

As Maryland's leader and expert in workers' compensation insurance, IWIF professionals are available by phone, e-mail and in person to help answer any questions you may have. We also encourage you to contact your agent partner and to visit our website for more frequently asked questions and answers.



Instead, cases are decided on the facts of the particular case. Generally, an employee who is working in Maryland more than 50% of the time, or working in Maryland more than in any other state, is considered to be regularly employed in Maryland. The determination of the time spent within or outside Maryland may include factors such as the time spent in maintenance of the employee's truck and whether the trip begins and ends in Maryland. No Maryland court has set parameters on what an occasional trip out of state might be.

Because of these ambiguities, employers should never assume their employees are covered by IWIF's policy while the employees are working out of state. In many instances, because of the length of the time that employees are working in another state, separate workers' compensation coverage must be obtained for the state in which the employees are working.

Therefore, employers should always consult with their agent or IWIF underwriter when out of state jobs are being considered. It is far easier to obtain necessary insurance up front than run the risk of being found to be an uninsured employer in another state, which can result in fines and penalties. ■

Carmine D'Alessandro, IWIF Legal Director

Q. Does my IWIF policy cover my employees when they are working in a State other than Maryland?

A. It depends. Since IWIF's workers' compensation insurance policy provides coverage for injuries compensable under Maryland law, the criteria set forth in Maryland's workers' compensation law must be met. And, under Maryland's workers' compensation law, an employee is covered while working in a State other than Maryland only if the employee is working outside of Maryland on a casual, incidental or occasional basis and the employer regularly employs the employee in Maryland.

Two questions, therefore, must be asked:

- Was the employee working outside of Maryland on an *occasional basis*? and
- Is the employee *regularly employed* in Maryland?

The answer to both questions must be "yes" in order for the IWIF policy to cover such a claim.

And, while this scenario occurs often in the trucking and construction industries where employees often cross state lines while performing their work duties, unfortunately, there is no black and white rule for determining what the terms "occasional or casual employment" and "regular employment" mean in the realm of the law.




Sheila Outerbridge-Bey, IWIF Claims Adjuster

Q. What is a wage statement and why is it so important for the Employer to submit it in a timely manner when there is a claim?

A. A wage statement is a report of an injured worker's gross weekly earnings for the 13-week period prior to the date of injury. This information is used to accurately calculate lost wage benefits and is required by the Maryland State Workers' Compensation Commission. The wages are calculated to determine the average weekly wage and compensation rate at which Temporary Total Disability Benefits are paid. If this information is not provided when the injured worker or his/her attorney completes the Notice of Employee's Claim, the Workers' Compensation Commission will record the wage information that is reported on same. When the wage statement is received in our office, it is promptly reported to the Workers' Compensation Commission as required. ■



 Please visit IWIF.com for additional frequently asked questions and answers.