

Alaska

■ ALASKA WORKERS' COMPENSATION ACT

TERMS: Except for harvest workers and similar part-time employees, agricultural workers who are injured on the job are entitled to immediate medical treatment and related services at the employer's expense, as well as weekly cash payments for any disability that results from the injury. If an employment-related accident leads to a worker's death, benefits are generally paid to the worker's surviving dependents. Most employers meet their responsibility under this law by obtaining a prescribed workers' compensation insurance policy.

ENFORCEMENT: *Division of Workers' Compensation, Department of Labor and Workforce Development, Juneau, Alaska 99811 (907-465-2790)*. To protect the right to workers' compensation benefits, a worker who is injured on the job should notify the employer as soon as possible after the accident.

Arizona

■ ARIZONA WORKERS' COMPENSATION LAW

TERMS: All agricultural employers must either protect their employees with a workers' compensation insurance policy (the cost of which may not be deducted from the workers' pay) or provide proof to the state that they have the financial ability to pay compensation directly. In either case, agricultural workers who are injured in a job-related accident or disabled by a disease caused by their employment are generally entitled to receive cash disability payments, medical and hospital services, medicines, and related benefits. If an occupational injury or disease should lead to a worker's death, compensation benefits are generally payable to the worker's surviving dependents.

ENFORCEMENT: *Claims Division, Industrial Commission of Arizona, Phoenix, Arizona 85007 (602-542-4661).*

SPECIAL NOTE: Under the workers' compensation law, when a farm operator uses a labor contractor to obtain workers but the farm operator still has supervision and control over their work, the contractor and the workers in the contractor's crew are regarded as employees of the farm operator, who is therefore responsible for providing the insurance.

California

■ WORKERS' COMPENSATION ACT

TERMS: Whenever an agricultural worker is injured in a job-related accident, the employer is responsible for covering the cost of the worker's medical and hospital treatment and related services, and for the payment of weekly disability benefits in the event of disability due to the injury. Most employers meet this responsibility by purchasing workers' compensation insurance. Whenever an employment-related injury results in a worker's death, compensation benefits are generally payable to the worker's surviving dependents.

ENFORCEMENT: *Division of Workers' Compensation, California Department of Industrial Relations, Oakland, California 94612 (510-286-7100)*. Any accident on the job should be reported to the employer as soon as possible, in order to protect the right to workers' compensation benefits.

Colorado

■ WORKERS' COMPENSATION ACT OF COLORADO

TERMS: Farm operators and other agricultural employers are required either to have workers' compensation insurance or to obtain a self-insurance permit from the state.

Under either arrangement, farmworkers who are injured in an accident on the job are entitled to payment of medical, hospital and related costs required for treatment. If the worker is disabled or dies as a result of the injury, the insurance carrier or employer is responsible for paying cash benefits to the worker or the worker's dependents to compensate for lost wages.

ENFORCEMENT: *Division of Workers' Compensation, Colorado Department of Labor and Employment, Denver, Colorado 80202 (888-390-7936).*

Connecticut

■ CONNECTICUT WORKERS' COMPENSATION ACT

TERMS: Farm operators, farm labor contractors, and other agricultural establishments that employ one or more workers are required to pay the cost of medical treatment of their workers who are injured on the job, or who are disabled by certain illnesses caused by their employment, and are obligated to pay cash benefits to such employees or their dependents to compensate for the loss in earnings resulting from the injury or illness.

To meet these obligations, employers must either have an approved workers' compensation insurance policy, or provide proof to the state of their financial ability to pay compensation claims from their own funds.

ENFORCEMENT: *Connecticut Workers' Compensation Commission, Hartford, Connecticut 06106 (860-493-1500)*. A worker who is injured on the job should notify the employer, who must report the facts of the injury to the Chairman's office within one week. A written notice of a claim for compensation must be filed by the injured worker within one year from the date of the accident which caused the personal injury, or within 3 years from the onset of symptoms of the occupational disease.

Florida

■ WORKERS' COMPENSATION LAW

TERMS: Farm operators and other agricultural establishments generally must have workers' compensation insurance, or the financial ability to pay compensation directly, if they (1) employ 6 or more regular farm employees, (2) employ 12 or more seasonal farmworkers at any one time, (3) employ any group of seasonal farmworkers for a job lasting at least 30 days, or (4) employ seasonal farmworkers for a cumulative period of more than 45 days in a calendar year.

A worker who is employed by any such farm operation, and who is injured on the job, is entitled to the payment of medical services and supplies, cash disability benefits in place of lost wages, and — in the case of a worker who is injured or killed in the course of employment — death benefits to the worker's surviving dependents.

ENFORCEMENT: *Division of Workers' Compensation, Department of Financial Services, Tallahassee, Florida 32399 (850-413-1609).*

Hawaii

■ WORKERS' COMPENSATION LAW

TERMS: Agricultural workers who are injured in a job-related accident, or are disabled by an occupational disease, are generally entitled to payment of the cost of medical treatment and rehabilitation, as well as cash disability benefits to compensate for loss of income. Employers may meet their legal responsibility for providing these benefits by having workers' compensation insurance.

ENFORCEMENT: *Disability Compensation Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-9200)*. The Department may normally accept a claim for compensation benefits from any worker, or the worker's surviving dependents, within 2 years after the date when the effects of the job-related injury became apparent, and within 5 years after the date of the accident which caused the injury.

SPECIAL NOTE: It is illegal for an employer to suspend or fire a worker solely because the worker suffers a work injury covered by this law, unless the employer presents proof that the worker will no longer be able to perform the duties of the job because of the injury and that the employer has no other available work that the worker is capable of performing.

Idaho

■ **WORKER'S COMPENSATION LAW**

TERMS: For their employees who are injured on the job, most farm operators and other employers in Idaho are required to cover the cost of related medical treatment and rehabilitation, cash payments to replace lost wages, and related benefits. Employers usually meet that obligation by purchasing a workers' compensation insurance policy, or by documenting their ability to cover compensation claims directly.

ENFORCEMENT: *Idaho Industrial Commission, Boise, Idaho 83720 (208-334-6000).*

Illinois

■ WORKERS' COMPENSATION ACT

TERMS: A farm operator or other agricultural employer who used at least 400 worker-days of agricultural labor in all four calendar quarters of the preceding calendar year (for example, 40 workers employed for 10 days, 20 workers employed for 20 days, or any similar combination occurring from January through March, April through June, July through September, or October through December), is required to have workers' compensation insurance or equivalent coverage acceptable to the state.

Farmworkers who are injured while working for such an employer are entitled to immediate medical treatment and related services, as well as weekly cash benefits to compensate for loss of income if disability results from the injury.

ENFORCEMENT: *Illinois Workers' Compensation Commission, Chicago, Illinois 60601 (312-814-6611)*. To protect the right to workers' compensation benefits, a worker who is injured while on the job must notify the employer as soon as possible, but in no case later than 45 days after the accident occurred.

■ WORKERS' OCCUPATIONAL DISEASES ACT

TERMS: Except for farming operations that used less than 400 worker-days of agricultural labor in all four calendar quarters of the preceding year, farm operators and other agricultural establishments must obtain occupational disease compensation insurance or have equivalent coverage for their employees.

A farmworker who, while working for such an employer, is disabled by a disease directly related to the employment may be eligible for cash disability payments, medical and hospital care, rehabilitation services, and related benefits. If the disease leads to the worker's death, the worker's surviving dependents are generally eligible for income benefits and burial expenses.

ENFORCEMENT: *Illinois Workers' Compensation Commission, Chicago, Illinois 60601 (312-814-6611)*. Notice of disablement from an occupational disease must be given to the employer as soon as possible after onset of the disease or its symptoms.

Iowa

■ WORKERS' COMPENSATION LAW

TERMS: Agricultural employers who paid at least \$2,500 in cash wages the previous year are responsible for paying cash disability benefits, medical and rehabilitation costs, and burial expenses in the event of the injury or death of any of their workers in the current year. Employers may meet this obligation by obtaining workers' compensation insurance.

A farmworker who, at the time of a job-related injury, was working for an agricultural employer whose total cash payroll amounted to \$2,500 or more during the preceding year is entitled to workers' compensation benefits. If the injury results in the worker's death, benefits are usually payable to the worker's surviving dependents.

ENFORCEMENT: *Division of Workers' Compensation, Iowa Workforce Development, Des Moines, Iowa 50319 (515-725-4120; toll-free 800-645-4583)*. In order to protect the right to workers' compensation benefits, a worker who is injured on the job (or a representative of the worker) should notify the employer of the accident within 90 days after it occurs. Any dispute with the employer or the employer's insurance carrier regarding benefits may be reported to the Division.

■ IOWA OCCUPATIONAL DISEASE LAW

TERMS: A farmworker who is disabled by an occupational disease and who, at the time of the last serious exposure to the cause of the disease, was working for an agricultural employer whose total wage expenditures amounted to \$2,500 or more during the previous year, is generally entitled to compensation (including medical expenses, weekly disability payments, and other benefits) paid for by the employer. Most employers meet their obligation under this law by obtaining a standard policy of occupational disease compensation insurance.

ENFORCEMENT: *Division of Workers' Compensation, Iowa Workforce Development, Des Moines, Iowa 50319 (515-725-4120; toll-free 800-645-4583)*. In order to protect the right to benefits, a worker who is incapacitated due to an occupational disease must notify the employer in writing within 90 days after the first distinct symptoms of the disease appear. Any dispute with the employer or the employer's insurance carrier regarding benefits may be reported to the Division.

Louisiana

■ LOUISIANA WORKERS' COMPENSATION LAW

TERMS: If a farmworker is injured in an accident on the job, or is disabled by an occupational disease, the worker's employer is responsible for paying the cost of necessary medical, surgical and hospital services, medicines, and related treatment, as well as weekly cash benefits if the worker is disabled by the injury. Similar benefits are payable to the worker's dependents if the accident or disease results in the worker's death. Most employers meet their responsibility under this law by obtaining workers' compensation insurance.

Exception — This law *does not apply* to workers who (1) are employed in the cultivation or harvest of an agricultural crop by a private unincorporated farm with an annual payroll of \$2,500 or less, and (2) receive annual earnings of \$1,000 or less.

ENFORCEMENT: *Office of Workers' Compensation Administration, Louisiana Workforce Commission, Baton Rouge, Louisiana 70804 (225-342-7555).* A worker who is injured on the job or suffers disablement due to an occupational disease should notify the employer as soon as possible, but in no case later than 30 days after the date of injury or onset of disability. If a dispute arises over payment of compensation, or if the employer or insurer fails to pay compensation, the worker may file a Disputed Claim for Compensation (Form LWC-WC 1008) with a Workers' Compensation district office.

Maine

■ MAINE WORKERS' COMPENSATION ACT OF 1992

TERMS: Agricultural employers who have employed more than 6 non-seasonal agricultural workers for a combined total of 240 hours or more in any one week during the 52 weeks immediately before a job-related injury are required to provide the injured worker with immediate medical treatment and related services, at no cost to the worker. If the accident results in disability, the worker is entitled to receive regular cash payments to compensate for lost wages. Most employers meet these obligations by obtaining workers' compensation insurance.

Employers who (a) employ more than 6 non-seasonal agricultural workers, but do not meet the 240-hour threshold, (b) employ 6 or fewer non-seasonal agricultural workers, or (c) employ only seasonal or casual farmworkers, must provide all of them with workers' compensation coverage, unless they have an employer's liability insurance policy that includes medical payments up to certain required limits.

ENFORCEMENT: *Office of Monitoring, Audit and Enforcement, Maine Workers' Compensation Board, Augusta, Maine 04330 (207-287-8496; toll-free 888-801-9087)*. A worker who is injured in a job-related accident should notify the employer as soon as possible, but not more than 30 days after the date of injury. If the employer does not provide compensation, or in the event of a dispute over benefits, the worker may file a complaint with the Board.

■ OCCUPATIONAL DISEASE LAW

TERMS: Where a worker's death or inability to work is the result of a disease caused by his or her employment, the worker or the worker's surviving dependents are entitled to cash benefits and payment of associated medical expenses, to the extent that the employer is subject to the Workers' Compensation Act (*see previous entry*).

Consequently, a farmworker disabled by an occupational disease is generally eligible for occupational disease benefits if he or she was working for an agricultural employer who employed more than 6 non-seasonal agricultural workers for a combined total of 240 hours or more in any one week during the 52 weeks immediately before the disablement.

Other farmworkers disabled by an occupational disease may also have a right to workers' compensation benefits, unless the employer provides coverage under an employer's liability insurance policy.

ENFORCEMENT: *Office of Monitoring, Audit and Enforcement, Maine Workers' Compensation Board, Augusta, Maine 04330 (207-287-8496; toll-free 888-801-9087)*. Claims for disability or death due to occupational disease are handled in the same way as injury claims under the Workers' Compensation Act.

Maryland

■ MARYLAND WORKERS' COMPENSATION ACT

TERMS: Farm operators and other agricultural establishments that have 3 or more full-time workers, or pay at least \$15,000 a year in wages to full-time workers, are legally responsible for paying medical expenses and related costs when any of their workers is injured in an accident connected with the job, as well as regular cash benefits to compensate for lost wages. Most employers meet this responsibility by purchasing workers' compensation insurance through a private company.

In general, a farmworker is entitled to workers' compensation benefits in the event of a job-related accident, or disablement due to an occupational disease, which occurs while the worker is employed by any such employer.

Exception — The law *does not apply* to farmworkers (other than those operating machinery or equipment) who are employed in farmwork within 25 miles of their permanent place of residence and for only 13 weeks or less during the year.

ENFORCEMENT: *Insurance, Reporting and Compliance Division, Maryland Workers' Compensation Commission, Baltimore, Maryland 21202 (410-864-5297).* To protect the right to benefits, notice of a worker's injury on the job must normally be given to the employer within 10 days after the accident, or within 30 days after a death resulting from such an accident. Workers' compensation claims generally are not valid unless filed with the Commission within 60 days after an injury or 18 months after a death.

SPECIAL NOTE: It is illegal for an employer to fire a worker because the worker has filed a workers' compensation claim.

Massachusetts

■ WORKERS' COMPENSATION LAW

TERMS: Farmworkers who are injured in the course of their employment are entitled to immediate medical treatment and required hospital services, doctors' services, medicines and related benefits, all at the employer's expense. Workers who are disabled as a result of a job-related injury generally also qualify for weekly cash payments to compensate for lost income.

Most employers meet their responsibility to cover such expenses by obtaining workers' compensation insurance.

ENFORCEMENT: *Office of Claims Administration, Massachusetts Department of Industrial Accidents, Boston, Massachusetts 02114 (617-727-4900; toll-free 800-323-3249)*. A worker who is injured on the job should promptly notify the employer. Any disagreement over the payment of benefits may be reported to the Department for investigation.

Michigan

■ WORKER'S DISABILITY COMPENSATION ACT OF 1969

TERMS:

Full Coverage — Every farm operator or other agricultural employer with 3 or more regular workers generally must either have workers' compensation insurance or pay premiums to the state accident fund. Regular workers who are injured or disabled while working for such an employer are entitled to payment of the resulting medical costs, weekly cash compensation for loss of wages, and other benefits.

A regular worker is one who is paid hourly wages or a salary, but is not paid on a piecework basis, and who worked for the employer at least 35 hours a week for 13 or more consecutive weeks during the previous 52 weeks.

Partial Coverage — Agricultural employers who are not required to have full coverage as described above, but who employ at least one worker for 35 or more hours a week for at least 5 consecutive weeks, must provide such workers with medical and hospital coverage for injuries received on the job. These workers are not, however, entitled to weekly compensation payments or the other benefits payable to injured workers who are fully covered.

ENFORCEMENT: *Workers' Compensation Agency, Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (toll-free 888-396-5041).* A farmworker who is injured on the job, or disabled by an illness that was caused by conditions at the workplace, should notify the employer as soon as possible. Any disagreement over the employer's responsibility for medical treatment or other workers' compensation benefits should be reported to this agency.

Minnesota

■ WORKERS' COMPENSATION LAW

TERMS: Farm operators and other agricultural employers who paid at least \$8,000 in cash wages for farm labor in the previous year are required to have workers' compensation insurance, or authorization from the state to operate as a self-insurer.

Farmworkers who work for such an employer and who suffer a job-related injury are generally entitled to medical treatment at the employer's expense and may be eligible for weekly cash payments to compensate for lost wages if the injury results in disability. In the event of a worker's death due to injury on the job, benefits are normally payable to the worker's dependents.

ENFORCEMENT: *Workers' Compensation Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-284-5005; toll-free 800-342-5354)*. Workers' compensation benefits for a job-related injury or death may not be paid until the employer is notified in writing by the worker or is otherwise made aware of the injury or death. In general, no claim for compensation is valid unless filed within 6 years after the date of the accident on which the claim is based.

Montana

■ WORKERS' COMPENSATION ACT

TERMS: Employers in Montana are generally required to enroll in a state-supervised workers' compensation plan.

Workers who are accidentally injured on the job are generally entitled to payment of the associated medical costs, and may receive cash benefits to compensate for loss of wages if the injury leads to temporary disability.

ENFORCEMENT: *Workers' Compensation Regulation Bureau, Employer Relations Division, Montana Department of Labor and Industry, Helena, Montana 59604 (406-444-1555)*. A farmworker who is injured on the job generally must file a report of the accident with the employer within 30 days after the injury in order to qualify for workers' compensation benefits. A worker who has a dispute concerning benefits may petition a workers' compensation judge for a determination.

Nebraska

■ NEBRASKA WORKERS' COMPENSATION ACT

TERMS: A farm operator or other agricultural establishment is required to carry workers' compensation insurance covering its employees, or to qualify as a self-insurer, if it employs 10 or more unrelated full-time workers on each working day for 13 calendar weeks in any calendar year. The employer's obligation to comply begins 30 days after the 13th such week.

A worker who is injured on the job — or develops an occupational disease — while working for an employer who meets these conditions is generally entitled to compensation for the injury or disease. Among other potential benefits, workers' compensation may include medical, surgical and hospital services, and cash payments to make up for lost wages due to disability.

ENFORCEMENT: *Nebraska Workers' Compensation Court, Lincoln, Nebraska 68509 (402-471-6468; sin costo, al 800-599-5155).*

New Hampshire

■ WORKERS' COMPENSATION LAW

TERMS: Farm operators and other agricultural employers in New Hampshire are required to have workers' compensation insurance, or to provide proof to the state of their ability to pay workers' compensation directly.

Farmworkers who are accidentally injured while on the job, or who are disabled by an occupational disease, are generally entitled to payment of the cost of medical treatment and to weekly cash payments to compensate for loss of wages. Such benefits are payable to the worker's dependents if the injury or disease results in the worker's death.

ENFORCEMENT: *Workers' Compensation Division, New Hampshire Department of Labor, Concord, New Hampshire 03301 (603-271-3176)*. A worker who is injured on the job should report the injury to the employer as soon as possible. Workers' compensation claims are normally not valid unless notice is given within 2 years from the date of injury.

New Jersey

■ WORKERS' COMPENSATION LAW

TERMS: Whenever a worker is accidentally injured on the job, or is disabled by an occupational disease, the employer is legally responsible for paying the related medical expenses, as well as cash disability benefits to compensate for lost earnings. Similar benefits are payable to the worker's dependents if the injury or disease leads to the worker's death. Most employers meet their responsibility under this law by purchasing workers' compensation insurance.

ENFORCEMENT: *Division of Workers' Compensation, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-292-2515).* In general, a claim for compensation is not payable unless the employer is notified of the injury within 14 days after it happens. If there is a disagreement over a claim for benefits, the worker or the worker's dependents must submit the claim to the Division.

Enforcement of a claim against an employer who does not have workers' compensation coverage requires legal action by the worker in the workers' compensation court, using a private attorney or public legal service provider. A worker in that situation may apply for benefits through the Uninsured Employer's Fund.

SPECIAL NOTE: It is illegal for an employer to fire or discriminate in any other manner against a worker because the worker has made or attempted to make a claim for workers' compensation benefits.

New Mexico

■ WORKERS' COMPENSATION ACT

TERMS:

Coverage in General — The Workers' Compensation Act requires most New Mexico employers who have 3 or more workers to pay compensation to any such worker who is injured in a job-related accident, or to compensate the dependents of such a worker whose death stems from a job-related accident. Compensation includes the payment of medical costs resulting from the worker's injury or death, and cash disability or death benefits to replace lost wages.

Employers subject to this law must either obtain workers' compensation insurance or qualify as a self-insurer.

Coverage of Farm and Ranch Workers — Under a June 2016 state supreme court ruling, workers' compensation claims filed by farm and ranch workers are covered to the same extent as claims by other covered employees.

ENFORCEMENT: *New Mexico Workers' Compensation Administration, Albuquerque, New Mexico 87125 (505-841-6000; toll-free 800-255-7965).*

New York

■ WORKERS' COMPENSATION LAW

TERMS: In general, every farm operator who paid at least \$1,200 in cash wages for farm labor in the preceding calendar year must have workers' compensation insurance or equivalent coverage protecting each agricultural worker employed during any part of the 12 consecutive months beginning April 1 of the current calendar year. Any such worker who is injured on the job, or who is disabled by a disease resulting from the employment, is generally entitled to payment of the associated cost of medical treatment and cash payments to compensate for loss of wages.

ENFORCEMENT: *New York State Workers' Compensation Board, Schenectady, New York 12305 (toll-free 866-298-7830)*. To protect the right to workers' compensation benefits, notice of a worker's injury on the job should be given to the employer as soon as possible, but in no case later than 30 days after the injury occurred. Most compensation claims are not valid unless filed with the Board within 2 years after the injury.

North Carolina

■ NORTH CAROLINA WORKERS' COMPENSATION ACT

TERMS: Farm operators and other agricultural employers who regularly employ 10 or more full-time non-seasonal farmworkers are required to have workers' compensation insurance, or else be financially able to pay compensation directly, in the event a worker is injured on the job or disabled by a job-related disease.

Farmworkers who work for such an employer and who suffer a job-related injury or disease are generally entitled to medical treatment at the employer's expense, regular cash payments to make up for lost wages, and other benefits. If the accident or illness results in the worker's death, the worker's dependents may be eligible for similar compensation.

ENFORCEMENT: *Compliance Unit, North Carolina Industrial Commission, Raleigh, North Carolina 27699 (919-807-2525; toll-free 800-688-8349).* A worker who is injured while working for a farm operator covered by this law normally must notify the employer within 30 days of the accident. The employer is required to furnish medical treatment immediately, and if the worker is disabled for longer than 7 days the employer must see that compensation payments begin. The right to compensation, however, is lost unless a claim is filed within 2 years after the accident or onset of the illness involved.

A worker who has a dispute with an employer or insurance carrier regarding eligibility for compensation, or over the amount or duration of benefits, may apply to the Commission for a hearing.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a workers' compensation claim or made use of any other right granted by this law.

Ohio

■ WORKERS' COMPENSATION LAW

TERMS: A farmworker who is injured on the job or is disabled by a disease resulting from employment, and the dependents of any worker who dies as a result of a work-related accident or occupational disease, are entitled to cash compensation, medical treatment, medicines, and related benefits. The financial responsibility for providing such benefits is on the employer, who must either pay premiums to the state workers' compensation fund, or obtain a bond guaranteeing payment of required compensation directly.

ENFORCEMENT: *Ohio Bureau of Workers' Compensation, Columbus, Ohio 43215 (614-644-6292; toll-free 800-644-6292).* A worker who is injured on the job or disabled by an occupational disease, or the dependents of a worker whose death is related to such an injury or disease, may file a claim in person, by phone, or online at www.bwc.ohio.gov/bwcccommon/forms/froi/default.asp.

Oregon

■ WORKERS' COMPENSATION LAW

TERMS: All farm operators and other agricultural employers in Oregon must have workers' compensation insurance, or be financially able to pay compensation benefits themselves. Farmworkers who are injured on the job are generally entitled to payment of medical costs related to the injury, as well as cash payments if the injury results in temporary or permanent disability. Compensation benefits for the death of a worker in a job-related accident are normally payable to the worker's dependents.

ENFORCEMENT: *Workers' Compensation Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-947-7810; toll-free 800-452-0288).* As a condition for approval of most claims for compensation, an on-the-job accident must be reported to the employer no later than 90 days after it happens. The first installment of compensation must be paid within 14 days after the employer has knowledge of the claim.

■ OCCUPATIONAL DISEASE LAW

TERMS: Farmworkers who are disabled by a disease or infection caused by their employment may be eligible for cash compensation and medical payments, which are provided through the employer's workers' compensation insurance or paid by the employer directly. Claims for occupational disease benefits are handled in the same manner as claims for accidental injuries under the Workers' Compensation Law.

ENFORCEMENT: *Workers' Compensation Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-947-7810; toll-free 800-452-0288).* Occupational disease claims must generally be filed with the employer or the employer's insurance company within one year after the worker first discovers the disease, or within one year after the date of disablement or the diagnosis of occupational disease, whichever is later.

Pennsylvania

■ WORKERS' COMPENSATION ACT

TERMS: A farm operator or other agricultural establishment that pays wages of \$1,200 or more to any one worker during the year for agricultural labor, or employs any one worker for 30 or more days of farm labor during the year, must provide workers' compensation coverage for all its employees.

In turn, farmworkers who are injured in a job-related accident while working for such an employer are entitled to medical care, medicines and related services at the employer's expense, and if the injury leads to the disablement or death of the worker, the employer is responsible for paying cash benefits to the worker or the worker's dependents to compensate for lost income.

Most employers meet these obligations by purchasing workers' compensation insurance.

ENFORCEMENT: *Bureau of Workers' Compensation, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17104 (717-886-9035; toll-free 800-482-2383)*. Normally, a workers' compensation claim is not valid unless the injured worker notifies the employer of the injury within 120 days after it occurs.

Puerto Rico

■ COMPENSATION SYSTEM FOR WORK-RELATED ACCIDENTS ACT

TERMS: Agricultural workers and other employees who are injured or disabled in an employment-related accident, or who are disabled by an occupational disease, have a right to necessary medical treatment, medicines and hospital services, as well as weekly cash disability payments to compensate for lost income. If death results from the injury or disease, benefits are generally payable to the worker's surviving dependents.

To cover the cost of workers' compensation, agricultural establishments and most other employers are required to pay premiums to the State Insurance Fund.

ENFORCEMENT: *State Insurance Fund Corporation, San Juan, Puerto Rico 00936 (787-793-5959)*. A worker who is injured in any way in connection with the job should notify the employer immediately, so that the employer may report the accident to the State Insurance Fund.

■ INJURED MIGRANT WORKERS LAW

TERMS:

Assistance with U.S. Claims — When a migrant worker from Puerto Rico (1) is injured in a work-related accident or disabled by an occupational disease while employed in any state or territory of the United States, and (2) is unable to get back to the location where the accident happened to process a workers' compensation claim, the Industrial Commission of Puerto Rico may be able to help the worker get additional medical evidence, or take steps to facilitate processing of the claim.

Medical and Hospital Benefits — Migrant workers from Puerto Rico who are injured in a work-related accident or disabled by an occupational disease while working abroad under a contract of hire approved by Puerto Rico's labor secretary, and who require medical treatment and hospitalization on their return to Puerto Rico, are generally eligible for medical and hospital benefits provided under the Compensation System for Work-Related Accidents Act until their rehabilitation.

ENFORCEMENT: *Industrial Commission of Puerto Rico, San Juan, Puerto Rico 00936 (787-781-0545)*. The Industrial Commission has a duty to assist injured workers returning home to Puerto Rico in obtaining workers' compensation benefits to which they may be entitled, as described above. The Commission is also responsible for handling appeals from workers denied services by the State Insurance Fund Corporation.

Assistance with requesting medical and hospital services on behalf of a worker who is injured outside Puerto Rico may be provided by the *Employment Service Division, Bureau of Employment Security, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-756-1180)*.

Rhode Island

■ WORKERS' COMPENSATION ACT

TERMS: Farmers and other agricultural employers who employ 25 or more farmworkers for 13 or more consecutive weeks are generally required to provide workers' compensation coverage to their employees. Most employers meet that obligation by purchasing workers' compensation insurance.

A worker who is injured on the job or is disabled by an occupational disease while working for such an employer is generally entitled to necessary medical treatment, hospital care, medicines, and cash compensation for loss of wages. If the injury or illness results in death, the worker's surviving dependents are normally eligible for death benefits.

ENFORCEMENT: *Division of Workers' Compensation, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920.*

Texas

■ TEXAS WORKERS' COMPENSATION ACT

TERMS: Migrant farmworkers, certain seasonal farmworkers, and certain other agricultural workers who are injured on the job, or are disabled by an occupational disease, are generally entitled to (1) immediate medical aid, hospital services, medicines, and other goods and services related to the injury or disease, and (2) cash benefits to compensate for lost earnings due to the injury or disease.

Farm operators and other agricultural employers may meet their obligation to provide such benefits by having workers' compensation insurance covering employees in the following categories:

Migrant Workers — The Workers' Compensation Act applies without exception to workers who are employed in seasonal or temporary agricultural labor and who are required to be absent overnight from their permanent place of residence.

Seasonal Workers — Workers performing farm or ranch work which does not require overnight absence from their permanent residence are covered by the Workers' Compensation Act under any one of the following circumstances:

- (1) While employed in an orchard, in a vineyard, or on a farm primarily devoted to the production of fruit, vegetables, potatoes, sugarbeets, or vegetable seeds.
- (2) While employed by an employer whose gross annual payroll in the preceding year equals or exceeds the seasonal-worker coverage threshold set by the state (\$54,783 in 2017).
- (3) While employed by a farm operator or labor contractor who employs migrant workers performing the same work, at the same time, and at the same location.

Other Agricultural Workers — For year-round farm employees and other non-seasonal, non-temporary agricultural employees, coverage extends to only those workers employed by an employer for whom *either* of the following applies:

- (1) Had a gross annual payroll in the preceding year at or above the seasonal-worker coverage threshold set by the state (\$54,783 in 2017).
- (2) Employs 3 or more farm or ranch laborers other than migrant or seasonal workers.

As used above, the term "gross annual payroll" includes amounts paid by the farm operator for the services of migrant and seasonal farmworkers and farm labor contractors, but it does not include wages paid to the farmer's family members or business partners.

ENFORCEMENT: *Division of Workers' Compensation, Texas Department of Insurance, Austin, Texas 78744 (512-804-4000)*. In general, a job injury must be reported to the employer within 30 days after it happens. Compensation is generally not payable unless a claim has been filed with the Division within one year after the injury or the onset of disability due to an occupational disease.

SPECIAL NOTE: An employer may not fire or in any other way discriminate against a worker because the worker has filed a workers' compensation claim or testified in a related proceeding. A worker who is subjected to retaliation may be entitled to damages and reinstatement.

Utah

■ WORKERS' COMPENSATION ACT

TERMS: Farm operators and other agricultural establishments that (1) paid \$20,000 or more in cash wages for agricultural labor in any calendar quarter of the current or preceding calendar year, or (2) employed 10 or more workers in agricultural labor for some part of a day in each of 20 different calendar weeks in the current or preceding calendar year, are required to have workers' compensation insurance coverage, or provide the state agency with proof of their financial ability to pay compensation directly, in the event of accidental injury of an employee on the job.

Farmworkers who are injured while performing labor for such an employer are generally entitled to immediate and continuing medical treatment, hospital care, medicines and related services, at the employer's expense, as well as cash disability benefits in the event of disablement due to the injury.

ENFORCEMENT: *Industrial Accidents Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6800; toll-free 800-530-5090)*. A worker who is injured in an employment-related accident should notify the employer promptly, but in no case more than 180 days after the injury occurred.

■ UTAH OCCUPATIONAL DISEASE ACT

TERMS: Farm operators and other agricultural establishments that (1) paid \$20,000 or more in cash wages for agricultural labor in any calendar quarter of the current or preceding calendar year, or (2) employed 10 or more workers in agricultural labor for some part of a day in each of 20 different calendar weeks in the current or preceding calendar year, are required to pay compensation and associated medical costs in the event of an employee's disability or death from an occupational disease. An employer may meet the liability for these benefits by obtaining occupational disease compensation insurance or by qualifying as a self-insurer.

Farmworkers who suffer a disease or illness caused or made worse by work performed for such an employer are generally entitled to compensation benefits, medical treatment, and related services at the employer's expense.

ENFORCEMENT: *Industrial Accidents Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6800; toll-free 800-530-5090)*.

Vermont

■ EMPLOYER'S LIABILITY AND WORKERS' COMPENSATION LAW

TERMS: A farm operator or other agricultural employer who pays \$10,000 or more in wages during the year is required to have workers' compensation insurance or have sufficient financial resources to pay compensation directly in the event of a worker's injury on the job.

A worker who performs agricultural services for such an employer and who is injured in an accident connected with the job is entitled to immediate medical care, hospital services and related supplies, as well as regular cash benefits if disability results from the injury. If the injury leads to the worker's death, benefits are payable to the worker's surviving dependents.

ENFORCEMENT: *Workers' Compensation Division, Vermont Department of Labor, Montpelier, Vermont 05601 (802-828-2286)*. A worker who is injured on the job must promptly notify the employer of the accident. In general, no claim for compensation is valid unless it is filed with the employer within 6 months after the injury or death of the worker.

SPECIAL NOTE: An employer may not fire or discriminate against a worker because the worker has filed a workers' compensation claim, and it is also illegal for an employer to refuse to hire a job applicant because the applicant has ever filed a claim. Any such act of retaliation or discrimination should be reported to the *Vermont Attorney General's Office, Montpelier, Vermont 05609 (802-828-3171)*.

Virginia

■ VIRGINIA WORKERS' COMPENSATION ACT

TERMS: Farm operators and other agricultural establishments that regularly employ more than 3 full-time workers are legally responsible for meeting the cost of medical treatment and related expenses for any of their employees who are accidentally injured on the job, and for paying cash benefits to the worker or the worker's dependents when the injury results in disability or death. Employers typically meet this obligation by purchasing workers' compensation insurance.

ENFORCEMENT: *Virginia Workers' Compensation Commission, Richmond, Virginia 23220 (toll-free 877-664-2566)*. A worker who is injured on the job must notify the employer of the accident as soon as possible. A claim for workers' compensation normally will not be accepted unless it is filed with the Commission within 2 years after the accident.

SPECIAL NOTE: An employer is prohibited from firing a worker solely because the worker has filed or intends to file a workers' compensation claim, or because the worker has testified or is about to testify in any workers' comp-related hearing. A worker who has suffered from retaliation take legal action in civil court against the employer for damages, using a private attorney or public legal service provider.

Washington

■ INDUSTRIAL INSURANCE LAW

TERMS: Like any other employee, a farmworker who is injured on the job, or who is disabled by a disease caused by the worker's employment, is generally entitled to receive medical treatment, wage replacement benefits if unable to work, and other compensation, and if the injury or disease leads to the worker's death, compensation is payable to the worker's surviving dependents. A farmworker who is injured on the job also has the right to necessary medical, surgical and hospital services until reaching maximum medical improvement.

To finance the state industrial insurance program, most employers are required to pay premiums to the state workers' compensation fund or qualify as a self-insurer. One-half the cost of the medical portion of the premium can be deducted and withheld from the workers' wages for those covered by the state fund, and certain other costs are shared equally between the employer and the worker.

ENFORCEMENT: *Insurance Services Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5800)*. Any worker injured on the job, or the dependent of any such worker, may file a compensation claim with the Department (or with the employer, if the employer is self-insured). A claim is generally not valid unless filed within one year after the injury or death on which the claim is based.

West Virginia

■ WORKERS' COMPENSATION LAW

TERMS: Farm operators and other agricultural employers who have more than 5 full-time workers performing agricultural services are required to have workers' compensation insurance protecting their employees in the event of on-the-job injury or occupational disease.

Any full-time, part-time or seasonal farmworker who is employed by such an establishment is generally entitled to disability compensation and medical benefits for injury sustained on the job or disability due to an occupational disease.

ENFORCEMENT: *Offices of the Insurance Commissioner, West Virginia Department of Revenue, Charleston, West Virginia 25302 (304-558-3029).* An employee who is injured at work should promptly report the accident to the employer, who in turn must notify his or her workers' compensation insurance carrier. A worker who is injured on the job and does not receive the medical attention or disability benefits required under this law may file a complaint with the Commissioner's office, by calling 888-879-9842. The complaint form may be obtained online, at www.wvinsurance.gov.

SPECIAL NOTE: An employer may not fire, discipline, refuse to hire, or discriminate in any other manner against an individual because the individual has filed a workers' compensation claim or received workers' compensation benefits.

Wisconsin

■ **WORKER'S COMPENSATION ACT**

TERMS: Every farmer or other agricultural operation that employs 6 or more workers at one or more locations, working on the same day for 20 or more days during the year, is required to have workers' compensation insurance covering the operation's employees. The employer must obtain insurance within 10 days after reaching the 20-day threshold.

A farmworker who is injured while performing services for such an employer is entitled to (1) coverage of all reasonable and necessary medical costs, (2) cash payments for temporary loss of wages while the worker is recovering from the injury, (3) cash payments for permanent disability if the worker does not fully recover from the injury, (4) vocational rehabilitation, and (5) death benefits and payment of burial expenses if death occurs as a result of the injury.

ENFORCEMENT: *Worker's Compensation Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-1340).* An injured worker should notify the employer within 30 days of any injury, or, in the case of an occupational disease, within 30 days after the worker becomes aware of the disability and its relation to the employment.