.00
Idaho	12.00	6.00	4.00	2.00
Illinois	15.00	4.00	9.00	2.00
Indiana	11.50	5.00	4.50	2.00
Iowa	15.50	4.50	9.00	2.00
Kansas	12.50	6.00	5.50	1.00
Kentucky	14.25	5.50	6.75	2.00
Louisiana	10.25	3.50	4.75	2.00
Maine	10.75	4.50	5.25	1.00
Maryland	14.25	3.50	8.75	2.00
Massachusetts	12.75	4.00	6.75	2.00
Michigan	9.75	2.50	5.25	2.00
Minnesota	9.50	4.00	3.50	2.00
Mississippi	7.25	2.00	3.25	2.00
Missouri	13.75	5.00	7.75	1.00
Montana	12.75	4.50	8.25	-0-
Nebraska	17.00	6.00	9.00	2.00
Nevada	14.75	4.00	8.75	2.00
New Hampshire	15.75	8.00	5.75	2.00
New Jersey	12.50	7.00	3.50	2.00
New Mexico	14.00	3.50	8.50	2.00
New York	10.75	3.00	5.75	2.00
North Carolina	14.00	4.00	8.00	2.00
North Dakota	14.50	4.00	8.50	2.00
Ohio	15.50	4.50	9.00	2.00
Oklahoma	13.75	4.00	7.75	2.00
Oregon	15.75	5.00	8.75	2.00
Pennsylvania	13.75	4.00	7.75	2.00
Puerto Rico	11.75	6.00	3.75	2.00
Rhode Island	14.00	3.50	8.50	2.00
South Carolina	13.00	3.50	7.50	2.00
South Dakota	13.25	2.50	8.75	2.00
Tennessee	12.00	3.50	6.50	2.00
Texas	12.50	2.50	8.00	2.00
Utah	12.00	5.00	5.00	2.00
Vermont	15.00	4.50	8.50	2.00
Virginia	10.75	1.50	7.25	2.00
Virgin Islands	NA	NA	NA	NA
Washington	13.75	6.00	5.75	2.00
West Virginia	13.75	4.00	7.75	2.00
Wisconsin	15.00	5.00	8.00	2.00
Wyoming	9.25	3.00	4.25	2.00

TABLE 2. 8 RECOMMENDATIONS RELATING TO COVERAGE

Total States Meeting	Recommendation Number								
	2.1(a)	2.1(b)	2.2	2.4	2.5	2.6	2.7	2.11	2.13
Alabama	X	X	-	-	-	-	X	X	X
Alaska	X	-	X	-	-	-	-	X	X
Am Samoa	NA	NA	NA	NA	NA	NA	NA	NA	NA
Arizona	X	-	X	X	-	X	-	X	X
Arkansas	X	-	-	-	-	X	-	-	X
California	X	X	X	X	-	X	X	-	X
Colorado	X	X	-	X	-	X	-	X	X
Connecticut	X	-	X	X	-	-	-	-	X
Delaware	X	X	X	-	-	-	-	X	X
Dist of Columbia	X	X	X	X	-	X	X	-	X
Florida	X	-	-	-	-	X	-	X	X
Georgia	X	-	-	-	-	-	-	X	X
Guam	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hawaii	X	X	X	X	-	X	-	X	X
Idaho	X	X	X	X	-	X	-	X	X
Illinois	X	X	X	-	-	-	-	X	X
Indiana	X	X	X	-	-	X	-	X	X
Iowa	X	-	X	-	-	X	-	X	X
Kansas	X	X	X	-	-	X	X	X	X
Kentucky	X	-	X	-	-	X	X	X	X
Louisiana	X	-	X	-	-	-	-	X	X
Maine	X	-	X	-	-	X	X	-	X
Maryland	X	-	X	-	-	X	-	-	X
Massachusetts	X	X	X	X	-	-	-	-	X
Michigan	X	-	-	-	-	X	-	-	X
Minnesota	X	X	X	-	X	-	-	-	X
Mississippi	X	X	-	-	-	-	-	-	X
Missouri	X	X	-	-	-	X	X	X	X
Montana	X	-	X	X	-	X	-	-	X
Nebraska	X	X	X	-	-	X	X	X	X
Nevada	X	X	X	-	-	X	-	-	X
New Hampshire	X	X	X	X	X	X	X	X	X
New Jersey	X	X	X	X	-	X	X	X	X
New Mexico	X	-	-	-	-	X	-	X	X
New York	X	X	X	-	-	-	-	-	X
North Carolina	X	X	-	-	-	X	-	X	X
North Dakota	X	X	X	-	-	X	-	-	X
Ohio	X	-	X	X	-	X	-	-	X
Oklahoma	X	X	X	-	-	X	-	-	X
Oregon	X	X	X	X	-	X	-	-	X
Pennsylvania	X	X	X	-	-	-	-	X	X
Puerto Rico	X	X	X	X	-	X	X	-	X
Rhode Island	X	-	X	-	-	-	X	-	X
South Carolina	X	-	-	-	X	-	-	X	X
South Dakota	X	-	X	-	-	-	-	-	X
Tennessee	X	-	-	-	-	-	X	X	X
Texas	-	X	X	-	-	-	-	-	X
Utah	X	X	X	-	-	X	X	-	X
Vermont	X	-	X	-	-	-	X	X	X
Virginia	X	-	-	-	-	-	-	-	X
Virgin Islands	NA	NA	NA	NA	NA	NA	NA	NA	NA
Washington	X	X	X	X	-	X	-	X	X
West Virginia	X	X	X	-	-	X	-	-	X
Wisconsin	X	X	-	-	-	X	X	X	X
Wyoming	X	X	X	-	-	-	-	-	X

TABLE 4. 2 RECOMMENDATIONS RELATING TO MEDICAL BENEFITS

	Recommendation Number	
	4.2	4.4
Total States Meeting	48	46
Alabama	X	X
Alaska	X	X
Am Samoa	NA	NA
Arizona	X	X
Arkansas	-	X
California	X	-
Colorado	X	X
Connecticut	X	X
Delaware	X	X
Dist of Columbia	X	X
Florida	-	-
Georgia	X	X
Guam	NA	NA
Hawaii	-	X
Idaho	X	X
Illinois	X	X
Indiana	X	X
Iowa	X	X
Kansas	X	-
Kentucky	X	X
Louisiana	X	X
Maine	X	-
Maryland	X	X
Massachusetts	X	X
Michigan	X	X
Minnesota	X	X
Mississippi	X	X
Missouri	X	-
Montana	-	-
Nebraska	X	X
Nevada	X	X
New Hampshire	X	X
New Jersey	X	X
New Mexico	X	X
New York	X	X
North Carolina	X	X
North Dakota	X	X
Ohio	X	X
Oklahoma	X	X
Oregon	X	X
Pennsylvania	X	X
Puerto Rico	X	X
Rhode Island	X	X
South Carolina	X	X
South Dakota	X	X
Tennessee	X	X
Texas	X	X
Utah	X	X
Vermont	X	X
Virginia	X	X
Virgin Islands	NA	NA
Washington	X	X
West Virginia	X	X
Wisconsin	X	X
Wyoming	X	X

TABLE 5. THE BASIS FOR THE RATINGS REGARDING R3.8, R3.15, AND R3.23

	Maximum Weekly Benefits				Percentage Comparison of Maximum Weekly Benefits to SAWW		
	TTD1/	PTD2/	DEATH	2002 SAWW3/	TTD	PTD	DEATH
Alabama	\$587.00	\$587.00	\$587.00	\$587.00	100	100	100
Alaska	832.00	832.00	832.00	691.00	120	120	120
Am Samoa	-----	-----	-----	-----	---	---	---
Arizona	374.01	374.01	369.27	647.00	58	58	57
Arkansas	453.00	453.00	453.00	533.00	85	85	85
California	728.00	728.00	728.00	784.00	93	93	93
Colorado	658.84	658.84	658.84	731.00	90	90	90
Connecticut	911.00	911.00	911.00	911.00	100	100	100
Delaware	506.81	506.81	506.81	759.00	67	67	67
Dist of Col	1022.00	1022.00	1022.00	1,039.00	98	98	98
Florida	626.00	626.00	626.00	612.00	102	102	102
Georgia	425.00	425.00	425.00	692.00	61	61	61
Guam	-----	-----	-----	-----	---	---	---
Hawaii	596.00	596.00	596.00	595.00	100	100	100
Idaho	480.60	480.60	320.40	534.00	90	90	60
Illinois	1,012.01	1,012.01	1,012.01	764.00	132	132	132
Indiana	588.00	588.00	588.00	626.00	94	94	94
Iowa	1,133.00	1,133.00	1,133.00	561.00	202	202	202
Kansas	440.00	440.00	440.00	597.00	74	74	74
Kentucky	588.43	588.43	294.22	591.00	100	100	50
Louisiana	429.00	429.00	429.00	577.00	74	74	74
Maine	506.42	506.42	506.42	562.00	90	90	90
Maryland	740.00	740.00	740.00	728.00	102	102	102
Massachusetts	884.46	884.46	884.46	871.00	102	102	102
Michigan	671.00	671.00	671.00	734.00	91	91	91
Minnesota	750.00	750.00	750.00	722.00	104	104	104
Mississippi	341.11	341.11	341.11	506.00	67	67	67
Missouri	662.55	662.55	662.55	640.00	104	104	104
Montana	487.00	487.00	487.00	477.00	102	102	102
Nebraska	562.00	562.00	562.00	559.00	101	101	101
Nevada	633.08	633.08	633.08	635.00	100	100	100
New Hampshire	1038.00	1038.00	1038.00	704.00	147	147	147
New Jersey	650.00	650.00	650.00	863.00	75	75	75
New Mexico	549.37	549.37	549.37	542.00	101	101	101
New York	400.00	400.00	400.00	904.00	44	44	44
North Carolina	688.00	688.00	688.00	625.00	110	110	110
North Dakota	555.00	555.00	555.00	502.00	111	111	111
Ohio	662.00	662.00	662.00	648.00	102	102	102
Oklahoma	528.00	528.00	528.00	542.00	97	97	97
Oregon	884.58	665.10	884.58	636.00	139	105	139

TABLE 5. THE BASIS FOR THE RATINGS REGARDING R3.8, R3.15, AND R3.23 (cont.)

	Maximum Weekly Benefits				Percentage Comparison of Maximum Weekly Benefits to SAWW		
	TTD <sup>1/</sup>	PTD <sup>2/</sup>	DEATH	2002 SAWW <sup>3/</sup>	TTD	PTD	DEATH
Pennsylvania	690.00	690.00	690.00	678.00	102	102	102
Puerto Rico	200.00	200.00	200.00	362.00	55	55	55
Rhode Island	726.00	726.00	726.00	639.00	114	114	114
South Carolina	577.73	577.73	577.73	567.00	102	102	102
South Dakota	498.00	498.00	498.00	498.00	100	100	100
Tennessee	618.00	618.00	618.00	624.00	99	99	99
Texas	537.00	537.00	537.00	707.00	76	76	76
Utah	579.00	492.00	492.00	577.00	100	85	85
Vermont	887.00	887.00	887.00	589.00	151	151	151
Virginia	691.00	691.00	691.00	707.00	98	98	98
Virgin Islands	385.00	385.00	-----	533.00	72	72	---
Washington	885.29	885.29	885.29	731.00	121	121	121
West Virginia	537.00	537.00	537.00	535.00	100	100	100
Wisconsin	687.00	687.00	687.00	618.00	111	111	111
Wyoming	563.43	375.64	375.64	544.00	104	69	69

<sup>1/</sup> TTD means temporary total disability.

<sup>2/</sup> PTD means permanent total disability.

<sup>3/</sup> SAWW means State average weekly wage.

SUPPLEMENT: PENDING CHANGES

The following changes in State laws, affecting accordance with the 19 essential recommendations of the National Commission, were enacted and approved on or before January 1, 2004, to become effective after that date.

State	Effective date	Maximum weekly compensation for total disability and death will equal:
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NONE

TABLE 3. 9 RECOMMENDATIONS RELATING TO INCOME BENEFITS

Recommendation Number

	3.25											
	3.7	3.8	3.11	3.12	3.15	3.17	3.21	3.23	(a)	(b)	(c)	(d)
Total States Meeting	49	35	52	49	33	35	35	32	32	25	46	14
Alabama	X	X	X	X	X	X	-	X	-	-	-	-
Alaska	X	X	X	X	X	X	X	X	-	X	X	X
Am Samoa	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Arizona	X	-	X	X	-	X	X	-	X	-	X	-
Arkansas	X	-	X	X	-	-	-	-	X	X	X	X
California	X	-	X	X	-	X	X	-	-	-	-	-
Colorado	X	-	X	X	-	X	X	-	X	X	X	-
Connecticut	X	X	X	X	X	X	X	X	X	-	X	-
Delaware	X	-	X	X	-	X	X	-	X	X	X	X
Dist of Columbia	X	X	X	X	X	X	-	X	X	X	X	-
Florida	X	X	X	X	X	-	-	X	-	-	X	-
Georgia	X	-	X	X	-	-	X	-	-	-	X	-
Guam	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hawaii	X	X	X	X	X	X	-	X	X	X	X	-
Idaho	X	-	X	X	-	X	-	-	-	-	-	-
Illinois	X	X	X	X	X	X	X	X	X	X	X	X
Indiana	X	-	X	X	-	-	X	-	-	X	X	-
Iowa	X	X	X	X	X	X	X	X	X	X	X	X
Kansas	X	-	X	X	-	X	X	-	X	-	X	-
Kentucky	X	X	X	X	X	X	-	-	X	X	X	-
Louisiana	X	-	X	X	-	X	-	-	X	X	X	-
Maine	X	-	X	X	-	X	X	-	-	-	X	-
Maryland	X	X	X	X	X	X	X	X	X	X	X	-
Massachusetts	-	X	X	X	X	-	X	X	X	-	X	X
Michigan	X	-	X	X	-	X	X	-	-	-	X	-
Minnesota	X	-	X	X	-	-	-	-	-	-	X	X
Mississippi	X	-	X	X	-	-	-	-	-	-	X	-
Missouri	X	X	X	X	X	-	X	X	X	X	X	-
Montana	X	X	X	X	X	X	X	X	-	-	X	-
Nebraska	X	X	X	X	X	X	X	X	X	X	X	X
Nevada	X	X	X	X	X	X	X	X	X	X	X	-
New Hampshire	-	X	X	-	X	X	-	X	X	-	X	X
New Jersey	X	-	X	X	-	-	-	-	X	-	X	-
New Mexico	X	X	X	X	X	X	X	X	-	X	X	-
New York	X	-	X	X	-	X	X	-	X	X	X	-
North Carolina	X	X	X	X	X	X	X	X	-	-	-	-
North Dakota	X	X	X	X	X	X	X	X	X	-	X	-



Ohio	X	X	X	X	X	X	X	X	X	X	X	X
Oklahoma	X	X	X	X	X	-	X	X	X	X	X	-
Oregon	X	X	X	X	X	X	X	X	X	X	X	-
Pennsylvania	X	X	X	X	X	X	-	X	X	X	X	-
Puerto Rico	X	-	X	X	-	-	-	-	X	-	X	X
Rhode Island	X	X	X	X	X	X	X	X	X	-	X	-
South Carolina	X	X	X	X	X	-	X	X	-	X	X	-
South Dakota	X	X	X	X	X	X	X	X	X	X	X	-
Tennessee	X	X	X	X	X	-	-	X	X	-	X	-
Texas	X	X	X	X	X	-	X	X	X	X	X	X
Utah	X	X	X	X	-	-	X	-	-	-	-	-
Vermont	X	X	X	X	X	X	X	X	-	-	X	X
Virginia	X	X	X	X	X	-	X	X	-	-	X	-
Virgin Islands	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Washington	-	X	X	-	X	X	-	X	X	X	X	-
West Virginia	X	X	X	X	X	-	X	X	X	-	X	X
Wisconsin	X	X	X	X	X	X	X	X	-	-	-	-
Wyoming	X	X	X	-	-	X	-	-	-	-	X	-

APPENDIX A

ESSENTIAL RECOMMENDATIONS OF THE NATIONAL COMMISSION  
ON STATE WORKMEN'S COMPENSATION LAWS

- R2.1 Coverage by workmen's compensation laws be compulsory and that no waivers be permitted.  
R2.1(a) Coverage is compulsory for private employments generally.  
R2.1(b) No waivers are permitted.
- R2.2 Employers not be exempted from workmen's compensation coverage because of the number of their employees.
- R2.4 A two-stage approach to the coverage of farmworkers. First, as of July 1, 1973, each agriculture employer who has an annual payroll that in total exceeds \$1,000 be required to provide workmen's compensation coverage to all of his employees. As a second stage, as of July 1, 1975, farmworkers be covered on the same basis as all other employees.
- R2.5 As of July 1, 1975, household workers and all casual workers be covered under workmen's compensation at least to the extent they are covered by Social Security.
- R2.6 Workmen's compensation coverage be mandatory for all government employees.
- R2.7 There be no exemptions for any class of employees, such as professional athletes or employees of charitable organizations.
- R2.11 An employee or his survivor be given the choice of filing a workmen's compensation claim in the State where the injury or death occurred, or where the employment was principally localized, or where the employee was hired.
- R2.13 All States provide full coverage for work-related diseases.
- R3.7 Subject to the State's maximum weekly benefit, temporary total disability benefits be at least  
66 2/3 percent of the worker's gross weekly wage.
- R3.8 As of July 1, 1973, the maximum weekly benefit for temporary total disability be at least 66 2/3 percent of the State's average weekly wage, and that as of July 1, 1975, the maximum be at least 100 percent of the State's average weekly wage.
- R3.11 The definition of permanent total disability used in most States be retained. However, in those few States which permit the payment of permanent total disability benefits to workers who retain substantial earning capacity, the benefit proposals are applicable only to those cases which meet the test of permanent total disability used in most States.
- R3.12 Subject to the State's maximum weekly benefit, permanent total disability benefits be at least  
66 2/3 percent of the worker's gross weekly wage.
- R3.15 As of July 1, 1973, the maximum weekly benefit for permanent total disability be at least 66 2/3 percent of the State's average weekly wage, and that as of July 1, 1975, the maximum be at least 100 percent of the State's average weekly wage.
- R3.17 Total disability benefits be paid for the duration of the worker's disability, or for life, without any limitations as to dollar amount or time.
- R3.21 Subject to the State's maximum weekly benefit, death benefits be at least 66 2/3 percent of the worker's gross weekly wage.
- R3.23 As of July 1, 1973, the maximum weekly death benefit be at least 66 2/3 percent of the State's average weekly wage, and that as of July 1, 1975, the maximum be at least 100 percent of the State's average weekly wage.

R3.25 (a) Death benefits be paid to a widow or widower for life or until remarriage, and (b) in the event of remarriage, two years' benefits be paid in a lump sum to the widow or widower. (c) Benefits for a dependent child be continued at least until the child reaches 18, or beyond such age if actually dependent, or (d) at least until age 25 if enrolled as a full-time student in any accredited educational institution.

R4.2 There be no statutory limits of time or dollar amount for medical care or physical rehabilitation services for any work-related impairment.

R4.4 The right to medical and physical rehabilitation benefits not terminate by the mere passage of time.

SOURCE: Report of the National Commission on State Workmen's Compensation Laws,  
U. S. Government Printing Office, 1972