



WYOMING LEGISLATIVE SERVICE OFFICE

Memorandum

DATE June 5, 2023

TO Joint Appropriations Committee

FROM Polly Scott, Senior Fiscal Analyst

SUBJECT Workers' Compensation Account

Summary of Interim Topic: As part of this interim topic #1, the Joint Appropriations Committee (Committee or JAC) will assess the revenues, solvency, size, and any unfunded liability of the Wyoming Workers' Compensation Fund (WCF). The Committee will study funding, benefit levels, and comparisons to other states.

Introduction.

This paper provides background on Wyoming's approach to workers' compensation, and specifically, the WCF. The focus is on key features in Wyoming statutes impacting the risk pool. In addition, an overview of methods for establishing employer rates and the historical trend for rates is provided. For context on rates, information from the National Academy of Social Insurance and the Oregon Department of Consumer and Business Services is included. This paper also summarizes how the Wyoming Workers' Compensation Fund is invested. The effectiveness of the Workers' Compensation program is not addressed.

Workers' Compensation in Wyoming.

Like many other states, Wyoming enacted workers' compensation laws between 1910 and 1920 in response to worker deaths and injuries.¹ The WCF was established by a constitutional amendment in 1914.² Workers' compensation programs are primarily state programs and states adopted different strategies for assuring workers' compensation coverage for employees.³ Wyoming's workers' compensation laws have three distinct features – 1) required coverage is limited to extra-hazardous employment, 2) employers are required to obtain coverage through Wyoming's state fund and 3) for those employers required to have coverage, self-insurance is not an option.

¹ By 1948 all 50 states had passed workers' compensation laws (page 4 of source). National Academy of Social Insurance, Workers' Compensation: Benefits, Costs, and Coverage (November 2022):

<https://www.nasi.org/wp-content/uploads/2022/11/2022-Workers-Compensation-Report-2020-Data.pdf> (Accessed 05/10/2023).

² Wyoming Constitution Article 10, Section 4.

³ National Academy of Social Insurance, Workers' Compensation: Benefits, Costs, and Coverage (November 2022): <https://www.nasi.org/wp-content/uploads/2022/11/2022-Workers-Compensation-Report-2020-Data.pdf> (Accessed 05/10/2023).

1. **Required Coverage Limited to Extra-Hazardous Employment.** Wyoming mandates workers' compensation insurance only for workers in "extra-hazardous" employment as defined by W.S. 27-14-108(a) through (h). Nationally, all but three states (South Dakota, Texas, and Wyoming) mandate that employers provide workers compensation coverage for their employees with limited exemptions, such as exceptions for small employers, agricultural or domestic employees, and independent contractors.⁴ Wyoming employers of non-hazardous occupations may elect to provide workers' compensation insurance for their employees but are not required to provide coverage per W.S. 27-14-108(j) through (q).
2. **State Fund.** Wyoming is one of four states (North Dakota, Ohio, Washington, and Wyoming) that require employers to obtain workers' compensation coverage through the state's state fund rather than through the voluntary competitive insurance market.⁵
3. **Self-Insurance Not Allowed.** As an alternative to purchasing private insurance or participating in a state fund, many large employers choose to self-insure for workers' compensation. Wyoming and North Dakota are the only two states that do not allow employers required to have coverage to self-insure or join a self-insurance group.⁶

These features impact Wyoming's risk pool (WCF) and the rates employers pay for workers' compensation. In particular, by requiring coverage only for employment deemed extra-hazardous, the risk pool tends to be comprised of higher-risk participants than if statute mandated all employment to be covered. For employers that do not have extra-hazardous employment, there is a choice to have no coverage, have optional coverage through WCF, or purchase coverage through a national carrier.

Workers' Compensation Rates.

The Department of Workforce Services (DWS) manages the WCF, which is funded entirely by premiums and investment revenue; no state general funds are currently utilized.⁷ Pursuant to W.S. 27-14-201(a), "The worker's compensation program shall be neither more nor less than self-supporting."

The rates are determined by DWS' consulting actuary and effectuated through the Wyoming Administrative Procedures Act with written approval by the Governor per W.S. 27-14-201(c). Statute requires the DWS to obtain actuarial reporting on the WCF rates and report annually to the Joint Labor Health and Social Services Interim Committee. The report for 2022 is attached as Appendix A.

The DWS recommends the base rates by industry according to claims and payroll.⁸ Statutes limit the increase to the base rate charged to an employer for workers' compensation; increases cannot exceed 50 percent in a year per W.S. 27-14-201(c)(v) and decreases may be limited to not more than 50 percent in a year per W.S. 27-14-201(c)(vi). DWS charges new employers the base rate for three years. After three years an employer receives an experience rating based on the frequency

⁴ Ibid. at page 6.

⁵ Ibid. at page 8.

⁶ Ibid. at page 9.

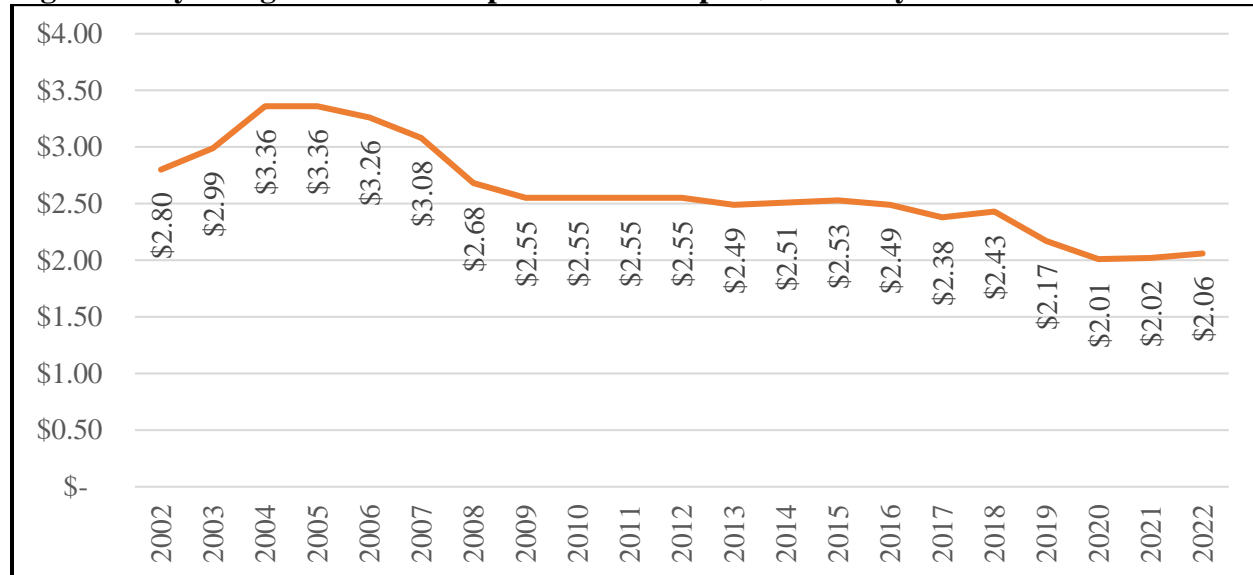
⁷ In 1986, the Legislature directed a portion of revenue generated from severance taxes to the WCF. See 1986 Wyoming Special Session Laws, Chapter 3, Section 2.

⁸ The DWS applies the North American Industry Classification System, NAICS, for industrial classification.

and severity of claims experience. DWS uses the experience rating to modify the employer's base rate.

Other than the limitations described in the prior paragraph, DWS and the actuary have latitude in recommending rates. For at least the last three years, the recommendation from DWS and the actuary was a zero percent change to overall rates.⁹ Most recently, for the 2023 rates, the actuary calculated an indicated rate change of -0.5 percent and DWS recommended no rate (zero percent) change.¹⁰ A history of Wyoming's average premium rate for Workers' Compensation is shown in Figure 1.

Figure 1. Wyoming Workers' Compensation Rate per \$100 of Payroll 2002-2022.



Source: Department of Workforce Services 2022 Annual Report.

National Comparisons.¹¹

National Academy of Social Insurance. Since at least 2016, workers' compensation premium rates have been on a downward trend across the nation. One reason for this may be improved employer safety practices.¹² A 2022 National Academy of Social Insurance (NASI) report of 2016-2020 data shows employer workers' compensation costs per \$100 of covered wages decreased in all 50 states and the District of Columbia from 2016 to 2020. See Appendix B for a table showing the 2016-2020 costs for the 50 states plus the District of Columbia.

The 2022 NASI report cautions that a meaningful comparison of employer workers' compensation costs across states must control for variations in the proportions of employers in different insurance classifications in each state, as these classifications are based on the riskiness of industries and occupations. While the NASI report does not control for insurance classification variations, the

⁹ Department of Workforce Services, Annual Report to Joint Labor, Health and Social Services Interim Committee, *Financial Status of Workers' Compensation and Unemployment Insurance Funds and Workers' Compensation Industry Base Rates*, September 30, 2022, September 28, 2021, and October 1, 2020.

¹⁰ Oliver Wyman, Calendar Year 2023 Rate Level Indications and Class Rates. September 16, 2022.

¹¹ National Academy of Social Insurance, Workers' Compensation: Benefits, Costs, and Coverage (November 2022) page 2: <https://www.nasi.org/wp-content/uploads/2022/11/2022-Workers-Compensation-Report-2020-Data.pdf> (Accessed May 26, 2023).

¹² Legislative Service Office interview with Department of Workforce Services executive team, May 15, 2023.

report references the biannual *Oregon Workers' Compensation Premium Rate Ranking* report as a study that does; NASI also cautions the Oregon report does not extend to measuring system performance.

Oregon Workers' Compensation Premium Rate Ranking:¹³ Since 1986, Oregon's Department of Consumer and Business Services has produced the biannual report based on its own analysis of workers' compensation premium rates in all 50 states and the District of Columbia using a methodology that controls for interjurisdictional differences in industry compositions.¹⁴ The biannual study compares premium rates for the same set of industry classes across all jurisdictions to determine a normalized premium index rate that reflects the differences in premiums. The 2022 Oregon report ranks the index premium rates of the 50 states and the District of Columbia, with New Jersey having the highest index rate (\$2.44), North Dakota the lowest rate (\$0.58) and Pennsylvania the median rate (\$1.27). Wyoming ranks seventh with an index rate of \$1.86, which is 146 percent of the median.

As shown in Table 1, since 2016, Wyoming's state ranking has fluctuated from a high of 7 (2022) to a low of 26 (2020) but the State's premium index rate has held steady at \$1.86 or \$1.87 for all but one year.

Table 1. Wyoming's Workers' Compensation premium index rate and state ranking.

Year	Premium Index Rate	Percent of median	State Ranking
2022	\$1.86	146%	7
2020	\$1.44	100%	26
2018	\$1.87	110%	16
2016	\$1.87	101%	23

Source: LSO compiled information from Oregon Workers' Compensation Premium Rate Ranking reports for calendar years 2016, 2018, 2020 and 2022.

Wyoming's WC Benefits.

Wyoming workers with compensable injuries may be eligible for several types of benefits, depending on the nature and severity of their injuries: medical, indemnity or lost wage, vocational rehabilitation, and death benefits. The Wyoming Workers' Compensation Act prescribes eligibility and duration criteria, as well as benefit levels. Wage replacement benefits are based on the statewide average wage updated quarterly. For the second quarter of 2023, the statewide average

¹³ Oregon Department of Consumer and Business Services, Oregon Workers' Compensation Premium Rate Ranking, Calendar Year 2002 (October 2022): <https://www.oregon.gov/dCBS/reports/Documents/general/prem-rpt/22-2083.pdf> (Accessed May 26, 2023).

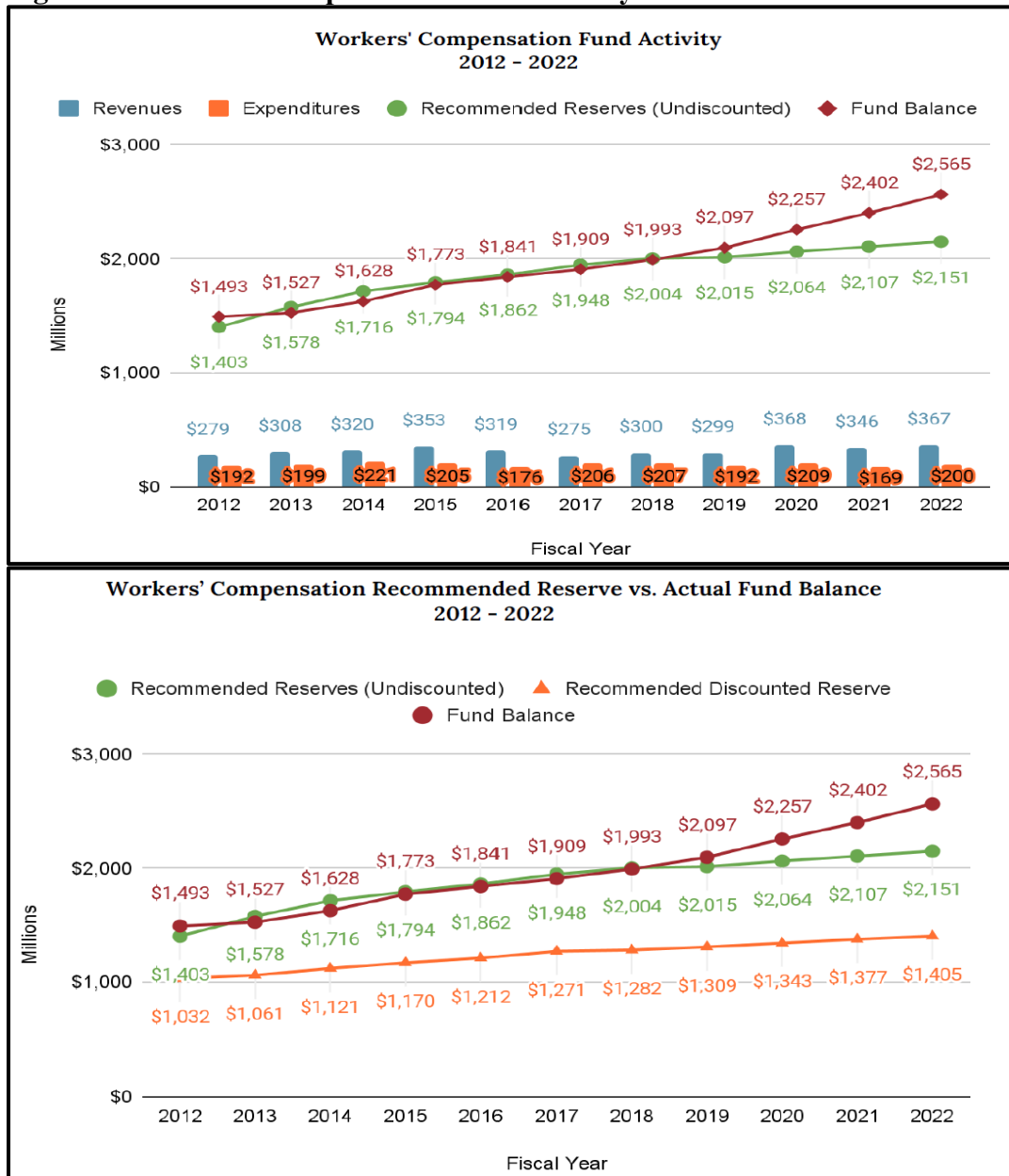
¹⁴ The authors of the Oregon Report disclose on pages 8-9 information about factors that cannot be measured that do contribute to the overall rate levels. In addition, there is no accounting for benefit levels and medical costs across states.

monthly wage was \$4,541.33.¹⁵ See Appendix C for the NASI table summarizing workers' compensation benefits for the 50 states plus the District of Columbia.

Size of the WCF.

Figure 1 shows the WCF balance (cost basis), recommended reserves, annual revenues, annual expenditures and recommended discounted reserves. Since fiscal year (FY) 2019 the fund balance exceeded the recommended undiscounted reserves while discounted reserves have been below the fund balance since at least 2012; expenditures have been below fund revenues since at least 2012.

Figure 1: Workers' Compensation Fund Activity and Discounted Reserves.



Source: 2022 DWS Report to Joint Labor Health and Social Services Interim Committee, pages 3 and 4.

¹⁵ DWS <https://dws.wyo.gov/dws-division/workers-compensation/resources/statewide-average-wage/> (Accessed May 26, 2023).

Payments for a WC claim could continue for an unknown period of time and future expenses are uncertain, at best. DWS's consulting actuary estimates the liabilities of the WCF as shown in Figure 1 as the recommended reserves. The discounted reserve demonstrates the estimated value of all future benefits if paid in the given year using a 3.5 percent discount rate. DWS selects the discount rate to use per W.S. 27-14-201(e)(v) and reports the 3.5 percent discount rate is about equal to or less than the long-term rate of return on the WCF.

Both the recommended discounted reserve and the recommended undiscounted reserve are below the fund balance (cost basis). OliverWyman, the DWS consulting actuary, reported for FY 2022 the WCF was 182.6 percent funded using a 3.5 percent discount rate for liabilities or 119.2 percent funded on an undiscounted basis. In terms of dollars, for FY 2022, the WCF was above estimated liabilities by \$1.160 billion on a discounted basis and \$413 million on an undiscounted basis.¹⁶

Although the WCF is above estimated liabilities, statutes do not specify a measure for the term "self-supporting" used in W.S. 27-14-201. In prior decades the WCF had an unfunded liability estimated at \$20 million. In 1986 the unfunded liability of the WCF was the subject of a Special Session. The outcome of the Session was legislation directing the program to fix rates to cover ongoing costs as well as all unfunded liabilities by 2008.¹⁷

Investment Strategy for the WCF.

As specified by W.S. 27-14-701(c) the State Loan and Investment Board (SLIB) may invest up to 45 percent of the Workers' Compensation Fund in common stock.

All money collected and accounted for pursuant to this act not immediately necessary for the purposes of this act shall be invested by the state treasurer in the manner provided by law for investment of permanent state funds. The state treasurer, in consultation with the director and consistent with the investment policy developed by the state loan and investment board, may establish a percent not to exceed forty-five percent (45%) of the total amount collected and accounted for under this subsection to be invested in common stock.

The SLIB's Master Investment Policy has a sub-policy for the Workers' Compensation Fund. Excerpts from this sub-policy are below:

2. Philosophy and Investment Strategy. This is a specially managed fund of which the corpus is made up of employers' contributions to the Workers' Comp Fund. These funds are to be invested for the long-term to provide for a return that assures the Workers' Comp Fund will be self-funding or nearly self-funding in order to substantially reduce or eliminate the need for employer contributions. The Workers' Comp Fund is managed to match liability projections and for long-term return with cash flow necessary only in the case of a disaster. The primary investment goals are long-term return, safety of capital, yield, and capital appreciation. The asset allocation for the Workers' Comp Fund reflects these goals.¹⁸

¹⁶ OliverWyman, Analysis of Unpaid Loss and Loss Adjustment Expense, September 16, 2022.

¹⁷ 1986 Wyoming Special Session Laws, Chapter 3, Section 3, amendments to W.S. 27-14-201(e) and Legislative Service Office, Workers' Compensation Claims Processing, June 2003:
<https://wyoleg.gov/progeval/reports/2003/WorkersComp/TotalDocument.pdf> (Accessed May 26, 2023).

¹⁸ State Loan and Investment Board, Master Investment Policy, Appendix C. Workers' Compensation Fund, Updated June 2, 2022.

The State Treasurer's Office (STO), with advice from the State's investment consultant, RVK, invests the fund in alignment with the estimated liabilities for the program. STO invests the approximate amount of the estimated liabilities in fixed income investments with a similar duration to the liabilities. Assets in excess of estimated liabilities are invested for growth. The target long-term allocations are 56 percent liability hedging assets (fixed income) and 44 percent return seeking assets. At the May 2023 meeting of SLIB, RVK recommended reducing the liability hedging target to 54.8 percent based on the actuarial projections.¹⁹ As show in Table 2, the 54.8 percent aligns with the estimated liabilities as a percentage of the total fund. Additionally, DWS provides the STO with an unpaid benefit duration analysis. STO uses this information in establishing the duration of the WCF fixed income holdings.²⁰

Table 2. Summary of WCF Estimated Reserve and Liabilities.

	6/30/2021	6/30/2022
Reserve: Provision for Adverse Deviation (PFAD)	\$ 1,024,969,000	\$ 1,160,022,000
Liabilities: Unpaid Loss + Loss Adjustment Expense	\$ 1,377,213,000	\$ 1,404,758,000
Total	\$ 2,402,182,000	\$ 2,564,780,000
Liabilities as % of Total	57.3%	54.8%

Source: LSO summary of Analysis of Unpaid Loss and Loss Adjustment Expense, OliverWyman September 16, 2022.

Investment earnings are significant to the WC program. Revenues shown in Figure 1 include investment earnings. Investment earnings were \$174.2 million or 47.5 percent of the \$367 million in revenue for the WC program in FY 2022. For rate setting purposes, the actuary does not incorporate all investment earnings but only the portion of the WCF portfolio that is invested in the liability hedged strategy.²¹

Table 3 shows past investment performance of the Workers' Compensation Fund and annual distributions of investment earnings. Note, there can be distributed investment earnings, i.e., dividends, interest and realized capital gains, in a year of negative return.

Table 3. WC Fund Investment Performance & Distributed Investment Earnings.

Period	WC Investment Return	Benchmark	Distributed Investment Earnings
2022 ten-year	4.40%	4.20%	\$1,018,474,868
FY 2022 year end	-9.30%	-9.90%	\$ 174,173,126
FY 2021 year end	11.60%	10.90%	\$ 170,989,436
FY 2020 year end	9.00%	8.20%	\$ 153,889,374
FY 2019 year end	8.54%	9.05%	\$ 80,188,195
FY 2018 year end	3.13%	2.69%	\$ 87,601,981
FY 2017 year end	5.07%	4.23%	\$ 51,510,068
FY 2016 year end	2.63%	3.31%	\$ 40,049,929
FY 2015 year end	1.89%	2.33%	\$ 89,494,414
FY 2014 year end	9.20%	8.90%	\$ 74,079,618
FY 2013 year end	4.80%	4.00%	\$ 96,498,727

Source: RVK performance reports and State Treasurer's Annual Reports.

¹⁹ RVK, Wyoming State Loan and Investment Board, Asset Allocation Discussion, May 4, 2023.

²⁰ Interview with Jason Wolfe, Workforce Standards Administrator, Department of Workforce Services, May 11, 2023.

²¹ Ibid.



Mark Gordon
Governor

State of Wyoming Department of Workforce Services

Office of the Director
5221 Yellowstone Road
Cheyenne, Wyoming 82002
307-777-8650 • Fax: 307-777-5857
dws.wyo.gov



Robin Sessions Cooley, J.D.
Director

Elizabeth Gagen, J.D.
Deputy Director

September 30, 2022

Honorable Fred Baldwin
Wyoming State Senate
PO Box 1032
Kemmerer, WY 83101

Honorable Sue Wilson
Wyoming House of Representatives
PO Box 21035
Cheyenne, WY 82003

Dear Chairman Baldwin and Chairwoman Wilson,

Pursuant to Wyoming Statute § 27-14-201(c), the Department is required to submit an annual report to the Joint Labor, Health, and Social Services Committee regarding the recommended annual Industry Base Rate adjustments for Workers' Compensation. A copy of the recommended Industry Base Rates for 2023 is included in the enclosed annual report. Information showing the expenditures, revenues, and projected balances of the Workers' Compensation and Unemployment Insurance Trust Funds is also included, as well as a new section on Workers' Compensation Optional Employers Classifications per 2022 HB125.

Our actuarial firm, Oliver Wyman, has recommended a 0% change to the overall rates for 2023. Under this recommendation, individual industry base rate classifications may decrease by up to -15.0% or increase by up to +14.9%, compared to the industry base rates charged in 2022. In 2023, 57 of the rating classes will see base rate increases, while the remaining 85 will see either a base rate decrease, or no change. "Workers' Compensation 2023 Approximate Notices" were mailed to employers on or around September 30, 2022. The public hearing on these rates is scheduled for 9 a.m. on October 20, 2022, at the Department of Workforce Services' Cheyenne office.

If you have any questions regarding this matter, please do not hesitate to contact Jason Wolfe, Administrator of Workforce Standards at (307) 777-7672, or you can contact me at (307) 777-8728.

Sincerely,

A handwritten signature in blue ink that reads "Robin Sessions Cooley".

Robin Sessions Cooley, J.D.
Director

RSC: ya
Enclosure
cc: The Honorable Mark Gordon, Governor of Wyoming
Joint Labor, Health and Social Services Committee Members
File Reference: RSC-22-041

**State of Wyoming
Department of Workforce Services**



**Annual Report to
Joint Labor, Health and Social Services Interim Committee
Financial Status of Workers' Compensation and Unemployment Insurance Funds and
Workers' Compensation Industry Base Rates
Wyo. Stat. Ann. § 27-14-201(c)
September 30, 2022**

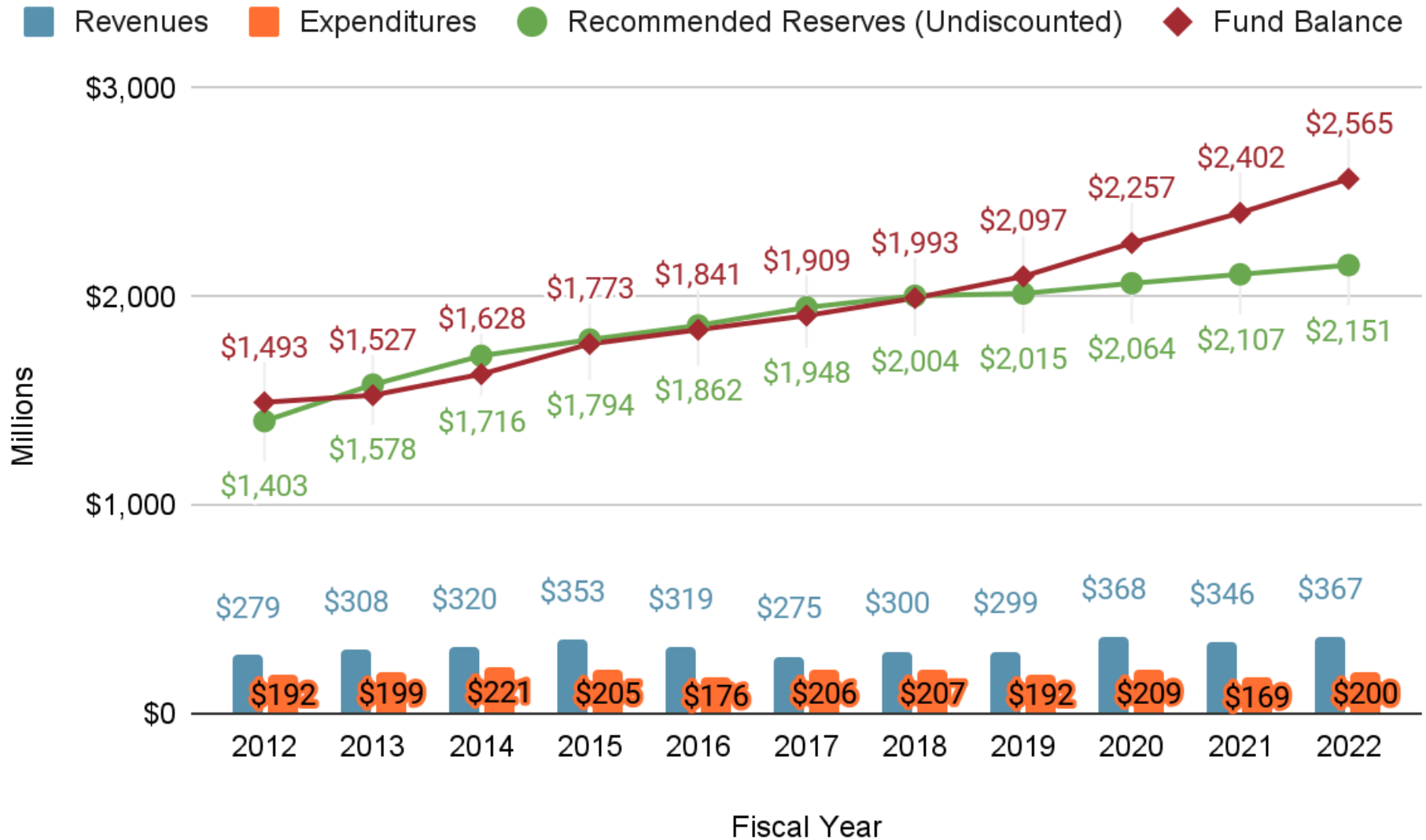
Unemployment Insurance and Workers' Compensation Program Information on a Fiscal Year Basis

Fiscal Year Ending June 30	UNEMPLOYMENT INSURANCE				WORKERS' COMPENSATION			
	UI Fund Balance	State UI Benefit Expenditures	Number of Claimants Receiving State UI Benefits	Calendar Year Average UI Tax Rate Based on Taxable Wages (%)	WC Fund Balance	WC Claims Expenditures	Number of Reported Injuries	Current Manual Rate (%)
2002	\$211,874,489	\$30,747,902	12,820	0.81	\$396,192,348	\$96,152,561	17,123	2.8
2003	\$196,754,286	\$46,326,053	20,759	0.83	\$430,443,304	\$100,587,844	16,008	2.99
2004	\$188,098,647	\$42,158,817	14,648	1.12	\$483,732,766	\$111,068,737	16,200	3.36
2005	\$192,520,715	\$36,375,651	13,159	1.36	\$567,450,515	\$115,535,282	16,014	3.36
2006	\$218,063,746	\$28,760,220	10,875	1.67	\$690,970,607	\$115,467,097	16,604	3.26
2007	\$250,807,533	\$30,670,855	10,578	1.41	\$848,712,426	\$122,262,222	16,438	3.08
2008	\$275,811,466	\$40,555,393	11,470	1.28	\$992,008,185	\$136,291,695	16,480	2.68
2009	\$230,119,161	\$107,773,825	27,831	1.23	\$1,109,760,452	\$138,573,326	15,065	2.55
2010	\$147,071,393	\$154,625,073	38,061	2.36	\$1,258,038,000	\$152,773,464	13,028	2.55
2011	\$166,452,867	\$96,170,330	43,913	2.99	\$1,303,481,701	\$161,584,176	13,411	2.55
2012	\$225,478,287	\$77,409,698	27,715	3.22	\$1,403,347,531	\$161,502,484	13,371	2.55
2013	\$292,921,353	\$78,389,286	25,224	3.05	\$1,527,495,660	\$165,665,779	13,163	2.49
2014	\$359,621,703	\$63,918,013	17,744	2.4	\$1,627,999,923	\$189,784,620	13,272	2.51
2015	\$393,473,092	\$68,084,223	18,666	1.43	\$1,773,026,369	\$178,265,749	12,704	2.53
2016	\$351,915,180	\$110,266,558	29,448	1.31	\$1,840,766,763	\$176,104,631	11,645	2.49
2017	\$337,862,150	\$88,083,070	23,734	1.45	\$1,909,367,169	\$206,826,632	11,301	2.38
2018	\$362,665,699	\$47,627,879	19,200	1.61	\$1,993,030,623	\$207,628,215	11,053	2.43
2019	\$404,524,340	\$38,736,752	16,616	1.48	\$2,097,734,909	\$192,663,999	11,172	2.17
2020	\$306,202,440	\$114,540,214	61,159	1.11%	\$2,257,204,070	\$209,029,011	10,664	2.01
2021	\$376,236,891	\$121,376,271	45,6249	1.7%*	\$2,402,182,043	\$169,351,758	10,290	2.02
2022	\$489,607,473	\$37,176,447	18,512	1.89%**	\$2,564,779,967	\$168,074,430	9,796	2.06

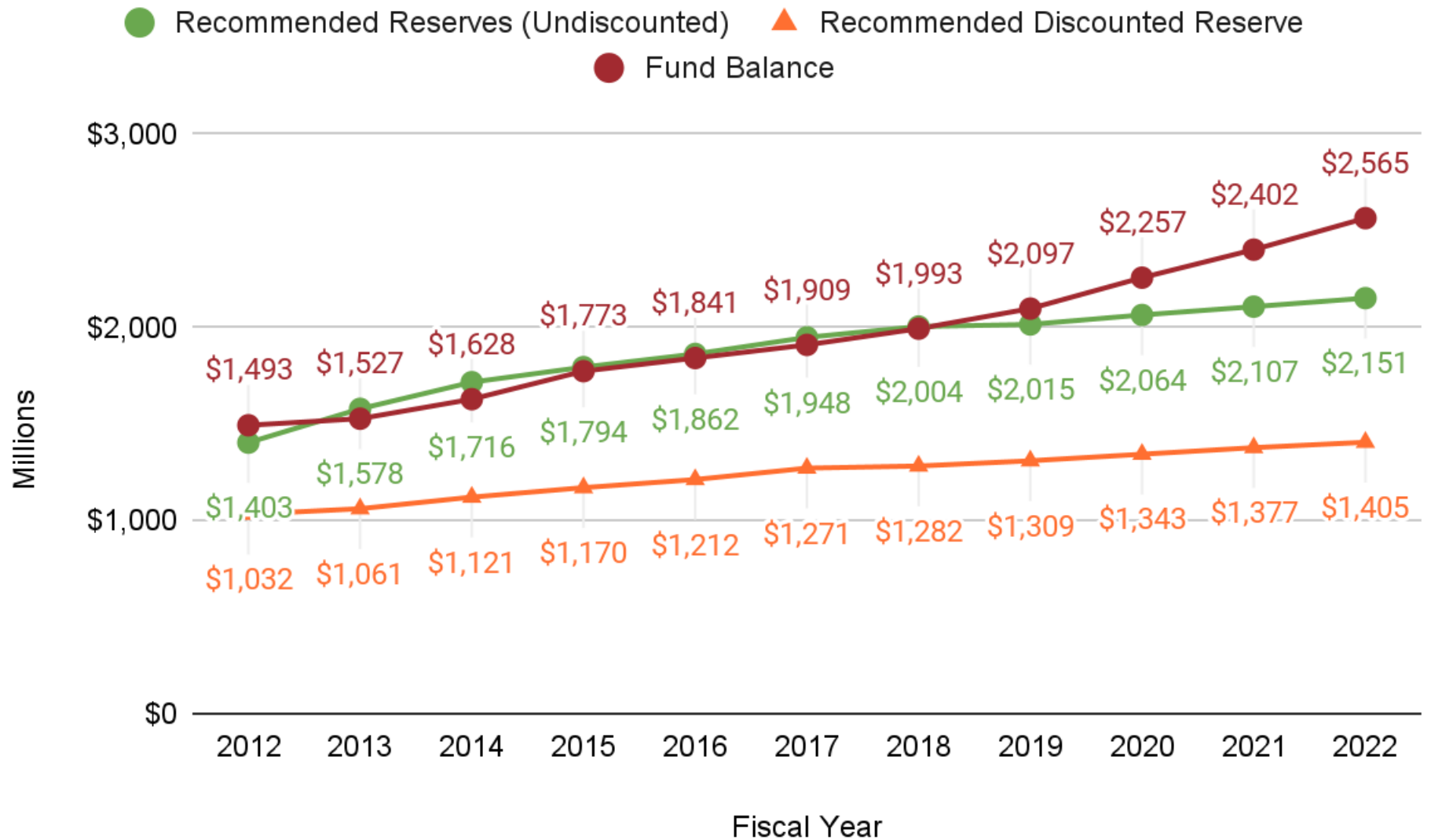
* This is the revised estimate for 2021.

** This is the current estimate for 2022.

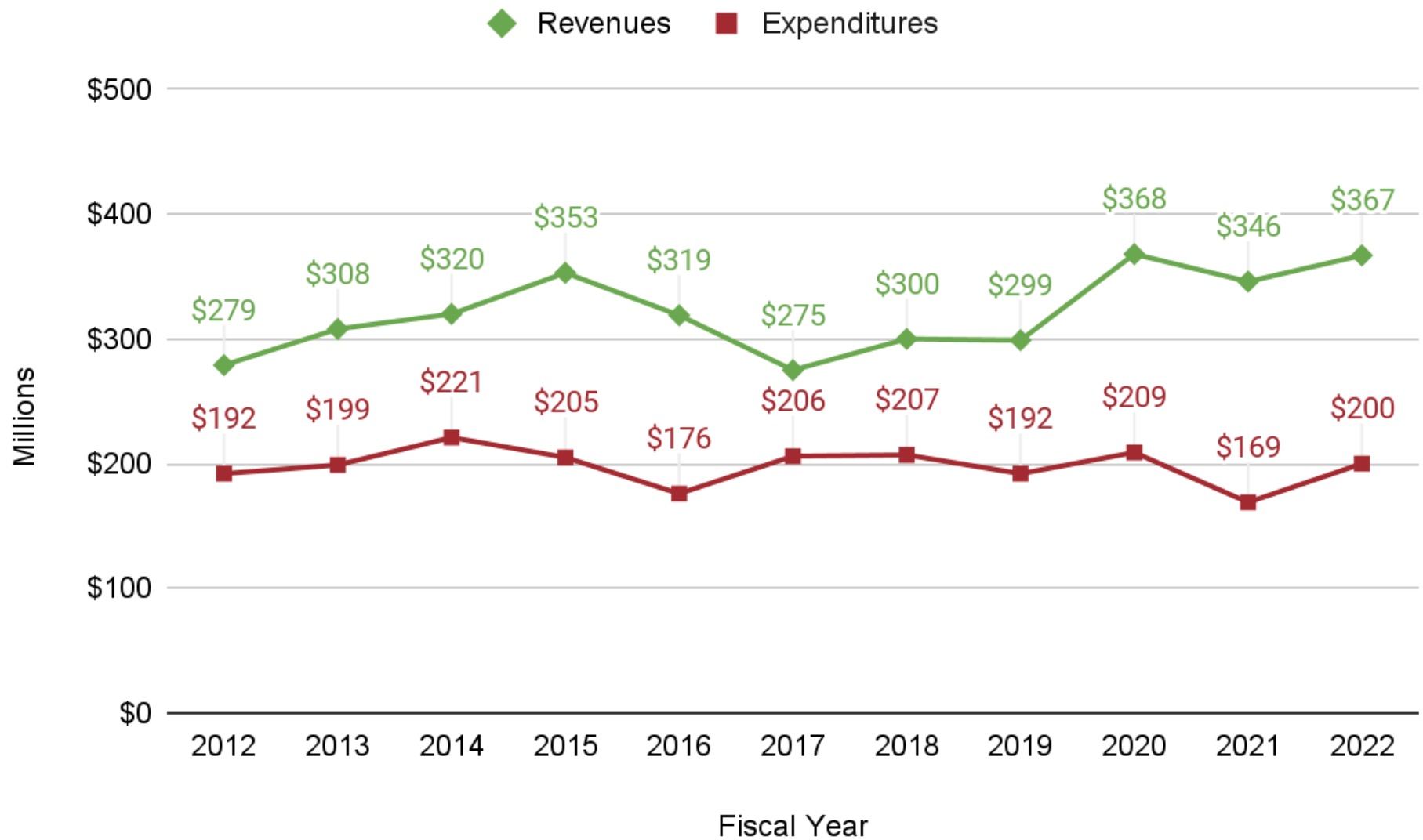
Workers' Compensation Fund Activity 2012 - 2022



Workers' Compensation Recommended Reserve vs. Actual Fund Balance 2012 - 2022

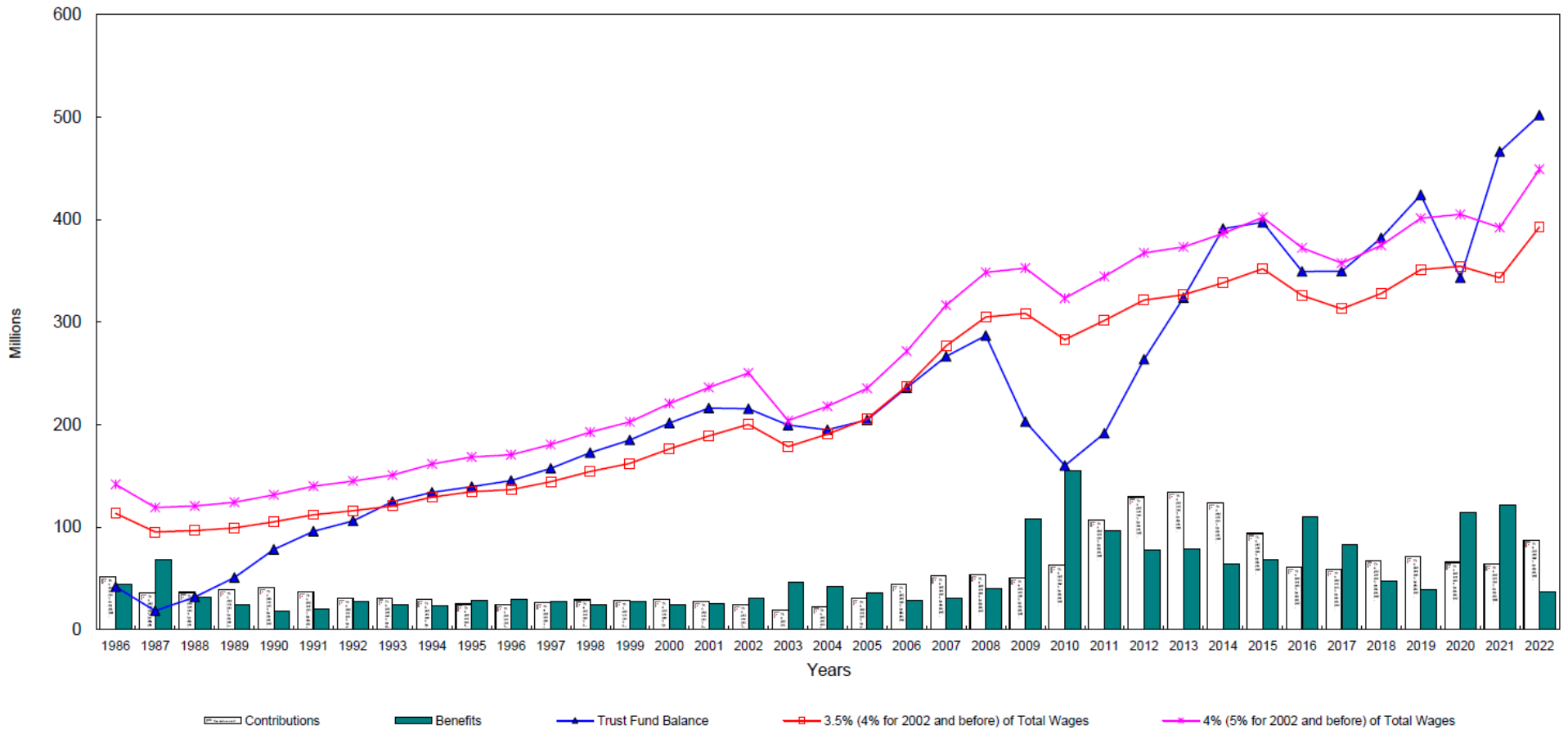


Workers' Compensation Total Revenues vs. Total Expenditures 2012 - 2022



Wyoming Unemployment Trust Fund 1986-2022

Comparison of 2.5% and 4% (4% and 5% for 2002 and before) Total Wages to UI Contribution, Benefits, and Trust Fund Balance



*2022's Trust Fund Balance and Total Wages are projections.
Sherry Wen, DWS R&P, August 2022

STATE OF WYOMING WORKERS' COMPENSATION
2023 PROPOSED INDUSTRY BASE RATES BY CLASSIFICATION

Industry Description	Class (NAICS)	Actual 2022 Industry Base Rate	Recommended 2023 Industry Base Rate	Recommended 2023 Rate Change
Clerical Office Occupations (Special Exception Classification Code)	000010	0.31	0.34	9.7%
Outside Sales (Special Exception Classification Code)	000020	1.20	1.14	-5.0%
Inside Sales (Automotive Sales) (Special Exception Classification Code)	000030	1.21	1.28	5.8%
Temporary Help - Office (Special Exception Classification Code)	000040	0.88	0.84	-4.5%
Temporary Help - Other (Special Exception Classification Code)	000050	2.81	2.51	-10.7%
Agricultural Production - Crops	111000	3.88	3.75	-3.4%
Agricultural Production - Livestock	112000	7.23	6.85	-5.3%
Forestry	113000	3.51	3.36	-4.3%
Logging	113300	5.96	5.60	-6.0%
Fishing, Hunting & Trapping	114000	1.47	1.28	-12.9%
Support Activities for Agriculture & Forestry	115000	5.03	4.42	-12.1%
Oil & Gas Extraction	211000	0.52	0.57	9.6%
Coal Mining	212100	0.89	1.00	12.4%
Metal Ore Mining	212200	1.29	1.22	-5.4%
Nonmetallic Mineral Mining & Quarrying	212300	1.81	1.72	-5.0%
Support Activities for Mining	213000	1.49	1.65	10.7%
Drilling Oil & Gas Wells	213111	2.52	2.57	2.0%
Support Activities for Oil & Gas Operations	213112	1.81	1.92	6.1%
Utilities	221000	1.16	1.04	-10.3%
Construction of Buildings	236000	4.31	4.07	-5.6%
Heavy & Civil Engineering Construction	237000	2.01	2.18	8.5%
Specialty Trade Contractors	238000	3.48	3.40	-2.3%
Food & Beverage Manufacturing	311000	3.83	3.65	-4.7%
Beverage & Tobacco Product Manufacturing	312000	3.58	3.33	-7.0%
Textile Mills	313000	1.59	1.44	-9.4%
Textile Product Mills	314000	2.31	1.98	-14.3%
Apparel Manufacturing	315000	1.44	1.31	-9.0%
Leather & Allied Product Manufacturing	316000	5.57	5.82	4.5%
Wood Product Manufacturing	321000	7.43	6.40	-13.9%
Sawmills & Wood Preservation	321110	8.47	7.99	-5.7%
Paper Manufacturing	322000	1.91	1.84	-3.7%
Printing & Related Support Activities	323000	1.72	1.80	4.7%
Petroleum & Coal Products Manufacturing	324000	0.58	0.53	-8.6%
Chemical Manufacturing	325000	1.28	1.34	4.7%
Plastics & Rubber Products Manufacturing	326000	3.61	3.43	-5.0%
Nonmetallic Mineral Product Manufacturing	327000	5.05	4.32	-14.5%

Industry Description	Class (NAICS)	Actual 2022 Industry Base Rate	Recommended 2023 Industry Base Rate	Recommended 2023 Rate Change
Primary Metal Manufacturing	331000	5.36	4.80	-10.4%
Fabricated Metal Product Manufacturing	332000	1.99	2.01	1.0%
Machinery Manufacturing	333000	1.78	1.86	4.5%
Commercial & Service Industry Machinery Manufacturing	333300	2.03	1.95	-3.9%
Computer & Electronic Product Manufacturing	334000	0.91	0.95	4.4%
Electrical Equipment, Appliance, & Component Manufacturing	335000	0.87	0.75	-13.8%
Transportation Equipment Manufacturing	336000	2.95	2.57	-12.9%
Furniture & Related Product Manufacturing	337000	2.26	2.19	-3.1%
Miscellaneous Manufacturing	339000	3.75	3.69	-1.6%
Merchant Wholesalers - Durable Goods	423000	1.68	1.74	3.6%
Merchant Wholesalers - Nondurable Goods	424000	3.43	3.13	-8.7%
Wholesale Electronic Markets & Agents & Brokers	425000	0.78	0.73	-6.4%
Motor Vehicle & Parts Dealers	441000	2.43	2.65	9.1%
Furniture & Home Furnishing Stores **2017 NAICS No Longer Valid	442000	2.82	2.60	-7.8%
Electronic & Appliance Stores **2017 NAICS No Longer Valid	443000	1.43	1.44	0.7%
Building Materials & Garden Equipment & Supplies Dealers	444000	3.18	3.13	-1.6%
Other Building Material Dealers	444190	3.34	3.64	9.0%
Food & Beverage Retailers	445000	2.75	2.60	-5.5%
Beer, Wine & Liquor Retailers	445310	1.01	1.05	4.0%
Health & Personal Care Stores **2017 NAICS No Longer Valid	446000	1.23	1.10	-10.6%
Gasoline Stations **2017 NAICS No Longer Valid	447000	3.95	3.96	0.3%
Clothing & Clothing Accessories Stores **2017 NAICS No Longer Valid**	448000	1.16	1.09	-6.0%
Furniture, Home Furnishings, Electronics and Appliance Retailers *2022	449000	2.82	2.60	-7.8%
Sporting Goods, Hobby, Book, & Music Stores **2017 NAICS No Longer Valid	451000	0.98	0.92	-6.1%
Internet Sporting Goods, Hobby, & Musical Instrument Stores **2017 NAICS No Longer Valid	451100	0.79	0.70	-11.4%
Book Stores **2017 NAICS No Longer Valid	451211	0.58	0.53	-8.6%
General Merchandise Stores **2017 NAICS No Longer Valid	452000	2.98	2.65	-11.1%
Miscellaneous Store Retailers **2017 NAICS No Longer Valid	453000	1.60	1.43	-10.6%
Non-store Retailers **2017 NAICS No Longer Valid	454000	3.36	3.42	1.8%
General Merchandise Retailers *2022	455000	2.98	2.65	-11.1%
Other Health and Personal Care Retailers *2022	456000	1.44	1.30	-9.7%
Gasoline Stations *2022	457100	3.95	3.96	0.3%
Fuel Dealers *2022	457200	3.36	3.42	1.8%
Clothing, Clothing Accessory, Shoe and Jewelry Retailers *2022	458000	1.38	1.38	0.0%
Sporting Goods, Hobby and Musical Instrument Retailers *2022	459100	1.05	0.99	-5.7%
Book Retailers and News Dealers *2022	459200	0.86	0.93	8.1%
Florist *2022	459300	1.78	1.65	-7.3%
Air Transportation	481000	4.70	4.34	-7.7%
Rail Transportation	482000	4.70	4.34	-7.7%

Water Transportation	483000	4.70	4.34	-7.7%
Industry Description	Class (NAICS)	Actual 2022 Industry Base Rate	Recommended 2023 Industry Base Rate	Recommended 2023 Rate Change
Truck Transportation	484000	6.25	6.32	1.1%
Transit & Ground Passenger Transportation	485000	8.08	8.32	3.0%
Pipeline Transportation	486000	1.47	1.39	-5.4%
Scenic & Sightseeing Transportation	487000	4.54	4.25	-6.4%
Support Activities for Rail & Water Transportation	488000	3.25	3.55	9.2%
Support Activities for Air Transportation	488100	2.48	2.71	9.3%
Motor Vehicle Towing	488410	7.55	6.74	-10.7%
Other Support Activities for Road Transportation	488490	1.84	2.01	9.2%
Couriers & Messengers	492000	7.94	8.95	12.7%
Warehousing & Storage	493000	4.40	4.15	-5.7%
Publishing Industries (Except Internet) **2017 NAICS No Longer Valid	511000	1.91	1.95	2.1%
Motion Picture & Sound Recording Industries	512000	0.52	0.50	-3.8%
Publishing Industries *2022	513000	1.91	1.95	2.1%
Broadcasting (except Internet) **2017 NAICS No longer Valid	515000	1.00	1.09	9.0%
Broadcasting and Content Providers *2022	516000	0.89	0.94	5.6%
Telecommunications	517000	1.53	1.62	5.9%
Computing Infrastructure Providers, Data Processing, Web Hosting and Related Services	518000	0.43	0.38	-11.6%
Web Search Portals, Libraries, Archives and other Information Services	519000	0.35	0.34	-2.9%
Monetary Authorities - Central Bank	521000	0.20	0.19	-5.0%
Depository Credit Intermediation	522100	0.22	0.21	-4.5%
Non-Depository Credit Intermediation	522200	0.60	0.57	-5.0%
Activities Related to Credit Intermediation	522300	0.17	0.19	11.8%
Securities, Commodity Contracts, Etc	523000	0.08	0.08	0%
Insurance Carriers & Related Activities	524000	0.25	0.24	-4.0%
Agencies, Brokerages & Other Insurance Related Activities	524200	0.26	0.25	-3.8%
Funds, Trusts & Other Financial Vehicles	525000	0.43	0.41	-4.7%
Real Estate	531000	2.92	2.61	-10.6%
Rental & Leasing Services	532000	1.47	1.31	-10.9%
Consumer Goods Rental *2022	532230	1.19	1.13	-5.0%
Video Tape & Disc Rental	532282	1.19	1.13	-5.0%
Home Health Equipment Rental	532283	2.33	2.08	-10.7%
All Other Consumer Goods Rental **2022	532291	2.33	2.08	-10.7%
Lessors of Nonfinancial Intangible Assets	533000	2.97	2.96	-.03%
Legal Services	541100	0.23	0.22	-4.3%
Accounting, Tax Preparation, Bookkeeping and Payroll Services	541200	0.63	0.65	3.2%
Veterinary Services	541940	1.50	1.57	4.7%
All Other Professional, Scientific & Technical Services	541990	0.46	0.47	2.2%
Management of Companies & Enterprises	551000	0.48	0.45	-6.2%
Administrative & Support Services	561000	4.85	4.97	2.5%
Office Administrative Services	561110	0.38	0.40	5.3%

Waste Management & Remediation Services	562000	2.94	3.21	9.2%
---	--------	------	------	------

Industry Description	Class (NAICS)	Actual 2022 Industry Base Rate	Recommended 2023 Industry Base Rate	Recommended 2023 Rate Change
Educational Services	611000	1.96	2.14	9.2%
Ambulatory Health Care Services	621000	0.61	0.66	8.2%
Outpatient Care Centers	621400	0.80	0.87	8.7%
Hospitals	622000	1.33	1.31	-1.5%
Nursing Care Facilities	623100	5.02	5.48	9.2%
Residential Mental Health & Substance Abuse Facilities	623200	6.82	6.86	0.6%
Community Care Facilities for Elderly	623300	4.14	4.21	1.7%
Other Residential Care Facilities	623900	3.73	3.33	-10.7%
Social Assistance	624000	2.79	2.65	-5.0%
Arts, Entertainment & Recreation	711000	3.27	3.52	7.6%
Independent Artists, Writers & Performers	711510	2.18	1.95	-10.6%
Museums, Historical Sites & Similar Institutions	712000	1.20	1.31	9.2%
Amusement, Gambling & Recreation Industries	713000	3.04	2.93	-3.6%
Marinas	713930	2.00	1.92	-4.0%
Accommodation	721000	3.77	3.54	-6.1%
Food Services & Drinking Places	722000	1.80	1.74	-3.3%
Mobile Food Services	722330	0.82	0.89	8.5%
Repair & Maintenance	811000	2.40	2.39	-0.4%
Automotive Repair & Maintenance	811100	2.88	2.59	-10.1%
Personal & Laundry Services	812000	3.10	2.89	-6.8%
Religious, Grant making, Civic & Similar Organizations	813000	0.80	0.79	-1.3%
State Government	920000	1.94	2.23	14.9%
Local Government	930000	3.38	3.38	0.0%
County Government	950000	1.98	2.10	6.1%
Fire Protection NOC	960000	6.61	7.32	10.7%

Footnotes:

*(Yellow Highlight) In 2022 NAICS updated the current codes. Per Wyoming Statute 27-14-108(a) (ii), the Division is to use the most recent edition of the North American Industry Classification System (NAICS) manual. The Division updated all NAICS codes March-April of 2022 and it was retroactive from January 1, 2022. These yellow highlighted codes are the new 2022 NAICS codes and rates going forward.

** (Orange Highlight) These NAICS codes and rates were the 2017 NAICS codes that were removed. Due to these NAICS codes being effective during the 3 year EMR period (January 1, 2019 to December 31, 2021 private employers and July, 1 2018 to June 30, 2021 public employer), they will still show up on reports until they eventually drop off. These NAICS codes and rates will not be active or utilized after January 1, 2022.

Workers' Compensation Optional Employers Classifications

2022 HB125 added W.S. §9-2-2602(d): "Not later than October 2 of each year, the department shall include information regarding optional employers and their classifications in the report required under W.S. §27-14-201(c)."

Wyoming statute governs which business industries must carry workers' compensation with Wyoming while doing business in the state. In making this determination, the statute requires the Department of Workforce Services to use the most recent edition of the North American Industry Classification System (NAICS) manual. The 2022 NAICS manual lists the following code sectors as optional:

- NAICS 11000- Agriculture, Forestry, Fishing and Hunting
- NAICS 42000- Wholesale Trade
- NAICS 44000- Retail Trade
- NAICS 45000- General Merchandise Retailer
- NAICS 48000- Transportation and Warehousing (48300 Inland Water Passenger Transportation, 48700 Scenic & Sightseeing Transportation, 48800- Support Activities for Transportation)
- NAICS 51000- Information
- NAICS 52000- Finance and Insurance
- NAICS 53000- Real Estate, Rental and Leasing
- NAICS 54000- Professional, Scientific, and Technology Services
- NAICS: 55000- Management of Companies and Enterprises
- NAICS 56000- Administrative, Support, Waste Management and remediation Services
- NAICS 61000- Educational Services
- NAICS 62000- Healthcare and Social Assistance
- NAICS 81000- Other Services (except public Administration)

The NAICS codes identified in W.S. §27-14-108 are termed extrahazardous employment in the State and these businesses must purchase workers' compensation coverage through the DWS Workers' Compensation Division. Those NAICS codes not enumerated are considered optional coverage and companies falling under those codes may elect to get coverage through the Division or may seek coverage with a private carrier.

	SFY 2022
Optional Coverage New Policies Underwritten	563
Total Active Optional Coverage Policies	5,517

The NAICS manual is updated every five years and changes to four NAICS code sectors in the 2022 manual require alignment with statute. Proposed changes are below.

27-14-108. Extrahazardous industries, employments, occupations; enumeration; definitions; optional coverage.

(a) This act applies to the following, which shall be deemed extrahazardous employment:

(ii) Regardless of individual occupation, all workers employed in the following sectors, subsectors, industry groups and industries, as each is defined in the most recent edition of the North American Industry Classification System (NAICS) manual:

(F) Wholesale trade, sector 42:

(I) Subsector ~~422~~ 424, wholesale trade, nondurable goods:

- (1) Industry group ~~4225~~ 4245, farm product raw materials, wholesale;
- (2) Industry group ~~4226~~ 4246, chemical and allied products, wholesale;
- (3) Industry group ~~4227~~ 4247, petroleum and petroleum products, wholesale;
- (4) Industry group ~~4228~~ 4248, beer, wine, and distilled alcoholic beverages, wholesale;
- (5) Industry group ~~4229~~ 4249, miscellaneous nondurable goods, wholesale.

(G) Retail trade, sector 44-45:

(I) Subsector 441, motor vehicle and parts dealer;

(II) Subsector 444, building materials and garden equipment and supplies:

- (1) Industry group 4441, building materials and supplies dealers:
 - a. NAICS industry ~~44419~~ 44418, other building materials.

(III) Subsector 445, food and beverage stores:

- (1) Industry group 4452, specialty food stores:
 - a. NAICS industry ~~44521~~ 44524, meat markets;
 - b. NAICS industry ~~44522~~ 44525, fish and seafood markets;
 - c. NAICS industry 445298, other specialty stores.

(IV) Subsector ~~447~~ 457 Gasoline Stations (Gasoline Stations and Fuel Dealers)

(1) Industry Group 4571 Gasoline Stations

(a) NAICS industry 45711 Gasoline stations with Convenience Stores

(2) Industry group 4572 Fuel Dealers

(a) NAICS industry 45721 Fuel Dealers

~~(V) Subsector 454, nonstore retailers:~~

~~(1) Industry group 4543, direct selling establishments:~~

~~(a) NAICS industry 45431, fuel dealers.~~

(I) Subsector ~~511~~ 513, publishing industries:

- (1) Industry group ~~5111~~ 5131, newspaper, periodical, book and database publishers.

(S) Public administration, sector 92:

(I) Subsector 922, justice, public order and safety activities:

- (1) Industry group 9221, justice, public order and safety activities:
 - a. NAICS industry 92212, police protection;

b. NAICS industry 92214, correctional institutions;

c. NAICS industry 99215, Probation and Parole offices ~~fire protection, including firefighters while performing under the direction of a duly authorized officer in charge and engaged in competition at employer sanctioned training events, construction, maintenance or improvement of equipment or facilities utilized in fire protection activities, fundraising, civic affairs or other similar authorized activities.~~

d. NAICS industry 92216, fire protection, including firefighters while performing under the direction of a duly authorized officer in charge and engaged in competition at employer sanctioned training events, construction, maintenance or improvement of equipment or facilities utilized in fire protection activities, fundraising, civic affairs or other similar authorized activities.

Table 14**Employer Costs for Workers' Compensation Per \$100 of Covered Wages, by State, 2016-2020**

State	2016	2017	2018	2019	2020	Percent Change				Ranking (1=largest percent increase, 2016-2020)
						2016-2018	2018-2020	2019-2020	2016-2020	
Alabama	\$1.03	\$0.99	\$0.93	\$0.95	\$0.78	-10.2	-15.7	-17.5	-24.3	35
Alaska	2.36	2.23	2.17	1.96	1.74	-8.2	-19.8	-11.2	-26.3	40
Arizona	0.95	0.88	0.84	0.78	0.67	-12.1	-20.3	-14.4	-29.9	49
Arkansas	0.80	0.77	0.74	0.70	0.63	-6.8	-14.9	-9.5	-20.7	20
California	2.03	1.89	1.75	1.61	1.45	-13.5	-17.3	-9.9	-28.5	46
Colorado	1.02	0.97	0.93	0.86	0.76	-9.3	-17.7	-11.6	-25.3	38
Connecticut	1.27	1.24	1.13	1.10	1.01	-10.6	-10.7	-7.8	-20.1	19
Delaware	1.48	1.47	1.44	1.29	1.22	-2.2	-15.8	-5.6	-17.7	14
District of Columbia	0.48	0.49	0.50	0.48	0.41	3.7	-17.9	-15.3	-14.9	9
Florida	1.45	1.53	1.37	1.28	1.14	-5.8	-16.8	-11.1	-21.6	26
Georgia	1.11	1.09	1.09	1.01	0.94	-1.2	-13.9	-6.9	-15.0	10
Hawaii	1.69	1.64	1.70	1.70	1.69	0.3	-0.4	-0.3	0.0	1
Idaho	1.70	1.70	1.64	1.60	1.47	-4.0	-10.2	-8.1	-13.8	5
Illinois	1.16	1.09	1.02	0.95	0.85	-12.4	-16.3	-9.8	-26.7	41
Indiana	0.82	0.75	0.70	0.68	0.64	-14.1	-8.5	-5.9	-21.5	24
Iowa	1.54	1.48	1.36	1.24	1.14	-11.5	-16.4	-8.4	-26.0	39
Kansas	1.15	1.07	1.00	0.99	0.89	-12.7	-10.7	-9.4	-22.1	29
Kentucky	1.02	0.96	1.05	0.96	0.80	2.7	-24.0	-16.9	-21.9	28
Louisiana	1.60	1.58	1.53	1.49	1.34	-4.3	-12.1	-9.5	-15.8	11
Maine	1.48	1.46	1.38	1.32	1.24	-6.6	-10.2	-6.0	-16.2	12
Maryland	1.08	0.93	0.99	0.92	0.81	-8.3	-18.1	-11.8	-24.9	36
Massachusetts	0.76	0.75	0.74	0.70	0.65	-3.4	-11.0	-6.5	-14.1	7
Michigan	0.81	0.74	0.71	0.66	0.61	-12.4	-13.0	-7.4	-23.8	32
Minnesota	1.18	1.09	1.02	1.00	0.98	-13.3	-4.3	-1.6	-17.1	13
Mississippi	1.30	1.27	1.22	1.19	1.11	-5.6	-9.0	-6.6	-14.1	6
Missouri	1.21	1.17	1.13	1.10	1.10	-7.2	-2.2	-0.2	-9.3	3
Montana	2.18	2.06	1.89	1.77	1.64	-13.3	-13.4	-7.4	-25.0	37
Nebraska	1.25	1.20	1.16	1.09	1.02	-7.6	-11.8	-6.0	-18.5	15
Nevada	0.98	0.91	0.96	0.94	0.92	-2.6	-3.3	-2.0	-5.8	2

New Hampshire	1.12	1.06	1.00	0.90	0.82	-10.7	-18.4	-9.5	-27.2	42
New Jersey	1.58	1.51	1.49	1.43	1.28	-5.6	-14.1	-10.3	-18.9	16
New Mexico ^a	1.46	1.40	1.35	1.32	1.14	-7.5	-15.6	-13.8	-21.9	27
New York	1.64	1.59	1.54	1.44	1.29	-6.1	-16.3	-10.5	-21.4	23
North Carolina	1.05	0.97	0.90	0.84	0.74	-14.4	-18.0	-12.3	-29.8	48
North Dakota	1.45	1.28	1.25	1.14	1.00	-14.2	-20.0	-12.5	-31.3	51
Ohio	0.94	0.82	0.75	0.75	0.68	-20.6	-9.1	-8.8	-27.8	44
Oklahoma	1.40	1.31	1.23	1.10	1.06	-12.3	-13.3	-3.8	-24.0	33
Oregon	1.13	1.09	1.02	0.98	0.89	-10.0	-12.3	-8.7	-21.1	22
Pennsylvania	1.47	1.38	1.38	1.26	1.19	-6.1	-14.2	-5.9	-19.4	17
Rhode Island	1.14	1.08	1.04	1.06	0.97	-8.5	-6.8	-8.1	-14.8	8
South Carolina	1.74	1.41	1.66	1.54	1.55	-4.8	-6.6	0.7	-11.1	4
South Dakota	1.21	1.15	1.12	1.04	0.92	-7.1	-18.4	-11.6	-24.2	34
Tennessee	0.90	0.85	0.78	0.71	0.64	-13.5	-17.7	-9.7	-28.8	47
Texas	0.58	0.54	0.55	0.52	0.46	-4.2	-17.4	-12.9	-20.9	21
Utah	0.89	0.86	0.81	0.74	0.65	-9.1	-20.5	-12.9	-27.7	43
Vermont	1.82	1.70	1.65	1.55	1.39	-9.3	-15.6	-10.4	-23.4	31
Virginia	0.76	0.75	0.74	0.70	0.61	-2.9	-17.3	-12.6	-19.6	18
Washington ^b	1.73	1.61	1.49	1.34	1.20	-13.7	-19.6	-10.8	-30.7	50
West Virginia	1.63	1.53	1.52	1.49	1.28	-6.9	-15.8	-13.9	-21.6	25
Wisconsin	1.72	1.63	1.59	1.49	1.32	-7.3	-16.8	-11.4	-22.9	30
Wyoming	2.47	2.07	1.57	1.98	1.78	-36.7	13.6	-10.0	-28.1	45
Total Non-Federal	\$1.31	\$1.25	\$1.19	\$1.12	\$1.01	-9.2	-15.1	-9.4	-22.9	
Federal Employees ^c	\$1.39	\$1.31	\$1.25	\$1.20	\$1.11	-10.2	-11.3	-7.3	-20.3	
TOTAL ^c	\$1.35	\$1.29	\$1.24	\$1.17	\$1.07	-8.0	-13.8	-8.8	-20.7	

Note: Generally states with exclusive state funds operate special funds (or their equivalents) and their experience is included in the benefit and costs entries for those exclusive state funds.

- a New Mexico, while the residual \$0.30 per employee fund an Uninsured Employers' Fund. Employees also pay \$2.00 each on the last day of each quarter toward funding the Workers' Compensation Administration.
- b In Washington state both employers and employees contribute to workers' compensation premiums. In 2020, employees contributed 26.7 percent of state fund premiums and 50 percent of self-insured employer cost-of-living-adjustment premiums.
- c The "Federal Employees" row depicts the total costs of the Federal Employees Compensation Act (Table B1) per \$100 of federal employee covered wages. In past reports we have included costs of the Longshore and Harbor Workers' Compensation Act and the Black Lung Benefits Act. Consistent with Tables 10-12, data on all three programs is included in the "Total" row. See Appendices B and C for more information about federal programs.

Source: National Academy of Social Insurance estimates.

Table D**Workers' Compensation State Laws as of 2021**

	Waiting Period		Temporary Total Disability (TTD)			Permanent Total Disability (PTD)				Permanent Partial Disability (PPD)		Death Benefits (DB)	
State	Waiting Period	Retro-active Period	Min Weekly Benefit	Max Weekly Benefit	Max Duration (Weeks)	Basis of PTD Calculation	Max Weekly Benefit	Max Duration (Weeks)	Limit to Monetary PTD Benefits	Max Weekly Benefit	Max Benefit for "Unscheduled Injuries"	Max Weekly Benefit ^a	Statutory Limit for Dependency Benefits
Alabama	3 days, TTD only	21 days	\$253	\$920	Duration of TTD disability	66 2/3% PIWW	\$920	300	None	\$920	300 weeks	\$920	500 weeks
Alaska	3 days, for income benefits only	28 days	\$286	\$1,298	Until medically stable	80% of spendable earnings	\$1,298	No	None	% of impairment x \$177k, paid in lump sum ^b	No unscheduled PPD	\$1,298	12 years ^c
Arizona	7 days	14 days	n/a	\$1,258	Duration of TTD disability	66 2/3% AMW	\$1,258	No	None	\$1,258	None unless rearranged by Industrial Commission	\$1,258	None ^d
Arkansas	7 days	14 days	\$20	\$736	450 weeks	66 2/3% PIWW	\$736	No	None	\$552	450 weeks	\$736	\$225,875; benefit in excess payable from Death and PD Trust Fund; stop at 18 for children, or 25 for full-time students
California	3 days	14 days	\$195	\$1,299	104 weeks ^e	66 2/3 of AWW	\$1,299	No	None	f	none	\$1,299	\$320,000 Spouse plus Children ^g
Colorado	3 days	14 days	\$364	\$1,159	Duration of TTD disability	66 2/3% of AWW	\$1,159	No	213,819	\$337 for scheduled injuries; \$1,159 unscheduled	400 weeks ^h	\$1,159	None ^d
Connecticut	3 days	7 days	\$275 or 75% of AWW	\$1,373	Duration of TTD disability	75% (of after-tax income)	\$1,373	No	None	\$1,373	520 weeks plus healing period	\$1,373	None
Delaware	3 days	7 days	\$249	\$748	Duration of TTD disability	66 2/3% AWW	\$748	No	None	\$748	300 weeks	Spouse = \$748 With Children = \$897	None
District of Columbia	3 days	14 days	\$388	\$1,554	Duration of TTD disability	66 2/3% PIWW	\$1,554	No	None	\$1,554	500 weeks; may petition for additional 167 weeks	\$1,554	None

Florida	7 days	21 days	\$20	\$1,011	260 weeks, for other injuries 6 months	66 2/3% PIWW	\$1,011	Age 75 ⁱ	None	\$690	2 weeks for each % of impairment from 1-10%; 3 weeks from 11-15%; 4 weeks from 16-20%; and 6 weeks for each rating over 21%	\$1,011 ^j	\$150,000
Georgia	7 days	21 days	\$50	\$675	400 weeks unless catastrophic injury	66 2/3% PIWW	\$675	400	None	\$675	300 weeks	\$675	\$270,000 for surviving spouse with no dependents; 400 weeks or until age 65 if spouse remarries
Hawaii	3 days, TTD only	None	\$228	\$911	Duration of TTD disability	66 2/3% PIWW	\$911	No	None	\$911	312 weeks	Spouse = \$683 With Children = \$91	312 weeks
Idaho	5 days	14 days	\$122	\$734	Duration of TTD disability. Benefit continues in recovery period.	67% of AWW	\$734	No	None	\$448	500 weeks	Spouse = \$367 With Children = \$489	500 weeks
Illinois	3 days, TTD only	14 days	Varies w/ dependency ^k	\$1,614	Duration of TTD disability	66 2/3% AWW	\$1,614	No	None	\$872	500 weeks	\$1,614	\$500,000 or 25 years ^d
Indiana	7 days	21 days	\$50	\$780	500 weeks ^L	66 2/3% AWW	\$780	500 weeks ^L	\$390,000	\$780	\$390,000	\$780	\$390,000 or 500 weeks ^d
Iowa	3 days; no waiting period for PPD	14 days	35% SAWW; \$326	\$1,864	Duration of TTD disability	80% (of spendable earnings)	\$1,864	No	None	\$1,715	500 weeks	\$1,864	None ^d
Kansas	7 days	21 consecutive days	\$458	\$687	Duration of TTD disability	66 2/3% AWW	\$687	No	\$155,000	\$687	415 weeks; functional impairment only = \$75,000, all other cases = \$130,000	\$687	\$300,000
Kentucky	7 days	14 days	\$184	\$1,010	Duration of TTD disability; injuries & diseases after 7/14/18, award terminates upon age 70	66 2/3% AWW	\$1,010	No	None	\$757	425 weeks if rating is 50% or less; 520 wks if over 50%; limited to qualification for normal old age Social Security	Spouse = \$504 With Children = \$757	None
Louisiana	7 days	14 days	\$188	\$705	Duration of TTD disability	66 2/3% PIWW	\$705	No	None	\$705	520 weeks	\$705	None

Table D continued

Workers' Compensation State Laws as of 2019 (implemented at various points)

State	Waiting Period		Temporary Total Disability (TTD)			Permanent Total Disability (PTD)				Permanent Partial Disability (PPD)		Death Benefits (DB)	
	Waiting Period	Retro-active Period	Min Weekly Benefit	Max Weekly Benefit	Max Duration (Weeks)	Basis of PTD Calculation	Max Weekly Benefit	Max Duration (Weeks)	Limit to Monetary PTD Benefits	Max Weekly Benefit	Max Benefit for "Unscheduled Injuries"	Max Weekly Benefit ^d	Statutory Limit for Dependency Benefits
Maine	7 days ^m	14 days	None	\$1,112	520 weeks ⁿ	66 2/3% AWW; 80% after-tax AWW injuries prior to 1/13	\$1,112	No	None	\$1,112	None	\$1,112; \$899 from 1/13-12/19; \$800 from 1/93-12/12	500 weeks
Maryland	3 days, TTD only	After 14 days	\$50	\$1,050	Duration of TTD disability	66 2/3% PIWW	\$1,050	No	None	\$788	None	\$1,050	144 months ^o
Massachusetts	5 days	21 days	20% SAWW; \$298	\$1,488	156 weeks	60% AWW	\$1,488	260	None	\$1,488	None	SAWW at time of death; \$1,488	250 weeks; time limit does not apply to children ^d
Michigan	7 days	14 days	\$271	\$1,083	Duration of TTD disability	80% (of spendable earnings)	\$1,083	800 weeks ^p	None	\$975	None	\$975	500 weeks; time limit does not apply to children
Minnesota	3 days	10 days	\$130 or the worker's actual wage, whichever is less	\$1,167 ^q	90 days after MMI or after end of retraining, up to a total of 130 weeks	66 2/3% PIWW	\$1,167 ^q	Until age 72 or 5 years after injury, whichever is later	None	\$1,167 ^q	\$540,800	\$1,167 ^q	Benefits end after 10 years or 10 years after the last child is no longer dependent, minimum payable is \$60,000
Mississippi	5 days ^f	14 days	\$25	\$523	450 weeks	66 2/3% AWW	\$523	450	\$235,422	\$523	450 weeks	\$523	450 weeks or \$222,516
Missouri	3 days	14 days	\$41	\$1,012	400 weeks	66 2/3% PIWW	\$1,012	No	None	\$1,012	400 weeks	\$1,012	None ^d
Montana	4 days or 32 hours, whichever is less	21 days or more ^s	None	\$849	Disability until MMI, restrictions are identified and job analyses are approved, or return to work	66 2/3% PIWW	\$849	Until injured worker qualifies for normal old age Social Security benefit	None	\$424	400 weeks	\$849	benefits cease to spouse at 500 weeks or upon remarriage but continue to any other beneficiaries
Nebraska	7 days	42 days	\$49	\$914	Until MMI or return to work	66 2/3% PIWW	\$914	No	None	\$914	300 weeks	\$914	None
Nevada	5 days ^t	5 days ^t	None	\$935	Duration of TTD disability	66 2/3% PIWW	\$935	No	Per maximum compensation limit and formula	\$935	Benefits paid for 5 years or to age 70, whichever is later	\$935	None

New Hampshire	3 days	14 days or more	\$337 ^U	\$1,686	Duration of TTD disability	90% of after-tax AWW	\$1,686	No	None	\$1,686	350 weeks for a whole person award	\$1,686	None
New Jersey	7 days	7 days	\$258	\$969	400 weeks	70% PIWW	\$969	600 weeks	None	\$969	600 weeks	\$969	Lifetime with exceptions
New Mexico	7 days	28 days	\$36	\$883	Disability rating of 80% or higher = 700 weeks; lower than 80% = 500 weeks	66 2/3% PIWW	\$883	No	None	\$883	\$557,872 if disability rating > 80%; \$398,480 if < 80%	\$883	700 weeks ^d
New York	7 days, wage replacement benefits only	14 days	\$100	\$967	Duration of TTD disability	66 2/3% PIWW	\$967	No	None	\$967	525 weeks if loss of earning capacity greater than 95%	\$967	None ^d
North Carolina	7 days	21 days	\$30	\$1,102	Duration of TTD disability	66 2/3% PIWW	\$1,102	500 weeks ^V	None	\$1,102	\$20,000	\$1,102	500 weeks
North Dakota	5 days	5 days	\$620	\$1,292	104 weeks or MMI 260 weeks	66 2/3% PIWW	\$1,292	Until injured worker qualifies for normal old age Social Security benefit	None	\$362	1500 weeks	\$1,292	\$300,000 ^d
Ohio	7 days	14 days	\$340	\$1019; \$679 if getting Social Security Retirement	Duration of TTD disability	72% PIWW for the first 12 weeks; 66 2/3% thereafter	\$1019; \$679 if getting Social Security Retirement	No	None	\$340	225 weeks	\$1,1019	None ^d
Oklahoma	3 days, TTD only	None	None	\$629	104 weeks, with additional 52 weeks if consequential injury found	70% AWW	\$899	15 years or upon reaching Social Security retirement age, whichever is longer	None	\$350	350 weeks	Spouse = \$629 With Children = \$899	None ^d
Oregon	3 days	14 days	Not less than \$50 or 90% AWW; whichever is less	\$1,454	Duration of TTD disability	66 2/3% PIWW	\$1,454 ^W	Lifetime plus benefits to surviving spouse and children	None	\$1,454 ^W	None	Spouse = \$729 With Children = \$1,458	None
Pennsylvania	7 days	14 days	90% AWW if AWW is \$628 or less	\$1,130	Duration of TTD disability subject to conversion to partial benefits at 104 weeks ^X	66 2/3%	\$1,130	Disability up to 500 weeks	None	\$1,130	500 weeks	\$1,130	None
Rhode Island	3 days	No payment for waiting period days	None	\$1,304, up to 80% AWW	Duration of TTD disability	75% (of spendable income)	\$1,304	No	None	\$1,304	312 weeks, extendable if injury causes material obstacle to employment	\$1,304	None, but ceases upon remarriage if no dependent children

Table D continued

Workers' Compensation State Laws as of 2021

	Waiting Period		Temporary Total Disability (TTD)			Permanent Total Disability (PTD)				Permanent Partial Disability (PPD)		Death Benefits (DB)	
State	Waiting Period	Retro-active Period	Min Weekly Benefit	Max Weekly Benefit	Max Duration (Weeks)	Basis of PTD Calculation	Max Weekly Benefit	Max Duration (Weeks)	Limit to Monetary PTD Benefits	Max Weekly Benefit	Max Benefit for "Unscheduled Injuries"	Max Weekly Benefit ^a	Statutory Limit for Dependency Benefits
South Carolina	7 days	14 days	\$75 if wages are >\$75; otherwise, comp rate is equal to wages	\$903	Up to 500 weeks	66 2/3% PIWW	\$903	500 weeks ^y	\$451,700	\$602	340 weeks	\$903	500 weeks
South Dakota	7 consecutive days, TTD only	7 days	\$415	\$829	Duration of TTD disability	66 2/3% PIWW	\$829	No	None	\$829	312 weeks	Spouse = \$829 With Children = \$829 + \$50 per child	None ^d
Tennessee	7 days	14 days	\$149	\$1,093	450 weeks	66 2/3% PIWW	\$994	Until eligible for Social Security retirement	None	\$994	450 weeks	\$994	None, but ceases upon remarriage if no dependent children
Texas	7 days	14 days	\$151	\$1,007	104 weeks	TTD 70% AWW; PTD 75%; PPD 70%	\$1,007	No	None	\$705	401 weeks	\$1,007	None ^d
Utah	3 days	14 days	\$45	\$954	312 weeks	66 2/3% AWW at time of injury not to exceed 85% of the SAWW	\$954	No ^z	None	\$636	312 weeks	\$954	None; if spouse remarries, receives 52 weeks compensation in lump sum
Vermont	3 days TTD; 8 days PTD; no waiting period for medical benefits	10 days, TTD only	\$514	\$1,542	Duration of disability; insurer must review after 2 years	66 2/3% PIWW	\$1,542	No	None	\$1,542	405 weeks for non-spinal; 550 weeks spinal	\$1,542	None ^{aa}
Virginia	7 days	21 days	\$284	\$1,137	500 weeks	66 2/3% PIWW	\$1,137	No	None	\$1,137	500 weeks	\$1,195	500 weeks
Washington	The 3 days immediately following the DOI	14 calendar days immediately following the DOI	Varies with dependents ^{ab}	\$1,608	Duration of TTD disability	60% to 75% (depending on marital status and number of children)	\$1,608	None	None	\$1,608	\$205,485	\$1,608	None ^d (exceptions for duty related law enforcement and fire fighter deaths)

West Virginia	3 days	7 consecutive days	\$193	\$885	104 weeks	66 2/3% PIWW	\$885	Payable until age 70, for all PTD awards granted on or after 07/1/2003	None	\$606	None	\$885	None, benefits cease upon remarriage of surviving spouse
Wisconsin	3 days	7 non-consecutive days	20	\$1,094	Duration of TTD disability	66 2/3% PIWW	\$1,094	No	None	\$362	1,000 weeks	\$1,094	1,000 weeks, not to exceed 4 times the average annual earnings of deceased worker
Wyoming	3 days	9 days	SAMW (\$283.80 1/21), or capped at 100% AMW	\$946; 1/21 (updated quarterly)	24 months or in extraordinary circumstances may extend beyond to provide a reasonable reoperation period	66 2/3% PIMW or SAMW	\$946; 1/21	Paid for 80 months then benefit becomes extended PTD and extended PTD must be renewed annually	None	\$641	None	2x the SAMW + \$250 per child	100 months can apply for benefits at 1/3rd SAMW each year following end of first 100 months.

- a For both "Spouse Only" and "Spouse plus Children" unless otherwise noted.
- b Unless claimant is in a reemployment training program, in which case PPI benefits can be paid at the weekly TTD rates.
- c Benefit payable to widower ceases 12 years after death date, unless at time of death widow/er is PTD or reaches age 52 before the 12 years expire. Children eligible to receive DB until 18 years old; or if 19 or older and is wholly dependent upon the deceased employee and incapable of self-support by reason of mental or physical disability; and persons of any age while they are attending the first four years of vocational school, trade school, or college; and persons of any age while they are attending high school.
- d Two-year lump sum upon remarriage by surviving spouse.
- e There are some limited exceptions where benefits can be paid for 240 weeks.
- f See California Labor Code Section 4658.
- g Amount may be higher based on Labor Code 4703.5.
- h Or at 5 years following determination of PTD for an accident date on or after an employee reaches age 70.
- i Benefits can extend beyond age 75 if the individual does not qualify for Social Security benefits due to the injury resulting in many missed quarters of work, thus preventing eligibility for Social Security benefits.
- j Spouse also entitled to tuition benefit at vocational technical center or community college.
- k Illinois—Minimum TTD rate and PPD rate if not amputation of a body member or enucleation of an eye is \$220 if unmarried and no dependents, with a maximum of \$330 if four or more dependents. In all cases, claimant receives rate based on actual wages if less than statutory maximum.
- L After 500 weeks, additional benefits are payable from second injury fund in 150-week increments. TTD benefits subject to child support withholding.
- m Does not apply to firefighters.
- n 520 weeks under §213. No durational limit under §212.
- o 144 months or on the date of what would have been the 70th birthday of the deceased employee, provided that a minimum of 5 years of death benefits has been paid.
- p 800 weeks conclusive payment with factual determination thereafter.
- q 102% of SAWW.
- r Any day on which a worker earns less than full wage because of an injury is considered a day of disability for the waiting period, and neither the 5 day period nor the 14-day period have to consist of consecutive calendar days.
- s Unless the worker waives the retroactive payment and receives sick leave benefit from the employer instead.
- t Consecutive or cumulative days within a 20 day period, TTD only

Table D continued

Workers' Compensation State Laws as of 2021

- u If AWW is 30 percent or less of SAWW, employee is compensated at rate equal to their AWW, but not to exceed 90 percent of employee's after-tax earnings.
- v And extended by commission if employee has sustained a total loss of wage-earning capacity.
- w If the worker returns to work, the workers' wages plus PTD may not exceed the workers' wage at injury.
- x Disability under PA laws means loss of earning power. PA law allows employer/insurer to request "Impairment Rating Examination" after employee has received 104 weeks of full benefit payments.
If IRE shows less than 50% impairment based on AMA Guides then benefits are reclassified as partial disability compensation and are subject to a 500-week cap.
- y Except for paraplegic, quadriplegic, or brain damage benefits for life.
- z PTD benefits are awarded for life, but PTD status may be reexamined by submitting employee to reasonable medical evaluations, rehabilitation & retraining efforts, disclosure of Federal Income Tax returns.
- aa There is no statutory limit but after minimum of 330 weeks spousal benefits end at age 62 when eligible for Social Security, or with remarriage.
- ab \$43.19 if DOI prior to 7/08. If DOI after 7/08, 15% of the statewide SAMW+\$10 for spouse+\$10 for each dependent up to 5 dependents, capped at 100% gross wages.

PIWW	Pre-injury Weekly wage
PIMW	Pre-injury Monthly wage
AWW	Average weekly wage
NWW	Net weekly wage
SAWW	State-wide average weekly wage
SAMW	State-wide average monthly wage
AMW	Average Monthly wage

Sources: U.S. Chamber of Commerce (2021); Alaska Department of Labor and Workforce Development; Colorado Division of Workers' Compensation; Delaware Department of Labor; Kentucky Department of Workers' Claims; Louisiana Department of Labor; Massachusetts Labor and Workforce Department; Minnesota Labor and Industry; New York Workers' Compensation Board; North Dakota Workforce Safety & Insurance; Ohio Bureau of Workers' Compensation; South Dakota Department of Labor and Regulation; Washington Department of Labor and Industries; Wyoming Department of Workforce Services