

■ 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.